



DIOCESAN HANDBOOK



**THE CORPORATION OF THE SYNOD OF
THE DIOCESE OF BRISBANE 2023**

Anglican Church of Australia - Diocese of Brisbane

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DIOCESAN HANDBOOK

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THE CONSTITUTION

of the

ANGLICAN CHURCH OF AUSTRALIA

with alterations as at 16 June 2003

THE CONSTITUTION OF THE ANGLICAN CHURCH OF AUSTRALIA ¹

PART I

Chapter I. - FUNDAMENTAL DECLARATIONS

1. The Anglican Church of Australia,² being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.
2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.
3. This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

Chapter II. - RULING PRINCIPLES

4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.

Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the

¹ The change of name from Church of England in Australia was made by Canon 16, 1966 which came into effect on 24 August 1981, following enactments by the Parliaments of all States and Territories.

² See Note 1 above.

existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.

Provided also that no such request shall be preferred to the bishop of a diocese until the incumbent and a majority of the parishioners present and voting at a meeting of parishioners, duly convened for the purpose, shall signify assent to such proposed deviations. Such meeting shall be duly convened by writing, placed in a prominent position at each entrance to the church and by announcement at the morning and evening services, or at the service if only one, at least two Sundays before such meeting, stating the time and place of such meeting, and giving full particulars of the nature of the proposed deviation.

5. Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.
6. This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.

PART II

THE GOVERNMENT OF THE CHURCH

Chapter III. - OF THE BISHOPS

7. A diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a bishop.
8. There shall be a bishop of each diocese who shall be elected as may be prescribed by or under the constitution of the diocese, provided that the election shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the provincial synod, or if the diocese is not part of a province then as prescribed by canon of General Synod.

During any vacancy in the office or incapacity of the bishop of any diocese or during his absence from the diocese for a period exceeding thirty days the authorities powers rights and duties conferred or imposed on him by this constitution shall be exercised by the person appointed by or under the constitution of the diocese to administer the affairs of the diocese.

General Synod may by canon confer upon a bishop of a diocese the title of Archbishop provided that such canon shall be carried by an affirmative vote of at least two-thirds of the members of each house and shall receive the approval of all the metropolitans.

9. There shall be a Metropolitan (to be called Archbishop) of each province of this Church who shall hold office as prescribed by any Act of Parliament or by the constitution of the province or by ordinance of the provincial synod.

During any vacancy in the office or incapacity of the metropolitan of any province, or during his absence from the province for a period exceeding thirty days the authorities powers rights and duties of the metropolitan under this Constitution shall be exercised by the senior diocesan bishop of the province at the time in the province able and willing to act, seniority being determined by the date of consecration.

10. There shall be a Primate of this Church who shall be elected and hold office as may be prescribed by canon of the General Synod.

During any vacancy in the office or incapacity of the Primate or during his absence from Australia for a period exceeding thirty days, the authorities powers rights and duties of the Primate under this Constitution shall be exercised by the Senior Metropolitan at the time in Australia able and willing to act, or if there is no metropolitan able and willing to act, then by the senior diocesan bishop at the time in Australia able and willing to act, seniority in every case being determined by the date of consecration.

- 11.³ The members of the House of Bishops may apart from their meetings as a House of Bishops of the General Synod meet from time to time for the discharge of the functions assigned to a meeting of them under this Constitution.

12. Such a meeting of the said bishops shall be convened by the Primate on his own initiative or at the request in writing of not less than one-third of the bishops, and shall have power to regulate its own business.

13. The presence of at least one-half of the said bishops shall be necessary to constitute such a meeting of the bishops for the discharge of its functions under this Constitution.

14. A certificate signed by the Primate or metropolitan or bishop presiding in the absence of the Primate and purporting to state a decision of such a meeting of the bishops or the votes of individual bishops shall be evidence of the matters so stated.

Chapter IV. - OF GENERAL SYNOD

COMPOSITION AND PROCEDURE

15. General Synod shall consist of the House of Bishops, the House of Clergy and the House of Laity.

The three houses shall sit together in full Synod and shall deliberate and transact business therein and shall vote together unless a vote by houses is required by not less than five members of the House of Bishops or by ten members of the House of Clergy, or by ten members of the House of Laity.

In the event of a vote by houses being required, all questions shall be put first to the House of Laity, then to the House of Clergy, and finally to the House of Bishops and no question

³ Amended by Canon 16, 1998 which came into effect 1 March 2000

shall be deemed to be resolved in the affirmative by General Synod unless it is so resolved by a vote of the majority of those present in each of the three houses.

A house by a majority of its members voting may decide to consider separately any matter in debate whereupon further discussion of the matter shall be postponed until there has been an opportunity of separate consideration.

The person who holds office as General Secretary or Treasurer of the General Synod shall be entitled to attend the meetings of the General Synod and shall be entitled to propose motions and speak. However, unless such a person is otherwise a member of the General Synod, that person shall not be permitted to vote nor to be counted in a quorum.⁴

16⁵ The House of Bishops shall be composed of the Primate, metropolitans, the diocesan bishops and any bishop who becomes a member of General Synod pursuant to the provisions of subsection 17(8)(a)(i).

17.6 (1) The House of Clergy shall be composed of clerical representatives of each diocese and any bishop, priest or deacon who becomes a member of General Synod pursuant to the provisions of Section 17(8)(a)(ii).

(2) The House of Laity shall be composed of lay representatives of each diocese and any lay person who becomes a member of General Synod pursuant to the provisions of Section 17(8).

(3) Clerical and lay representatives of a diocese shall be elected or appointed, and any vacancy in the place of a representative shall be filled at such time and in such a manner as may be prescribed by or under the constitution of the diocese.

(4) The number of representatives of a diocese shall be determined in accordance with the table annexed to this Constitution and shall be so determined on or as at each date on which the Primate shall sign and seal a mandate summoning the diocesan bishops to convene representatives to an ordinary session or a special session of the General Synod and shall remain fixed until the next such date.⁷

(5) Every bishop priest or deacon⁸ shall be qualified to be a clerical representative of a diocese if he is resident therein at the date of his appointment and holds a licence from the diocesan bishop, provided however that the qualification of residence in the diocese shall not be necessary in the case

⁴ Paragraph inserted by Canon 17, 1995 which came into effect 17 September, 1997.

⁵ Amended by Canon 16, 1998 which came into effect 1 March 2000

⁶ "Whereas the General Synod recognises the unique historical status of the Aboriginal and Torres Strait Island people, and hence also, the unique relationship between indigenous and non-indigenous people, both within and without the Anglican Church of Australia." In accordance with Resolution 59/98 of General Synod, the Preamble to Canon 16, 1998 is printed here. S.17 was amended by this Canon which came into effect 1 March 2000.

⁷ Words added by Canon 13, 1992 which came into effect on 25 June 1995.

⁸ Words "or deacon" added by Canon 22, 1985, and Bill 2, 1985 which came into effect on 1 July 1988.

of⁹ a diocese having less than thirty-one clergymen resident and duly licensed to officiate therein.

- (6) Every layman who is not under the age of eighteen¹⁰ years and is a communicant of this Church shall be qualified to be a lay representative of a diocese, whether he does or does not reside therein.
- (7) The bishop of each diocese shall certify and transmit to the Primate a list of names and addresses of the clerical and lay representatives of the diocese.

In the event of any change in the representation of a diocese the bishop shall certify and transmit to the Primate a supplementary list showing the change.

Any list or supplementary list so certified shall be evidence that a representative therein named is entitled to be such representative unless a subsequent list shows that he has ceased to be a representative.

- (8)¹¹ (a) For every session of Synod the members of Synod shall include non-diocesan representatives being
 - (i) an Aboriginal bishop and a Torres Strait Islander bishop who shall be members of the House of Bishops;
 - (ii) an Aboriginal bishop, priest or deacon and a Torres Strait Islander bishop, priest or deacon who shall be members of the House of Clergy; and
 - (iii) an Aboriginal lay person and a Torres Strait Islander lay person who shall be members of the House of Laity.
- (b) Non-diocesan representatives shall be appointed by the Primate on the recommendation of the body appointed by Canon for that purpose.
- (c) The Primate shall cause non-diocesan representatives to be summoned or convened to a session of Synod as may be specified by Canon.
- (d) A non-diocesan representative must be a communicant member of this Church who is otherwise qualified as may be specified by Canon.

⁹ Words deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995

¹⁰ Word "eighteen" substituted for "twenty-one" by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.

¹¹ S.17(8) added by Canon 16, 1998 which came into effect on 1 March 2000

- (e) A non-diocesan representative shall be entitled to such vote in Synod as is permitted or authorised by the Constitution but such vote shall not be counted for the purpose of determining whether a canon or resolution has been assented to by a majority of all dioceses.
18. General Synod in such manner as it may deem proper may determine whether any person who claims to be a member of the Synod or of any house is entitled to be a member thereof and whether he has been duly and lawfully elected appointed or summoned to the Synod.
19. (1) General Synod may proceed to the despatch of business notwithstanding the failure of any diocese to provide for its representation in the Synod and notwithstanding any failure to elect or appoint any non-diocesan representatives of Synod and notwithstanding a vacancy in the office of Primate or a metropolitan or a diocesan bishop.¹²
- (2) No canon rule act or exercise of power of General Synod shall be vitiated by reason only of the fact that any person to be elected appointed or summoned to the Synod has not been elected appointed or summoned, or by reason only of any informality with respect of the election appointing or summoning.
20. The Primate or in his absence the Senior Metropolitan present, or if there is no metropolitan present, the senior diocesan bishop present shall be President of the House of Bishops and of General Synod, seniority in every case being determined by the date of consecration.
- The President may take part in any discussion and vote on any question.
- The President of the House of Bishops and of General Synod may, at any time during a meeting of that house, or of General Synod, call upon a metropolitan, or if there is no metropolitan present, the senior diocesan bishop present to preside, temporarily, at the meeting, whether or not the President is present at the meeting.¹³
21. Until General Synod otherwise prescribes the presence of at least seven members of the House of Bishops and at least fifteen members of the House of Clergy representing not less than seven dioceses and of at least fifteen members of the House of Laity representing not less than seven dioceses shall be necessary to constitute a meeting of General Synod for the exercise of its powers.
22. At each session of Synod the House of Clergy and the House of Laity shall elect its own chairman and such other officers as it considers necessary.

SESSIONS

- 23.¹⁴ Until General Synod by canon otherwise prescribes:-

¹² Words added by Canon 16, 1998, which came into effect on 1 March 2000

¹³ Paragraph added by Canon 8, 1989 and Bill 4, 1989, which came into effect on 24 August 1989

¹⁴ Words added to paragraphs (b), (c) and (d), and paragraph (e) inserted, by Canon 13, 1992 which came into effect on 25 June 1995.

- (a) Ordinary sessions of Synod shall be held at intervals not exceeding four years, and at such time and place as Synod may by resolution appoint or failing any such resolution then as the Standing Committee of Synod may by resolution appoint provided that the Standing Committee of Synod may on grounds of emergency or other special grounds by resolution defer the summoning of Synod for a period exceeding four years from the previous Synod but not exceeding twelve months from the date of such resolution and may do so from time to time provided further that Synod shall meet at least once in every six years.
- (b) A special session of Synod shall be convened by the Primate at the request in writing of not less than one-half of the members of the House of Bishops or of one-third of the members of the House of Clergy or of one-third of the members of the House of Laity or upon a resolution of the Standing Committee.
- Each request made by members of the House of Bishops, of the House of Clergy or of the House of Laity as aforesaid shall have attached thereto or incorporated therein the bills for canons, rules, statements and resolutions and specify any other business which those who make the request require the synod to consider at such special session.
- (c) At least four months before the time for any ordinary or special session of Synod the Primate shall by mandate under his hand and seal (bearing the date on which the mandate was signed and sealed, as aforesaid) summon the diocesan bishops, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.
- (d) The procedure and powers of Synod in a special and an ordinary session shall be the same, provided that in a special session no business other than the business specified in the mandate the conduct of such business and matters of procedure shall be transacted.
- (e) The mandate for a special session shall:
- (i) be accompanied by a copy of the bills for canons, rules, statements and resolutions and specify any other business attached to or incorporated in the request for such special session, and
 - (ii) be accompanied by a schedule listing such business which the Primate or the Standing Committee decide should be considered at the special session.

RECORDS AND SEAL

24. The proceedings of General Synod shall be duly recorded and be authenticated by the signature of the President.

Every canon of General Synod shall be printed in duplicate, and each duplicate shall be certified as correct by the President, the chairman of committees and the secretaries of the Synod, authenticated by the official seal, and filed in books.

25. (1) General Synod shall have an official seal, which shall be judicially noted.

The seal shall not be used to authenticate any canon rule resolution instrument or document or any copy thereof except upon a resolution of Synod or of the Standing Committee of Synod and by and in the presence of at least three members of the said Committee.

- (2) Any canon rule resolution instrument or document authenticated by the official seal shall be admissible in evidence without further proof.

A document purporting to be a copy of any canon rule or resolution so authenticated and purporting to be certified by at least three members of the Standing Committee as a true copy shall be evidence of the canon rule or resolution and be admissible in evidence without further proof.

Chapter V. - OF THE POWERS OF GENERAL SYNOD

26. Subject to the terms of this Constitution Synod may make canons rules and resolutions relating to the order and good government of this Church including canons in respect of ritual, ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual, moral or social welfare, and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions.

- 27.¹⁵ (1) A canon shall be made by a bill passed by General Synod in accordance with the Synod's standing orders provided that -

(i) the bill shall have been circulated to each diocese and to each non-diocesan representative at least three months before the first day of the session of Synod at which the bill is to be presented, provided that the Standing Committee may allow a shorter period of notice but not less than one month and provided further that General Synod by an affirmative vote in each house of at least three-fourths of the members present may declare a bill to be a matter of urgency and permit it to be included in the agenda without previous notice,¹⁶ and

(ii) a special bill shall follow the procedure prescribed in section 28.

- (2) The authentication of a canon in accordance with section 24 is conclusive evidence that the requirements of this section have been complied with.

¹⁵ S.27 repealed and a new sec. 27 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

¹⁶ Words added by Canon 16, 1998 which came into effect on 1 March 2000

- 28.¹⁷ (1) A bill (not being a bill for a canon to alter this Constitution) which deals with or concerns the ritual ceremonial or discipline of this Church shall follow the procedure of this section as a special bill unless, at any time before it votes on a motion that the bill do pass, Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill.
- (2) In the case of any other bill (not being a bill for a canon to alter this Constitution) if, at any time before it votes on a motion that the bill do pass, not less than twenty-five members of General Synod petition the President that the bill should be treated as a special bill the President shall put to General Synod the motion that it be so treated and if General Synod so decides the bill shall be dealt with as a special bill.
- (3) A special bill shall be dealt with as other bills are dealt with subject to the following qualifications -
- (i) a motion that the bill do pass shall be deemed not to be agreed to unless it is agreed to by at least two-thirds of the members of each of the three houses present; upon such a motion being so agreed to the special bill shall stand as a canon provisionally made.
 - (ii) The provisional canon shall then be referred to the synod of each diocese for its consideration and each diocesan synod shall submit to the President within a period specified by canon or by the provisional canon its assent to or dissent from the provisional canon together with such report and recommendation as it may think fit.
 - (iii) If every diocesan synod reports that it assents to the provisional canon the President shall so declare and thereupon it shall be a canon duly passed otherwise the reports and recommendations received from the diocesan synods shall be presented to General Synod and the provisional canon shall be presented to the synod as if it were a bill.
 - (iv) If a subsequent motion that the bill do pass is agreed to by at least two-thirds of the members of each of the three houses present it shall be a canon duly passed unless General Synod, immediately before the vote is taken, by a majority of the three houses voting together shall resolve that it shall be a provisional canon only, whereupon the procedure given above shall again be followed.
- 29.¹⁸ (1) For the purposes of this section -

¹⁷ S.28 repealed and a new sec. 28 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

¹⁸ S.29 repealed and a new sec. 29 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

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- (a) "Act" means a canon, provisional canon, rule, resolution or statement made by General Synod notwithstanding that the canon, the provisional canon, the rule, the resolution or the statement is or may be in whole or in part void; and
- (b) "Proposal" means any proposal that General Synod make a canon or a rule or a statement or that General Synod pass a resolution, being a proposal of which notice has been given to the General Synod in accordance with any requirements applicable thereto (notwithstanding that consideration may or may not have been given to the proposal by General Synod) but does not include an Act.
- (2) A reference under this section to the Appellate Tribunal may be made by -
- (a) twenty-five members of the General Synod; or
- (b) one third of the members of the House of Bishops; or
- (c) one third of the members of the House of Clergy; or
- (d) one third of the members of the House of Laity; or
- (e) the Primate.
- (3) A reference under this section to the Appellate Tribunal shall:
- (a) be in writing addressed to the President of the Appellate Tribunal;
- (b) identify the Act or Proposal to which the reference relates;
- (c) state the question which is or the questions which are to be considered by the Appellate Tribunal;
- (d) be signed by the Primate or the other persons making the same; and
- (e) except in the case of a reference by the Primate, be delivered to the Primate.
- (4) The questions which may be stated in a reference under this Section to the Appellate Tribunal are:
- Is any part of the Act or Proposal identified in the reference inconsistent with the Fundamental Declarations or the Ruling Principles?
- Does any part of the Act or Proposal identified in the reference deal with or concern or affect the ritual ceremonial or discipline of this Church?
- (5) If a reference is made under this section to the Appellate Tribunal in relation to a Proposal, the Proposal may become an Act thereafter but the Act shall have no effect prior to the date on which the Appellate Tribunal

delivers to the Primate its answer to the question or questions in the reference.

- (6) Subject to sub-section (7) the Appellate Tribunal shall:
 - (a) give its opinion or determination with respect to a reference made to it under this section;
 - (b) where a question is answered in the affirmative -
 - (i) incorporate in the answer particulars of each part of the Act or Proposal which caused the question to be so answered, and
 - (ii) where the question concerns inconsistency identify the part or parts of the Fundamental Declarations and Ruling Principles with which that part of the Act or Proposal is inconsistent;
 - (c) provide reasons for its decision; and
 - (d) deliver to the Primate its answers and the reasons for its decision.
- (7)
 - (a) The Appellate Tribunal shall in no case provide an answer in the negative except with the concurrence of at least four members, and where the question involves any question of faith ritual ceremonial or discipline shall not provide an answer in the negative except with the concurrence of at least two bishops and two lay members of the Tribunal; and
 - (b) if the Appellate Tribunal is unable to provide an answer to a question in either the affirmative or the negative the President shall so report to the Primate and advise him in writing of the reasons for that inability.
- (8) The Appellate Tribunal may, with its answers and reasons:
 - (a) where it provides an answer in the affirmative, specify a change or changes to the Act or Proposal which, if adopted or incorporated therein, as the case may require, would permit a similar question or similar questions relating thereto to be answered in the negative, and
 - (b) add such comment or opinion as the members deem may be of value to the General Synod.
- (9) Notwithstanding the provisions of sub-section (10) and sub-section (11) of this section and sub-section (2) of Section 73, a decision of the Appellate Tribunal given in an answer pursuant to this section shall be final.

- (10) An Act which is inconsistent with the Fundamental Declarations and an Act, other than a canon to alter the Ruling Principles, which is inconsistent with the Ruling Principles shall to the extent of the inconsistency, be void.
- (11) An Act which deals with concerns or affects the ritual ceremonial or discipline of this Church and which has not been made in accordance with the requirements of this Constitution shall, to the extent to which it so deals concerns or affects, be void.
30. Subject to the preceding section and unless the canon itself otherwise provides, a canon duly passed by General Synod shall come into force on and from a date appointed by the President, being not later than one calendar month from the date upon which the canon was passed. The canon as on and from the appointed date shall apply to every diocese of this Church and any ordinance of any diocesan synod inconsistent with the canon shall to the extent of the inconsistency have no effect.

Provided that:-

- (a) Any canon affecting the ritual, ceremonial or discipline of this Church shall be deemed to affect the order and good government of the Church within a diocese, and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.
- (b) If General Synod declares that the provisions of any other canon affect the order and good government of the Church within, or the church trust property of a diocese, such canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.
- (c) If General Synod should not so declare the synod of a diocese or the diocesan council may declare its opinion that the provisions of the said canon affect the order and good government of the Church within or the church trust property of such diocese and notify the President within one month thereafter and then the following provisions shall apply:-
- (i) If the said diocesan synod or council declare its opinion as afore-said within a period of two years from the date of the passing of the said canon and the Standing Committee advises the President that it agrees with the said opinion the canon shall not and shall be deemed not to have come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;
- (ii) If the said diocesan synod or council declare its opinion at any time after the expiration of the said period of two years and the Standing Committee advises the President that it agrees with the said opinion the said canon shall cease to apply to the said diocese as from the date of the said declaration and shall not after such date again come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;
- (iii) If the Standing Committee in either case should not so advise the President he shall refer the question raised by the said opinion to

the Appellate Tribunal for its determination and unless the Appellate Tribunal determines the question in the negative the canon shall be deemed not to have come into force in the said diocese in the first case or to have force or effect in the said diocese after the date of the said declaration in the second case until the diocesan synod by ordinance adopts the said canon.

- (d) Any canon adopted as aforesaid by a diocesan synod may by ordinance be excluded at a subsequent date.
- (e) This section shall not apply and shall be deemed never to have applied to a canon to alter this Constitution.¹⁹

31.²⁰

32.²¹ (1) Synod shall not make any canon or rule imposing any financial liability on any diocese except in accordance with this section.

- (2) Synod may by canon or rule provide for the costs charges and expenses in or in connection with -

- (a) The carrying into effect of this Constitution;
- (b) The holding of synod and the conduct of its business;
- (b1) The implementation of and giving effect to any canon rule or resolution of Synod;
- (c) The meetings and the conduct of the affairs of the Standing Committee and any other committee, board or commission established by Synod;
- (d) The sittings of the Appellate Tribunal to hear and determine any appeal question or matter made or referred to it and the sittings of the Special Tribunal to hear and determine any charge brought before it;
- (e) The maintenance of the registry of the Primate, and primatial travelling expenses;
- (f) The election or appointment of the corporate trustees and the administration of the affairs of the body corporate.

¹⁹ Proviso (e) added by Canon 22, 1985, which came into effect on 1 July 1988. No alteration to section 30 was made by Bill 2, 1985. The proviso was also added by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

²⁰ S.31 repealed by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

²¹ S.32 substantially altered by Canon 2, 1989 and Bill 1, 1989, which came into effect on 23 August 1989.

Provided that in respect of the calendar year next following an ordinary session of Synod such canon or rule shall not impose any financial liability on the dioceses pursuant to paragraphs (a), (b1), (c) and (e) which in the aggregate exceeds an estimate of the costs charges and expenses for that year in connection with those matters approved by Synod.

- (3) Notwithstanding subsection (2), Synod may make any canon or rule imposing a financial liability on any diocese of this church in respect of matters not included in subsection (2) but such liability shall only be incurred by that diocese if by ordinance it assents to the same.
 - (4) Subject to this section, Synod may by canon or rule provide for the levying of assessments on dioceses of this Church, the method of calculating such assessments and their apportionment between the said dioceses.
 - (5) Subject to the provisions of any canon rule or resolution of Synod the Standing Committee is empowered to determine or approve the amounts to be expended in respect of any of the matters for which Synod may, in accordance with this section, impose a financial liability on a diocese.
33. (1) General Synod may make rules prescribing anything necessary or convenient for carrying out and giving effect to any canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing -
- (a) The procedure for any election or appointment to be made by or under the authority of Synod to any office;
 - (b) The authorities powers rights and duties of any officer committee board or commission of Synod.
- A rule shall be made by resolution after notice has been duly given in accordance with the standing orders.
- (2) General Synod may regulate the conduct of its business under standing orders or otherwise as it may deem proper.

Chapter VI. - COMMITTEES BOARDS AND COMMISSIONS

34. There shall be a Standing Committee of General Synod which shall consist of so many members not less than ten as may be prescribed by any rule of Synod.

