



# CHURCH ADMINISTRATION STATUTE 2020

The Church Administration Statute 2020, as amended by the Church Administration Statute Amendment Statute 2022.

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## NAME

- (1) This is the *Church Administration Statute 2020*.

## DEFINITIONS AND INTERPRETATION

- (2) In this Statute—

“Accounts” means detailed financial records, in electronic or paper format, and bank statements and transactions.

“Annual General Meeting” means an Annual General Meeting convened pursuant to Part 6.

“Archdeacon” means the Clergyman licenced by the Bishop to assist the Bishop in the care of a Region.

“Assistant Minister” means the Clergyman licensed by the Bishop to assist the Minister-in-Charge.

“Bishop” means the bishop of the Anglican Diocese of North West Australia, or the Administrator of the Diocese under the *Vicar General and Administrator Statute 2020*.

“Church Member” means a baptised person who has attained the age of eighteen years, regularly attends a congregation within an Ecclesiastical District and, for the purposes of an Annual General Meeting of Church Members, is able, in good conscience, to sign the declaration at Schedule 1.

“Clergyman” means a bishop, priest or deacon of the Anglican Church of Australia.

“Church Worker” is a person who has taken on a particular task or ministry in the Ecclesiastical District.

“Diocese” means the Anglican Diocese of North West Australia.

“Diocesan administration costs” has the meaning given in the *Administration Cost Recovery Statute 2018*.

“Diocesan Council” means the Diocesan Council as constituted under the *Diocesan Council Statute 1961*.

“Ecclesiastical District” means a territory within the Diocese in accordance with section 3 of the *Constitution Statute 1961*, the boundaries of which may be adjusted from time to time.

“Financial Statements” means a report showing income and expenditure and financial position, such as a Profit and Loss Statement and Balance Sheet.

“Financial Year” means the time that elapses between 1 January and 31 December each year.

“Gospel Partner” means an agency or individual who is not a Church Member but who supports the Diocese through providing a service or by praying or by giving money.

“Independent Assurance Practitioner” means a person who is:

- (a) independent of the Parish Council, its members and the Parish Treasurer; and
- (b) has an understanding of and experience in financial record keeping.

“Lay Ministry Worker” means a paid or voluntary church worker, who is not a Clergyman, but is licenced to preach, to lead a church service, or to perform any other authorised ministry.

“Lay Worker” means a paid or voluntary church worker, who is not a Clergyman and who is not licenced for a ministry.

“Licence” means the document issued by the Bishop authorising ministers or lay people for ministry in the Diocese. and specifying the nature and responsibilities of that ministry.

“Local Administration” means the Wardens and Parish Council who, along with the Minister-in-Charge, are responsible for the good governance of a parish as defined by this statute.

“Locum Tenens” means a Clergyman licensed by the Bishop to perform the duties of a Minister-in-Charge during an interregnum or when the Minister-in-Charge is temporarily absent.

“Minister-in-Charge” means the Clergyman licensed by the Bishop to the charge of a parish, including Locum Tenens or the Clergyman otherwise licensed by the Bishop to the charge of the Ecclesiastical District.

“Ministry House” means a residence provided by the Parish for the accommodation of the Minister and his or her family.

“Ministry Centre” means a place of ministry. It can include an Ecclesiastical District or the location of a chaplaincy or a place where a service of divine worship is held.

“Mission District” means a territory within the Diocese designated as such by the Diocesan Council as it does not meet the criteria for a Parish or Provisional Parish as set out in section 7 of this Statute.

“Parish” means a territory within the Diocese constituted under the provisions of this Statute, the boundaries of which may be adjusted from time to time, which may contain one or more congregations and/or church buildings.

“Parish Council” means the governing body for the financial, property and ministry affairs of the Parish and each church of the Parish.

“Provisional Parish” means a territory within the Diocese constituted under the provisions of this Statute, the boundaries of which may be adjusted from time to time, which may contain one or more congregations and/or church buildings but which does not meet all of the criteria for a Parish set out in section 7 of this Statute.

“Property of the Parish or Provisional Parish” means property held on trust for the purposes of a Parish or Provisional Parish.

“Region” means a territory within the Diocese constituted under the provisions of this Statute, the boundaries of which may be adjusted from time to time, which may contain one or more Ecclesiastical Districts.

“Registrar” means the Registrar of the Diocese.

“Review”, in relation to the financial statements and accounts of an Ecclesiastical District has the meaning given by the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)*.

“Synod” means the Synod of the Diocese constituted under the *Synod Statute 2016*.

“Synod Representative” means a person elected at an Annual General Meeting to be a lay member of the Synod.

“Thirty-nine Articles” means the Articles of Religion agreed upon by the Archbishop, Bishops, and the whole clergy of the provinces of Canterbury and York, London 1562.

“Trustees” means the Trustees of the Diocese of North West Australia as defined in the *Diocesan Trustees Statute 1961*.

