

Parish Administration Ordinance 2007: an exposure draft

(A report from the Ordinance Reform Group)

Background

1. 'God is a God not of disorder but of peace' (1 Corinthians 14:33). The apostle reminds us that the good order of the Christian community reflects something of the character of the God whose people we are. For this reason the rules for our parish and church administrative structures and relationship should be as clear, useful and accessible as possible.

2. In its report to Synod in 2005 about reforming parochial structure and administration, the Policy 4 Committee made the following comments about the administration of parochial units –

"The Church Administration Ordinance 1990 has been amended on many occasions, often in a piecemeal way. Anecdotally, there also appears to be an increasing divergence between what the ordinance says and what actually happens in practice. Further, in the longer term, the reforms [under the Parishes (Special Administration) Ordinance 2004 and the Associated Congregations (Amendment) Ordinance 2005] are best integrated into a redrafted ordinance rather than grafted onto the existing ordinance.

In view of these matters the committee considers that a review and redraft of the Church Administration Ordinance 1990 (and related ordinances) would be timely.

In undertaking such a review, the committee will be seeking to achieve an appropriate degree of flexibility in terms of how parochial units can be administered. In particular it would be the committee's intention to accommodate models of administration based on other church buildings or the parish as a whole (through its congregations) under any redrafted ordinance."

3. By resolution 26/05 the Synod, noting the Policy 4 report about reforming parochial structure and administration –

- (a) gave its in principle support for the proposals about the administration of parochial units, and
- (b) requested that the Standing Committee bring to the next session of the Synod an ordinance or ordinances which would give effect to these proposals.

4. In response to Synod's request, the Ordinance Reform Group (previously the Policy 4 Committee) has prepared an exposure draft of a bill for the Parish Administration Ordinance 2007. The Ordinance Reform Group has adopted the following approach in preparing and presenting the exposure draft –

- (a) Prepare the exposure draft without any significant changes to the substantive rules by which churches and parishes are currently administered. In the interests of avoiding confusion, it was considered preferable not to attempt to propose substantive reforms in parallel with reforms to the structure of a redrafted ordinance.
- (b) Present the exposure draft to the Synod in 2007 for comment and questions.
- (c) Promote a bill for the Parish Administration Ordinance 2008 to the Synod in 2008 based on the exposure draft and consideration of comments received from Synod members.
- (d) Consider at subsequent Synods the need for any significant reforms to the substantive rules by which churches and parishes are administered.

5. This report briefly outlines the objects and structure of the exposure draft for the purposes of facilitating comments and questions about the draft at Synod in 2007.

Objects and structure of exposure draft

Overview of structure

6. The exposure draft comprises the following components –

- A short ordinance which articulates certain objects (clause 2) and provides a mechanism by which parishes can choose to be administered as a whole rather than on the basis of their churches (part 2), and
- Schedules 1, 2 and 3 to the ordinance which set out the rules by which parishes are administered.

7. The objects of the draft ordinance are as follows –

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- (a) to bring together under a single ordinance all rules which are directly relevant to the administration of parishes in the Diocese, and
- (b) to continue the mechanism by which parishes can choose to be administered as a whole rather than on the basis of their church or churches, and
- (c) to distinguish between those rules which are used regularly to administer parishes (“standard rules”) and those rules which are used less regularly (“special rules”), and
- (d) to ensure the rules used to administer parishes are clearly expressed and logically ordered and can be readily used by parish officers.

8. The way in which the draft ordinance seeks to achieve each of these objects is considered in turn below.

Bringing together ordinances for the administration of parishes

9. The draft ordinance brings together the provisions for administering churches and parishes currently set out in the following ordinances –

- Church Administration Ordinance 1990
- Church Grounds and Buildings Ordinance 1990
- Parishes (Special Administration) Ordinance 2004
- Use of Church Property Ordinance 1995

10. The draft ordinance also incorporates the provisions of the Associated Congregations (Amendment) Ordinance 2005 (by virtue of being part of the Church Administration Ordinance 1990) and extensively cross references relevant provisions of the Investment of Church Trust Property Ordinance 1990.

Continuing the mechanism by which parishes can choose to be administered as a whole

11. The Parishes (Special Administration) Ordinance 2004 introduced a mechanism by which parishes can choose to be administered as a whole by reference to their constituent congregations rather than by reference to their church building or buildings. This mechanism is continued under part 2 of the draft ordinance.

12. Where a parish continues to be administered on the basis of its church building or buildings, the standard rules by which the parish is to be administered are set out in Schedule 1. If a parish chooses to be administered as a whole then the standard rules by which the parish is to be administered are set out in Schedule 2.

Distinguishing between standard rules and special rules

13. The Ordinance Reform Group considers there is merit in separating those rules which are used regularly to administer parishes (“standard rules”) from those rules which are used less regularly to administer parishes (“special rules”). This is achieved by including the special rules in a separate Schedule 3. The primary reason for separating the special rules is to prevent rules which are applied infrequently to administer parishes from obscuring those administrative rules which are used regularly by parish officers.

Clearly expressed and logically ordered rules

14. The standard rules in Schedules 1 and 2 are each divided into 8 chapters. The special rules in Schedule 3 are treated as a final Chapter 9.

15. The structure of the Schedules and the chapters within each Schedule is intended to be logical and easily understood. For example the rules which constitute and set out the functions of parish bodies and office holders (Chapter 2) appear before more detailed rules about the qualifications to become a parish office holder and the rules about how to convene and conduct certain meetings within the parish (Chapters 4 and 5).