The members of the Committee shall be elected or appointed and shall hold office as may be prescribed by any rule of the Synod.

The seal books and records of General Synod shall be in the care and control of the Standing Committee.

The functions, duties and powers of the Standing Committee shall be those prescribed by canon or rule of Synod (whether made before or after the commencement of this paragraph).²²

35. General Synod shall appoint such boards of assessors as may be required for the purposes of this Constitution and may appoint any committee board or commission that it may deem proper for carrying out or giving effect to any canon rule or resolution of Synod, and the following provisions of this section shall apply to a board of assessors as well as to any such committee board or commission.

The power to appoint under this section may be exercised by the General Synod itself, or may be exercised by the Standing Committee.²³

Unless otherwise provided by any canon or rule of Synod -

- (a) The committee board or commission may include or consist of persons who are not members of Synod;
- (b) The members of the committee board or commission shall be elected or appointed and shall hold office as may be determined by resolution of Synod but shall not, unless the resolution so provide, cease to be members of the committee board or commission by reason only of ceasing to be members of Synod;
- (c) The committee board or commission shall have such powers and duties as may be conferred or imposed by resolution of Synod;
- (d) The committee board or commission may, if Synod by resolution so directs, continue to exist and to exercise and perform its powers and duties, until the expiration of the first week of the next following ordinary session of Synod.

Chapter VII - THE PROVINCES AND PROVINCIAL SYNODS

PROVINCES

36. A province of the Church of England in the Dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.
37. A new province may be formed by any four or more dioceses associating for that purpose, provided that the formation of the province is approved by ordinance of the diocesan synod of each of such dioceses, and ratified by canon of General Synod. Nevertheless General Synod may upon a petition preferred to it by less than four dioceses declare that such petitioning dioceses may proceed under this section and the same shall then apply to them accordingly.

²² Paragraph added by Canon 2, 1989, and Bill 1, 1989, which came into effect on 23 August 1989.

²³ Sentence added by Canon 6, 1998 which came into effect on 1 March 1998.

38. A province may be altered in accordance with the constitution of the province either by an increase or by a decrease in the number of dioceses forming the province, provided that the alteration shall not take effect until ratified by canon of General Synod.

PROVINCIAL SYNODS

39. The constitution of each province of the Church of England in the dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance with the provisions of this Constitution.
40. The constitution of a new province may provide either for a provincial synod or for a provincial council, and in either case may contain such provisions as the diocesan synod of each of the dioceses to be included in the province may think fit, provided that the constitution shall not take effect until ratified by canon of the General Synod.
41. The constitution of a province may be altered in accordance therewith, or with the consent of all the dioceses of the province given by ordinance of the synod of each diocese, provided that the alteration shall not take effect until ratified by canon of General Synod.

This section extends to altering the constitution of a province by substituting a provincial council for a provincial synod, or by substituting a provincial synod for a provincial council.

42. A provincial synod or a provincial council shall have such powers for the order and good government of this Church, within the province as may be prescribed by the constitution of the province.

Chapter VIII. - THE DIOCESES AND DIOCESAN SYNODS

DIOCESES

43. A diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.
44. (1)²⁴ A new diocese may be formed in any of the following ways, that is to say -
- (a) by separation of territory from a diocese;
 - (b) by the union of two or more dioceses or parts of dioceses.
 - (c) out of territory in Australia which is not part of any diocese, and either out of such territory alone or out of such territory together with any diocese or part of a diocese.
- (2) Where a new diocese is formed by separation of territory from a diocese or by the union of two or more dioceses or parts of dioceses, the proposal

²⁴ S.44(1) amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

to form the new diocese may be initiated by the diocese or dioceses concerned or by the province, if any, in which the diocese or dioceses are included but the new diocese shall not be formed unless such diocese or dioceses and province, if any, agree by ordinance of their respective synods that the new diocese shall be formed, and General Synod by canon ratify the formation of the new diocese.

- (3) In any other case the proposal to form a new diocese may be initiated in General Synod, but where any diocese or part of a diocese is to be included, the new diocese shall not be formed unless the synod of the diocese and the synod of the province in which the diocese is included concur by ordinance and the new diocese shall be deemed to be formed as General Synod may by canon determine.
 - (4) Upon the formation of a new diocese any church trust property allocated to the new diocese by ordinance of the synod of any diocese concerned, and any church trust property allocated to the new diocese by canon of General Synod in any case where a diocese is not concerned, shall by virtue of the ordinance or canon, as the case may be, and without any other assurance in the law, be held by and be vested in the trustees then or thereafter appointed for the purpose and upon and subject to the trusts affecting the same, but for the use benefit and purposes of this Church within the new diocese.
45. (1) A diocese may by ordinance surrender the whole or any part of its territory to any other diocese, and that other diocese may by ordinance accept the territory so surrendered. Provided however a diocese which has been formed by the separation of territory from a diocese or dioceses shall not surrender such territory to any diocese other than the diocese from which the territory was last separated without the consent of such last-mentioned diocese given by an ordinance of the synod thereof.
- The surrender and acceptance may be made upon such terms and conditions, including the allocation of church trust property as may be agreed upon by ordinances made by the dioceses concerned.
- (2) A diocese may by ordinance alter its boundaries so as to include territory which is not part of any diocese or so as to exclude territory otherwise than by surrender to another diocese.
 - (3) Any surrender or alteration under this section shall not take effect until ratified by or under canon of General Synod.
46. General Synod may by canon admit to the synod any diocese the territory of which is partly or wholly outside Australia and may upon such admission impose such terms and conditions, including the extent of representation in the House of Clergy and in the House of Laity, as the Synod thinks fit.

DIOCESAN SYNODS

47. The constitution of each diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.
48. The constitution of a new diocese shall provide for the election or appointment of the first bishop of the diocese and shall contain such other provisions as may be deemed necessary or convenient, whether set forth expressly or adopted by reference to the provisions set forth in a canon of General Synod, or adopted by reference to the provisions of the constitution of any other diocese, and whether so adopted with or without modifications and additions.

The constitution of the new diocese shall not take effect until ratified by or under canon of General Synod.

- 49.²⁵ In a diocese in which less than ten priests are licensed if there be no diocesan synod and until General Synod by or under any canon otherwise prescribes there shall be a diocesan council with such constitution as General Synod thinks fit.

If in any diocese in which there is no provision for a synod the office of the bishop become vacant, the office shall be filled as prescribed by canon of General Synod, or if there is no such canon, then in accordance with the provisions under which the last election or appointment was made.

If in any diocese there is no synod or diocesan council the General Synod may by canon appoint a synod or council.

50. The constitution of a diocese may be altered in accordance therewith or as the synod of the diocese may by ordinance determine in accordance with any canon of General Synod.
51. Subject to this Constitution a diocesan synod may make ordinances for the order and good government of this Church within the diocese, in accordance with the powers in that behalf conferred upon it by the constitution of such diocese.

CONSENT OF DIOCESE TO ALTERATION

52. (1) Notwithstanding any provision to the contrary contained in this Constitution or anything done thereunder General Synod shall not without the assent by ordinance of the diocese concerned alter or permit the alteration of -
- (a) The constitution or boundaries of a diocese or any of the powers rights or duties of the synod of a diocese or of any diocesan society council board agency or authority, including the powers rights and duties relating to church trust property and the rights of a diocese with regard to the election of its bishop;

²⁵ S.49 amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

- (b) The qualifications or mode of election of the representatives of a diocese in General Synod;
 - (c) The status of any diocese as a metropolitan see or the title to or tenure of office of any metropolitan.
- (2) Except with its own assent by ordinance no metropolitan see shall cease to be a metropolitan see or to have associated with it three dioceses.

Chapter IX. - THE TRIBUNALS

53. There shall be a diocesan tribunal of each diocese, the Special Tribunal and the Appellate Tribunal, and there may be a provincial tribunal of any province.

54. (1) A diocesan tribunal shall be the court of the bishop and shall consist of a president, who shall be the bishop, or a deputy president appointed by him and not less than two other members as may be prescribed by ordinance of the synod of the diocese.

The members other than the president and deputy president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the diocese.

In any province the provincial synod if so requested by the synod of a diocese may by ordinance of the provincial synod prescribe any matter directed or permitted by this section to be prescribed by ordinance of the synod of the diocese, provided that the synod of the diocese may at any time otherwise prescribe.

(2) A diocesan tribunal shall in respect of a person licensed by the bishop of the diocese, or any other person in holy orders resident in the diocese, have jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline and of such offences as may be specified by any canon ordinance or rule.

(2A)²⁶ A diocesan tribunal shall also have and always be deemed to have had jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for twelve months or upwards in respect of a member of clergy if:-

- (a) the act of the member of clergy which gave rise to the charge occurred in the diocese;

²⁶ Sub-sections (2A) and (2B) added by Canon 10, 1998 as amended by Canon 8, 2001, both of which came into effect on 16 June 2003.

- (b) the member of clergy was licensed by the bishop of the diocese or was resident in the diocese within two years before the charge was laid; or
 - (c) the member of clergy is in prison as a convicted person at the time the charge was laid, but within two years before such imprisonment was licensed by the bishop of the diocese or was ordinarily resident therein.
- (2B) Where a person has been found guilty of an offence by a diocesan tribunal in the exercise of its jurisdiction under sub-section (2A), the bishop of the diocese shall consult as to penalty with the bishop of the diocese by whom the person is licensed or in which the person resides at the time of the finding and no penalty may be imposed to which the latter bishop does not express concurrence.
- (3) A person appointed by the bishop of a diocese or any five adult communicant members of this Church resident within the diocese may promote a charge against any person licensed by the bishop of the diocese or against any other person in holy orders resident in the diocese in respect of breach of faith ritual or ceremonial either before the diocesan tribunal or before the provincial tribunal in its original jurisdiction. Provided that if a charge be preferred against an incumbent of a parish with reference to an offence alleged to have been committed within that parish the aforesaid communicants shall be bona fide parishioners of that parish.

Provided further that before any charge relating to faith ritual or ceremonial be heard by the tribunal it shall be referred to a board of enquiry appointed by ordinance of the diocesan synod and may proceed to a hearing if the said board allows it as a charge proper to be heard.

- (4) In matters involving any question of faith ritual ceremonial or discipline an appeal shall lie from the determination of a diocesan tribunal to the Appellate Tribunal, provided that in any province in which there is a provincial tribunal and an appeal thereto is permitted by ordinance of the diocesan synod, an appeal may lie in the first instance to the provincial tribunal, and provided that in any such case an appeal shall lie from the determination of the provincial tribunal to the Appellate Tribunal.

In other matters an appeal shall lie in such cases as may be permitted by ordinance of the diocesan synod from a determination of the diocesan tribunal to the provincial tribunal, if any, or to the Appellate Tribunal, and from a determination of the provincial tribunal to the Appellate Tribunal.

55. (1) A provincial tribunal shall consist of a president who shall be the metropolitan, or a deputy president appointed by him, and not less than two other members as may be prescribed by ordinance of the synod of the province.

The members other than the president or deputy president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the province.

- (2) A provincial tribunal shall have jurisdiction to hear and determine appeals from any determination of any diocesan tribunal of the province in any case in which an appeal lies there from to the provincial tribunal.

Every appeal to a provincial tribunal shall be by way of re-hearing.

- (3) A provincial tribunal shall, in respect of a person licensed by the bishop of a diocese within the province, have original jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline, and of such offences as may be specified by any canon ordinance or rule, provided that such original jurisdiction shall not be exercised except as prescribed by ordinance of the synod of the diocese.
- (4) An appeal shall lie to the Appellate Tribunal from a determination of a provincial tribunal in its original jurisdiction.

- 56.²⁷ (1) Subject to this section, the Special Tribunal shall consist of three persons being:
- (a) a person qualified to be a lay member of the Appellate Tribunal who shall be the President of the Special Tribunal;
 - (b) a diocesan bishop; and
 - (c) a priest of at least seven years' standing.
- (2) No person by or against whom proceedings in the Tribunal are brought shall be a member of the Special Tribunal.
- (3) Members of the Special Tribunal shall be elected by or shall be appointed from a panel of persons elected by General Synod as prescribed by canon.
- (4) The period of office of members of the Tribunal shall be as prescribed by canon.
- (5) Until the Synod shall by canon otherwise prescribe:
- (a) the members of the Special Tribunal shall be appointed by the Primate on the nomination of the Standing Committee to hold office for up to five years;

²⁷ S.56 extensively amended by Canon 14, 2001 which came into effect on 16 June 2003.

- (b) in the absence of a member from Australia or in the event of the inability of a member to act, the Primate may appoint a person eligible to be appointed as that member to act in place of that member during the absence or inability. Such acting member shall continue to act in respect of any charge whose hearing commences whilst he or she is Acting President or member;
- (6) The Special Tribunal shall have jurisdiction to hear and determine charges against:
- (a) any member of the House of Bishops; and
- (b) any bishop assistant to the Primate in his capacity as Primate
- of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon
- (7) An appeal shall lie from the determination of the Special Tribunal to the Appellate Tribunal, subject to any limitation as may be prescribed by canon.
- (8) The provisions of this section and of sections 60 and 61 as in force before the date of the coming into effect of the Constitution Alteration (Special Tribunal) Canon 2001 shall continue to apply to any proceedings commenced in the Special Tribunal before that date.²⁸
57. (1) The Appellate Tribunal shall consist of seven members three of whom shall be diocesan bishops and four of whom shall be laymen.
- The members shall be appointed by the General Synod as follows, that is to say, a bishop and a layman on the nomination of the House of Bishops, a bishop and a layman on the nomination of the House of Clergy and a bishop and two laymen on the nomination of the House of Laity.
- A president and deputy president shall as often as may be necessary be chosen from among the lay members of the tribunal by the House of Bishops, or, if General Synod be not in session, by a meeting of the members of the House of Bishops.
- A layman shall not be a member unless he is qualified to be a lay representative of a diocese, and is or has been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or is or has been a practising barrister or solicitor, of at least ten years' standing of the Supreme Court of a State or Territory.²⁹
- (2) The members of the tribunal shall be nominated and appointed in such manner, hold office for such period and be subject to such

²⁸ The Constitution Alteration (Special Tribunal) Canon 2001 came into effect on 16 June 2003.

²⁹ Words inserted by Schedule Two of Canon 14, 1992 which came into effect on 25 June 1995.

disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by or under canon of General Synod.

No party to an appeal shall be a member of the tribunal for any purpose of the appeal and his place shall be filled for the purpose of the appeal by the other members co-opting a person qualified for the office.

The Appellate Tribunal shall have jurisdiction to hear and determine appeals from any determination of the Special Tribunal and from any determination of any diocesan or provincial tribunal in any case in which an appeal lies there from to the Appellate Tribunal.

Every appeal to the Appellate Tribunal shall be by way of re-hearing.

Any person charged before a diocesan tribunal and aggrieved by any sentence recommended by it who has no right of appeal under this Constitution or under an ordinance of the diocesan synod may petition the metropolitan of the province or, if the diocese be not part of a province, the Primate that his case be reviewed and the metropolitan or Primate as the case may be may refer the same to the Appellate Tribunal for review and any case so referred shall be heard and determined as an appeal provided however that no such petition may be presented in respect of an order for costs only.

- (3) Unless otherwise prescribed by canon of General Synod, the Appellate Tribunal may hear and determine any appeal question or matter made or referred to it although all the members thereof be not present at such hearing or determination, provided that there be present at least two bishops and three laymen. And provided further that if during the hearing of any appeal a member attending the tribunal should die or become unable to continue with the hearing the appeal may proceed so long as the president two bishops and one other lay member or the deputy president two bishops and one other lay member be present provided further that if the number of those present on any appeal should be evenly divided on any question of evidence or procedure the president (or in his absence the deputy president) shall have a casting as well as a deliberate vote.
58. (1) Before determining any appeal or giving an opinion on any reference the Appellate Tribunal shall in any matter involving doctrine upon which the members are not unanimous upon the point of doctrine and may, if it thinks fit, in any other matter, obtain the opinion of the House of Bishops, and a board of assessors consisting of priests appointed by or under canon of General Synod.
- (2) In any case where the House of Bishops is consulted under this section, the House of Bishops shall aid the tribunal with such information in writing as it thinks proper, provided that if all members of the House of Bishops do not concur each of the members at the time in Australia may aid the tribunal with such information in writing as he thinks proper. For

the purposes of this sub-section the House of Bishops shall not include the bishops who are members of the Appellate Tribunal.

59. (1) In all appeals and references to the Appellate Tribunal in any matter involving any question of faith ritual ceremonial or discipline the concurrence of at least two bishops and two laymen and in any other matter the concurrence of at least four members, shall be necessary for the determination of an appeal or the giving of an opinion upon a reference.
- (2) General Synod may by canon prescribe any matter incidental to the exercise of any jurisdiction vested by this constitution in the Special Tribunal or in the Appellate Tribunal including the power to award costs.
- (3) Unless otherwise prescribed by or under any canon of General Synod, the procedure with respect to hearings and determinations of the Special Tribunal, and with respect to appeals or references to the Appellate Tribunal shall be regulated in such manner as the tribunal thinks fit.
- (4) The person who brings a charge before a diocesan or provincial tribunal or before the Special Tribunal if dissatisfied with its determination or recommendation and the person so charged if dissatisfied with the recommendation or sentence pronounced upon such recommendation may within twenty-eight days or within such further time as the president of the Appellate Tribunal may in writing allow after the making of the determination recommendation or the pronouncing of the sentence as the case may be, institute an appeal to the Appellate Tribunal by lodging a notice of appeal in the registry of the Primate and in the registry of the bishop of the diocese or metropolitan concerned and in the case of any sentence or deprivation of or suspension from office the bishop or metropolitan who has pronounced such sentence may thereupon if he sees fit intermit the operation of such sentence.
60. (1)³⁰ A tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following:
- (a) deposition from orders;
 - (b) prohibition from functioning;
 - (c) removal from office;
 - (d) rebuke.

Except as otherwise provided herein such recommendation shall be made to the bishop of the diocese concerned.

The recommendation of the Special Tribunal, or of the Appellate Tribunal on an appeal from the Special Tribunal, shall be made to the Primate, provided that if the Primate be a party to the appeal or is disqualified from acting or considers that he should disqualify himself from acting, the recommendation shall be made to the metropolitan or bishop who would

³⁰ S.60 (1) amended by Canon 14, 2001 which came into effect 16 June 2003.

exercise the authorities powers rights and duties of the Primate, if the office were then vacant.

- (2) The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may consult with the tribunal and in the exercise of his prerogative of mercy (a) mitigate the sentence or (b) suspend its operation or (c) mitigate the sentence and suspend its operation. In each case he shall pronounce the sentence recommended even though he mitigate or suspend it. Provided that if the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years such sentence shall thereafter have no operation.
- (3) If in any case the Appellate Tribunal is precluded from determining the appeal, either because the members present at the hearing are equally divided or because there is no such concurrence as is required by this Constitution, the provisions of this sub-section shall have effect, that is to say:-
 - (a) where any recommendation adverse to the person charged made by a diocesan or a provincial tribunal or by the Special Tribunal, or
 - (b) where any sentence pronounced against him would but for this sub-section continue in force,

the person to whom the recommendation was made or who pronounced the sentence shall in consultation with the Appellate Tribunal review the recommendation or sentence, and after such review may give effect or abstain from giving effect to the recommendation, or may confirm, mitigate or annul the sentence and may give or abstain from giving directions for restoration of office rights and emoluments as he shall think proper and for such compensation where compensation is available as in the circumstances he may deem to be fair and reasonable.

- (4) The provisions of this Constitution with respect to an appeal from the determination of a tribunal shall extend to and authorise an appeal from the recommendation or sentence but shall not extend to a ruling of a tribunal of an interlocutory nature.
- 61³¹. (1) Where a charge has been promoted before a tribunal against any person licensed by the bishop of a diocese, the bishop with the concurrence of the diocesan council may suspend such person from the duties of his office until the determination of the charge or for some lesser time, and may make such arrangements for the performance of the duties of the office as may be authorised by any canon ordinance or rule or in the absence of such canon ordinance or rule as the bishop may deem proper.

³¹ S.61 extensively amended by Canon 13, 2001 which came into effect on 16 June 2003, and further amended by Canon 14, 2001 which also came into effect on 16 June 2003.

- (2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –
- (a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;
 - (b) the charge will not allege a breach of faith, ritual or ceremonial; and
 - (c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a prima facie case of the person having committed the offence.
- (3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –
- (a) the intention of the bishop or any other authorised person to promote the charge;
 - (b) the conduct complained of; and
 - (c) the period of suspension.
- The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –
- (d) a person has been suspended under subsection (2);
 - (e) the period of suspension has elapsed; and
 - (f) a charge has not been promoted during the period of suspension;
- no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.
- (4) If during the period of suspension referred to in subsection (2) the bishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the diocesan council thereafter.
- (5) The bishop of a diocese may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.
- (6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.

61A³² Where a charge has been promoted against the bishop of a diocese, the President of the Special Tribunal with the concurrence of the Diocesan Council, meeting when the bishop is not present, may, after considering any submission from the

³² S.61A inserted by Canon 14, 2001 which came into effect on 16 June 2003.

bishop, suspend the bishop from the duties of office until the determination of such charge or for some lesser time. If such suspension is made and is from a paid office, or if the person voluntarily stands aside from performing the duties of office, the person shall be deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.

- 62.³³ (1) For the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise a tribunal shall be deemed to be an arbitrator within the meaning of any law in force in the State or Territory in which the tribunal sits and shall have power to administer an oath to or take an affirmation from any witness and for the same purpose any party to a proceeding before a tribunal or any person permitted by a tribunal to submit evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of any such law.
- (2) In any proceeding before a tribunal, the tribunal shall admit as evidence that a person charged has been convicted of an offence, and proof of such conviction shall be evidence of the facts giving rise to such conviction. This provision shall not apply if such conviction has been quashed or set aside or in respect of which a pardon has been given.
- (3) In any proceedings before a tribunal, the transcript of any criminal proceedings in which the member of clergy the subject of a charge before the tribunal was a party shall be admitted as evidence in the same way as if the persons whose evidence appears in the transcript had given evidence in person before the tribunal. Provided that, the tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the member of clergy charged.
63. (1) Wherever a question arises under this Constitution and in the manner provided and subject to the conditions imposed by this Constitution the question is referred for determination or for an opinion to the Appellate Tribunal the tribunal shall have jurisdiction to hear and determine the same or to give its opinion as the case may require provided that if provision is not otherwise made under this Constitution for the reference of such question to the tribunal the Primate may and shall at the request of General Synod by resolution or at the written request of twenty-five members thereof or at the request by resolution of the provincial or diocesan synod affected refer the question to the tribunal which shall have jurisdiction as aforesaid.
- (2) The tribunal may direct that any synod person or class of persons or association claiming to be interested in the question shall be notified of the hearing and be entitled to appear or be represented thereat.

³³ S.62 amended by the addition of sub-sections (2) and (3) by Canon 10, 1998 as amended by Canon 8, 2001, both of which came into effect on 16 June 2003.

Chapter X. - THE CORPORATE TRUSTEES

64. (1) There shall be a body corporate to be known as "The Anglican Church of Australia Trust Corporation"³⁴ and in this section referred to as the corporate trustees.

The body corporate shall be deemed to be constituted as soon as this constitution takes effect.

- (2) The corporate trustees shall have perpetual succession and a common seal, may sue and be sued in and by their corporate name, and may acquire and hold any real and personal property or any estate or interest therein.
- (3) The corporate trustees shall consist of seven or such less number of persons as may be prescribed by canon of the General Synod, and such persons shall be elected or appointed and hold office, and may be removed therefrom, as may be prescribed by canon of the General Synod.
- (4) The corporate trustees may be appointed to be the trustees of any church trust property, whether the appointment is made by a person giving or settling property by will or otherwise or by a person entitled under the trust instrument, if any, or by law to appoint a trustee, provided that where the property is under the control of the synod of a diocese or is held exclusively for the benefit of or in connection with a diocese or any part thereof the appointment shall not be made unless the consent of the synod of the diocese is first obtained, and provided that where the property is not under such control or is not so held but is under the control of any society council board agency or authority, whether a body corporate or otherwise, the appointment shall not be made unless the consent of the society council board agency or authority is first obtained.
- (5) Nothing contained in this section or done thereunder shall remove any church trust property from the control of any diocesan synod or from the control of any such society council board agency or authority.