## **PART 1 RELATIONSHIP OF THE DIOCESE AND ECCLESIASTICAL DISTRICTS**

- (3) The Diocese shall be divided into Ecclesiastical districts in accordance with the *Constitution Statute 1961*.
- (4)
- (a) An Ecclesiastical District shall be formed to further the purpose of the Diocese in a particular region or specialised ministry;
  - (b) The purpose of the Diocese according to the *Constitution Statute 1961* is to promote sound doctrine and true faith through the spread of the Gospel of Jesus Christ and Biblical teaching, and to encourage the growth and maturing of Christ’s one true Church.
- (5)
- (a) Nothing shall be done by any person or body in an Ecclesiastical District which shall interfere with the authority of the Bishop or with the responsibilities of the Diocesan Council or Trustees;
  - (b)
    - i. No person shall act as Minister-in-Charge or Assistant Minister in an Ecclesiastical District without the licence of the Bishop. The Minister-in-Charge or Assistant Minister shall be accountable to the Bishop.
    - ii. No person shall act as a Lay Ministry Worker without the license of the Bishop.
  - (c) An Ecclesiastical District which is a Parish or Provisional Parish shall be administered locally in accordance with this Statute.
  - (d) Any Ecclesiastical District which is not a Parish or Provisional Parish and is designated a Mission District by the Diocesan Council shall be administered through the Diocesan office in a manner determined by the Bishop.
- (6)
- (a) In accordance with the *Anglican Church of Australia Diocese of North West Australia Act No. 12 of 1961*, the ownership of all land and buildings required for church purposes shall be vested in the Diocesan Trustees.
  - (b) No Parish Council or other office holder in a Parish, committee, board of management or other governing body of any institution established or constituted by Synod, Diocesan Council or Bishop may purchase, lease, license, sell, mortgage, or charge any real property without the consent of the Trustees.

## **PART 2 ECCLESIASTICAL DISTRICTS**

- (7) To be a Parish, an Ecclesiastical District must:
- (a) have a weekly average of at least twenty adult attenders (measured over a calendar year); AND
  - (b) be able to pay the costs of a Minister-in-Charge from its regular giving or from regular giving together with support from a Gospel Partner or from financial benefit from trusts administered by the Trustees; AND
  - (c) be able to provide a Ministry House; AND
  - (d) be able to provide a suitable accommodation for the conduct of divine service; AND

- (e) has Churchwardens and a Parish Council who function in accordance with this Statute.
- (8) An Ecclesiastical District which has Churchwardens and a Parish Council who function in accordance with this Statute, but which does not meet all of the remaining criteria for a Parish set out in section 7 shall be a Provisional Parish.
- (9) In order for a Provisional Parish to become a Parish it must meet the criteria for a Parish listed in section 7.
- (10) An Ecclesiastical District within the Diocese may be designated a Mission District by the Diocesan Council.
- (11) The Diocesan Council may form a new Ecclesiastical District from one or more existing Ecclesiastical Districts or from the amalgamation of one or more existing Ecclesiastical districts with one or more newly created Ecclesiastical Districts provided that:
- (a) The Bishop gives his consent in writing;
  - (b) In the case of a Parish or Provisional Parish:
    - i. the Minister-in-Charge licensed to each existing Parish or Provisional Parish affected by the proposal gives consent in writing and
    - ii. a duly convened Special General Meeting of the Church Members of each existing Parish or Provisional Parish affected by the proposal passes a resolution consenting to the proposal;
  - (c) Adequate arrangements are made for the pastoral care and the provision of a Ministry House, stipend and travelling expenses of the Minister-in-Charge of the new Ecclesiastical District;
  - (d) If one or more of the consents required by subsection (b) is not given, the matter shall be determined by the Diocesan Council.
- (12) The Diocesan Council may redesignate an existing Ecclesiastical District as another form of Ecclesiastical District. The Registrar shall inform, in writing, the Minister-in-Charge, Churchwardens and Parish Council, if any, of the redesignation and the administrative implications of any such redesignation as soon as the redesignation is made.
- (13) The Synod, or Diocesan Council, may make regulations to exempt for the time being any Ecclesiastical District from any provision of this Statute and to make arrangements alternative to those in this Statute. Such regulation may be made to:
- (a) meet any special circumstance;
  - (b) clarify any issue concerning administration;
  - (c) determine minimum stipends, travelling allowances and annual leave entitlements of the Minister-in-Charge and any Assistant Ministers,
- provided that any regulation made by the Diocesan Council:
- (d) shall not interfere with any authority or responsibility of the Bishop;
  - (e) shall be presented at the next session of Synod for confirmation.

### **PART 3 MINISTERS-IN-CHARGE**

- (14) The Minister-in-Charge has overall responsibility for the spiritual welfare of the Ecclesiastical District to which he is licensed by the Bishop and for this purpose has powers, rights and duties in accordance with his licence and the written law of the Diocese.
- (15) The Minister-in-Charge may invite others to preach or to celebrate divine service and to administer the sacraments in a place licensed for divine service, provided the person has been either licensed or approved by the Bishop for that purpose.
- (16) The Minister-in-Charge shall be responsible for ensuring all those to whom the *Professional Standards Statute 2016* and *Faithfulness in Service: a national code for personal behaviour* applies receive appropriate instruction and training in respect of them.
- (17) The Minister-in-Charge shall have free access to all records of accounts connected with the work of the Parish or Provisional Parish.

## **Churchwarden**

- (18) The Minister-in-Charge shall appoint one qualified person (see section 64, below) to be a Churchwarden at an Annual General Meeting of Church Members or as soon as practicable after the meeting.

## **Parish Councillors**

- (19) Should the Annual General Meeting of Church Members choose to elect parish councillors under section 80(l), the Minister-in-Charge may, at an Annual General Meeting of Church Members, or as soon as possible after the meeting, appoint one qualified person to be a member of the parish council for each two persons elected as members of the parish council.