16. As a general drafting technique the concept pioneered under the Discipline Ordinance 2006 of including explanatory notes within (but not part of) the ordinance has been adopted. The notes are used as a means of cross-referencing to other provisions both within and outside the draft ordinance. A particular example of the use of a note is the extensive cross-referencing to the Investment of Church Trust Property Ordinance 1990 in division 3, part 3 of chapter 3 of Schedules 1 and 2.

Reform to existing rules

17. In general the provisions in each of the Schedules represent a redistribution of existing provisions and do not incorporate any reforms to the substantive rules.

18. The main exceptions to the approach of not reforming substantive provisions are –
- Rule 3.9 of Schedules 1 and 2 which deals with the financial affairs of parish organisations. In essence it is proposed that the wardens take responsibility for the financial affairs of such organisations and arrange for financial statements for such organisations to be prepared and presented to the annual meeting of parishioners of the relevant parish or church (the equivalent of the annual vestry meeting).
 - Rule 4.3 which deals with how casual vacancies in the office of elected members of the parish council may be filled. It is proposed to simplify existing arrangements by providing that parish councils always fill such vacancies. This change is consistent with the approach adopted under the Parishes (Special Administration) Ordinance 2004.
19. The opportunity has also been taken to include an express reference to lay ministers as a category of person whom the wardens of the relevant church or parish may, with the concurrence of the minister, appoint under rule 3.12 in both Schedules 1 and 2. “Lay minister” is defined under rule 1.1(1) to mean a lay person who is employed to assist the minister to undertake pastoral ministry within the parish. It is considered that this clarifies existing arrangements rather than introduces any reform.

Comments from Synod members

20. There are aspects of the exposure draft that could undoubtedly be improved. For example would the structure of Schedules 1 and 2 be simplified if Chapter 2 (which deals with the constitution of administrative bodies and officers of the parish) was amalgamated with Chapter 4 (which deals with the qualifications and appointment of parish officers)?

21. In terms of seeking input from Synod members, the Ordinance Reform Group would appreciate comment about any aspect of the draft ordinance. However particular comment is sought on the following matters –

- Whether it is helpful to set out in full in Schedules 1 and 2 the standard rules relevant for administering parishes under both a church based and a parish based model of administration.
- Whether the separation of standard rules which are used to regularly administer parishes (in Schedules 1 and 2) from the special rules which are used less regularly (Schedule 3) is helpful and, if so, whether the proposed distribution of rules between Schedules 1/2 and 3 is appropriate.
- Whether the language used in the draft is clear and whether the structure used in Schedules 1, 2 and 3 is logical.

Recommendation

22. It is recommended that the Standing Committee receives this report and the exposure draft and –
- (a) approves of the printing of a suitable form of this report and the exposure draft for the forthcoming session of Synod, and
 - (b) requests that the following motion be moved at the forthcoming session of Synod “by request of the Standing Committee” –

“Synod, noting the report from the Ordinance Reform Group about the exposure draft of the Parish Administration Ordinance –

 - (a) supports in principle the approach taken in preparing the exposure draft, and
 - (b) requests that members provide comments in respect of the exposure draft to the Diocesan Secretary by 31 December 2007, and
 - (c) requests that a bill for the Parish Administration Ordinance 2008 be brought to the Synod in 2008 incorporating, as appropriate, comments made by members about the exposure draft.”
 - (c) agrees to promote the following procedural motion to the forthcoming session of Synod “by request of the Standing Committee “ –

“Synod agrees, for the purposes of considering the motion appearing at item X on today’s business paper about the exposure draft of the Parish Administration Ordinance –

4 Additional materials

- (a) to a time for questions about the exposure draft taking place immediately after the motion being moved and seconded (the mover and seconder having spoken to the motion), and
- (b) to suspend so many of the business rules as would prevent these arrangements.”

ROB FORSYTH
Chairman, Ordinance Reform Group

28 August 2007

Attachment

Structure of the Parish Administration Ordinance 2007

ORDINANCE/SCHEDULE	CHAPTER	PART	DIVISION
Ordinance		1 Preliminary 2 Applicable rules for the administration of a parish 3 Application and commencement	
Schedule 1 Standard rules for the administration of a parish based on its church or churches	1 Preliminary 2 Constitution of administrative bodies and officers of the parish	1 Meetings of parishioners 2 Parish council 3 Wardens	
AND	3 Functions of bodies and officers of the parish	1 Annual meeting of parishioners 2 Parish council 3 Wardens	1 Financial 2 Property 3 Appointment of paid workers 4 Reporting 5 Investment
Schedule 2 Standard rules for the administration of a parish as a whole as constituted by its congregations	4 Qualifications and appointment of parish officers 5 Convening and conducting meetings 6 (Schedule 1) Associated congregations 6 (Schedule 2) Notification of congregations 7 Safe Ministry 8 Miscellaneous	4 Minister 1 Parish councillor 2 Wardens 3 Auditor 1 Meetings of parishioners 2 Parish council meetings	1 Appointment of officers 2 Buildings and grounds 3 Registers and records
Schedule 3 Special rules for the administration of all parishes	9 Special rules	1 Interpretation 2 Churches 3 New buildings 4 Burial grounds and columbaria 5 Preschools and schools 6 Private trustees 7 Exercise of functions by Regional Bishops and Regional Bishop-in-Council 8 Questions and disputes 9 Absence of Archbishop or minister 10 Miscellaneous	

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