Chapter XI. - THE ALTERATION OF THIS CONSTITUTION

65. This Constitution shall not be altered except in accordance with the provisions of this chapter.
66. This Church takes no power under this Constitution to alter sections one, two and three and this section other than the name of this Church.

³⁴ The name of the Corporation was changed from The Church of England in Australia Trust Corporation by Canon 16, 1966 which came into effect on 24 August 1981.

67.³⁵ (1) Subject to the provisions hereinafter mentioned other sections of this Constitution may be altered by canon of General Synod subject to the following conditions:-

- (a) (i) A bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause which does not deal with or concern or affect the ritual ceremonial or discipline of this Church shall be a canon duly made if it has been passed by a vote of at least two thirds of the members of each house and it has been assented to by a majority of all dioceses of which two at least shall be metropolitan sees. For the purposes of this sub-paragraph (a)(i) a diocese shall be deemed to have assented to a bill if a majority of its lay representatives and a majority of its clerical representatives and the bishop thereof have voted in favour of its passing.
- (ii) Any other bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect until at least three quarters of the diocesan synods of this Church including all the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.
- (iii) A bill of the kind referred to in sub-paragraph (i) shall be a canon duly made and shall come into effect if it is passed and assented to in the manner prescribed by sub-paragraph (ii).

Sections 11-14, inclusive; 18-25, inclusive; 27; 32-35, inclusive; 64(1)(2) and (3); 68-70, inclusive; 75.

- (b) A bill for a canon to alter the name of this Church or the provisions of this Constitution mentioned at the foot of this clause shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect unless and until every diocesan synod of this Church has assented to it by ordinance and all such assents be in force at the same time.

Sections 64 (4) (5); 67 (1)(b).

- (c) A bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause or to add a new section to this Constitution (not being a new section that alters a provision

³⁵ S.67 repealed and a new sec. 67 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992. S.67 again repealed and a new sec. 67 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

referred to in paragraph (a) or paragraph (b) of this sub-section) shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect unless and until at least three quarters of the diocesan synods of this Church including all of the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.

Sections 4-10, inclusive; 15-17, inclusive; 26; 28-30, inclusive; 36-63, inclusive; 65; 67 (1) (a) and (c); 71-74, inclusive; the Table annexed to the Constitution.

- (2) Upon a canon to alter the Constitution being duly made in accordance with this Section and upon the President determining that there is no condition, or that no condition remains, to which the coming into effect is subject the President shall appoint a date, being not earlier than three months nor later than six months from the date upon which he so determines, on which the canon shall come into effect; the date appointed shall be notified in the Commonwealth of Australia Gazette and in the Government Gazette of each State.
- (3) Where a member of synod is administering a diocese during a vacancy in the see or during the absence or incapacity of the bishop of the diocese, the bishop shall be deemed, for the purpose of sub-paragraph (1)(a)(i), to have voted in favour of the passing of the bill if the member so administering the diocese has voted in favour of the passing of the bill.
- (4) Where:
 - (a) the only lay or clerical representative of a diocese is absent from Synod;
 - (b) one or more lay or clerical representatives are absent from the Synod and only one-half of the number of lay or clerical, as the case may be, representatives have voted in favour of the passing of the bill;

a majority of the lay or clerical, as the case may be, representatives shall be deemed, for the purpose of sub-paragraph (1)(a)(i), to have voted in favour of the passing of the bill if a majority of all the representatives of the diocese present have voted in favour of the passing of the bill.

Chapter XII. - THE OPERATION OF THIS CONSTITUTION

68. (1) This Constitution shall take effect on and from a day to be appointed in accordance with this section.

The day shall not be appointed until the Parliaments of five States have passed Acts for giving effect to this Constitution.

The day shall be appointed by a deed signed by the diocesan bishops of not less than eighteen dioceses of the Church of England in Australia and Tasmania declaring that their respective dioceses have assented to this Constitution.

The bishops signing the deed shall include at least two metropolitans.

- (2) The day appointed shall be notified in the Commonwealth Gazette by one or more of the metropolitans by whom the deed appointing the day is signed and shall also be notified in the Government Gazette of each State concerned by any one or more of the diocesan bishops by whom the deed appointing the day is signed.

A copy of the Commonwealth Gazette containing a notification of the appointed day which purports to be signed by one or more of the metropolitans shall be conclusive evidence that the day has been duly appointed in accordance with this section.

- (3) The diocesan bishops signing the deed or such of them as shall still be in office shall be a commission for convening the first session of General Synod, and notwithstanding any other provision of this Constitution the commission may do or cause to be done anything necessary or convenient for the convening and holding of the session.

The commission shall appoint the place for the session and the time which shall be not later than twelve months after the day on which this Constitution takes effect, and shall at least three months before the time for the session in such manner as the commission deems proper summon the diocesan bishops of the dioceses to which this Constitution applies, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

69. (1) Subject to all necessary parliamentary enactments this Constitution shall apply to every diocese of the Church of England in Australia and Tasmania which assents to the constitution, whether before or after this Constitution takes effect, and to every diocese formed or admitted to General Synod under this Constitution. The assent of a diocese shall be given by an ordinance of its synod or if there be no synod or diocesan council by a certificate of its bishop.

- (2) Where all the dioceses of any province so assent to this Constitution, it shall apply to the province as well as to each diocese.

If four or more dioceses of a province assent such dioceses shall constitute a province under this Constitution.

- (3) If any diocese in Australia does not assent to this Constitution such diocese shall not by reason only of that fact cease to be in fellowship or

communion with this Church or with the Church of England in the dioceses of Australia and Tasmania, but may have association with this Church on such terms and conditions as may be agreed upon by ordinance of the diocesan synod of the diocese and by canon of General Synod.

70. This Constitution and all canons and rules passed and made hereunder shall be binding on the bishops clergy and laity as members of this Church and for all purposes connected with or in any way relating to church trust property.

71. (1) Every consensual compact and every enactment in force in the Church of England in the dioceses of Australia and Tasmania, or in any province or diocese which has become or becomes a province or diocese to which this Constitution applies shall insofar as they are not inconsistent with this Constitution, continue in force in this Church or in the province or diocese, until altered under this Constitution or under the constitution of the province or diocese.

This sub-section extends to any determination rule or regulation made by the Synod known as the General Synod of the Church of England in the dioceses of Australia and Tasmania, any constitution act canon or ordinance made by the provincial synods of New South Wales, Victoria, Queensland, and Western Australia respectively, and any constitution act canon ordinance rule or regulation made by the diocesan synod of any diocese in Australia.

Nothing in this Constitution shall authorise the synod of a diocese or of a province to make any alteration in the ritual or ceremonial of this Church except in conformity with an alteration made by General Synod.

(2) The law of the Church of England including the law relating to faith ritual ceremonial or discipline applicable to and in force in the several dioceses of the Church of England in Australia and Tasmania at the date upon which this Constitution takes effect shall apply to and be in force in such dioceses of this Church unless and until the same be varied or dealt with in accordance with this Constitution.

72. Where any question arises as to the faith ritual ceremonial or discipline of this Church or as to the authorities powers rights and duties of bishops priests and deacons of this Church, or of any officer or member thereof, nothing in this Constitution shall prevent reference being made to the history of the Church of England in England to the same extent as such reference might have been made for the purposes of the Church of England in the dioceses of Australia and Tasmania immediately before the day on which this Constitution takes effect.

73. (1) In determining any question as to the faith ritual ceremonial or discipline of this Church any tribunal may take into consideration but shall not be bound to follow its previous decisions on any such questions or any decision of any judicial authority in England on any questions of the faith ritual ceremonial or discipline of the Church of England in England.

- (2) A determination of any tribunal which is inconsistent or at variance with any decision of such a judicial authority in England shall have permissive effect only and shall not be obligatory or coercive.
- (3) A determination of a provincial tribunal shall be binding upon a diocesan tribunal in the province and a determination of the Appellate Tribunal shall be binding upon the Special Tribunal the provincial tribunal and the diocesan tribunal provided however that the synod of a diocese may by ordinance direct that a diocesan tribunal shall not follow or observe a particular determination of the Appellate or provincial tribunal which has permissive effect only.
74. (1)³⁶ In the constitution unless the context or subject matter otherwise indicates -
- "Alteration" includes repeal, and "alter" and "altered" have a meaning corresponding with that of alteration.
- "Australia" includes the Commonwealth of Australia and any Territory under the control of the Commonwealth of Australia whether by trusteeship or otherwise.
- "Canonical fitness" means, as regards a person, that:
- (a) the person has attained at least 30 years of age;
 - (b) the person has been baptised; and
 - (c) the person is in priests' orders.³⁷
- "Canonical Scriptures" means the canonical books as defined by the sixth of the Thirty-nine Articles.
- "Ceremonial" includes ceremonial according to the use of this Church, and also the obligation to abide by such use.
- "Church trust property" means property held in trust for or on behalf of or for the use of this Church and includes property held for the benefit of or in connection with any diocese or parish or otherwise.
- "Diocesan bishop" means the bishop of a diocese.
- "Diocesan council" in a diocese where there is a synod means the body exercising powers and functions of the synod on its behalf when it is not in session.
- "Diocesan synod" and "synod of a diocese" include a diocesan council where there is no diocesan synod.

³⁶ Definition of "Missionary diocese" deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July, 1995.

³⁷ Definition substituted for previous definition by Canon 9, 1989 and Bill 5, 1989 which came into effect on 5 June 1995.

"Diocese" means a diocese of this Church.

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"Doctrine" means the teaching of this Church on any question of faith.

"Faith" includes the obligation to hold the faith.

"General Synod" or "Synod" means the General Synod under this Constitution.

"Incumbent" includes the minister in charge of a parish, a parochial district or similar pastoral division.³⁹

"Licence" means a licence under seal of the bishop of a diocese, and "licensed" has a meaning corresponding with that of licence.

"Member of this Church" means a baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no church which is not in communion with this Church.⁴⁰

"Metropolitan" includes the bishop exercising the authorities powers rights and duties of the metropolitan.

"Month" means a calendar month, that is, a period commencing at the beginning of a day of one of the twelve months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.⁴¹

"Ordinance" includes any act canon constitution statute legislative measure or provision of a provincial or diocesan synod or of the competent authority in or with respect to a missionary diocese.

"Parish" includes any parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese.

"Parishioner" means a member of this Church who is entitled to vote at a meeting of a parish for the election of churchwardens, or who if no such meeting is provided for is at least eighteen years of age.⁴²

³⁸ Definition "Discipline" deleted by Canon 18, 1998 which came into effect on 14 April 2003 – see new section 74 (9)

³⁹ Definition inserted by Canon 9, 1995 which came into effect 1 May 1997.

⁴⁰ Altered by Canon 12, 1985 and Bill 1, 1985 which came into effect on 1 July 1988.

⁴¹ Added by Canon 2, 1998 which came into effect on 14 May 2001

⁴² Word "eighteen" substituted for "twenty-one" by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.

"Primate" includes the metropolitan or bishop exercising the authorities powers rights and duties of the Primate.

"Printing" shall include typing, duplicating or any other method of producing facsimile copies.

"Provincial synod" includes a provincial council.

"Ritual" includes rites according to the use of this Church, and also the obligation to abide by such use.

"See" means a see of this Church.

"State" means a State of the Commonwealth of Australia.

"This Church" means the Anglican Church of Australia⁴³.

"This Constitution" or "the Constitution" means the Constitution of this Church.

"Voting by houses" means the procedure whereby three distinct votes are taken, that is to say, a vote of the House of Laity, a vote of the House of Clergy, and a vote of the House of Bishops.

- (2) In this Constitution "the Book of Common Prayer" means the Book of Common Prayer as received by the Church of England in the dioceses of Australia and Tasmania before and in the year of our Lord one thousand nine hundred and fifty-five, that is to say, the book entitled "The Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in churches and the form or manner of making ordaining and consecrating of bishops, priests and deacons," and generally known as the Book of Common Prayer 1662.
- (3) In this Constitution "the doctrine and principles of the Church of England embodied in the Book of Common Prayer" and the "articles of religion" sometimes called the "Thirty-nine Articles" means the body of such doctrine and principles.
- (4) In this Constitution, unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine.
- (5) In this Constitution "decision of any judicial authority" shall include any judgment order decree sentence or order in council and the reasons report or recommendation therefor, and "judicial authority" shall include any court judge tribunal body or person having either secular or ecclesiastical jurisdiction whether before or after the date on which this Constitution

⁴³ See Note 1 above.

takes effect, and without affecting the generality of any other provision of this Constitution it is hereby declared that "judicial authority" shall include the Court which was commonly called the High Court of Delegates, the King's Majesty in Council to which the powers of that Court were transferred, and the Judicial Committee of the Privy Council.

- (6) In the case of lay but not clerical persons words in this Constitution importing the masculine shall include the feminine.
- (7) This Constitution shall, unless the context or subject matter otherwise indicate, be construed as if the Acts Interpretation Act 1901-1948 of the Parliament of the Commonwealth of Australia applied to this Constitution.
- (8) Where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose by this Constitution or by any canon made under this Constitution, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event. Where the last day of any period prescribed or allowed for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public or bank holiday in the place in which the thing is to be done or may be done, the thing may be done on the first day following, which is not a Saturday, a Sunday or a public or bank holiday in that place.⁴⁴
- (9)⁴⁵ In this Constitution "discipline" means
 - (a) in Chapters II to VII and X to XII the obligation to adhere to, to observe and to carry out (as appropriate):
 - (i) the faith, ritual and ceremonial of this Church; and
 - (ii) the other rules of this Church which impose on the members of the clergy obligations regarding the religious and moral life of this Church; and
 - (b) in Chapter IX, as regards a person in Holy Orders licensed by the bishop of a diocese or resident in a diocese both:
 - (i) the obligations in the ordinal undertaken by that person; and
 - (ii) the ordinances in force in that diocese.

⁴⁴ Added by Canon 2, 1998, which came into effect on 14 May 2001

⁴⁵ Added by Canon 18, 1998, which came into effect on 14 April 2003

(10)⁴⁶ In this Constitution a reference to an Aboriginal person is a reference to a person of the Aboriginal race of Australia; and a reference to a Torres Strait Island person is a reference to a person who is a descendent of the indigenous inhabitants of the Torres Strait Islands.

75. This Constitution is divided into the following parts and chapters: -

Part I.

Chapter I. - FUNDAMENTAL DECLARATIONS (Sections 1-3).

Chapter II. - RULING PRINCIPLES (Sections 4-6).

Part II. - THE GOVERNMENT OF THE CHURCH

Chapter III. - OF THE BISHOPS (Sections 7-14).

Chapter IV. - OF THE GENERAL SYNOD (Sections 15-25).

Chapter V. - OF THE POWERS OF GENERAL SYNOD (Sections 26-33).

Chapter VI. - COMMITTEES, BOARDS AND COMMISSIONS (Sections 34-35).

Chapter VII. - THE PROVINCES AND PROVINCIAL SYNODS (Sections 36-42).

Chapter VIII. - THE DIOCESES AND DIOCESAN SYNODS (Sections 43-52).

Chapter IX. - THE TRIBUNALS (Sections 53-63).

Chapter X. - THE CORPORATE TRUSTEES (Section 64).

Chapter XI. - THE ALTERATION OF THIS CONSTITUTION (Sections 65-67).

Chapter XII. - THE OPERATION OF THIS CONSTITUTION (Sections 68-75).

⁴⁶ Added by Canon 16, 1998 which came into effect on 1 March 2000

A.2.1 THE CONSTITUTION OF THE PROVINCE OF QUEENSLAND¹

As amended by

The Constitution Amendment Canon 1906
The Constitution Amendment Canon (Provincial Synod), 1915
The Constitution of the Province of Queensland Amendment Canon of 1971
The Constitution of the Province of Queensland Amendment Canon of 1976
The Constitution of the Province of Queensland Amendment Canon of 1979
The Constitution of the Province of Queensland Amendment Canon of 1982
Alteration of the Constitution of the Province of Queensland Ratification Canon, 2001 [General Synod]²

Interpretation

1. In this Constitution except so far as the contrary intention appears:
 - "Canon" means a canon of the Synod of the Province;
 - "Chancellor" means the Provincial Chancellor;
 - "Church" means The Anglican Church of Australia;
 - "Diocese" means a diocese of the Church within the Province;
 - "Diocesan" means the diocesan bishop of a Diocese;
 - "General Synod" means the General Synod of the Church;
 - "Province" means the Province of Queensland;
 - "Provincial Council" means a Provincial Council established in accordance with the provisions of this Constitution;
 - "Registrar" means the Registrar of the Province;
 - "Senior Diocesan" means the bishop of a diocese most senior in time of consecration.
 - "Synod" means the Synod of the Province.

Province

2. The Province as duly constituted on the day before this Constitution comes into effect shall continue in accordance with the provisions of this Constitution.

Provincial Synod

3. The Synod shall consist of the Diocesan of each Diocese, the Chancellor and the Registrar together with such clerical and lay representatives of each Diocese as prescribed by canon of the Province. Unless or until otherwise prescribed by Canon of the Province each Diocese shall be entitled to be represented in Synod by 8 clerical and 8 lay people. The representatives of each Diocese shall be elected or appointed in such manner as the Diocese determines.

¹ Agreed to at a Conference of the Representatives of the Diocese of Brisbane, North Queensland, Rockhampton and Carpentaria, held at Brisbane on 13, 14 and 17 December 1904; assented to by all the Bishops of Australia and Tasmania; annexed to the Declaration dated 28 August 1905 certifying the formation of the Province; adhered to by resolution of the first Synod on 23 October 1906.

² All sections were repealed and new sections substituted by the *Alteration of the Constitution of the Province of Queensland Ratification Canon 2001* of General Synod [Canon 2, 2001] in force 21 July 2001.

4. Each Diocesan shall certify and transmit to the Registrar a list of the names and addresses of the clerical and lay representatives of the Diocese. In the event of any change in the representation of a Diocese its Diocesan shall certify and transmit to the Registrar a supplementary list showing the change. Any list or supplementary list so certified and received by the Registrar shall be evidence that the representatives indicated by such documentation are entitled to be such representatives.

5. (1) There shall be separate Houses of the Diocesans of the Clergy and of the Laity which shall sit together in the Synod and transact business therein and vote together unless a vote by Houses is required by not less than two-thirds of the members present in any one of the Houses.

(2) In the event of a vote by Houses being required all questions shall be put firstly to the House of Laity secondly to the House of Clergy and thirdly to the House of Diocesans and no question shall be deemed to be resolved in the affirmative by the Synod unless it is so resolved by a vote of the majority of those present in each of the Houses.

(3) A House by majority of its members voting may decide to consider separately any matter in debate whereupon further discussion on the matter shall be postponed until there has been an opportunity of such separate consideration.

6. The Metropolitan of the Province shall be the Archbishop of the Diocese of Brisbane.

7. The Registrar shall be the Registrar of the Diocese of Brisbane who shall be an ex officio member of the Synod.

8. The Metropolitan may appoint a person to be the Chancellor who shall be an ex officio member of the Synod.

9. The Synod shall elect from amongst its members a Clerical Secretary and a Lay Secretary.

10. (1) The Synod may proceed to dispatch business notwithstanding the failure of any Diocese to provide for its representation in the Synod and notwithstanding a vacancy in the office of the Metropolitan or of any of the Diocesans.

(2) No canon rule act or exercise of power of the Synod shall be invalidated by reason only of the fact that any person to be elected appointed or summoned to the Synod has not been elected appointed or summoned or by reason only of any informality with respect to the electing appointing or summoning.

11. The Metropolitan (or in his absence the Senior Diocesan present) shall be the President of the Synod and of the House of Diocesans.

12. The President may at any time during the Synod call upon another Diocesan present to preside temporarily whether or not the President is present.

13. The presence of more than one half of the members of each House (with each House having present representatives of more than one half of the Dioceses) shall be necessary to constitute a meeting of the Synod and for the exercise of its powers, provided that any number less than a quorum may adjourn the Synod from day to day.

14. The Synod shall meet at such time and place as may be determined by the Metropolitan. The Metropolitan shall convene a meeting of Synod at the request of at least two Diocesans or on a resolution of Provincial Council passed with at least a two thirds majority.

15. At least two months before any session of the Synod the President shall by mandate under his hand and seal (bearing the date upon which the mandate was signed and sealed) summon the Diocesans and require them and the clerical and lay representatives of their Dioceses to convene for the Synod session at an appointed time and place.

16. (1) The proceedings of the Synod shall be duly recorded and shall be authenticated by the signature of the President.

(2) Every canon of the Synod shall be printed in duplicate and each duplicate shall be certified as correct by the President and the Secretaries of the Synod and filed in the records of the Synod.

The Powers of Synod

17. Subject to the terms firstly hereof secondly of the Constitution and canons of General Synod and thirdly the Constitution and canons of each of the Dioceses the Synod may make canons and rules relating to the order and good government of the Church within the Province. No canon of the Synod passed thereby after this Constitution comes into effect shall be binding on a Diocese unless and until that Diocese has adopted it by ordinance.

18. The Synod may prescribe Standing Orders for its conduct including the method by which a canon of the Synod may be duly passed.

Provincial Council and Committees of Synod

19. There shall be a Provincial Council of the Province which shall be constituted in such manner and shall have such powers as are prescribed by canon of the Synod.

20. The Synod may delegate to the Provincial Council any of its powers other than the power to pass and make canons of the Synod.

21. The Synod may appoint a committee for the purpose of carrying into effect any Canon or resolution passed by the Synod.

Standing Committee

22. The Synod may elect a Standing Committee for the purpose of carrying out the instructions of Synod and for such other purpose as may be delegated to it by the Synod. The Standing Committee shall consist of the Metropolitan, the Diocesans, the Chancellor, the Registrar, the Treasurer, and 2 clerical and 2 lay representatives.

23. If the Synod at any session resolves to elect a Standing Committee, it shall proceed to such election by ballot, and the persons so elected shall continue and remain in office until their successors are appointed. The Standing Committee or a Provincial Council may fill any vacancy in the office of an elected member of the Standing Committee.

Amendment of this Constitution

24. This Constitution may be amended by canon assented to by each Diocese by ordinance subject to the provisions of the Constitution of the General Synod.

A.2.2 PROVINCIAL COUNCIL AND SYNOD REPRESENTATIVES CANON

A canon to provide for the establishment and conduct of a Provincial Council of the Province of Queensland and to determine the numbers of representatives of each Diocese at Provincial Synod.¹

Provincial Synod prescribes as follows:-

PART I - Preliminary

1. This Canon may be cited as the "Provincial Council and Synod Representatives Canon".

PART II - Provincial Council

2. The Provincial Council of the Province shall consist of its Metropolitan its Registrar its Chancellor and from each of its Dioceses the Diocesan and one half of the number of clerical and lay people that it is entitled to have as members of Synod (provided that any Diocese may determine to be represented by a fewer number). Elections, appointments and determinations concerning such representation shall be made by each Diocese in such manner as it determines.
3. Each Diocesan shall certify and transmit to the Registrar a list of the names and addresses of the clerical and lay representatives of the diocese to Provincial Council within 30 days after their election or appointment. In the event of any change in the representatives of the diocese, its Diocesan shall certify and transmit to the Registrar, a supplementary list showing the change. Any list or supplementary list so certified and received by the Registrar shall be evidence that the representatives indicated by such document are entitled to be such representatives.
4. The Metropolitan shall be the Chairman of every meeting of the Provincial Council, provided that he may appoint another person to be the Chairman for such period as he may determine. In the event of the Metropolitan not being present and not having appointed another person to be Chairman the Senior Diocesan present shall be Chairman.
5. The Provincial Council shall meet at such time and place as shall be fixed by the Metropolitan, provided that the Metropolitan shall summon the Provincial Council to meet after being requested to do so upon the written petition of not less than one third of its members.
6. The Provincial Council may by resolution decide or determine any matter within the power of the Synod but shall have no power to make and pass a canon. No resolution of the Provincial Council shall be binding on the Synod of a diocese.
7. The Provincial Council may appoint a committee for the purpose of carrying out instructions of the Council and for such other purpose as may be delegated to it by the Council.
8. The Provincial Council may prescribe Standing Orders for the conduct of its business.