## **Parish Organisations**

- (20) The Minister-in-Charge may establish any Sunday school, Bible class, home group, study group, youth fellowship or other ministry of the Parish or Provisional Parish to further the work of the Parish or Provisional Parish.
- (21) Subject to the statutes and regulations of the Diocese the Minister-in-Charge is responsible for any ministry established under section 20 and may appoint unpaid Lay Workers to work in such ministries and terminate such appointments.

## **Reporting to the Registrar**

- (22) The Minister-in-Charge must cause to be reported to the Registrar within no more than 30 days following their election or appointment:
- (a) the names, addresses and acceptances of all persons elected or appointed to the office of Churchwarden, parish secretary, parish treasurer and other members of parish council;
  - (b) the names, addresses and any other contact details requested by the Registrar of the Synod Representatives.

## **Minister-in-Charge's Rights to access and use Parish Property**

- (23) The Minister-in-Charge is entitled to the free and reasonable use of the Ministry House provided, its garden and outbuildings.
- (24) The Minister-in-Charge is entitled to access all property of the Parish or Provisional Parish at all times and may conduct divine service in the buildings without hindrance from any person.
- (25) Property of the Parish or Provisional Parish must be used in accordance with the statutes and regulations of the Diocese and not be used for any purpose not sanctioned by the Minister-in-Charge and the Churchwardens.
- (26) Any dispute concerning the Minister-in-Charge's use of buildings must be referred to the Bishop who may seek to resolve the dispute or may delegate its resolution.

## **Minister's Responsibilities for Records**

- (27) The Minister-in-Charge is to ensure, together with the Churchwardens, that a register is maintained for each Ministry Centre which:
- (a) records the details of each service of public worship;
  - (b) records the details of each baptism service;
  - (c) records the details of each confirmation service;
  - (d) includes the details of each marriage service; and
  - (e) records the details of each funeral service
- conducted in, or in association with, the duly licensed place of divine service.
- (28) The Diocesan Council may make regulations for the recording of information required by section 27.

# **PART 4 PARISH COUNCILS**

## **Size, Term and Membership**

- (29) Each Parish or Provisional Parish shall have a parish council comprised of:
- (a) the Minister-in-Charge;
  - (b) up to three (3) Churchwardens appointed pursuant to section 18 or elected pursuant to section 80(k) as the case requires;
  - (c) if the Church Members determine pursuant to section 80(l) that qualified persons should be elected as members of the parish council, two (2), four (4) or six (6) members of Parish Council so elected; and
  - (d) such persons as the Minister-in-Charge may appoint pursuant to section 19.
- (30) Other Clergymen and paid Lay Ministry Workers licensed by the Bishop to minister in the Parish or Provisional Parish may participate in parish council meetings but are not members of parish council and may not vote.
- (31) Any Church Member is qualified to be appointed or elected as a member of a parish council provided he or she:
- (a) is a layperson who has attained the age of 18 years;
  - (b) has been a communicant Church Member for the past three months, and is not a member of another denomination;
  - (c) accepts the Christian faith which is grounded in the Bible, expressed in The Thirty-nine Articles and The Book of Common Prayer;
  - (d) is willing to be bound by *Faithfulness in Service*, or any successor code of conduct adopted by the Synod or the Diocesan Council;
  - (e) is not holding a similar office in another denomination, whether within or outside the Diocese;
  - (f) is not an undischarged bankrupt, unless declared suitable by the Bishop having consulted with the Minister-in-Charge and parish council;
  - (g) has not been declared by a court or tribunal as being incompetent to manage his or her own affairs;
  - (h) has not been convicted of an offence listed in the Schedule 1 or Schedule 2 of the *Working with Children (Criminal Record Checking) Act 2004 (WA)*;
  - (i) has not been disqualified from managing a corporation within the meaning of the *Corporations Act 2001*;
  - (j) has not been suspended or removed from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*; and
  - (k) is willing to participate in the Diocesan safe ministry screening and training program.

#### **Chairing and convening Parish Council Meetings**

- (32) Subject to section 33, the Minister-in-Charge shall chair the meetings of the parish council.
- (33) If the Minister-in-Charge is unable to chair meetings of the Parish Council, he may appoint, or request the parish council to elect, a member of Parish Council to chair the parish council in his place. Notwithstanding section 30 the Minister-in-Charge may appoint an Assistant Minister to chair the parish council if he is absent in which case the Assistant Minister shall exercise the powers of the Minister-in-Charge as Chair but shall not have the right to vote.
- (34) Subject to section 33, the chair of the parish council shall have both a deliberative and a casting vote.
- (35) The Minister-in-Charge may either appoint, or request the parish council to elect, a deputy for the purpose of chairing parish council meetings in his absence or in the absence of a person appointed or elected pursuant to section 33.
- (36) Meetings of the parish council shall be convened by the chair, or in his or her absence the deputy chair, at least once in every three months.
- (37) The parish council may conduct any meeting either by personal attendance of members or by such electronic or other means as the parish council may determine provided that every member of the parish council has access to such electronic or other means.

(38) The first meeting of the parish council must be held within one month of the Annual General Meeting of Church Members.

(39) The Bishop may convene a meeting of the parish council at any time he sees fit.