PART III - Diocesan Representation at Synod

9. The Dioceses shall be entitled to be represented in Synod by the following number of representatives:

Diocese of Brisbane:	8 clerical and 8 lay people
Diocese of North Queensland:	6 clerical and 6 lay people
Diocese of the Northern Territory	2 clerical and 2 lay people
Diocese of Rockhampton:	4 clerical and 4 lay people
Any other diocese formed in the Province:	2 clerical and 2 lay people

¹ This Canon was enacted by the Canons of Provincial Synod Amendment Canon [passed 1 March 2000, in force 30 September 2001].

A.3.1 THE ANGLICAN CHURCH OF AUSTRALIA ACT OF 1895¹

[passed as The Church of England Act of 1895]

An Act to Make Better Provision for the Management of the Property and Affairs of the Church of England in Queensland.

(Assented to 30th October, 1895.)

Preamble.

Whereas by a consensual compact made by and between the Bishop, Clergy and Laity of the Church of England (then called the United Church of England and Ireland) in the Diocese of Brisbane, on the eighteenth day of June, one thousand eight hundred and sixty-eight, a Constitution was agreed to for the management and good government of the said Church in the said Diocese: And whereas the original instrument containing the said consensual compact has been lost or destroyed. And whereas by another consensual compact made by and between the Bishop, Clergy, and Laity of the said Church in the Diocese of Rockhampton on the twenty-ninth day of June, one thousand eight hundred and ninety-three, a constitution was agreed to for the management and good government of the said Church in the said last-mentioned Diocese: And whereas by Letters Patent, dated the second day of November, one thousand eight hundred and seventy, and issued under the hand of the Governor for the time being and the Seal of the Colony of Queensland by virtue of the provisions of "The Religious Educational and Charitable Institutions Act of 1861," certain persons holding and exercising certain offices in the said Church in the said Diocese of Brisbane were constituted a body corporate by the name of "The Corporation of the Synod of the Diocese of Brisbane": And whereas Acts of Parliament have from time to time been passed for the purpose of regulating the management of the property and affairs of the said Church, and it is desirable to make better provision for this purpose, and to preserve records and facilitate proof in manner hereinafter provided of consensual compacts, acts, canons, and resolutions made or passed by the Bishops, Clergy, and Laity of the said Church: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

Interpretation.

1. In this Act, unless the context otherwise indicates, the following terms have and include the meanings set against the same respectively, that is to say -

Church.

"The Church" - The branch of the Church of England in Queensland;

Diocese of Brisbane.

"The Diocese of Brisbane" - That part of the Colony of Queensland which is situated to the south of the southern boundaries of the Central District as defined in "The Real Property (Local Registries) Act of 1887," together with such other territory as may from time to time be assigned to such Diocese, or so much thereof as for the time being has not been assigned to any other Diocese;

Diocese of Rockhampton.

"The Diocese of Rockhampton" - So much of the Colony of Queensland as is situated between the twenty-second parallel of south latitude and the southern boundaries of the Central District aforesaid, together with such other territory as may from time to time be assigned to such Diocese, or so much thereof as for the time being has not been assigned to any other Diocese;

Synod.

"Synod" - The Bishop, Clergy, and Representatives of the Laity for the time being constituting the governing body for the management of the affairs of the Church in the Diocese for which such governing body is constituted in pursuance of any consensual compact;

¹ See sec. 19, footnote.

Property.

"Property" - All property real or personal, including money or securities for money.

Proof of consensual compact of the Church in the Diocese of Brisbane.

2. The constitution contained in the First Schedule to this Act shall be deemed and taken to be a true copy of the consensual compact firstly hereinbefore recited, and a copy of this Act printed by the Government Printer shall be received as sufficient evidence of the contents of such consensual compact, and of the same having been duly made by the Bishop, Clergy, and Laity of the Church in the Diocese of Brisbane.

Dissolution of old corporation and incorporation of Synod of Diocese of Brisbane as a new Corporation.

3. From and after the passing of this Act the Corporation constituted by the Letters Patent hereinbefore recited (and hereinafter called the old Corporation) shall be dissolved, and thereupon the Synod of the Diocese of Brisbane (hereinafter called "the new Corporation") shall be constituted a Corporation under the provisions of this Act by the name of "The Corporation of the Synod of the Diocese of Brisbane."

Vesting of property in new Corporation.

4. All property which at the time of the passing of this Act was vested in the old Corporation shall, from and immediately after the passing of this Act, and without any conveyance, transfer, assignment, or other assurance thereof, be vested in the new Corporation, subject however to such trusts, conditions, charges and encumbrances as the same was subject to immediately before such vesting as aforesaid.

Substitution of name of new Corporation.

5. All mortgages, liens, securities, bonds, guarantees, agreements, contracts, wills, deeds, documents, instruments, canons, and writings whatsoever relating to any property or affecting any rights or interests therein, and giving a right to or against any person, and in which the name of the old Corporation appears and which were in existence at the time of the passing of this Act shall immediately upon the passing of this Act be read and construed as if the name of the new Corporation appeared therein in the place of the name of the old Corporation, and shall operate and take effect accordingly, provided that any debtor of the old Corporation shall be entitled to set off any debt against the new Corporation which but for the passing of this Act he would have been entitled to set off against the old Corporation.

Continuance of proceedings.

6. All actions, demands, caveats, notices, or other proceedings commenced, made, entered, or given by to on behalf of or against the old Corporation previous to the passing of this Act may be prosecuted, acted upon, or otherwise dealt with by or in the name of or against the new Corporation and if such actions, caveats, notices, and other proceedings had been commenced, made, entered, or given by to on behalf of or against the new Corporation and the benefit or burden of any decree, judgment order, verdict, award, demand, caveat, notice, or proceeding to which the old Corporation was at the passing of this Act entitled or subject shall enure to or be binding upon the new Corporation.

Incorporation of Synod of Diocese of Rockhampton.

7. As soon as conveniently may be after the passing of this Act the consensual compact secondly hereinbefore recited shall be recorded under the provisions of this Act, and thereupon the Synod of the Diocese of Rockhampton shall be constituted a Corporation under the provisions of this Act by the name of "The Corporation of the Synod of the Diocese of Rockhampton."

Incorporation of Synods generally.

8. Any consensual compact, whether made before or after the passing of this Act, and in pursuance whereof a Synod other than those hereinbefore mentioned has been or may hereafter be constituted in any Diocese may at any time hereafter be recorded in manner aforesaid, and thereupon such Synod shall be constituted a Corporation under the provisions of this Act by the name of "The Corporation of the Synod of the Diocese of (name of Diocese)":

Provided that no such consensual compact shall be recorded under the provisions of this Act except in pursuance of a resolution passed by such Synod.

Powers of Synod constituted a Corporation under the provisions of this Act.

9. Every Synod constituted a Corporation under the provisions of this Act shall be a body corporate with perpetual succession and a common seal, and subject to the provisions of this Act may take, hold, lease, mortgage, charge, alienate, and otherwise deal with any property, and sue and be sued in its corporate name, and in all other respects shall have and enjoy all rights and privileges usually incidental or appertaining to a body corporate:

Provided that for the performance of any of its functions as such body corporate as aforesaid, the Synod may act by any committee, officers, persons, or other agents duly authorised in that behalf in accordance with the provisions of the constitution, acts, canons, and resolutions of the Synod for the time being in force. And any person making or permitting to be made any transfer or payment bona fide in reliance on any instrument to which the corporate seal of the Synod is affixed shall be indemnified and protected in respect of such transfer or payment notwithstanding any defect in or other circumstance affecting the execution of such instrument.

Power for Trustees to transfer property to Synod.

10. When any property is vested in any person or persons as trustee or trustees for the Church, or for the holder of any office therein in any Diocese the Synod whereof has been constituted a Corporation under the provisions of this Act, such trustee or trustees, or a majority of them, may if they think fit transfer such property to the Synod upon the trusts to which the same is subject.

Power of Bishop to execute transfer.

11. If any property which is by virtue of the next preceding section authorised to be transferred to the Synod of a Diocese cannot be so transferred by reason of any disability affecting any trustee thereof, or his absence from the Colony, or the death of a sole trustee thereof, the Bishop of the Diocese may give notice of his intention to join in executing, or to execute any transfer which such trustee could have executed if he had been alive and present in the Colony and not subject to any such disability as aforesaid.

Such notice shall be published in the "Gazette" and in some newspaper circulating in the district in which such property is situated, and if within one month from the publication of such notice no proceedings be taken by a majority of the persons in whom such property is vested, the Bishop may join in executing, or may execute such transfer accordingly.

Effect of transfer.

12. Every such transfer, as in the next two preceding sections mentioned, shall be as effectual as if the same had been duly executed by all persons in whom such property was vested immediately before the execution thereof, and shall operate as a discharge to such persons from the duties of the trust.

Trusts of property vested in Synod.

13. All property which is hereby or shall hereafter be vested in or in any manner acquired by any Synod constituted a Corporation under the provisions of this Act shall, so far as the same is subject to any express trusts created by the original donor thereof, or declared or contained in any Act of Parliament in which such property is specially mentioned, be held, managed, and dealt with by such Synod in conformity with such trusts, and shall, so far as the same is not subject to any such trusts as aforesaid, or so far as any such trusts shall not extend, be held and managed, and may be mortgaged, charged, alienated, or otherwise dealt with and disposed of in such manner as the Synod or any committee to which the Synod may delegate its functions in that behalf may from time to time direct, and all property so vested in such Synod shall, as to the management thereof, be subject to the acts, canons, and resolutions of the Synod for the time being in force and applicable thereto, and subject as aforesaid, all moneys in respect of any sale, mortgage, or lease of such property shall be applied for such purposes and generally in such manner for the benefit of the Church as the Synod or any such committee as aforesaid may from time to time direct.

Record of Acts, Canons, and Resolutions.

14. No act, canon, or resolution made or passed by any Synod constituted a Corporation under the provisions of this Act, whether before or after its incorporation, shall be effectual unless the same or a copy thereof, certified by the Bishop of the Diocese to which such Synod belongs, be recorded under the provisions of this Act within a period of three months from the date of the making or passing thereof or the incorporation of such Synod, whichever date shall last happen, but when so recorded the same shall take effect from the date of the making or passing thereof.

Mode of recording documents.

15. Any document recorded under the provisions of this Act shall be so recorded by filing the same at the office of the Supreme Court nearest to the See of the Bishop of the Diocese to which such document relates, and the Registrar of the said Court and other officers in charge of the records thereof are hereby authorised and required to file all such documents in accordance with the provisions of this Act.

Evidence of consensual compacts, acts, canons, and resolutions.

16. A copy of the whole or any part of any consensual compact, act, canon, or resolution recorded under the provisions of this Act, certified by the Registrar or other officer in charge thereof, shall be received as sufficient evidence of the contents of such consensual compact, act, canon, or resolution and of the same having been duly made or passed, and no consensual compact, act, canon, or resolution recorded under the provisions of this Act shall be held to be invalid by reason only of any irregularity or informality in the convening of the Synod by which the same purports to have been made or passed, or in the election or summoning of any member of such Synod, or by reason of the absence of any member of such Synod who may have been elected or summoned thereto.

Limitation of Act.

17. Nothing in this Act contained shall give any validity to any consensual compact, act, canon, or resolution which contravenes any law or statute now or hereafter to be in force.

And save as herein otherwise expressly provided, nothing in this Act contained shall prejudice or affect the power or authority of the Synod of any Diocese to make, pass, amend, and repeal any consensual compact, act, canon, or resolution binding on the Bishop, Clergy, and Laity of the Church in such Diocese for the enforcing of discipline in the Church, the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, the alteration of the boundaries of the Diocese, the disposal and management of the property of the Church, and the convenient and orderly regulation of the affairs and interests of the Church in matters relating to and affecting only the Church and the officers and members thereof.

Repeal.

18. The Acts specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column to such Schedule.

But such repeal shall not affect the past operation of the repealed enactments, or of any of them, or save as herein otherwise expressly provided any right which at the passing of this Act has been acquired and is being exercised under the authority thereof respectively.

Short Title.

19. This Act may be cited as "The Anglican Church Australia Act of 1895."²

FIRST SCHEDULE.CONSTITUTION.³

² Sec. 19 amended by the Anglican Church of Australia Act 1977 - the words "Church of England" omitted, and the words "Anglican Church of Australia" substituted.

³ The Constitution of the Diocese of Brisbane which was set out in the First Schedule has from time to time been amended by the Synod. For an up-to-date copy please refer to the Constitution and Canons of the Diocese of Brisbane.

SECOND SCHEDULE.

Section and No.	Title or Short Title.	Extent of Repeal.
8 Wm. IV., No. 5	An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales	The whole
21 Vic. No. 4	An Act to amend an Act passed in the eighth year of the Reign of His late Majesty King William the Fourth intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales"	The whole
53 Vic.	"The Church of England (Diocese of Brisbane) Property Act of 1889"	Sections 2, 5, 6, 7, and 8

A.3.2 THE ANGLICAN CHURCH OF AUSTRALIA ACT OF 1895 AMENDMENT ACT OF 1901¹

[passed as The Church of England Act of 1895 Amendment Act of 1901]

An Act to Amend "The Church of England Act of 1895."

(Assented to 31st December, 1901.)

Preamble

Whereas by "The Church of England Act of 1895," passed in the fifty-ninth year of the reign of Her late Majesty Queen Victoria, it was (amongst other things) enacted that all property which was thereby or should thereafter be vested in or in any manner acquired by any Synod constituted a Corporation under the provisions of that Act should, so far as the same was subject to any express trust created by the original donor thereof or declared or contained in any Act of Parliament in which such property was specifically mentioned, be held, managed, and dealt with by such Synod in conformity with such trusts, and should, so far as the same was not subject to any such trusts as aforesaid or so far as any such trusts should not extend, be held and managed and might be mortgaged, charged, alienated, or otherwise dealt with and disposed of in such manner as the Synod, or any Committee to which the Synod might delegate its functions in that behalf, might from time to time direct, and that all property so vested in such Synod should as to the management thereof be subject to the acts, canons, and resolutions of the Synod for the time being in force and applicable thereto, and that, subject as aforesaid, all moneys in respect of any sale, mortgage, or lease of such property should be applied for such purposes, and generally in such manner for the benefit of the Church, as the Synod or any such Committee as aforesaid might from time to time direct: And whereas divers lands have been and other lands may hereafter be vested in or acquired by Synods constituted Corporations under the provisions of the said Act upon trust for Church of England purposes, and for no other purposes whatsoever: And whereas doubts have arisen as to the powers exercisable by such Synods in respect of lands held by them upon such trusts as last aforesaid, and it is expedient to remove such doubts and to declare more particularly the powers exercisable by such Synods in respect of such lands as aforesaid: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

Short Title and construction.

1. This Act may be cited as "The Anglican Church of Australia Act of 1895 Amendment Act of 1901," and shall be read and construed with and as an amendment of "The Anglican Church of Australia Act of 1895" (hereinafter called the Principal Act); and the Principal Act and this Act may together be cited as "The Anglican Church of Australia Acts, 1895 to 1901."²

Declaration of Synod's powers with reference to lands held on trust for Church of England purposes and no other purposes whatsoever.

2. It is hereby declared that it shall be and shall be deemed to have always been lawful for any Synod constituted a Corporation under the provisions of the Principal Act to sell, mortgage, and lease, in such manner as the Synod, or any Committee to which the Synod may have delegated its functions in that behalf, may from time to time direct, or may from time to time have directed, any lands for the time being vested in the Synod upon trust for Church of England purposes, and for no other purposes whatsoever:

Provided that nothing in this section shall be construed to confer upon any Synod any further or other power to sell the lands specified in the Schedule hereto than could have been exercised by such Synod if this Act had not been passed.

¹ See sec. 1, footnote.

² Sec. 1 amended by the Anglican Church of Australia Act 1977 - the words "Church of England" omitted where three times occurring, and the words "Anglican Church of Australia" substituted in each case.

Application of moneys arising from sales, mortgages, or leases.

3. All moneys arising from any sale, mortgage, or lease hereby declared to be lawful shall and may be applied, and shall be deemed to have always been applicable, for such Church of England purposes as the Synod or any such Committee as aforesaid may from time to time direct or may from time to time have directed, and for no other purposes whatsoever.

THE SCHEDULE ABOVE REFERRED TO.

That piece of land in the county of Stanley, parish of South Brisbane and City of Brisbane, containing by admeasurement one acre three roods eight perches more or less, and known as allotments 1, 2, 3, 16, 17, 18, 19, and 20 of section 14.

A.3.3 THE ANGLICAN CHURCH OF AUSTRALIA CONSTITUTION ACT OF 1961¹

[passed as The Church of England in Australia Constitution Act of 1961]

An Act to give Legal Force and Effect within the State of Queensland to the Provisions of the Constitution of the Church of England in Australia contained in the First Schedule hereto; and for other purposes connected with or incidental to the above object.

(Assented to 4th April, 1961.)

Preamble

Whereas by Canons duly passed by the Synods of the several Dioceses of the Church of England in the State of Queensland and by the Synod of the Diocese of Carpentaria which lies partly within the State of Queensland such Dioceses have assented to a Constitution for the Church of England in Australia being the Constitution approved by the General Synod of the Church of England in Australia and Tasmania at its meeting held in Sydney on the sixth day of October, one thousand nine hundred and fifty-five, for submission to the Dioceses of the said Church:

And Whereas the said Constitution provides that it shall take effect on a day to be appointed by a deed signed by the Diocesan Bishops of not less than eighteen Dioceses of the Church of England in Australia and Tasmania including two Metropolitans declaring that their respective Dioceses have assented to the Constitution and that such day shall not be appointed until the Parliaments of five States of the Commonwealth of Australia have passed Acts for giving effect to the said Constitution:

And Whereas not less than eighteen of the said Dioceses including not less than two Metropolitan Dioceses have duly assented to the said Constitution:

And Whereas legal force and effect cannot be given to the said Constitution without the aid of the legislature as hereinafter provided:

And Whereas the said Constitution so approved and assented to is set forth in the First Schedule to this Act:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

Short title.

1. This Act may be cited as "*The Anglican Church of Australia Constitution Act of 1961.*"²

Constitution to have legal force and effect. [1st Sch.]

2. The several articles and provisions of the Constitution contained in the First Schedule to this Act (hereinafter called the Constitution) and any Canons and Rules to be made under or by virtue or in pursuance thereof are and as provided in the Constitution shall be for all purposes connected with or in any way relating to the property of the Church of England in Australia binding on the Bishops, Clergy and Laity as Members of the Church of England in Australia in those Dioceses of the Church of England which are within the State of Queensland and in that part of the Diocese of Carpentaria which is within the State of Queensland.

Interpretation.

3. Any Canon or Rule made under or by virtue or in pursuance of the said Canon which contravenes any law or statute in force for the time being in the said State, shall to the extent of any such contravention be incapable of having any force or effect.

¹ See sec. 1, footnote.

² Sec. 1 amended by the Anglican Church of Australia Act 1977 - the words "Church of England in" omitted, and the words "Anglican Church of" substituted.

Inconsistency with certain Acts. [2nd Sch.]

4. Any provision of any Acts set forth in the Second Schedule hereto which is inconsistent with the provisions of this Act and the Constitution shall to the extent of such inconsistency be inoperative in those Dioceses of the Church of England and that part of the Diocese of Carpentaria mentioned in section two of this Act;

Provided that this section shall not prejudice or affect the previous operation of the said Acts or of any of them, or any proceeding, matter or thing lawfully done or suffered under the said Acts or any of them, or under any of them before this Act comes into operation.

Certain Acts to continue to apply.

5. Subject to this Act and the Constitution set out in the First Schedule hereto the Acts set forth in the Second Schedule hereto shall continue to apply to Church Property within the meaning of those Acts, and in the said Acts all references to the Church of England or United Church of England and Ireland or any other words meaning the Church of England or United Church of England and Ireland shall include the Church of England in Australia in all the said Dioceses in the said State and in the said part of the said Diocese of Carpentaria.

References to Church of England, how construed.

6. The Acts set forth in the Second Schedule hereto and all other Acts and Statutes and all grants, deeds, wills and other instruments, and all Canons, Ordinance and Rules of the Synods of the said Dioceses in force and existence at the date when the Constitution shall in respect of such Dioceses take effect, shall be read and construed as if the name Church of England in Australia were substituted for the name Church of England or United Church of England and Ireland or for any other words meaning the Church of England or the United Church of England and Ireland.

Oaths of ecclesiastical office.

7. It shall be lawful for any Bishop, Commissary, Administrator, Chancellor, Archdeacon or Registrar holding office in any Diocese of the Church of England in Australia to administer to any Bishop, Clergyman or members of the said Church the oath or oaths customarily used heretofore at the ordaining of deacons or priests, consecration or enthronement of Bishops, institution of Clergy to a cure of souls in a parish or other ecclesiastical district, installation, induction or collation to any office on the grant of any licence in the said Church in the State of Queensland and it shall be lawful for such persons to take or make such oath or oaths.

Taking of evidence upon oath.

8. For the purpose of securing the attendance of witnesses and the production of documents, and for the examination of witnesses on oath or otherwise, a tribunal mentioned in chapter nine of the Constitution shall be deemed to be an arbitrator within the meaning of the "*Interdict Act of 1867*," and shall have power to administer an oath to, or take an affirmation from, a witness, and for the same purpose any party to a proceeding before such a tribunal or any person permitted by any such tribunal to submit any evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of the said Act.

Commencement of this Act.

9. This Act other than this section shall commence upon a day to be appointed by Proclamation of the Governor in Council published in the *Government Gazette*. The day so to be appointed shall be the day appointed and notified in the *Commonwealth Gazette* in accordance with section sixty-eight of the Constitution.

A copy of the Commonwealth *Gazette* containing a notification of the appointed day which purports to be signed by one or more of the Metropolitans referred to in the Constitution shall be conclusive evidence that the day has been duly appointed in accordance with section sixty-eight of the Constitution.

THE FIRST SCHEDULE

[s. 5.]

THE CONSTITUTION
PART I.
CHAPTER I. - FUNDAMENTAL DECLARATIONS.
etc.

THE SECOND SCHEDULE

[s. 6.]

"The Ipswich Church of England School Land Lease Act" (41 Vic.)
"The Fortitude Valley Parsonage Land Sale Act of 1877" (41 Vic.)
"The Church of England (Diocese of Brisbane) Property Act of 1889" (53 Vic.)
"The Brisbane Leichhardt-street School and the Warwick Rectory and Glebe Property Act of 1892" (56 Vic.)
"The Church of England Act of 1895" (59 Vic., No. 15)
"The Church of England Act of 1895 Amendment Act of 1901" (1 Edw. VII., No. 21)
"The Bishopsbourne Estate and See Endowment Trusts Act of 1898" (62 Vic.)
"The Bishopsbourne Estate Act of 1900" (64 Vic., No. 33)
"The All Saints Church Lands Act of 1924" (15 Geo. V., No. 23)
"The William Mitchner Estate Enabling Act" (6 Geo. VI.)
"The All Saints Church Lands Act of 1960" (9 Eliz. II., No. 21).

A.3.4. ANGLICAN CHURCH OF AUSTRALIA ACT 1977

An Act to change to "Anglican Church of Australia" the name of the Church of England in Australia
(Assented to 5th April, 1977)

Preamble. Whereas the Constitution of the Church of England in Australia provides, in Chapter XI, for alteration thereof provided such alteration is made in accordance with the provisions of that chapter:

And Whereas the provisions of the said chapter have been complied with to give effect to an alteration of the Constitution changing to "Anglican Church of Australia" the name of the Church of England in Australia:

And whereas it is desirable that legislative recognition be given to the said change of name and that legislative provision be made therefor accordingly:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

1. Short title. This Act may be cited as the *Anglican Church of Australia Act 1977*.

2. Commencement. (1) This section and section 1 shall commence on the day on which this Act is assented to by the Governor for and on behalf of Her Majesty.

(2) Except as provided in subsection (1), this Act shall commence on such day as is, on the recommendation of the Primate of the Church of England in Australia, fixed by Proclamation.

3. Change of name. The name of the Church of England in Australia referred to in *The Church of England in Australia Constitution Act of 1961* is hereby changed to "Anglican Church of Australia".

4. Construction of laws of the State, laws of the Church, and instruments. On and from the day fixed by Proclamation pursuant to section 2 (2), a reference, however expressed, to the Church of England or to the Church of England in Australia in -

- (a) the Acts specified in Schedule 1 and any other Acts in force immediately before that day;
- (b) instruments made under Acts and so in force;
- (c) Church Canons of the General Synod of the Church of England in Australia so in force;
- (d) Church Ordinances (within the meaning of section 74 of the Constitution of the Church of England in Australia) of a Provincial or Diocesan Synod of the Church so in force;
- (e) Church Rules and Regulations made by the authority of those Canons and Ordinances and so in force;
- (f) grants, deeds, wills and other instruments having effect on and after that day,

shall be construed as a reference to the Anglican Church of Australia.

5. Savings. (1) This Act does not prejudice or affect the continuity of any corporation or any property, rights, authorities, duties, functions or obligations of any corporation.

(2) Any legal proceedings that immediately before the day fixed by Proclamation pursuant to section 2 (2) had been, or could have been, commenced or continued by or against any corporation of which the name is changed by this Act may be commenced or continued by or against the corporation under the new name of the corporation.

6. Amendment of certain Acts. Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite the particular Act in Column 2 of that Schedule.

SCHEDULE 1

[s. 4]

The Church of England (Diocese of Brisbane) Property Act of 1889 (53 Vic.)

The Church of England Act of 1895 (59 Vic. No. 15)

The Bishopsbourne Estate and See Endowment Trusts Act of 1898 (62 Vic.)

The Bishopsbourne Estate Act of 1900 (64 Vic. No. 33)

The Church of England Act of 1895 Amendment Act of 1901 (1 Edw. VII. No. 21)

The All Saints Church Lands Act of 1924 (15 Geo. V. No. 23)

The All Saints Church Lands Act of 1960 (9 Eliz. II. No. 21).

The Church of England in Australia Constitution Act of 1961 (10 Eliz. II. No. 17)

SCHEDULE 2

[s. 6]

Column 1	Column 2
<i>The Church of England (Diocese of Brisbane) Property Act of 1889</i>	Section 12- Omit the words "Church of England" and substitute the words "Anglican Church of Australia".
<i>The Church of England Act of 1895</i>	Section 19- Omit the words "Church of England" and substitute the words "Anglican Church of Australia".
<i>The Church of England Act of 1895 Amendment Act of 1901</i>	Section 1- Omit the words "Church of England" where three times occurring and substitute in each case the words "Anglican Church of Australia".
<i>The Church of England in Australia Constitution Act of 1961</i>	Section 1- Omit the words "Church of England in" and substitute the words "Anglican Church of".

A.3.5 PROCLAMATION OF CHANGE OF NAME TO ANGLICAN CHURCH OF AUSTRALIA

18 April, 1981]

1437

QUEENSLAND GOVERNMENT GAZETTE, No. 66

A PROCLAMATION

By His Excellency Commodore Sir JAMES MAXWELL RAMSAY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Decoration of the Distinguished Service Cross, and Commodore in the Royal Australian Navy (Retired), Governor in and over the State of Queensland and its Dependencies in the Commonwealth of Australia.

[L.S.]

J. M. RAMSAY,
Governor.

I, Sir JAMES MAXWELL RAMSAY, the Governor aforesaid, acting by and with the advice of the Executive Council and in pursuance of the provisions of section 2 (2) of the *Anglican Church of Australia Act 1977*, do, by this my Proclamation, appoint the Twenty-fourth day of August, 1981, as the day on which the *Anglican Church of Australia Act 1977*, shall come into operation.

Given under my Hand and Seal at Government House, Brisbane, this sixteenth day of April, in the year of our Lord one thousand nine hundred and eighty-one, and in the thirtieth year of Her Majesty's reign.

By Command,

SAM S. DOUMANY.

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GOD SAVE THE QUEEN!

A.4 COMMITTEES OF THE DIOCESE

A.4 The Diocesan structures, reflecting the areas of administration, education, care services, chaplaincy services and other similar organisations are set out towards the end of Volume II of the Year Book, where they are updated annually.

A.5 DIOCESAN CONTACTS

A.5 Contact details for Diocesan staff and Commissions are set out towards the end of Volume II of the Year Book, where they are updated annually.

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B.1 PRAYER BOOKS AND BIBLES

The Book of Common Prayer (B.C.P.)

B.1.1. The B.C.P. of 1662, together with the Thirty-Nine Articles, are the authorised standard of worship and doctrine in this Church.¹

A Prayer Book for Australia (A.P.B.A.)

B.1.2. A.P.B.A. was approved by General Synod in July 1995, and by the Synod of this Diocese in June 1996. It is available for use in parishes if at an Annual Meeting of Parishioners, or at a Special Meeting convened for the purpose, a majority of those Parishioners who are Electors present and voting at the meeting assent to its use (see following sections “Permission for variations”).

B.1.3. It is generally expected that A.P.B.A. will become the norm in the majority of Parishes, who will use it for their Sunday worship, weekday offices and celebrations, and occasional services.

B.1.4. A.P.B.A. is copyright and permission to reproduce any part of the book must be obtained from the publisher. Further information regarding copyright of A.P.B.A. is available in Section C.15 of this Handbook.

An Australian Prayer Book (A.A.P.B.)

B.1.5. A.A.P.B. has been the norm for liturgical use within the Diocese for a number of years, and it is expected that some Parishes may continue to use it for some services; but as with the B.C.P. this is not encouraged.

B.1.6. A.A.P.B. is copyright and permission to reproduce any part of the book must be obtained from the publishers. Further information regarding copyright of A.A.P.B. is available in Section C.15 of this Handbook.

Permission for variations

B.1.7. Section 4 of the Constitution of the Anglican Church of Australia provides for permission for variations from the existing Order of Service provided no principle of doctrine or worship is contravened. The Archbishop may at his discretion permit deviations which are applied for by the Parish Priest and a majority of parishioners present and voting at a meeting of parishioners duly convened for the purpose and who shall signify assent to such proposed variations.

B.1.8. A meeting for this purpose can conveniently be called after the principal service on a Sunday or immediately prior to a Parish Council meeting. The meeting is an opportunity not only to obtain the required assent but also to acquaint the parishioners with the reasons for such variations or liturgical experiments.

¹ Constitution of the Anglican Church of Australia

B.1.9. The Archbishop has set up a Liturgical Advisory Committee, which is available for guidance on liturgical matters and may be consulted at any time. Creative liturgy is always encouraged. These are to be used within the framework of authorised liturgies.

B.1.10. From time to time the Archbishop may give general authorisation within the Diocese for particular liturgical experimentation recommended by the Liturgical Commission or by his Liturgical Advisory Committee.

B.1.11. When such general authorisation is given, it is on the understanding that the reactions of the clergy and people to this experimentation will be communicated to the Chairman of the Liturgical Advisory Committee.

B.1.12. The alternative tables of lessons agreed to by General Synod in 1985 are permitted to be used in the Diocese.

Translations of the Bible for use in services

B.1.13. The following translations of the Bible are authorised for use in the services of the Church –

- (a) New Revised Standard Version;
- (b) New International Version;
- (c) Jerusalem Bible;
- (d) New English Bible;
- (e) Revised English Bible; and
- (f) Revised Standard Version.

B.1.14. The preferred text is the New Revised Standard Version, and the Archbishop's Liturgical Advisory Committee encourages its use for the following reasons –

- (a) the approach to inclusive language is positive without doing the original text a disservice;
- (b) it is the study text for theological course providers endorsed by the Diocese;
- (c) it is a translation, not a paraphrase; and
- (d) the style is dignified.

B.1.15. Where versions other than the New RSV are used, readers should be sensitive to the need to avoid non-inclusive language where this can be done. Other modern translations can be used with the Bishop's permission.

Parishes Regulation Canon

B.1.16. Attention is drawn to the following sections of the *Parishes Regulation Canon*:

- (a) Section 10 (Use of churches) - limitations on the purposes for which a church may be used;
- (b) Section 11 (No person to officiate or preach without permission); and
- (c) Section 64 (Parish Priest in control of worship).

B.2 BAPTISM

Who may baptise

B.2.1. Holy Baptism should normally be administered by a member of the clergy in priest's orders. A deacon is permitted to baptise only when a priest is not available and the baptism needs to be conducted as a matter of urgency. In extreme urgency, Holy Baptism may be administered by a lay person.

B.2.2. In the event of there being an important pastoral reason for a Deacon baptising outside of emergency circumstances, permission in writing must be sought from the Archbishop, who may exercise his discretion from time to time.

Where

B.2.3. Except in the case of urgent necessity, Baptism shall not be administered in private houses, but only in church. However, Baptism may take place at a district homestead service in a country parish, when the worshipping congregation is present.

When

B.2.4. Whenever possible, Baptism should be administered on a Sunday or Holy Day, and at a public service, so that a large number of people may testify to the reception of the baptised person into the Church and be reminded of their own profession in Baptism; but children may, if necessary, be baptised on any other day.

B.2.5. If, because of the great number of baptisms to be performed, or for some other good reason, it is not convenient to administer Baptism at the times laid down in A Prayer Book for Australia (A.P.B.A.) or at one of the recognised services of public worship, it is suggested that a particular time on a Sunday each month be set apart for the administration of Baptism, so that, by this means, there will always be a number of persons present, as the Prayer Book obviously intends there should be.

How

B.2.6. The rubrics and notes in A.P.B.A. and in An Australian Prayer Book (A.A.P.B.) give the necessary information as to how the Baptism is to be incorporated into the service of Morning or Evening Prayer or Holy Communion, and also the procedure to be followed when the order for Baptism is used apart from the public service on Sundays.

Refusal to baptise

B.2.7. Should a member of the clergy for any reason whatever refuse to baptise a child when requested to do so, that member of the clergy shall at once advise the Archbishop or Regional Bishop of such decision and the reasons for it.

Godparents and sponsors

B.2.8. For every child to be baptised there shall be three Godparents of whom two shall be of the same sex as the child; save that, when three cannot conveniently be had, one Godfather

and one Godmother shall suffice. Parents may be sponsors for their own children provided that the child has at least one other Godparent.

B.2.9. No person shall be admitted to be a Sponsor or Godparent who has not been baptised, nor any person who is under ecclesiastical censure or who is a minor.

B.2.10. The clergy shall encourage parents to choose as Godparents persons who will faithfully fulfil their responsibilities both by their care for the children committed to their charge and by the example of their own godly living. The Godparents ideally should be persons who have been confirmed. The clergy may use their discretion about accepting as Godparents those who have not been confirmed, but should do their best to ensure that one at least has been confirmed.

B.2.11. There is nothing to prevent there being more than three Godparents for a child.

Pastoral preparation and follow-up

B.2.12. Due notice shall be given before a child is brought to the Church to be baptised.

B.2.13. Opportunities should be taken to see parents and Godparents and to explain the meaning of the service and the obligations involved. (Refer A.A.P.B. page 518 para. 4).

B.2.14. Everything possible should be done to maintain contact with the homes to encourage children to attend public worship and to receive instruction as soon as they are old enough to do so.

B.2.15. It is right that clergy should do everything possible to offer and provide adequate preparation for parents and Godparents and to assure, as far as is possible, that the child baptised shall have a Christian upbringing.

Adult baptism

B.2.16. Where adults are to be presented for Baptism, the notes on page 70 of A.P.B.A. or on page 526 of A.A.P.B. apply.

B.2.17. Where possible, baptism and confirmation should take place at the same service, both being conducted by the Bishop. Where it is not possible for the Bishop to be present and the candidate has been adequately prepared for Baptism and Confirmation, the Baptism may take place and, if the Bishop gives consent, the candidate admitted to Communion. The candidate should then be presented for Confirmation at the earliest opportunity.

Registration

B.2.18. The Parish Priest of every Parish is to keep a Register of the public and private Baptisms performed in the Parish, and must be most diligent to see that all such Baptisms publicly or privately administered are fully entered (refer *Parishes Regulation Canon*, sec. 67(1)(a)). A certificate should be given to the person or the person's family - various forms of certificate are available from Christian bookshops.

No fee

B.2.19. No fee or thank offering may under any circumstances be required of any person or Godparents in connection with Baptism.

Baptism cannot be repeated

B.2.20. Baptism is by its very nature a sacrament which cannot be repeated. Where people who have been baptised other than in the Anglican Church seek the ministry of this church for Confirmation, Marriage or Holy Communion, the following procedure shall apply.

B.2.21. For those who have been canonically baptised in a church which is recognised by this church as holding the Catholic Faith, that baptism is accepted and no “re-baptism” can take place (e.g. Orthodox, Roman Catholic, Uniting, Lutheran).

B.2.22. For those who have been baptised by one of the “fringe sects”, conditional Baptism may be advisable. (Refer A.A.P.B., pages 506 & 517).

B.2.23. Baptism in a non-Christian sect (e.g. Jehovah’s Witnesses) is not recognised and Baptism must take place in the usual way.

B.2.24. Where there is any doubt in any of the above situations, the matter shall be referred to the Regional Bishop for direction.

Baptism in an emergency

B.2.25. (Refer A.P.B.A. page 71.) When Baptism is administered elsewhere than at Church for reasons of emergency [e.g. in hospital] the other ceremonies associated with Baptism should be supplied as soon as possible at Church. This requires the use of the usual service of Baptism, omitting the pouring of water. A word of explanation to the congregation would usually be given. Where possible and as soon as practicable, the baptised person should come or be brought to church, there to be welcomed by the congregation.

B.2.26. Care should be taken to enter the Baptism in the Register kept at the hospital, etc. if there is such a Register, and in the Register of the Parish.

B.2.27. Where these persons baptised are of an age to be confirmed [and so to take the vows themselves], the usual preparation should be undertaken and the other provisions set out above apply.

Catechumenate

B.2.28. The process described as the “Catechumenate” has been introduced into the Diocese, as part of a long-term program. Parishes are urged to participate in this program. What is set out above in this Part relating to the preparation and the continuing nurture of persons who are baptised should be modified where necessary so as to integrate with the catechumenal process.

B.3 ADMISSION OF CHILDREN TO HOLY COMMUNION

Preamble

B.3.1. The Scriptures and the Prayer Books make it clear that the two sacraments that are generally necessary for salvation, Baptism and Holy Communion, are organically related - Baptism is initiation into the life of the eucharistic community.

B.3.2. From the 13th century it became customary to require Confirmation prior to admitting children to Communion. This mediaeval practice then passed into the Book of Common Prayer.

B.3.3. The General Synod *Canon for the admission of children to Holy Communion* [No. 6 of 1985] provides us with the opportunity of once more linking these two sacraments, while at the same time continuing adult affirmation of faith in Confirmation, and in association with the Laying on of Hands.

Preliminary

B.3.4. The principles involved in admitting children to Holy Communion prior to Confirmation should be fully explained and discussed amongst parishioners.

Age

B.3.5. For children to be admitted to Holy Communion before Confirmation please refer to the General Synod website <http://www.anglican.org.au/governance> to view Canon 6, 1985 *Canon for the Admission of Children to Holy Communion*.

B.3.6. A child should not be admitted to Holy Communion unless the child is to be regular in worship, and is to be involved in a continuing program of Christian education, leading to Confirmation in due course.

Preparation

B.3.7. Parents should approach the Parish Priest to arrange for the necessary preparation when their children themselves have expressed a desire to receive the Sacrament. At this time the child's baptismal certificate must be produced.

B.3.8. A program of preparation involving the child, parents and Parish Priest, should take place. It may be appropriate for pastoral assistants or other responsible parishioners to assist the priest. It will be best if such training can be given to individual families in their own homes.

B.3.9. Where there is no communicant parent, another suitable communicant in the parish must be sponsor, with the parents' consent.

Admission

B.3.10. There should be a short para-liturgical rite of admission, and children should be welcomed warmly at the time of their first communion. All those admitted shall be recorded in the parish register kept for that purpose. (Refer *Parishes Regulation Canon*, sec. 67(1)(b)).

B.3.11. It is preferable for the Bishop not to be present at admission to Communion. When first communions take place at the time of an Episcopal visit, it is appropriate for the Bishop to extend a welcome to the new communicants on behalf of the Diocese.

Reaffirmation of baptism vows

B.3.12. Each year every parish in the Diocese is called to celebrate the reaffirmation of Baptismal vows for the whole congregation. This should take place at Easter or as part of the Bishop's visit to the parish or on some other significant day. It will be very important to ensure that children admitted to communion are able to participate in this annual event and in the preparation sessions for it at their own level of understanding.

Pastoral care

B.3.13. The priest and people of each participating parish should make provision for –

- (a) receiving and commending children when parents move from one parish to another;
- (b) preparing baptised communicants for Confirmation as an expression of their mature commitment; the normal requirement for children admitted to communion is that on reaching adulthood they should be confirmed, and the priest shall bring this expectation to the notice of the regular worshipping congregation;
- (c) deciding how young children who express a wish to receive Communion but who have not been baptised may best be prepared for Baptism and at what stage they may most appropriately be baptised.

B.4 CONFIRMATION

Age of Candidates

B.4.1. Since Confirmation is increasingly seen as a sacrament of commissioning of mature Christian commitment, the mature age of candidates is important. The age of 15 years is a normal ‘minimum’, and attention is drawn to the Archbishop’s guidelines on the Admission of Children to Holy Communion before Confirmation, set out in section B.3 of this Handbook.

Registration

B.4.2. A “List of Candidates Presented for Confirmation”, showing name, age, address and details of baptism, should be prepared on the prescribed form in triplicate. One copy should be forwarded to the confirming Bishop at least one month prior to the date of the administration of the sacrament of Confirmation, for the Bishop’s information and prayer. After signature by the confirming Bishop and the Priest who has prepared the candidates, one of the remaining two copies is retained by the Bishop, and the original is filed in the records of the Parish. This second copy should be filed in a suitable binder to serve as the parish’s Confirmation Register. (Refer *Parishes Regulation Canon* sec. 67(1)(c)).

B.4.3. A certificate of confirmation will be given to each person confirmed – the confirming Bishop will sign these certificates. The certificates should be prepared by the presenting Priest and be available for signing by the Bishop before the service.

Form of service

B.4.4. The Confirmation Service in A.P.B.A. beginning at page 84 is the normal form of service as a rite complete in itself. If there are candidates to be baptised and confirmed, the normal form of service will be that beginning on page 51 of A.P.B.A. If the rite is for Confirmation in the context of the Eucharist but without Baptism, the normal form will be A.P.B.A. pages 84-91 followed by pages 63-69.

B.4.5. Decisions about the following should be made by the presenting Priest in consultation with the confirming Bishop, in good time before the day of the service –

- (a) the time for the Bishop to meet with the candidates;
- (b) the form of service;
- (c) the choice of lessons;
- (d) the liturgical colour;
- (e) the manner of bringing the candidates forward to the Bishop (i.e. singly, in pairs, or one row at a time) and the role of the sponsors.

Bishop to meet candidates

B.4.6. The Bishop will normally wish to meet the candidates, and if convenient, with their families, before the service.

Dress

B.4.7. Candidates are required to dress neatly and simply.

Seating of candidates

B.4.8. Candidates should be seated with their families. They should be able easily to come out of the pew to be confirmed.

Notices

B.4.9. Notices should be avoided during the service.

Catechumenate

B.4.10. The process described as the “Catechumenate” has been introduced into the Diocese. Parishes are urged to participate in this program. The preparation and continuing nurture of persons who are confirmed should integrate as far as possible with the catechumenate process.

B.4A RECEPTION INTO COMMUNICANT MEMBERSHIP

Authority

B.4A.1. The *General Synod Reception Canon of 1981* authorises the Reception into Communicant Membership of the Anglican Church of Australia of baptised persons who were formerly communicant members of other churches.

B.4A.2. This Canon states that:

“When a person who has been baptised and who is or was a communicant member of another church which holds the apostolic faith, but which is not in full communion with this church, desires to become a communicant member of this church, the priest, being assured that such is his/her desire, shall after due preparation present that person to the Bishop at the time of confirmation or some other time. The Bishop may receive/welcome him/her into communicant membership of this church, laying hands on him/her with prayer for the strengthening of the Holy Spirit, using the form of service in APBA (pages 96 – 97)”.

B.4A.3. The Canon goes on to say that “a person received into communicant membership in accordance with this Canon shall have the same status in this church as a person who has been confirmed in accordance with the rites of this church”.

B.4A.4. The Canon requires that the Bishop be the minister of this rite.

Registration

B.4A.5. The details of candidates presented for reception will be listed on a form available for this purpose and the completed form will be given to the Bishop at the time of the reception.

B.4A.6. Persons who are received into communicant membership in accordance with this rite shall be recorded in the Confirmation Register of the church under a separate heading “Reception into Communicant Membership”.

B.4A.7. Persons who are received in this way shall be given a Certificate of Reception into Communicant Membership. Such Certificates will be signed by the Bishop who officiates.

B.5 THE HOLY COMMUNION

Cleanliness

B.5.1. All clergy are to take care that everything used in the administration of the Holy Communion is kept at a high standard.

B.5.2. The chalice, paten and other vessels are to be kept clean at all times. Fingerprints and other stains should be carefully removed. After cleaning, silver should be rinsed in very hot water and dried carefully before use. As a protection against infection, chalices should be made of a precious metal or plated with a precious metal, and not of a porous material.

B.5.3. The fair linen cloth on the altar, the corporal, the purificator and other linens are to be spotlessly clean.

B.5.4. The vestments of the clergy and liturgical assistants - alb, surplice, etc., are to be kept clean and tidy. Periodic dry-cleaning of vestments is essential.

B.5.5. The clergy and liturgical assistants should be careful of their own appearance and demeanour. Hands should be thoroughly washed before celebrating the Holy Communion.

Sickness or other disability

B.5.6. It is important that our Lord's command, that all should partake of the new covenant in his blood, be carried out. Therefore communion in both kinds is the norm, except where special provision is approved (e.g. alcoholics).

B.5.7. Where because of sickness such as lip or throat infections or other disabilities it is inconvenient for a communicant to receive the chalice, the wafer may be intincted with a small drop of wine, and both kinds received together; but this is not to be encouraged as a general practice.

B.5.8. When the sacrament is to be taken to people in hospital or similar situations, if a small drop of wine is placed on the bread and allowed quickly to dry, it can then be taken easily and reverently to the communicant. Permission is also given in such circumstances to administer in one kind, i.e. the consecrated bread only.

B.5.9. If there is to be a delay after the celebration of the Holy Communion before the sacrament can be taken to the hospital or private home, then it is to be kept carefully and reverently in the tabernacle or aumbry, or such place as the Archbishop shall direct.

Other denominations

B.5.10. When Christians of other denominations attend an Anglican service of Holy Communion they may be invited to share in the sacrament provided that they are baptised and communicant members in good standing in their own church. An appropriate invitation would be as follows: "An invitation to receive Holy Communion is extended to all baptised and communicant members of other churches professing the Apostolic faith."

B.5.11. If the arrangement is to become "permanent" they should be received into the Anglican Church as full communicant members in the appropriate way.

B.5.12. When Anglicans attend a church of another denomination which holds the catholic faith and when for reasons similar to those above they wish to receive communion, they may do so provided that –

- (a) they know they are welcome to do so, and
- (b) they feel free in their own conscience to do so.

B.5.13. Any uncertainty on the above matters should be referred to the Archbishop for further advice or for his direction.

Ex-communication

B.5.14. To refuse communion to a member of the church is a serious matter and before any action is taken such as that in the preface to the Holy Communion service in the B.C.P., the matter shall be referred to the Archbishop for his direction.