#### **Quorum for Parish Council Meetings**

(40) At the first meeting of the parish council after an Annual General Meeting of Church Members, the meeting must determine its quorum being not less than one half of the members of the parish council.

(41) If the parish council does not fix a quorum, any subsequent meeting may fix it and, in the interim, the quorum shall be the whole number beyond one half of the members of the parish council.

#### **The Functions and Duties of a Parish Council**

(42) The parish council shall:

- (a) at the request of the Minister-in-Charge, confer with, and assist in the planning, organising and implementing of the evangelistic, educational, pastoral and missionary work of the Parish or Provisional Parish;
- (b) deliberate and make decisions on matters that concern the Parish or Provisional Parish as a whole, including but not limited to ministry expenses, the payment of Diocesan administration costs, church property and general provisions for ministry;
- (c) assist the Churchwardens in the administration of all monies and other Property of the Parish or Provisional Parish consistent with the written laws of the Diocese (except monies or other property excluded from that charge and administration by the trust under which it is held);
- (d) ensure accounts of all monies received and expended by it or by other persons on behalf of the Parish or Provisional Parish are maintained;
- (e) assist the Churchwardens in preparing budgets and financial statements and planning the financial care of the Parish or Provisional Parish and the Property of the Parish or Provisional Parish for the consideration of, and adoption by, Church Members at the Annual General Meeting;
- (f) receive and consider at least quarterly financial statements prepared by the Treasurer, or any other person appointed to prepare such statements, for parish council and other parish organisations or groups;
- (g) repair and maintain the Property of the Parish or Provisional Parish for which it is responsible including the grounds, buildings, monuments, fixtures, fittings and furniture;
- (h) every year during the months of May or June report to the Trustees on the condition of the Property of the Parish or Provisional Parish in accordance with the Reporting Procedure Regulation.
- (i) assist the Minister-in-Charge and Churchwardens to set before Church Members the financial needs of the Parish or Provisional Parish and increase the desire to excel in the grace of financial giving;
- (j) be aware of all insurance policies pertaining to the parish, including building insurance, whether they are managed centrally through the Diocese or managed locally;
- (k) provide the Minister-in-Charge and the Churchwardens with sufficient means for the safe custody of all church registers and records;
- (l) nominate one or more Independent Assurance Practitioners to the Annual General Meeting of Church Members to review the Parish's or Provisional Parish's financial statements and accounts for the year in which the Annual General Meeting is held; and
- (m) cause minutes to be kept of its proceedings.

(43) Parish council has the power to:

- (a) improve the Property of the Parish or Provisional Parish, including make alterations to the grounds or monuments or buildings, including building fixtures, subject to the approval of the Trustees;
- (b) make alterations to building fittings, furniture and ornaments subject to the approval of the Bishop; and

- (c) make donations for charitable purposes or for the purposes of a Christian missionary organisation, whether local or foreign, Anglican or non-Anglican.

#### **Authorisation limits for Parish Council and Churchwardens**

- (44) No work to erect or alter a building on Property of a Parish or Provisional Parish may be commenced unless and until:
  - (a) the Parish Council has passed a resolution approving the work and lodged a written application for approval with the Trustees; and
  - (b) the Trustees have approved and executed a contract for the work.
- (45)
  - (a) Subject to subsections (b) and (c), only the Trustees may approve and sign a contract for the purchase or sale of land or for the improvement and maintenance of property held by the Trustees.
  - (b) The Churchwardens of a Parish may, pursuant to a resolution of the Parish Council authorising them to do so, enter into a contract to a value of not more than \$10,000 for the repair or maintenance of buildings erected on land held by the Trustees on trust for purposes of the Parish.
  - (c) The Churchwardens of a Provisional Parish may, pursuant to a resolution of the Parish Council authorising them to do so, enter into a contract to a value of not more than \$1,000 for the repair or maintenance of buildings erected on land held by the Trustees on trust for the purposes of the Provisional Parish.
  - (d) In the case of a contract entered into pursuant to subsection (b) or (c), provided that the parish council passes the authorising resolution in good faith and the Churchwardens administer the contract in good faith and in accordance with any written law of the Diocese, the Trustees will indemnify the Churchwardens in respect of liability they incur personally under the contract.
- (46) Property of the Parish or Provisional Parish be leased or licensed to any person only if permitted by a written law of the Diocese and the relevant lease or licence may be executed only by the Trustees.
- (47) The minutes of the meetings of the Council of a Provisional Parish shall be forwarded electronically to the Registrar for review and the Registrar will report on the activities of the Provisional Parish to the Diocesan Council.

#### **Committees of a Parish Council**

- (48) A parish council may, by resolution:
  - (a) establish a committee;
  - (b) delegate to that committee any of the parish council's functions and duties as provided for in sections 42 and 43.
  - (c) A majority of members of a committee present and voting on a matter to be determined by the committee must be qualified for membership of the parish council.
- (49) The parish council may, by resolution, abolish a committee or revoke the delegation made to any committee under section 48, or both.
- (50) A committee established by the parish council under section 48 may comprise or include persons who are not members of the parish council.

#### **Parish Secretary**

- (51) The parish council shall appoint a Parish Secretary, who may be one of its members other than the Minister-in-Charge, and may remove any such person from office at any time.
- (52) Where the person appointed to the position of Parish Secretary by the parish council is not a member of the parish council, he or she may attend its meetings but is not entitled to vote and can be removed from office at any time by the parish council.
- (53) The Parish Secretary acts under the direction of the Parish Council and performs such duties as the parish council determines, which may include:
  - (a) receiving all correspondence to the parish council



- (b) writing correspondence on behalf of the parish council;
  - (c) ensuring that minutes are taken of every parish council meeting, that minute books are kept, and that there are entered therein minutes of all annual and special general meetings and parish council meetings and that the minutes are signed by the chairperson as true and correct records of such meetings; and
  - (d) in consultation with the Minister-in-Charge, preparing an agenda for every parish council meeting.
- (54) The appointment of a Parish Secretary does not remove from the members of parish council their responsibility to cause minutes to be kept of its proceedings

#### **Parish Treasurer**

- (55) The Churchwardens, in consultation with the Parish Council, shall appoint a Parish Treasurer.
- (56) The person appointed to be Parish Treasurer shall be:
- (a) a member of the parish council; or
  - (b) with the consent of the Minister-in-Charge, any other person.
- (57) The Churchwardens, in consultation with the Parish Council, may remove a person from the office of Parish Treasurer at any time.
- (58) If the Parish Treasurer is not a member of the parish council, he or she may attend its meetings to advise and/or report but is not entitled to vote at any meeting of the Parish Council.
- (59) The appointment of a Treasurer does not remove from the Churchwardens their responsibility for the charge and administration of any funds or property of the Parish or Provisional Parish.
- (60) The Treasurer is responsible for:
- (a) ensuring, together with the Churchwardens, the proper banking of all monies of the Parish or Provisional Parish and the payment of all amounts payable by the parish council;
  - (b) maintaining the financial records of the Parish or Provisional Parish;
  - (c) reporting to each meeting of the parish council on the financial affairs of the Parish or Provisional Parish, including projected outcomes compared with the annual budget of the Parish or Provisional Parish adopted by the Annual General Meeting;
  - (d) preparing budgets in accordance with strategies and plans adopted by the parish council;
  - (e) ensuring that the financial statements and accounts of the Parish or Provisional Parish are reviewed annually by an Independent Assurance Practitioner appointed by the Annual General Meeting under (80) (m); and
  - (f) preparing the annual financial statements to the Annual General Meeting of the Parish or Provisional Parish.
- (61) The Treasurer is responsible to the Diocese for:
- (a) preparing a quarterly financial statement to the Diocesan Registry in a form to be prescribed by the Trustees;
  - (b) providing the annual financial statements to the Diocesan Council in March or April each year; and
  - (c) providing accurate financial information about the parish to the Trustees when requested.

#### **Leave of Absence of Churchwardens and Members of Parish Council**

- (62) The Minister-in-Charge or parish council may grant leave of absence to Churchwardens and members of the Parish Council.

#### **Vacation of Office of Churchwarden or Member of Parish Council**

- (63) The office of a Churchwarden or a parish councillor becomes vacant if he or she:
- (a) is absent from three consecutive parish council meetings without the leave of the parish council or the Minister-in-Charge;

- (b) ceases to attend the services of the Anglican Church in that Parish or Provisional Parish or joins or becomes a member of another denomination;
- (c) dies;
- (d) resigns;
- (e) becomes an undischarged bankrupt, unless declared suitable by the Bishop having consulted with the Minister-in-Charge and parish council;
- (f) is declared by a court or tribunal as being incompetent to manage his or her own affairs; or
- (g) is convicted of an offence listed in the Schedule 1 or Schedule 2 of the *Working with Children (Criminal Record Checking) Act 2004 (WA)*;
- (h) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*;
- (i) is suspended or removed from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*;
- (j) is, after due inquiry, removed from office by the Bishop, provided that such persons shall be afforded the opportunity of presenting to the Diocesan Council any objection they may entertain to such removal.

## PART 5 CHURCHWARDENS

### Qualifications

- (64) Any Church Member shall be qualified to be appointed or elected to the position of Churchwarden provided he or she:
- (a) Is a layperson who is not less than 18 years of age;
  - (b) accepts the Christian faith which is grounded in the Bible, expressed in The 39 Articles and The Book of Common Prayer and is willing to be bound by *Faithfulness in Service*, or any succeeding code of conduct;
  - (c) has been a Church Member of the Parish or Provisional Parish concerned for the past three months;
  - (d) is a communicant member of the Parish or Provisional Parish and does not hold office in any other Parish or Provisional Parish in the Anglican Church of Australia, or in any other denomination;
  - (e) is not the spouse, parent, sibling or child of a Clergyman licensed to the Parish or Provisional Parish;
  - (f) is not the spouse, parent, sibling or child of a Churchwarden of the Parish or Provisional Parish;
  - (g) is not a person engaged as an employee to work in the Parish or Provisional Parish;
  - (h) is not an undischarged bankrupt, unless declared suitable by the Bishop having consulted with the Minister-in-Charge and parish council;
  - (i) has not been declared by a court or tribunal as being incompetent to manage his or her own affairs;
  - (j) has not been convicted of an offence listed in the Schedule 1 or Schedule 2 of the *Working with Children (Criminal Record Checking) Act 2004 (WA)*;
  - (k) has not been disqualified from managing a corporation within the meaning of the *Corporations Act 2001*;
  - (l) has not been suspended or removed from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*;
  - (m) is willing to participate in the Diocesan safe ministry screening and training program, including a Working with Children Check.