The wine for the Holy Communion

B.5.15. Alcoholic wine and bread made from wheat flour are the traditional and normative elements used for the Holy Communion. Clergy may apply to the regional Bishop to provide approved alternatives to meet individuals' pastoral needs where individuals within a congregation have medical conditions necessitating the use of alternatives.

The use of more than one cup

B.5.16. More than one chalice (or cup) may be used at the Holy Communion, but only so far as necessary because of substantial numbers of communicants, the primary intention being that all will share in the one cup.

Replenishing the Consecrated Elements

B.5.17. Attention is drawn to the rubrics (A.P.B.A. p.113 para. 27 or A.A.P.B. p. 127 para. 30, and p. 155 note 13) as to the procedure to be taken where the consecrated bread and/or wine is insufficient for the communion of the people.

B.5.18. Under no circumstances may unconsecrated bread or wine be administered to the people.

Parishes Regulation Canon

B.5.19. Attention is drawn to the following section of the *Parishes Regulation Canon* –
Section 67 (Parish Records) - sub-section (1)(f);

and to the following sections of Regulation XI of the Parish Regulations - Furnishing of Churches –

- sec. 2 (the altar);
- sec. 3 (the communion vessels);
- sec. 4 (the communion linen);
- sec. 5 (vestments); and
- sec. 10 (the bread and wine for the holy communion).

B.6 THE SOLEMNISATION OF MARRIAGE

Principles - Marriage

B.6.1. The Church affirms the teaching of Jesus Christ that it is God's will that marriage be the union in mutual love of one man with one woman to the exclusion of all others for life. The Church and its clergy have a dual task in respect of marriage –

- (a) to bear faithful witness to the Christian standard of marriage; and
- (b) to provide loving and compassionate pastoral care in helping people to appreciate and live by the Christian standard of marriage.

B.6.2. The Church's regulations concerning marriage are to be understood as a positive framework to enable the fulfilment of this dual responsibility.

Principles - Divorce and Remarriage

B.6.3. Divorce in itself does not affect the communicant status of a person.

B.6.4. If an applicant for remarriage in church is not a regular worshipper, but is desirous of becoming one and of being prepared (if necessary) for Baptism and Confirmation, the priest should gladly undertake the instruction of the person, and preferably of the couple together.

B.6.5. Care must be taken to continue pastoral care of the couple after their marriage. If the couple are to live in another parish than the one where the marriage takes place, they are to be commended for pastoral care to the priest of that parish.

Marriage Act 1961

B.6.6. Care is to be taken to conform in every respect with the requirements of the civil law, particularly as set out in the Marriage Act 1961, as amended. Clergy are particularly reminded that when they change their residential address, the Registrar-General must be advised of such change within 30 days.

B.6.7. No clergy may solemnise a marriage in the Diocese of Brisbane unless they are registered as authorised celebrants and hold the Archbishop's licence or permission to officiate. Registration as an authorised celebrant with the civil authority is the responsibility of the General Manager.

B.6.8. The requirements of the Marriage Act 1961 include –

- (a) a minister of religion is only authorised to solemnise a marriage according to a form of ceremony of marriage recognised by the religious body or religious organisation of which he or she is a minister for use by its ministers. A marriage celebrant who is a minister of religion must therefore use the marriage rite of the denomination of which he or she is a minister, unless that minister is also authorised to perform civil ceremonies;
- (b) where a minister of religion solemnises a marriage that is not in accordance with the form of ceremony recognised by the religious body or organisation of which he or she is a minister, the validity of the marriage may be doubtful.

Solemnisation of Matrimony Canon 1981

B.6.9. The *Solemnisation of Matrimony Canon 1981* of General Synod has been adopted by this Diocese. See Appendix A.

Prerequisites

B.6.10. Each party to a marriage is to be specifically asked whether the party is baptised. It is permissible for the clergy to solemnise a marriage where only one of the parties is baptised, but no clergy may solemnise a marriage where neither of the parties is baptised.

B.6.11. No clergy may solemnise the marriage of a divorced person whose former spouse is still living, without a certificate from the Archbishop or Regional Bishop permitting the marriage to be solemnised with the rites of the Church.

Place

B.6.12. All marriages are to be solemnised in churches, chapels or other places licensed by the Archbishop for divine worship. However, the Archbishop or the Regional Bishop may give permission for the solemnisation of marriage at some specific place other than a church or chapel of this Church or other church buildings licensed by the Archbishop for the solemnisation of matrimony. Such permission must be given in accordance with the provisions of the Marriage Canon 2003 and Regulation I to that Canon.

B.6.13. In exercising discretion under this Regulation the Regional Bishop may use any criteria (subject to any determinations made by the Archbishop from time to time) as may appear to him to be conducive to good pastoral care of the parties to a proposed marriage and of any relevant community of faith.

B.6.14. If the place proposed for a marriage is a church, chapel or meeting place of a Christian denomination other than the Anglican Church of Australia, or is a worship place for another religious group, the Regional Bishop's permission is required for the solemnization of marriage at that place, together with the agreement of the appropriate authority of that denomination or group.

Preparation

B.6.15. It is the responsibility of the proposed celebrant to ensure that every couple is given adequate preparation for Christian marriage, including participation in such preparation for marriage courses as may be provided in the Diocese. Clergy may at their discretion decline to solemnise the marriage of a couple who without good cause refuse to take part in a reasonable and approved course of preparation.

B.6.16. Marriage preparation courses are carried out in conjunction with KINections. Details can be obtained from the Secretary – the address and telephone numbers are set out towards the end of Volume II of the Year Book.

Fees and Marriage Offerings

B.6.17. Although the clergy would not expect to receive a fee for the administration of the sacraments and other rites and ceremonies carried out in the normal course of their duties, the legal duties of a marriage celebrant, the time of other parish officers (e.g. organist and verger)

and other expenses (e.g. cleaning) justify the charging of certain fees in connection with a marriage.

B.6.18. However, the clergy have the right to waive all or part of the fees if they think that it is advisable to do so. If the officiant receives a marriage offering, but declines to accept it personally, it is taken to have been received on behalf of the parish, school or church agency involved. When a marriage offering is received on behalf of the parish, school or church agency involved, it should be paid into the relevant account.

B.6.19. At present one-quarter of the marriage offering received by the marriage celebrant, either personally or on behalf of the parish, school or church agency involved (up to a maximum of \$20 per wedding) is required to be paid to the Diocesan Registry (see *Offerings at Pastoral Services Canon 1995*). That part of the marriage offering which is retained by the officiant may be taxable.

Mixed Marriages

B.6.20. In mixed marriages involving an Anglican party, a member of the Anglican clergy may assist, or be assisted by, the priest or minister of another denomination at the marriage service.

B.6.21. If it is desired that a priest or minister of another denomination should take part in a marriage service in an Anglican church, an invitation may be extended to the minister to do so, provided that –

- (a) the parish priest of the church where the marriage is to be solemnised gives assent; and
- (b) the marriage is solemnised with an authorised rite of the Anglican Church of Australia. That rite is to be used in full and the Anglican celebrant is to be the officiant for at least the following parts of the service –
 - (i) A.P.B.A. First Order: Sections 1-14, 18-19
 - (ii) A.P.B.A. Second Order: Sections 1-15, 18-19
 - (iii) A.A.P.B. First Form: Sections 1-11, 15-16
 - (iv) A.A.P.B. Second Form: Sections 1-14, 20
- (c) the priest or minister of the other denomination may at the invitation of the Anglican celebrant lead other parts of the Anglican service than those specified above. Alternatively, the priest or minister may be invited to read a lesson and/or give a suitable address; or may be invited to use suitable prayers from the rite of the priest or minister's own Church (not including that part of the service of his or her Church which would legally constitute a marriage).

Remarriage after Divorce

B.6.22. No clergy are compelled to solemnise the marriage of a divorced person, nor is any parish priest compelled to permit a church in the parish to be used for such a marriage. Bearing in mind, however, the conscientious differences of opinion which exist on this matter, any of the clergy whose own conscience requires that all such requests be declined is asked to refer the couple to some other clergy.

B.6.23. The following procedure is to be followed when clergy are requested to solemnise a marriage between two persons, one or both of whom are divorced and whose former spouse is still living –

- (a) The proposed celebrant seeks sufficient information to enable the celebrant to judge whether there are sufficient grounds in respect of the criteria set out in these regulations to submit the case to the Regional Bishop. If it is clear that no reasonable grounds exist, the case may still be submitted with appropriate recommendations.
- (b) The requisite documentation is completed and sent to the Regional Bishop. This should, if possible, be done at least three months before the date of the proposed marriage.
- (c) The Regional Bishop, after such consultation as he deems necessary (which may include a personal interview with the couple by the Archbishop or his deputy), will either –
 - (i) issue a certificate permitting the marriage to be solemnised with the rites of the Church, or
 - (ii) issue a letter refusing such permission.

B.6.24. When an application for permission for remarriage after divorce is approved by the Archbishop or Regional Bishop, one of the normal marriage rites of the Church will be used.

De-facto Marriages

B.6.25. Couples who have already entered into a de-facto marriage relationship and then approach the church for civil and ecclesiastical recognition of that relationship should be carefully interviewed as to their basic understanding of the nature of marriage, and their reasons for seeking a church ceremony, and be given help in understanding the nature and purpose of Christian marriage and family life.

Blessing of a Civil Marriage

B.6.26. A suitable form of service for the blessing of a civil marriage will be provided by the Archbishop on application to him.

B.6.27. The full marriage certificate should be produced by the couple, together with the signed statement required under Section 113(5) of the Marriage Act. The details of the civil marriage can be copied into the Register of Services when the details of the ecclesiastical blessing are recorded.

B.6.28. Section 113(6) of the Marriage Act places severe restrictions on the type of document that may be furnished to the parties.

Prohibited relationships

B.6.29. The “*Matrimony (Prohibited Relationships) Canon 1981*” of General Synod has been adopted in this Diocese, see Appendix B. Care should be taken that marriage is not solemnised between persons who are within a prohibited relationship as set out in the Canon.

Records

B.6.30. Attention is drawn to the following section of the *Parishes Regulation Canon* –
Section 67 (Parish Records) - sub-section (1)(d).

The official certificate retained by the celebrant (usually in the bound Marriage Register issued by the civil authority) becomes part of the parish records under the Regulations made pursuant to the Marriage Act.

APPENDIX A**SOLEMNISATION OF MATRIMONY CANON 1981**

Canon 3, 1981

A canon concerning the solemnisation of matrimony

The General Synod prescribes as follows:

1. This canon may be cited as the “Solemnisation of Matrimony Canon 1981”.
2. The canons numbered 62, 63, 100, 101, 102, 103 and 104 included in the Constitutions and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603, and any Canon amending or appended to the 62nd or the 102nd Canon, shall not have any operation or effect in this Church.
3. Matrimony shall not be solemnised according to the rites and ceremonies of this Church –
 - (a) unless the celebrant is a minister registered on the nomination of this Church as an authorised celebrant according to the law of the Commonwealth of Australia;
 - (b) unless at least one of the parties to be married has been baptised;
 - (c) except in a church or chapel of this Church or a church building licensed by the bishop of the diocese for the solemnisation of matrimony unless the bishop of the diocese in the particular case gives express permission for the solemnisation of the marriage at some other specific place;
 - (d) where the persons to be married are within a prohibited relationship as declared by the law of this Church in force in the diocese concerned;
 - (e) where a party to be married is a minor, otherwise than in accordance with the laws of the Commonwealth of Australia relating to the consent of parents or guardians in the case of the marriage of such persons;
 - (f) except in the presence of not less than two witnesses; and
 - (g) where either or each of the parties to be married is a divorced person, except in accordance with the law of this Church as to the marriage of such persons in force in the diocese concerned.
4. Nothing in this canon shall affect the provisions of any ordinance of a diocese in force or having effect at the time when the diocese adopts this canon relating to the publication of Banns of Marriage and dispensation therewith.
5. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts it.

APPENDIX B**MATRIMONY (PROHIBITED RELATIONSHIPS) CANON 1981**

Canon 15, 1981

A canon concerning Canon 99 of the Canons Ecclesiastical made in the year 1603 and the prohibition of the solemnisation of matrimony between persons within certain prohibited relationships

Whereas certain Constitutions and Canons Ecclesiastical made in the year 1603 (hereinafter called "the Canons of 1603") were published in England by lawful authority

And whereas certain of the Canons of 1603 continue to apply to and be in force in the several dioceses of the Anglican Church of Australia

And whereas it is desirable to repeal Canon 99 of the Canons of 1603 insofar as it applies to or is in force in the several dioceses of the Anglican Church of Australia and to prohibit the solemnisation of matrimony between persons within certain prohibited relationships

Now therefore the General Synod prescribes as follows:

1. This canon may be cited as the "Matrimony (Prohibited Relationships) Canon 1981".
2. In this canon unless the context otherwise requires:
 - "adopted" in relation to a child means adopted under the law of any place (whether in or outside Australia) relating to the adoption of children;
 - "minister" means a minister who on the nomination of this Church is authorised by the law of the Commonwealth of Australia to solemnise matrimony;
 - "prohibited relationship" means any relationship described in the Schedule as extended by Sections 5 and 6;
 - "the Canons of 1603" means the Constitution and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603.
3. The Canon numbered 99 included in the Canons of 1603 shall henceforth have no operation or effect in this Church.
4. A minister shall not solemnise matrimony between persons who are within a prohibited relationship.
5. A prohibited relationship shall include a relationship of the half-blood and a relationship traced through or to any person born of unmarried parents.
6.
 - (1) A prohibited relationship shall include a relationship traced through or to a person who is or was an adopted child and for that purpose the relationship between an adopted child and his adoptive parent or each of his adoptive parents shall be deemed to be or to have been the natural relationship of child and parent.
 - (2) Nothing in sub-section (1) of this section makes it lawful for a clergyman to solemnise a marriage which he could not lawfully have solemnised if that sub-section had not been enacted.
 - (3) For the purpose of this section:
 - (a) a person who has at any time been adopted by another person shall be deemed to remain the adopted child of that other person notwithstanding

that any order by which the adoption was effected has been annulled, cancelled or discharged or that the adoption has for any other reason ceased to be effective; and

- (b) a person who has been adopted on more than one occasion shall be deemed to be the adopted child of each person by whom he has been adopted.

7. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

THE SCHEDULE

The relationship between a man and a woman who is or has been his:

mother	mother's father's wife
daughter	wife's father's mother
father's mother	wife's mother's mother
mother's mother	wife's daughter's daughter
son's daughter	wife's son's daughter
daughter's daughter	son's son's wife
sister	daughter's son's wife
wife's mother	father's sister
wife's daughter	mother's sister
father's wife	brother's daughter
son's wife	sister's daughter
father's father's wife	

The relationship between a woman and a man who is or has been her:

father	mother's mother's husband
son	husband's father's father
father's father	husband's mother's father
mother's father	husband's son's son
son's son	husband's daughter's son
daughter's son	son's daughter's husband
brother	daughter's daughter's husband
husband's father	father's brother
husband's son	mother's brother
mother's husband	brother's son
daughter's husband	sister's son
father's mother's husband	

B.7 MINISTRY WITH THE SICK

Form of service

B.7.1. The forms of service for the anointing of the sick and laying on of hands recommended in this Diocese are those to be found in APBA – “Ministry with the Sick” (pp 677 ff) and “Ministry with the Dying” (pp 695 ff).

Oil

B.7.2. The oil used for this purpose is usually blessed by the Archbishop and the Regional Bishops during Holy Week. However, in time of necessity any suitable pure olive oil may be blessed and used.

B.7.3. *A Note concerning the Holy Oils* is attached as Appendix A to this Section.

Parishes Regulation Canon

B.7.4. Attention is drawn to the following section of the *Parishes Regulation Canon* –
Section 67 (Parish Records) - sub-section (1)(f)

and to Regulation XI - Furnishing of Churches - section 11 - setting out the provisions to be made in relation to the oil for ministry to the sick.

APPENDIX A**A NOTE CONCERNING THE HOLY OILS**

Oil is not only a source of heat, power and light (as reflected in the anointing of leaders or ministers), but is readily used as a soothing and healing unguent in times of sickness (eucalyptus oil for stuffed noses, tea tree oil for insect bites, goanna oil for sprains and arthritis, cod liver oil for the digestion) – not to mention the use of oils in cosmetics and perfumes.

In Christian usage, holy oils speak of all these things – power, light, healing, and a fragrant offering. The anointing oil becomes an outward and visible sign of the inward and spiritual grace of the anointing or indwelling of the Holy Spirit.

When we become Christians it is appropriate that we be anointed (for that is the meaning of the word "Christ" whose name we bear – the "anointed one").

There are three oils in common Christian usage –

- the **oil of Catechumens** (used to initiate people on their path of discipleship leading to Holy Baptism) – non-perfumed;
- the **oil of Chrism** (a highly fragrant oil used at Baptism, Confirmation and Ordination) – sometimes for ease of episcopal usage provided in solid form;
- the **oil for anointing the sick** (Unction) – as directed in the Epistle of James – non-perfumed.

Each may be distinguished by differing labels on bottles.

Storage of Oils

Holy oils must be stored in a secure place, preferably by the font, and contained in dignified glass or crystal decanters. The glass must be clear so the oils can be seen. The place of storage should be such that the oils are visible, e.g. a tabernacle with a clear glass door.

B.8 CONFESSION

Readiness to hear confessions

B.8.1. All clergy in priests' orders are to be ready and willing to use the Reconciliation of a Penitent (in A.P.B.A. p. 775) or the Form of Confession of Sins and Absolution (in A.A.P.B. p. 576) or the form contained in the B.C.P., for those who are sick in body, mind or soul.

B.8.2. Clergy in deacons' orders may find in the course of ministry particularly to the sick that a person urgently desires to make a special confession of sins. If a priest is not readily available the deacon is to hear the confession, and offer appropriate counsel and assurance of God's forgiveness.

Disclosure

B.8.3. All clergy hearing such a special confession of sins are admonished that it is a grave offence to reveal or make known any crime or offence or sin so confessed without the consent of the penitent. Attention is drawn to *Canon No. 10, 1992 - Canon concerning confessions 1989* - of General Synod, which has been adopted by the Synod of this Diocese, and is printed following the end of this section.

B.8.4. This prohibition against disclosure extends to whether a person made any confession, and to their behaviour and demeanour at the time.

B.8.5. Apart from exceptional circumstances (such as a confession made by a person near death), the authority to grant absolution in cases of child sexual abuse is withdrawn from all priests of the Diocese of Brisbane, except from any who hold the Archbishop's Special Licence Relating to Penitents in Cases of Child Sexual Abuse. Please contact the Archbishop's Office for advice on who holds a Special Licence.

B.8.6. If a priest heard a person making confession involving child sexual abuse, the priest should counsel the penitent about the grave nature of the sin and assist the penitent to make a full and detailed confession.

The priest should go on to counsel the penitent that genuine repentance requires taking steps that demonstrate amendment of life, and how that necessitates the reporting of a criminal act such as child sexual abuse to the police. If the penitent is a church worker, the abuse will also have to be reported to the Diocese's Director of Professional Standards except where the information came to the priest in the course of a formal confession. The priest should provide pastoral support to the penitent at the time, and offer the provision of ongoing pastoral support as the matter proceeds. The priest should explain that before absolution can be granted, the penitent will need to make the appropriate reporting.

B.8.7. Further reference should be made to *Private Confession: Pastoral Guidelines with special reference to child sexual abuse* which was issued on 22 December 2006.

B.8.8. It may on a particularly sensitive occasion be pastorally helpful to remind a penitent that, when the member of the clergy hearing the confession knows of events outside what is said in the making of the special confession, what the member of the clergy knows outside of the confession is not subject to the prohibition against disclosure.

B.8.9. There is no obligation for citizens to inform police of possible offences unless the circumstances are the subject of statutory prescription. For example, the *Health Act* requires health workers to notify appropriate authorities of suspicions of abuse of children. There is no statute in Queensland that requires a priest to report a possible offence to police or to co-operate with police in providing a statement in the course of police investigations.

B.8.10. In considering the possibility of a priest becoming an “accessory after the fact” in relation to a confession, sec. 10 of the Criminal Code (Schedule to the *Criminal Code Act 1899*) provides –

“A person who receives or assists another who is, to the person’s knowledge, guilty of an offence, in order to enable the person to escape punishment, is said to become an accessory after the fact to the offence.”

B.8.11. It is considered that this section does not apply in these circumstances. It is unlikely that the prosecution would cause a priest to give evidence of a confession without knowing the evidence that the priest would give. If the priest does not provide the information in the course of the investigation, the prosecution will not know and will not call the priest unless it is willing to gamble on the nature of the evidence.

B.8.12. If a priest is called to give evidence of information obtained in a confessional, there is no privilege that can be claimed. However, in those circumstances, the usual advice of our solicitors is for the priest to state to the court that the priest is present under subpoena but objects to providing evidence of information obtained in confidence. This does not relieve the witness from the requirement to give evidence but it demonstrates to the accused that the evidence is given under protest. The Court will usually be most careful to ensure in these circumstances that only relevant questions are asked.

B.8.13. In the unlikely event of any of the clergy being approached by law enforcement officers with enquiries which may relate to the hearing of such a special confession, no information should be given which discloses or could tend to disclose the matters set out above. In such a case, contact should be made with the Archbishop, the Regional Bishop, the Archdeacon or any of the Assistant Bishops or Archdeacons, so that appropriate advice may be given. If necessary, legal advice will be sought. The member of the clergy involved is reminded that none of the matters set out above should be admitted or disclosed to the Archbishop, Regional Bishop etc. in making such contact.

CANON CONCERNING CONFESSIONS 1989

Canon 10, 1992

A canon concerning confessions

The General Synod prescribes as follows:

1. This canon may be cited as “Canon concerning confessions 1989”.
2. If any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.
3. The proviso to canon numbered 113 of the Canons of 1603, and any other law of this Church concerning the making of confessions to an ordained minister, in so far as the same may have any force, shall have no operation or effect in this Church.
4. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

B.9 EXORCISM

Consultation and permission

B.9.1. No acts relating to the practice of exorcism may be undertaken or joined in without the express permission in each case of the Regional Bishop.

B.9.2. Where it is believed that there is a pastoral need for the rite of exorcism, the clergy must consult with the Regional Bishop, or with clergy who may be approved by the Archbishop for this purpose.

Persons

B.9.3. In cases where a person is considered for exorcism, the opinion of a suitable medical practitioner may be required beforehand, if the physical and/or mental health of the person is in doubt.

Places and objects

B.9.4. The requirements for consultation and permission apply to the exorcism of places and objects as well as to the exorcism of persons.

Parishes Regulation Canon

B.9.5. Attention is drawn to the following section of the *Parishes Regulation Canon* –
Section 67 (Parish Records) - sub-section (l)(f) (Register of Services held in the Parish).

B.10 ORDINATION

Encouragement of vocations to the ordained ministry

B.10.1. The Church needs ordained clergy. In an age in which the Church is learning again that the term “ministry” in its broadest sense describes the service to which the whole people of God is called, the quality of leadership and oversight provided by those who are ordained becomes more important than ever.

B.10.2. The Church in this diocese needs young people for the ordained ministry. There is up to a ten year lead time from the postulancy period to the time when a person might reasonably be expected to provide the leadership and oversight qualities needed in the parish priest.

Inquirers

B.10.3. Should an inquirer present to you, please contact your Regional Bishop for advice.

B.11 FUNERALS

Officiant

B.11.1. The whole area of ministering to the bereaved and conducting funerals demands from the clergy courtesy and sensitivity in their relations with the family of the deceased, funeral directors and their clergy colleagues.

B.11.2. Parish clergy have no absolute right to require that they should have the conduct of the funeral of every person resident in their parish. There may be valid reasons in particular cases for the local clergy not to be asked to conduct the funeral.

B.11.3. Funeral directors will normally respect the wishes of the relations regarding the funeral arrangements. If the relations do not ask for a particular member of the clergy, the funeral director should contact the parish in which the deceased lived.