### Responsibilities

- (65) Churchwardens, in addition to their responsibilities and duties as member of Parish Council, have the following responsibilities and duties:
- (a) under the guidance and direction of the Bishop, to provide care and support to the Minister-in-Charge and his family;
  - (b) to provide and ensure at the expense of the Parish or Provisional Parish the preparation of all things necessary for the conduct of divine service and the maintenance of good order during the conduct of same;
  - (c) to cause the registers, as required in section 27, to be kept;
  - (d) to ensure the safe-keeping and banking of all monies received by the Parish or Provisional Parish;
  - (e) to care for, maintain and repair all grounds and buildings and their fixtures, furniture and contents which are the Property of the Parish or Provisional Parish;
  - (f) to report to the Bishop any serious irregularities in the performance of divine service or wilful neglect of duty or any serious misconduct on the part of the Minister-in-Charge or other person licensed to the Parish or Provisional Parish; and
  - (g) assist the Minister-in-Charge to develop recommendations to the Bishop for persons to be licensed as Lay Ministry Workers within a Parish or Provisional Parish.

## **PART 6 ANNUAL GENERAL MEETINGS OF CHURCH MEMBERS**

### **Convening the Annual General Meetings of Church Members**

- (66) The Minister-in-Charge and the Churchwardens of a Parish or Provisional Parish shall convene an Annual General Meeting of Church Members to be held between 1 February and 31 March each year and shall give at least 21 days' notice of the meeting to parishioners. At a minimum, the meeting date, time and location shall be announced during each service held on the three Sundays immediately preceding the meeting and a printed notice with details of the meeting date, time and location must be posted on a church noticeboard or entry door at least three weeks prior to the meeting.
- (67) At the request of the Minister-in-Charge and Churchwardens the Bishop may grant an extension of time in which an Annual General Meeting of Church Members must be held.
- (68) If no Annual General Meeting of Church Members has been conducted by the end of April in a relevant year,
- (a) Subject to (b) and (c), the Bishop or a person appointed by the Bishop for the purpose shall appoint Churchwardens to perform the duties of Churchwardens until Churchwardens are elected at an Annual General Meeting of Church Members of the Parish or Provisional Parish or until such earlier time as the Bishop determines.
  - (b) If the Minister-in-Charge has appointed a Churchwarden pursuant to section 18, the Bishop may appoint two (2) Churchwardens.
  - (c) If the Minister-in-Charge has not appointed a Churchwarden pursuant to section 18, the Bishop may appoint three (3) Churchwardens.
  - (d) The Minister-in-Charge and Churchwarden (if any) appointed pursuant to section 18 and the Churchwardens appointed pursuant to subsections (b) or (c) shall:
    - i. perform the functions of the parish council until a parish council is elected at an Annual General Meeting of Church Members of the Parish or Provisional Parish or until such earlier time as the Bishop determines; and
    - ii. as soon as practicable after the Bishop has made appointments pursuant to subsections (b) or (c), appoint one or more Independent Assurance Practitioners to review the Parish or Provisional Parish's financial statements and accounts for the year in which they make the appointment.

### **Participation in Annual General Meetings**

- (69) A person, other than the Bishop or the Archdeacon or the Minister-in-Charge, is not entitled to participate in, to be counted for the purposes of a quorum, or to vote at an Annual General Meeting of Church Members, unless the person has subscribed to a declaration in the form set out in Schedule 1.
- (70) An Annual General Meeting may be conducted either by personal attendance of members or by such electronic or other means as the parish council may determine provided that, in the opinion of the parish council, church members have
- (a) reasonable access to either attend in person or via such electronic or other means; and
  - (b) an agreed method for voting by secret ballot.

### **Quorum**

- (71) A quorum for an Annual General Meeting is seven (7) Church Members who have signed and delivered to the chair of the meeting the declaration in Schedule 1.
- (72) If no quorum is present within half an hour after the time appointed for the meeting, the meeting stands adjourned for seven (7) days, the time and place for the adjourned meeting being the same as those appointed for the first meeting.
- (73) If a quorum is not present within half an hour of the time appointed for the adjourned meeting, the meeting is dissolved and the Bishop or a person or persons appointed by him may deal as he or they think fit with any or all of the business that could have been dealt with at that meeting had a quorum been present.

### **Chair of the Annual General Meeting**

- (74) The Minister-in-Charge shall chair the Annual General Meeting of the Parish or Provisional Parish.
- (75) The Minister-in-Charge may authorise another person entitled to take part in the meeting to chair the meeting, in consultation with the Bishop, and may revoke such authorisation at any time.
- (76) When he deems it appropriate, the Bishop or a person appointed by the Bishop shall chair the Annual General Meeting.
- (77) If no other provision has been made, the meeting may elect its own chair.
- (78) The chair has a casting vote only.

### **Advance Availability of Reports**

- (79) The Minister-in-Charge or, in the absence of a Minister-in-Charge, the Churchwardens must arrange for copies of reports, duly reviewed financial statements and the proposed budget for the current Financial Year to be available to Church Members at least one week prior to the date of the Annual General Meeting.

### **Business of Annual General Meetings**

- (80) The business of an Annual General Meeting is:
- (a) to receive the declarations of those persons present (section 71, Schedule 1)
  - (b) to determine whether a quorum is present (section 71)
  - (c) to elect a minute secretary
  - (d) to receive apologies
  - (e) to receive a report from the Minister-in-Charge;
  - (f) to receive a report from the Churchwardens;
  - (g) to receive and pass, or otherwise determine on, the and duly reviewed financial statements for the preceding Financial Year ending 31 December and a proposed budget for adoption for the Financial Year commencing on 1 January of the year in which the meeting is held;
  - (h) to receive reports from other ministry leaders and ministries within the Parish or Provisional Parish;
  - (i) to make recommendations to the incoming parish council for it to consider;
  - (j) if the Minister-in-Charge has appointed a person as Churchwarden under section 18, to receive notification of the name of that person

- (k) to elect up to two (2) qualified persons to be Churchwardens
- (l) to determine whether or not qualified persons should be elected as members of the parish council and if in the affirmative-
  - i. to resolve if there will be 2 or 4 or 6 elected persons, and
  - ii. to elect qualified persons to be those members, and
- (m) to appoint one or more persons as Independent Assurance Practitioner to review the Parish or Provisional Parish's financial statements and accounts for the year in which the Annual General Meeting is held;
- (n) to elect lay members of Synod and alternate lay members of Synod in accordance with the provisions of the *Diocesan Synod Statute 2021*.
- (o) any other business as may be required from time to time by any statute.

### **Nominations and Elections**

- (81) A person is validly nominated for an election required at an Annual General Meeting when:
  - (a) the nomination is made in writing signed by a nominator and a seconder who are Church Members;
  - (b) he or she has accepted in writing the nomination and
  - (c) the nomination is in the hands of the Chair.
- (82) If the number of candidates nominated for election to an office does not exceed the number of vacancies to be filled, the following provisions apply:
  - (a) the chair is to move a separate motion for each nominee to be elected to the office;
  - (b) if the motion in respect of a candidate is carried, the chairman is to declare the candidate elected.
- (83) If the number of candidates nominated for election to an office exceeds the number of vacancies to be filled, the election is contested and the following apply:
  - (a) voting is to be conducted by secret ballot
  - (b) each Church Member shall be issued with a ballot paper on which he or she may write in alphabetical order the names of the candidates for whom he or she wishes to vote
  - (c) a Church Member must not vote for more than the number of candidates to be elected;
  - (d) candidates are elected, in descending order, in accordance with the number of votes they receive until all positions are filled; and
  - (e) if, in respect of the last vacancy to be filled, two or more candidates each obtain an equal number of votes, the election is to be determined on the casting vote of the chair.
- (84) In conducting any secret ballot:
  - (a) proxies are not permitted; and
  - (b) at least two scrutineers, being persons not standing for election, shall be appointed by the Annual General Meeting.
  - (c) If at the conclusion of an Annual General Meeting there is not a functioning parish council (defined here as a parish council consisting of the minister and at least two churchwardens), the Bishop, after consultation with the Minister-in-Charge, may make such appointments or no appointment as the Bishop thinks fit and shall notify the Minister-in-Charge and the Registrar of any appointments made under this section.

### **Minutes of the Annual General Meeting**

- (85) Minutes are to be taken of the proceedings of an Annual General Meeting
- (86) The minutes must be submitted for confirmation by the parish council at its next meeting.

### **Vacancies**

- (87) Where there is a vacancy in the office of Churchwarden or parish council member appointed by the Minister-in-Charge, the Minister-in-Charge shall appoint a person to fill the vacancy.
- (88) Where there is a vacancy in the office of Churchwarden or parish council member elected by the Annual General Meeting, the office shall be filled as soon as practicable by a qualified person elected by the parish council.
- (89) Where there is a vacancy in the role of Independent Assurance Practitioner the Registrar may appoint a qualified person to fill that role, subject to any costs being approved by the Parish Council.
- (90) A person appointed or elected pursuant to sections 87, 88 or 89 holds office for the remainder of the term of office of the person whom he or she is replacing.

## **PART 7 SPECIAL GENERAL MEETINGS OF CHURCH MEMBERS**

### **Convening a Special General Meeting**

- (91) A Special General Meeting may be convened at any time, provided that at least two Sundays before the day of the proposed meeting:
  - (a) a notice in writing has been placed in a prominent position at the principal entrance to each place of divine service;
  - (b) notice of the meeting is published in the weekly church bulletin, if any, and in each other news medium of the Parish or Provisional Parish, if any; and
  - (c) an announcement is made at divine service held in the Parish or Provisional Parish on the aforementioned Sundays.
- (92) The notice referred to in section 91 shall contain:
  - (a) details of the date on which the Special General Meeting is to be held, the time at which the meeting is to commence and the place where the meeting is to be held; and
  - (b) the text of the motion or motions which the meeting is convened to determine.
- (93) A Special General Meeting shall be convened in accordance with the arrangements set out in sections 91 and 92:
  - (a) If the Bishop so determines; or
  - (b) If the Archdeacon so determines; or
  - (c) if the Minister-in-Charge and Churchwardens acting together so determine ; or
  - (d) if the parish council so determines; or
  - (e) if 10 Church Members of the Parish or Provisional Parish petition the Bishop in writing setting out details of the matter or matters they wish the Special General Meeting to resolve and the text of the motion or motions which they wish the Special General Meeting to determine and the Bishop gives consent in writing delivered to the petitioners, the Minister-in-Charge and the Churchwardens.
- (94) The only business to be conducted at a Special General Meeting of Church Members is the business set out in the notice referred to in section 91 and 92.