B.11.4. If the clergy of that parish are not available the member of the clergy taking the funeral service should forward the details on to the parish where appropriate, so the follow-up in pastoral care can be given.

Setting

B.11.5. While the clergy ought to retain their pastoral freedom to act as they see fit, proper regard should always be paid to the wishes and circumstances of the family of the deceased. The clergy have an overriding duty to ensure that sound liturgical practices as received by the Anglican Church of Australia are followed.

B.11.6. Where it is appropriate that the words of committal be said at the church or chapel prior to the removal of the body to the crematorium or cemetery, either of the following orders can be used –

(a) **A Prayer Book for Australia**

(i) APBA makes provision for this at ¶21-23 pp. 723-724.

(b) **An Australian Prayer Book**

(ii) After the words of committal at ¶15 (A.A.P.B. p. 594) the body can be reverently removed while the minister recites one of the following (if it has not already been used) –

Ps 23 on page 587

Ps 27 vv. 1, 4-17

Ps 103 (part) on page 594

Ps 121.

(iii) The congregation remains in the church for ¶16-18 (A.A.P.B. pp. 595ff) by which time the hearse should have departed.

Registers

B.11.7. A suitable register should be kept of funerals conducted in the church and those conducted by the clergy of the parish when taken at places other than the parish church, e.g. a crematorium.

B.11.8. Where funerals are taken by clergy other than clergy licensed to the parish, details should be sent to the appropriate parish so that they may be recorded in the parish registers, and continuing pastoral care be given to the bereaved.

B.11.9. Attention is drawn to the *Parishes Regulation Canon*, sec. 67(1)(e).

Funeral Offerings

B.11.10. It is common for funeral offerings to be offered to officiating clergy. However, the officiant has the right to waive all or part of the offering if it is thought advisable to do so. If the officiant receives a funeral offering, but declines to accept it personally, it is taken to have been received on behalf of the parish, school or church agency involved.

B.11.11. When a funeral offering is received on behalf of the parish, school or church agency involved, it should be paid into the relevant account.

B.11.12. One-quarter of the funeral offering received by the officiating clergy, either personally or on behalf of the parish, school or church agency involved (up to a maximum of \$20 per funeral) is required to be paid to the Diocesan Registry (see *Offerings at Pastoral Services Canon 1995*). That part of the funeral offering which is retained by the officiant may be taxable.

B.12 OTHER SERVICES AND ARRANGEMENTS

Institution and Induction

B.12.1. Upon official notification from the Archbishop of the appointment of a new parish priest the churchwardens shall contact the Regional Bishop as to the date for the Institution and Induction and as to the order of service prescribed.

B.12.2. The churchwardens in conjunction with the Area Dean make such arrangements for the service as the Bishop shall request.

B.12.3. The following should normally be invited to the service by the churchwardens –

- (a) the clergy in the Area Deanery;
- (b) clergy of the recognised Christian churches in the parish;
- (c) civic and community leaders as appropriate.

Dedication of buildings and similar occasions

B.12.4. The parish priest and churchwardens, Anglicare Executive Director or School Principal should consult with the Archbishop's office as to the date, time and order of service.

B.12.5. The wording of any foundation stone or dedication plaque shall be approved by the Archbishop through the Archbishop's Chaplain.

B.12.6. Invitations to the service may be issued by the churchwardens as for Institutions and Inductions, Anglicare Executive Director or School Principal, as appropriate.

Seasonal and occasional services

B.12.7. Services appropriate to the season and for special occasions may be used, such as –

- (a) Blessing of the Christmas Crib.
- (b) Blessing and imposition of ashes [Ash Wednesday].
- (c) Stations of the cross.
- (d) Blessing and distribution of palms [Palm Sunday].
- (e) Washing of the feet [Maundy Thursday].
- (f) Veneration of the cross [Good Friday].
- (g) Renewal of baptismal vows.
- (h) Blessing of animals, homes, holy objects.

B.12.8. Where there is no provision for these or other occasional services in the official formularies of the Anglican Church of Australia, a priest may permit the use of similar forms of service from other parts of the Anglican Communion, or forms of service in use with the Archbishop's authority in other parts of the Diocese, such as the forms in the Customary of St John's Cathedral or other liturgical resources.

Variations in the order of service

B.12.9. A Priest may make and use variations which are not of substantial importance in any authorised form of service according to particular circumstances.

B.12.10. All variations in forms of service and all forms of service used must be reverent and seemly and must not be contrary to or a departure from the doctrine of this Church.

B.12.11. Note that in A.P.B.A. there are many places where alternative prayers or variations may be used.

Visiting speakers – non-Anglican

B.12.12. No person shall be permitted to celebrate divine service, administer the Sacraments, perform any other rite or ordinance of the Anglican Church or preach any sermon in any church unless first licensed or approved to perform that particular function by the Archbishop.

B.12.13. The parish priest of the parish may make application to the Archbishop for permission for an unlicensed person to speak or preach in the parish.

B.12.14. Deputationists from recognised bodies (such as the Bible Society) may speak or preach in the parish, provided they have authority from the Archbishop and the permission of the parish priest to do so.

Guidelines on vesture for clergy and lay assistants

B.12.15. Clergy should at all times act with care, sensitivity and discretion in the matter of vesture at divine service. Due regard must be made to the order and traditions of the church, both in and beyond this diocese and the climate of the region.

B.12.16. Where the surplice is worn, it must be worn over the cassock. The plain white alb or the ‘ecumenical alb’ can fulfil the requirements when a surplice is prescribed.

B.12.17. A stole of the appropriate colour is to be worn by the priest or deacon over the surplice or alb when administering the sacraments. Other vestments according to local custom should be used.

B.12.18. For services not held in licensed buildings, such as communion in homes and hospitals, the use of the above mentioned forms of vesture are not mandatory. However, it is expected that, as a minimum, a stole be worn when the sacraments are administered.

B.12.19. For choir offices a black scarf and the appropriate academic hood may be worn over the surplice. Where the office is informal, clergy should use their discretion as to the appropriate vesture.

B.12.20. For diocesan occasions, such as the Synod service and inductions, the vesture for clergy will be either –

- (a) cassock, surplice, scarf and hood, or
- (b) alb with stole of the appropriate colour,

as specified in the letter or official notification.

B.12.21. Lay assistants normally wear cassock and surplice (or alb). On no account are they to wear a stole or scarf.

B.12.22. For funeral services the surplice with black scarf can be worn for the service in the church. For a service at a crematorium, graveside or elsewhere at least a cassock or alb should be worn.

B.12.23. A cope may be worn by Priests or Bishops on appropriate occasions.

Parishes Regulation Canon

B.12.24. Attention is drawn to the following sections of the *Parishes Regulation Canon* –

Section 11 (No person to officiate or preach without permission);

Section 67 (Parish Records) - sub-section (1)(f)

and to the following Regulations made under the Canon –

Reg. XI - Furnishing of Churches - sec. 5 (Vestments);

Reg. XIV - Building Procedures – sec. 7.

B.13 LITURGICAL ASSISTANTS

History and purpose

B.13.1. The practice of appointing Lay Readers has been long established in the Diocese. The office authorised the Reader to read Morning and Evening Prayer from the Prayer Book and to read sermons. Some were authorised to conduct funerals.

B.13.2. In 1966 the General Synod authorised the practice of lay persons assisting in the administration of the Holy Communion. It was a requirement that such assistants be licensed as Lay Readers originally but then licences as Lay Assistants only were issued.

B.13.3. With the acceptance of An Australian Prayer Book the role of lay persons in the Holy Communion service was widened. It was understood that they would not only assist in the administration of Holy Communion but also in the readings and the intercessions; at the same time, the services of Morning and Evening Prayer were not so frequently used.

B.13.4. The Archbishop revised the mode of licensing lay readers and lay assistants; these licences authorised “Liturgical Assistants”.

Appointment

B.13.5. The appointment of Liturgical Assistants requires the nomination by the Parish Priest or Chaplain, with the concurrence of the Parish Council where relevant. A copy of the required Nomination Form can be obtained from the Regional Bishop.

B.13.6. The candidate is required to make declarations in which the authority of the Archbishop is recognised and an undertaking given to perform the functions authorised under the direction of the Parish Priest/Chaplain. A copy of the required Acceptance of Nomination Form can be obtained from the Regional Bishop.

B.13.7. The appointment is for a period of three years which may be extended on the application of the Parish Priest/Chaplain.

B.13.8. The limitation of seventy years of age does not apply to the licensing of Liturgical Assistants - see the *Age Limitation Canon*, sec. 2.

Licence

B.13.9. The Licence issued to a Liturgical Assistant has provision for four separate roles. The person may be authorised –

- (a) to assist in the administration of Holy Communion at the request of the officiating priest; extended communion to those who are unable through age or infirmity to attend public worship, under the direction of the Parish Priest/Chaplain; extended communion to the sick in hospital, under the direction of the Parish Priest/Hospital Chaplain;
- (b) to officiate at services of Morning and Evening Prayer;
- (c) to conduct funeral services;
- (d) to preach the Word of God.

B.13.10. The licence defines the occasions on which the Liturgical Assistant may carry out the office, and prescribes that the services of A.P.B.A., A.A.P.B. or the B.C.P. are to be observed.

Assistance at Holy Communion

B.13.11. Liturgical Assistants can only function in their role when invited by the President to assist in the administration of the Holy Communion. It is the practice that the Liturgical Assistant will administer the Chalice.

B.13.12. A Liturgical Assistant may be invited to assist in the consuming of the consecrated elements at the ablutions.

B.13.13. Appropriate ecclesiastical garments should be worn – either alb, or cassock and surplice.

B.13.14. The parish should appoint a sufficient number of persons to ensure that a roster may be maintained which rotates the duty among several members of the congregation.

Morning and Evening Prayer

B.13.15. Assistants authorised to read Morning and Evening Prayer should be proficient in the reading of prayers and lections.

B.13.16. The Assistant should observe the directions concerning the use of words of comfort in the place of the Absolution which may only be pronounced by a priest.

Funeral Services

B.13.17. A Liturgical Assistant may be authorised to conduct funeral services. It is permissible under civil legislation for properly authorised lay persons to officiate at the interment. The practice is not widely used but is of particular assistance in the country areas. Only those who are properly instructed are to be authorised.

B.13.18. A cassock and surplice should be worn.

Preaching

B.13.19. Those who are authorised to preach the Word of God must be competent. Theological knowledge and understanding are required. Check with the Regional Bishop for current requirements. It is desirable that sermons should be discussed with the Priest.

Stipendiary Lay Ministers

B.13.20. Stipendiary Lay Ministers are specially licensed in a similar form to Liturgical Assistants. The appointment of a Stipendiary Lay Minister and the terms and conditions of such appointment must first be approved by the Archbishop or the Regional Bishop, and by the Parish Council.

Stipendiary Youth Ministers

B.13.21. Stipendiary Youth Ministers are Stipendiary Lay Ministers whose emphasis in ministry is towards and with youth and children. Details of the procedures to be followed in

planning for and approving the appointment and licensing of Stipendiary Lay Ministers are set out in Regulation XV - Stipendiary Youth Ministers - made under the *Parishes Regulation Canon*.

Parishes Regulation Canon

B.13.22. Attention is drawn to the following sections of the *Parishes Regulation Canon* in respect of Stipendiary Lay Ministers -

Section 26 - appointment;

Section 27 - stipend and conditions;

Section 28 - resignation;

Section 29 - annual leave;

Section 29A - parental leave.

B.14 GUIDELINES FOR COLLABORATIVE LOCAL MINISTRY

B.14.1. A set of Guidelines for Collaborative Local Ministry was agreed between the Anglican Diocese of Brisbane, the Roman Catholic Archdiocese of Brisbane and the Uniting Church Synod of Queensland on 15 April 1993. A copy is at Appendix A.

B.14.2. The Lutheran Church, Queensland District, subsequently participated in the discussions.

APPENDIX A**Guidelines for Collaborative Local Ministry.**

(issued 15 April 1993)

All Christians are called through their baptism to participate in the life and mission of Our Lord Jesus Christ and his Church. We are compelled by the gospel to work together in this mission.

We the members of the Anglican Diocese of Brisbane, the Roman Catholic Archdiocese of Brisbane and the Uniting Church Synod of Queensland affirm our belief that the Spirit of God is calling us by the signs of the time: the many new settlements of people growing up in South East Queensland; the need for review and renewal in existing areas; the pressure this is putting on the human and material resources of the churches, to act collaboratively for the reign of God in fresh creative ways appropriate to each settlement.

We propose the following guidelines to give a sense of purpose and direction for the task ahead.

- (a) Churches which recognise each other's baptism are called to minister collaboratively.
- (b) Collaborating churches should strive to know, understand and respect each other's traditions.
- (c) Collaborating churches should do apart only what they cannot possibly do together.
- (d) The Churches in their central administration should model the collaboration recommended at the local level.
- (e) Consultation and the free flow of information should characterise the relationship between each local project and the churches' central administration.
- (f) The Churches together should negotiate with the state government for:
 - (i) a role in urban planning;
 - (ii) legislation, if necessary, to provide for legal contractual agreements among churches at the local level.
- (g) Decision making should be at the local level as much as possible.
- (h) Each local project should be characterised by collaboration among local churches, and with local Community groups, the developer(s), the churches' central administrations, and government agencies at the local, state and federal levels.
 - (i) Local churches need to develop and own a shared vision for their project.
 - (j) Mission and community building would normally precede the erection of structures.
- (k) Collaborating churches should be sensitive to and integrate with the wider local community in meeting community needs.
- (l) Each collaborative local ministry project would usually function with a central church facility and through a range of smaller Christian community groups.
- (m) Collaborative local ministry needs to be appropriately staffed and funded by the churches.

(The Lutheran Church, Queensland District, is now participating in the discussions concerning collaborative local ministry.)

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C.1 QUALIFICATIONS AND STANDING

Qualifications for involvement

C.1.1. A person's qualifications for involvement in parish affairs depend on the following definitions -

- (a) *Member of this Church* - means a baptised person who attends the public worship of this Church and who declares that he/she is a member of this Church and of no Church which is not in communion with this Church.
- (b) *Parishioner* - means a Member of this Church who is at least 18 years of age and who has been for a period of not less than three months and is an accustomed worshipper in the particular Parish.
- (c) *Elector* - means a communicant Parishioner provided that no person may at any time be an Elector for more than one Parish.

Role of Elector

C.1.2. A quorum at a general meeting of Parishioners is established by counting the Electors present. The quorum is 10 Electors.

C.1.3. A person must be an Elector to -

- (a) nominate a person for election, or
- (b) be eligible for election or appointment, or
- (c) vote in an election,

for the following positions which are filled at the Annual Meeting -

- (a) Churchwarden,
- (b) Synod representative,
- (c) Member of the Parish Council,
- (d) Parish Nominator.

C.1.4. A person must be an Elector to be eligible for appointment by the Parish Council to the position of Treasurer.

C.1.5. A person must be an Elector to be eligible for election or appointment as a District Churchwarden at an Annual Meeting of a District within a Parish.

Standing

C.1.6. The Churchwardens, with the advice of the Parish Priest, shall take care that a Roll of Parishioners is kept and maintained, and that in the Roll the Electors are identified. In order to be enrolled as a Parishioner or an Elector, the person must sign the declaration set out in Schedule 2 of the *Parishes Regulation Canon*.

C.1.7. It is expected that Churchwardens will use sensitivity and take note of pastoral concerns in entering persons onto the Roll, or removing them from the Roll, and in designating who on the Roll are Electors.

C.1.8. Any question concerning the status or rights of a lay person in this regard shall be determined by the Parish Priest and Churchwardens; a person who claims to be a Member of

this Church and a Parishioner of the Parish concerned may challenge any such determination by appealing to the Archbishop-in-Council, whose decision is final; while awaiting the outcome of an appeal to the Archbishop-in-Council, the determination made by the Parish Priest and Churchwardens has full effect.

Blue Cards (Suitability Cards)

C.1.9. Diocesan Council has made a number of decisions in relation to this matter and it is an absolute requirement that the following must hold blue cards:

- **all clergy** licensed within the Diocese, and
- **all laity** engaged in a paid or unpaid capacity within the Diocese and who are working with children.

C.1.10. The Diocesan policy on the requirements for Blue Cards and the associated forms can be found on the Diocesan Website www.anglicanbrisbane.org.au .

Age limitations

C.1.11. The minimum age for an Elector is 18 years, and there is no upper age limit.

C.1.12. The *Age Limitation Canon* provides that a lay person who has attained the age of 70 years is not normally eligible to be appointed or elected to the offices of Churchwarden including Cathedral warden (but not including district churchwarden), representative in Synod of a parish or of St John's Cathedral, and parish nominator. However, an appointment beyond the prescribed aged can be made by the Archbishop or the Archbishop-in-Council, as set out in Section 7 of the *Age Limitation Canon*, or by the Regional Bishop as set out in Section 8 of the *Age Limitation Canon*.

C.1.13. Members of the laity who hold an office and who attain the age of 70 years may continue in that office for the duration of the term for which they were elected or appointed, but at the expiration of that term they shall cease to hold the office and shall surrender the same, despite their successors' not having been elected or appointed.

C.1.14. Members of the clergy who hold an office and who attain the age of 70 years shall cease to hold the office and shall surrender the same.

C.1.15. A list of examples of various appointments which may be relevant in parish situations is attached as Appendix A. This list indicates whether the *Age Limitation Canon* does or does not apply.

APPENDIX A**APPLICATION OF AGE LIMITATION**

Office or Position	Limit applies?	Notes¹
Churchwarden	Yes	Appointed or elected: PRC s.33; note duties: PRC s.59(1)(c), (d).
Cathedral warden	Yes	Appointed or elected: CCN s.4
Synod representative of parish	Yes	Elected: PRC s.34; note Const. ACA s.30(a)
Synod representative of Cathedral	Yes	Elected: CCN s.5
Parish nominator	Yes	Elected: PRC s.38; note selection of Priest for Parish: PRC s.18
Other parish councillors	No	Appointed or elected: PRC s.37; role under PRC s.60(b) essentially administrative and subsidiary.
Parish treasurer	No	Elected: PRC s.35
Parish secretary	No	Elected from Council: PRC s.36
Parish auditor	No	Appointed: PRC s.55; exempted under ALC s.2(f)
Committee appointed by parish council	No	Appointed: PRC s.61 to carry out functions of Council
Money raising group, e.g. guild	No	Council responsibility PRC s.60(c)
Liturgical assistant	No	
Server	No	
Verger	No	
Sunday school teacher	No	
Choir (including director)	No	
Organist	No	
Employee	No	e.g. office secretary or gardener
Certain members of Synod (see Notes)	No	Chancellor; Treasurer of Synod; Chairman of Committees; General Manager/Registrar; advisers or members of a committee of advice appointed by the Archbishop (DCL s.17(3)); lay persons appointed by the Archbishop (SYN s.5); Principals and Chairs of Council of Anglican Schools

¹ PRC = Parishes Regulation Canon; CCN = Cathedral Congregation Canon; ALC = Age Limitation Canon; Const. ACA = Constitution of the Anglican Church of Australia; s. = section; DCL = Diocesan Council Canon; SYN = Synod Canon

C.2 CHURCHWARDENS

Method of appointment

[Full details are found in the *Parishes Regulation Canon* sec. 33.]

C.2.1. One Churchwarden is appointed annually by the Parish Priest by 15 March – but if he fails to appoint, or the cure of souls is vacant at the time of the Annual Meeting, the Archbishop appoints one Churchwarden.

C.2.2. At the Annual Meeting the Electors determine whether there will be one or two Churchwardens to be elected by them for the ensuing year, and then proceed to elect one or two accordingly.

C.2.3. To be eligible for appointment or election, a person must be an Elector, and must not be a member of the Clergy nor a Stipendiary Lay Minister.

Meetings

C.2.4. The Churchwardens with the Parish Priest are the executive and standing committee of Parish Council. They transact their business at properly constituted meetings. These meetings should be held regularly, at least once per month.

C.2.5 Certain duties and responsibilities of the Churchwardens are exercised ‘in conjunction’ with the Parish Priest (see the *Parishes Regulation Canon* sec. 59(2) and below at C.2.12). The words "in conjunction" mean that the Churchwardens (as a body), and the Parish Priest, both need to be in agreement for the exercise of these duties and responsibilities.

C.2.6 The Parish Priest is the Chairman of the meeting of Churchwardens, but he may appoint one of the Churchwardens to be the Chairman, whether the Parish Priest is present or not.

C.2.7 If the cure of souls is vacant, one of the Churchwardens should be appointed Chairman, but note that in this case the Archbishop or his representative may preside.

C.2.8 Minutes of the meetings of Churchwardens should be kept, on account of the importance of the decisions that will be made at the meetings; the minutes also assist in reporting the business to the Parish Council, and in compiling the annual report of the Churchwardens.

Sighting and Signing of Correspondence

C.2.9 Many of the memoranda issued by the General Manager or his staff are addressed to “the Churchwardens”, or to “the Parish Priest and Churchwardens”. Churchwardens should ensure that a procedure is in place whereby they see all such correspondence.

C.2.10 Many items of significant correspondence are originated in the Parish, e.g. relating to finance, loans, buildings and property. The Parish Priest and the Churchwardens should always sign such correspondence. The signature of only one person in these cases is not acceptable.

Full List of Responsibilities

The full responsibilities of the Churchwardens are set out in detail in the *Parishes Regulation Canon* (part VI) and in certain other Canons. See the Index to the *Constitution and Canons – the Burgundy Book*.

C.2.11. Certain duties and responsibilities of the Churchwardens which they themselves exercise are set out in the *Parishes Regulation Canon* sec. 59(1) as follows –

- (a) to attend on the Archbishop or his Commissary or the Archdeacon whenever cited to a visitation;
- (b) in the event of the death of the Parish Priest immediately to report the vacancy to the Archbishop;
- (c) to take care that all persons be placed as conveniently as possible during the celebration of Divine Service;
- (d) to take care that order and quiet be preserved in and about the Church during the celebration of Divine Service;
- (e) to report to the Archbishop any irregularity of conduct on the part of the Parish Priest;
- (f) subject to the Canons and any general or special direction of the Parish Council to disburse the funds of the Parish.

C.2.12. Certain duties and responsibilities of the Churchwardens acting in conjunction with the Parish Priest are:- (**see above C.2.5**)

- (a) subject to any general or special direction of the Parish Council to be the executive and standing committee of the Parish Council at times when the Council is not meeting;
- (b) to be responsible for the communication of all information and documents required by Canon to be communicated to and from the Parish;
- (c) to have the appointment, control and dismissal of all lay officers other than Stipendiary Lay Ministers;
- (d) to have the control of all ornamentation and decoration of the Church, subject to appeal to the Archbishop;
- (e) to approve any special collections.

C.2.13. Other duties and responsibilities of the Churchwardens set out in the *Parishes Regulation Canon* are –

- (a) Sec. 5(3) – to lodge objection to the alteration of parish boundaries;
- (b) Sec. 9(4) – to remove or restore unauthorised additions alterations or removals to or from church buildings;
- (c) Sec. 16 – to issue certificate as to stipend, residence etc. when a parish has been newly created, when a parish has been declared to be a benefice, or when a parish becomes vacant;
- (d) Sec. 29(1)(c) – wherever practicable to agree to the time when leave is to be taken by the clergy or stipendiary lay ministers;

- (e) Sec. 29(2) – to be consulted before the Archbishop grants leave of absence to the clergy or stipendiary lay ministers;
- (f) Sec. 32 – with the advice of the Parish Priest, to keep the Roll of Parishioners, to cause the Electors to be identified in the Roll, and to remove names from the Roll;
- (g) Sec. 39 – to be ex officio members of the Parish Council;
- (h) Sec. 40(3) – in certain circumstances to be the Chairman of the Parish Council;
- (i) Sec. 43(b) – to present to the Annual Meeting a report on their work and the work of the Parish Council, and to present for adoption the Parish Annual Financial Accounts;
- (j) Sec. 43(1) – to bring forward to the Annual Meeting any other business; and to ensure that other business of which 7 days' notice has been given is notified to the Electors before the meeting;
- (k) Sec. 44 – with the Parish Priest to transmit to the Registrar the annual returns etc. by 15 March;
- (l) Sec. 48 – to requisition a special meeting of the Parishioners;
- (m) Sec. 50(2) – to requisition a special meeting of the Parish Council;
- (n) Sec. 65 – in the absence of the Parish Priest to grant consent for meetings to be held in parish buildings or on parish land subject to the direction of the Archbishop;
- (o) Sec. 67(2) – with the advice of the Parish Priest to take care that a Roll of Parishioners is kept and maintained, and that in the Roll the Electors are identified;
- (p) Sec. 74 – to give directions to District Churchwardens relating to the conduct of their duties.