### **Participation in a Special General Meeting**

- (95) Only Church Members who have signed a declaration in the form set out in Schedule 2 and have caused the signed declaration to be delivered to the chair before the commencement of the meeting or at such later time as the chair allows, provided that such later time is not later than when the Church Member first takes any step to participate in the meeting, may participate in a Special general Meeting of Church Members.

### **Chairing of a Special General Meeting**

- (96) The chair of a Special General Meeting of Church Members shall be:
  - (a) if pursuant to section 93 (a) the Bishop has determined that the meeting be convened, the Bishop;

- (b) if pursuant to section 93 (b) the Archdeacon has determined that the meeting be convened, the Archdeacon;
- (c) In all other cases the Minister-in-Charge or, if the Minister-in-Charge is unable or unwilling to chair the meeting, a Churchwarden or, if the Churchwarden is unable or unwilling to chair the meeting, a Church Member qualified to participate in the meeting and elected at the meeting by the Church Members qualified to participate at the meeting.

### **Procedure at Special General Meetings**

- (97) Minutes are to be taken of the proceedings of a Special General Meeting.
- (98) The minutes must be submitted for confirmation by the parish council at its next meeting.
- (99) The person presiding at a Special General Meeting of Church Members shall have a casting vote but not a deliberative vote.
- (100) A question arising at a Special General Meeting of Church Members shall be determined by a majority of the votes of the persons eligible to vote at the meeting who are present and vote on the question.
- (101) A quorum at a Special General Meeting of Church Members shall be no less than 8 which number shall be comprised of 7 Church Members qualified to participate in the meeting and the person presiding.
- (102) If a quorum is not present within half an hour after the time fixed for the commencement of a Special General Meeting of Church Members, the meeting lapses and a further Special General Meeting of Church Members may be convened in accordance with the requirements set out in sections 91 and 92.

## **PART 8 MISCELLANEOUS**

- (103) Where any accidental, inadvertent or unavoidable error, impediment, misfeasance or omission prevents giving proper effect to the provisions of this Statute, the Bishop may:
  - (a) take all such measures as may be necessary for removing such impediment or rectifying such error, misfeasance or omission;
  - (b) declare any act done to be valid notwithstanding such error, misfeasance or omission;
  - (c) extend the time within which this Statute requires anything to be done;
  - (d) where this Statute requires a person to do any act, matter or thing, may appoint any other person to do such act, matter or thing; and
  - (e) conduct any election.
- (104) This Statute shall apply to the Cathedral Parish of Geraldton except that where there is a conflict between this Statute and the *Cathedral Statute 1968*, the provisions of the *Cathedral Statute 1968* shall prevail.
- (105) Any question of interpretation or application of this Statute may be referred to the Diocesan Council whose determination shall be final.

## **PART 9 REPEAL**

- (106) The Parochial Statute 1961 and the Church Property Maintenance Statute 1961 and the Financial Year Statute 1994 are repealed and this statute will come into effect from the next Annual General Meeting of each Parish.

## **REGULATIONS**

The Synod or Council of the Diocese may from time to time make, amend or repeal regulations (e.g. policies and procedures) not inconsistent with the provisions of this Statute providing for records arising out of or incidental to the operation of this Statute and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Statute or which may be necessary or expedient to carry out the overriding purposes of this Statute.

## **RESPONSIBILITIES**

### **Review**

The Synod or Council of the Diocese will review the operation of this Statute on or before six years after its commencement.

### **Records management**

The Registry maintains all records relevant to administering this Statute using its recordkeeping system.

## **CERTIFICATIONS AND ASSENT**

I Certify that the Statute as printed is in accordance with the Statute as reported.

Chair of Committees

I Certify that this Statute was passed by the Synod of the Diocese of North West Australia on 04/10/2020.

K HARRIS  
Registrar

I Assent to this Statute.

P SPACKMAN  
Administrator  
19/12/2022



**SCHEDULE 1:**

**PARTICIPATION IN ANNUAL GENERAL MEETING**

**FORM OF DECLARATION**

I ..... declare that:

(a) I am a baptised person over the age of 18 years who regularly attends

..... (name of Parish)  
or as part of an associated congregation of that church; and this is my primary church community;

(b) I acknowledge that Jesus is the Son of God and no-one comes to the Father except through Him;

(c) I submit to the Bible as the authoritative Word of God and as the final authority in matters of faith and conduct;

(d) I do not claim to be a member any other Anglican church in Australia; and

(e) I have not voted at the Annual General Meeting of Church Members of any other Anglican church within the past three months and I do not intend to vote at the Annual General Meeting of Church Members or any other Anglican church within the next three months.

..... Signature

.....Date

**SCHEDULE 2:**

**PARTICIPATION IN SPECIAL GENERAL MEETING**

**FORM OF DECLARATION**

I ..... declare that:

(a) I am a baptised person over the age of 18 years who regularly attends

..... (name of Parish)  
or as part of an associated congregation of that church; and this is my primary church community;

(b) I acknowledge that Jesus is the Son of God and no-one comes to the Father except through Him;

(c) I submit to the Bible as the authoritative Word of God and as the final authority in matters of faith and conduct; and

(d) I do not claim to be a member any other Anglican church in Australia.

.....Signature

.....Date