C.2.14. Some of the duties and responsibilities of the Churchwardens are amplified in the Regulations made under the *Parishes Regulation Canon* as follows –

- (a) Reg. II sec. 5 – to petition the Archbishop that the parish be declared a benefice;
- (b) Reg. III sec. 2[b] – serious or wilful neglect of duties or responsibilities may be taken into account in declaring that the parish is no longer a benefice;
- (c) Reg. III sec. 3 – to petition for, or to object to, the declaring that the parish is no longer a benefice;
- (d) Reg. IX sec. 2 – to form the opinion with the Parish Priest that it is impracticable to appoint a properly qualified parish auditor, and then to report the circumstances to the Registrar;
- (e) Reg. XI sec. 7 – to allocate or to delegate the allocation of the seats in church (except in the sanctuary and the chancel);
- (f) Reg. XIV Schedule – to be involved in the communication of building proposals.

C.2.15 Other duties and responsibilities of the Churchwardens are set out in other Canons, as follows –

- (a) *Insurance Canon* (the Churchwardens are included in the definition of "Responsible Persons" in this Canon) –
 - (i) to insure with the Diocesan Insurance Board the property for which they are responsible;
 - (ii) to insure the clergy with the Board against Sickness and Accident;

- (iii) to report to the Board within 14 days the occurrence of any event the risk of which occurrence is the subject of the insurance;
 - (iv) on effecting insurance, to supply the Board with full particulars of the property and all related activities and any other occupation incidental thereto, and of all alterations and additions thereto, and to give notice of any matter or thing which may affect the risk;
 - (v) to report to the Board within 14 days any injury or other cause of disablement in respect of the sickness or accident insurance.
- (b) *Cemeteries Canon* –
- (i) to constitute with the Parish Priest the Board which controls a cemetery or a place for ashes [the duties of this Board are set out in detail in the Canon].

C.3 PARISH COUNCIL

Membership

C.3.1. In every Parish there shall be a Parish Council, which at its minimum consists of certain ex officio members –

- (a) the Parish Priest,
- (b) the Churchwardens,
- (c) the Synod representatives,
- (d) the Parish Nominators,
- (e) the Parish Treasurer;
- (f) any District Churchwardens, if they elect in writing to be members of the Parish Council.

C.3.2. Assistant Clergy and Stipendiary Lay Ministers appointed by the Archbishop to the Parish may be appointed by the Parish Priest as members of the Council. They may not be elected or appointed as Churchwardens or Councillors, nor may they be elected by the Electors at the Annual Meeting as Synod representatives or Parish Nominators.

C.3.3. At the Annual Meeting, the Electors determine the number of Councillors, over and above those previously mentioned. The number so determined must not exceed 21; many Parishes may find that 21 is far too many, and would make for an unwieldy Council. Such a large number should only be decided upon when there are many Districts needing to be represented on the Council.

C.3.4. The Parish Priest at any time may appoint up to one-third of that number. The persons so appointed must be Electors; the Parish Priest is urged to use his or her power of appointment to ensure that people with something to contribute to the life of the Parish through the Parish Council are given the opportunity to participate.

C.3.5. The Electors at the Annual Meeting elect two-thirds of the number that they have determined – these persons must be Electors, and must not be Assistant Clergy or Stipendiary Lay Ministers.

Responsibilities

C.3.6. Certain responsibilities of the Parish Council are set out in detail in the *Parishes Regulation Canon* Section 60 as follows –

- (a) in conjunction with the Parish Priest and Churchwardens to prepare and assist in implementing programmes designed to further the mission and ministry of the Church in the Parish and beyond;
- (b) to provide and preserve all things needful for the decent celebration of Divine Service, the administration of the Sacraments and Rites of the Church, and safe keeping of Parish records;
- (c) subject to the Canons, to have the authority in the administration of Parish funds (including the funds of all Parish organizations), their receipt and disbursement, and in all matters connected with the material assets or liabilities of the Parish;

- (d) to be responsible for the drawing up of a budget, being an estimate of income and expenditure of the Parish for the ensuing year, for the presentation of the budget to the Annual Meeting for adoption by the Parishioners, for its amendment from time to time as necessary, and for such actions as may be necessary to adhere to the estimate of expenditure and for the estimate of income to be achieved;
- (e) to receive all payments belonging to the Parish;
- (f) to make provision for the punctual payment of the Parish Priest's stipend, the stipend of all stipendiary Assistant Curates and lay ministers and the salary of all other paid church officers;
- (g) to deduct and transmit to the Treasurer of Synod, or to such other persons or bodies as may be required, contributions directed to be made by the following Canons –
 - (i) *Superannuation Canon*,
 - (ii) *Long Service Leave Canon*,
 - (iii) *Insurance Canon 1997*;
- (h) so far as the Parish funds lawfully available for these purposes may allow, to keep in repair the fabric of the Church, the Parish Priest's residence and other buildings and to provide such furnishings and amenities in the residences owned by the Parish as may be prescribed by Regulation;
- (i) to ensure that any property for which they are responsible is insured in accordance with any direction of the Board of Management under the *Insurance Canon 1997*;
- (j) to insure the Parish Clergy and all lay workers employed by the Parish under a Workers Compensation policy issued by WorkCover Queensland if required to do so by the Board of Management under the *Insurance Canon 1997* and as the Board may direct;
- (k) in conjunction with the Parish Priest and Churchwardens, to report to and be responsible to Synod (through the Commission for Community Welfare and Social Justice) in respect of Parish-based endeavours relating to community welfare and social justice;
- (l) to act as a Council of advice to the Parish Priest and the Churchwardens.

NOTE: Item (l) does not govern or control or qualify the preceding items (a) to (k) in any way: items (a) to (k) stand as grants of power by the Synod to the Parish Council. Item (l) gives the Council the responsibility of advising the Parish Priest and the Churchwardens on any matters which are their particular duty or responsibility as Parish Priest or Churchwardens, such as the matters set out in Section 59 and elsewhere in the Canon.

C.3.7. Other duties and responsibilities of the Parish Council set out in the *Parishes Regulation Canon* are –

- (a) Section 35 – to elect a Parish Treasurer and to direct the Treasurer as to the duties to be performed;
- (b) Section 36 – to elect a member of the Council as Secretary and to direct the Secretary as to the duties to be performed;
- (c) Section 47 – to fill vacancies in the positions of –
 - (i) Churchwarden (except the Churchwarden appointed by the Parish Priest),

- (ii) Councillor (except a Councillor appointed by the Parish Priest),
 - (iii) Parish Treasurer,
 - (iv) Parish Nominator,
 - (v) Parish Auditor,
 - (vi) Representative in Synod,
- such vacancies being caused by the office-holder ceasing to hold office, or by reason of the Annual Meeting having failed to fill the appointment;
- (d) Section 48 – to requisition a special meeting of the Parishioners;
 - (e) Section 50(1) – to set the meeting times of the Parish Council;
 - (f) Section 50(2) – to requisition a special meeting of the Parish Council;
 - (g) Section 51 – to set the manner in which notice of meeting is given;
 - (h) Section 53 – to confirm the minutes of meetings of parishioners if those meetings so delegate, and to confirm the minutes of meetings of the Council (a paper on the keeping of minutes is at Appendix A of Section C.7 – “Meetings of Parishioners”);
 - (i) Section 54 – to present to the Annual Meeting the audited accounts, and statement showing moneys owed by the Parish and moneys held by the Parish;
 - (j) Section 61 – to appoint committees;
 - (k) Section 62 – to consent to the Parish Priest's letting or disposing of possession of part or all of the priest's residence;
 - (l) Section 67(3) – to ensure that financial records, minutes, inventory, and this Handbook are kept and maintained;
 - (m) Section 74 – to give directions to District Churchwardens relating to the conduct of their duties, including what moneys received by the District Churchwardens may be retained by them and how such moneys may be used.

C.3.8. Some of the duties and responsibilities of the Parish Council are amplified in the Regulations made under the *Parishes Regulation Canon* as follows –

- (a) Reg. II Section 5 – to petition the Archbishop that the parish be declared a benefice;
- (b) Reg. III sec. 2[b] – serious or wilful neglect of duties or responsibilities may be taken into account in declaring that the parish is no longer a benefice;
- (c) Reg. III Section 3 – to petition for, or to object to, the declaring that the parish is no longer a benefice;
- (d) Reg. V – provisions for housing or housing allowances;
- (e) Reg. VI – provisions for travelling facilities or allowances;
- (f) Reg. VII – provisions for remuneration for occasional duty by clergy;
- (g) Reg. XI – provisions for the furnishing of churches;
- (h) Reg. XIII – provisions for residences and their furnishing and fitting;
- (i) Reg. XIV – to be involved in the development of building proposals.

C.3.9. Other duties and responsibilities of the Parish Council are set out in other Canons, as follows –

- (a) *Insurance Canon* (the Parish Council is included in the definition of "Responsible Persons" in this Canon) –
 - (i) to insure with the (Insurance) Board the property for which they are responsible;

- (ii) to enrol the clergy in the Sickness and Accident and Maternity Leave Compensation Scheme with the Board;
 - (iii) to report to the Board within 14 days the occurrence of any event the risk of which occurrence is the subject of the insurance;
 - (iv) on effecting insurance, to supply the Board with full particulars of the property and all related activities and any other occupation incidental thereto, and of all alterations and additions thereto, and to give notice of any matter or thing which may affect the risk;
 - (v) to report to the Board within 14 days any injury or other cause of disablement in respect of the sickness or accident insurance.
- (b) Cemeteries Canon –
- (i) with the consent of the Parish Priest, to make rules not inconsistent with the Canon, setting out the qualifications of a person whose remains or ashes may be buried in a Cemetery or placed in a Place for Ashes;
 - (ii) to receive the fees and charges levied pursuant to the Cemeteries Canon and to make them available to the Board constituted under this Canon to control the Cemetery or Place for Ashes; and if thought fit to make other moneys available to the Board for maintenance of the Cemetery or Place for Ashes; and to include all such moneys in their annual accounts;
 - (iii) to make rules setting out fees and other charges payable in respect of burials or the placing of ashes.

Districts

C.3. 10. A District is any part of a Parish where a Church or hall or other building owned by The Corporation and administered by the Parish exists, and where a congregation gathers regularly with a member of the Clergy for the purpose of worship and the administration of the sacraments.

C.3. 11. It is permitted in the *Parishes Regulation Canon* (secs 70-74), but it is not mandatory, for a District to have a limited degree of local administration. For example, there may be an annual meeting of the parishioners of a District, where the Electors may elect a District Churchwarden, and the Parish Priest may appoint a District Churchwarden.

C.3. 12. The duties of a District Churchwarden are set out in Section 74 of the Canon, but it should be noted that these duties are exercised subject to any express direction of the Churchwardens and Parish Council of the Parish.

C.3. 13. In particular, the authority of District Churchwardens to retain all or any of the payments in the District belonging to the Parish and to use such moneys which are retained is subject to the prior consent in writing of the Parish Council, and such moneys may be used only in accordance with such directions and for such purpose as the Parish Council may from time to time in writing direct.

C.3. 14. District Churchwardens are members of the Parish Council (if they elect in writing to be members).

C.3. 15. There is nothing to prevent a District Committee being established for any District in the Parish by the Parish Council, to assist it in the running of the Church's affairs in the District.

C.4 OTHER PARISH COMMITTEES

Appointment

C.4.1. It may be helpful to appoint a number of working Committees to facilitate various aspects of parish responsibilities. Careful planning should be done to ascertain what Committees would be beneficial to a particular parish, and as part of that planning a parish evaluation may be undertaken.

C.4.2. The decision to appoint Committees, and which Committees should be appointed, should be taken by the Parish Council, often after consideration by the Parishioners at the Annual Meeting.

C.4.3. Such Committees are regulated by sec. 61 of the *Parishes Regulation Canon*. It will be noted that under sec. 58 of the Canon the Parish Priest is ex officio a member of all Committees. It may be thought convenient for the Churchwardens, or at least one of them, to be appointed by the Parish Council as ex officio members of the Committees.

Accountability

C.4.4. All Committees should be required by the Parish Council to report regularly to the Council, and through the Council to the Annual Meeting.

C.4.5. Recommendations by these Committees would need to be ratified by the Parish Priest, the Churchwardens, the Parish Council or by a general meeting of parishioners, whichever is appropriate.

C.4.6. Note however that the Parish Council may appoint Committees to carry out such of its functions as it may require, and in this case the Committee may be empowered to act for the Parish Council in matters expressly assigned to it by the Council.

Types of Committees

C.4.7. The following Committees may be useful. This list is not exhaustive and other combinations of the various areas may be more suitable to a particular parish.

- (a) *Worship [The Parish Priest should always be the Chairman of this Committee as he is directly responsible to the Archbishop for the conduct of public worship in the parish.]*
 - (i) To plan the ordering of worship including participation by readers, servers, choir, members of the congregation etc.
 - (ii) To be a source of 'feed-back', comment and suggestions on sermons, intercessions, music etc.
 - (iii) To explore other forms of worship, e.g. Healing Services, Family Services, etc.
- (b) Pastoral Care and Outreach
 - (i) Evangelism.
 - (ii) Arrange visiting programmes.
 - (iii) Encourage fellowship within the parish.

- (iv) Co-ordinate parish involvement in the community, with neighbouring parishes, and with other denominations.
- (c) Education
 - (i) Encourage, plan and support suitable educational activities for children such as Sunday Schools and their alternatives.
 - (ii) Organise religious education in the State Schools.
 - (iii) Plan suitable programmes for adults, youth, etc.
- (d) Stewardship
 - (i) Plan for the education of the parish in stewardship principles.
 - (ii) Ensure that the parish resources are used to the best advantage.
 - (iii) Draft an annual budget for consideration by the Parish Council.
- (e) Buildings and Grounds
 - (i) Plan for future needs.
 - (ii) Ensure the proper maintenance of parish plant.
- (f) Missionary Support
 - (i) Stimulate interest in mission and promote missionary causes.
 - (ii) Co-ordinate with the various mission boards and societies.

C.5 PARISH VACANCIES

Appointment of Nominators

C.5.1. In every Parish which is a benefice there shall be three Parish Nominators, who are elected at the Annual Meeting by the Electors – the Parish Nominators must themselves be Electors, and must not be Clergy or Stipendiary Lay Ministers. A vacancy is filled by the Parish Council.

C.5.2. Each year, at the ordinary session of Synod, the Diocesan Nominators are elected – two members of the House of Clergy, and one member of the House of Laity. In addition, there are six members of the clergy and three members of the laity elected as Reserve Diocesan Nominators. Term of Appointment is for three years.

C.5.3. If the Parish is a benefice, the Parish Nominators act with the Diocesan Nominators and the Archbishop, all of whom together form the Presentation Board for that Parish. The Archbishop may appoint one of the Assistant Bishops to take his place on the Board. If any of the Diocesan Nominators is unavailable, that place may be taken by a Reserve Diocesan Nominator from the same House in Synod. The procedure for filling the vacancy in a benefice is described below.

C.5.4. If the Parish is not a benefice, then the appointment of the Parish Priest rests solely with the Archbishop – he may, in these cases, consult the Parish Nominators (if any) with regard to the appointment. (A Parish which is not a Benefice may still elect Parish Nominators.)

Churchwardens' statement as to stipend, etc.

C.5.5. When any Parish becomes vacant or when a Parish is newly created a benefice, the procedure begins with the Churchwardens forwarding to the Archbishop a written statement of the annual stipend proposed to be paid to the Parish Priest and as to the provision of a residence or an equivalent rental allowance approved by the Archbishop-in-Council as well as of the provision to be made for travelling facilities and/or allowances for the Parish Priest. A form letter for this purpose is sent from the Archbishop's office to the Churchwardens, for them to complete and return. An example of the form letter currently in use is shown at Appendix A.

C.5.6. After such statement has been forwarded to the Archbishop and a priest has been elected and nominated for the Parish no reduction in the amount of such stipend, facilities and/or allowances shall be made without the consent in writing of the Archbishop first had and obtained, and no reduction of any stipend, facilities and/or allowances heretofore agreed to be paid or made to any Parish Priest shall be made without the consent of the Archbishop first had and obtained.

Principles

C.5.7. It is important that the Parish Nominators understand the following principles –

- (a) the offer of appointment as Rector of the Parish, and the acceptance of that offer, are matters for the Archbishop and the priest concerned, and not for the Parish Nominators or other Parish officials;
- (b) Parish Nominators have no authority to make any offer to a priest;
- (c) the proceedings of the Presentation Board must be kept absolutely confidential;

- (d) if Parish Nominators make enquiries about clergy before the Presentation Board has met and made its recommendation, they must exercise discretion. They must not give any indication to any priest that they are considering the possible nomination of that priest to the Presentation Board.

Convening of the Board

C.5. 8. The Presentation Board is convened by the Archbishop (or an Assistant Bishop). The sole business of this Board is to consider the name of a priest for presentation to the Archbishop and for him to offer the appointment as Rector of the Parish.

C.5. 9. A quorum for the Presentation Board shall comprise of the Archbishop (or an Assistant Bishop appointed by him), and at least two Diocesan Nominators.

C.5. 10. The Presentation Board proceedings are begun with the Archbishop (or the Assistant Bishop deputising for him) laying on the table the resignation of the Rector and the Churchwardens' statement as to stipend, travel arrangements, residence etc.

Two possible procedures

C.5. 11. If the Archbishop has the prerogative of appointment and chooses to exercise that prerogative, proceedings are conducted slightly differently than usual – refer **C.5.13.** - **C.5.14.** below.

Usual procedure

C.5. 12. In the case where the Archbishop's prerogative does not apply –

- (a) the Parish Nominators have in the first place the option of recommending at the Board meeting the name of a priest whom they desire to be nominated to the Archbishop for appointment to the Parish – this recommendation is then taken into consideration by the Board and the question as to whether the priest so recommended shall or shall not be elected for nomination to the Archbishop is determined before the name of any other priest is submitted;
- (b) if the Board does not elect the priest (if any) nominated as set out above, the names of the clergy of the Diocese are considered, and a long list is prepared, with names being suggested by the members of the Board;
- (c) then names of clergy outside the Diocese may be added to the list;
- (d) next, the names are discussed in detail and information about individuals may be supplied by the Archbishop or the Diocesan Nominators, until the long list is reduced to a short list;
- (e) at this stage, if the Parish Nominators feel they need time to consider the names on the short list, they might retire for discussions among themselves, or the meeting might be adjourned to a later date;
- (f) finally, the list is reduced to one name, on the motion of a member of the Board, and that priest is nominated to the Archbishop;
- (g) in the above procedure, the Archbishop or the Assistant Bishop who takes his place as Chairman has an independent vote and a casting vote.

Archbishop's prerogative

C.5. 13. The Archbishop has the prerogative to appoint a priest when –

- (a) this is the first appointment to a newly created benefice;
- (b) until 30 June 1992, in the case of every third consecutive vacancy occurring in the Diocese in respect of which the Archbishop has not exercised his prerogative for the last two consecutive vacancies;
- (c) after 30 June 1992, in every case where the vacancy follows two consecutive vacancies in that Parish which have been filled by a Priest selected by the Presentation Board.

C.5. 14. When the Archbishop has the prerogative to appoint a priest, and chooses to exercise that prerogative, he selects a priest, and proposes that name to the Board; the Board may give advice concerning the Archbishop's selection, and a majority of the Board is required to give consent to the Archbishop's selection (the Chairman in this case having no right to vote). If the Board is evenly divided (e.g. 3:3) the motion to give consent to the Archbishop's selection is lost.

Offer of appointment

C.5. 15. Decisions of the Presentation Board are recorded in a Book of Minutes.

C.5. 16. When the Board has made its nomination to the Archbishop, or, in the case of the exercise of the Archbishop's prerogative, when the Board has consented to the Archbishop's selection, the Archbishop offers the Parish to the priest.

C.5. 17. If the priest should not accept the offer, the Board is called together again for the purpose of making another nomination to the Archbishop or consenting to another selection by the Archbishop, as the case may be.

C.5. 18. When the priest accepts the Archbishop's offer, the task of the Parish Nominators is then complete. Arrangements are made for the Churchwardens to be notified, and for announcements to be made both in the priest's present parish and in the vacant parish. It is customary for these announcements to be made on the same day.

Institution of new Priest

C.5. 19. Arrangements relating to the institution of the new Priest are made by the Churchwardens who liaise with the Area Dean, the Archdeacon and the Regional Bishop.

Priest-in-Charge

C.5. 20. Notwithstanding the above provisions, the Archbishop may institute a priest to a benefice as the Priest-in-Charge.

C.5. 21. In this case, the consent of the Presentation Board as a whole and the consent of a majority of the Parish Nominators is required.

C.5. 22. This priest is not licensed as the Rector of the Parish, and the appointment is for a limited term – the period is nominated by the Archbishop but can be for no longer than three years.

C.5. 23. This type of appointment will usually be made when the priest concerned has not previously been a Parish Priest.

C.5. 24. After an initial period, it is possible for the Priest-in-Charge to be nominated by the Board to the Archbishop for appointment as Rector.

Parish Profile

C.5. 25. The process of compiling an up to date Parish Profile can be a valuable experience for a parish when one incumbent leaves and before the process of discernment to find a new priest begins. The process can help a parish bring some focus to mission and ministry imperatives and to articulate some important things about the character and identity of the parish.

C.5. 26. The Parish Profile is also the “first look” for any potential new priest and, as such, it is important that it paints an accurate picture of the strengths of the parish and the challenges it faces.

C.5. 27. The Parish Profile should include (but not be limited to) the following:

- (a) Strengths and Weaknesses of the Parish;
- (b) Parish Statistics – the Parish Dashboard is a useful inclusion;
- (c) Lay Leadership:
 - (i) Number of licensed lay assistants;
 - (ii) Do lay people read the lessons?
 - (iii) Do lay people lead the intercessions?
 - (iv) In what ways do lay members of the parish take responsibility for aspects of the day-to-day administration of the parish?
 - (v) In what other ways do lay people exercise ministry within the parish?
- (d) What is the Parish Mission Statement and/or its stated goals?
- (e) What are the most important needs of the Parish?
- (f) What are the hopes and plans for the future?
- (g) Parish Groups and Activities;
- (h) What does the wider community look like?
 - (i) Population details (ABS data – www.censusdata.abs.gov.au/)
 - (ii) Estimated number of people identifying as Anglican (ABS data)
 - (iii) Local schools, colleges, universities
 - (iv) Other churches
 - (v) Distance from Brisbane or nearest regional centre
- (i) What does the National Church Life Survey, most recent NCD survey or other tool say about the parish (if the parish has participated in any of these)?
- (j) What are the particular qualities seen to be important for a new priest?

C.5. 28. The Parish Profile is submitted to the Regional Bishop for review and uploading to the Diocesan website.

Informal discussions

C.5. 29. The Regional Bishop may arrange to have informal discussions with the Parish Nominators prior to the first meeting of the Presentation Board. These informal discussions may include reference to the Parish Profile, and whether they have considered the names of any Priests whom they might wish the Board to consider. He may also discuss the names of Priests whom he considers may be suitable for consideration by the Board. Any such discussions are both informal and confidential.

C.5. 30. When the Board reduces the short list to one name, the current practice then is either –

- (a) for the Regional Bishop to contact the named Priest to ascertain whether the Priest is willing to meet with the Parish Nominators to discuss the vacant benefice; or
- (b) for the Board to proceed directly to the nomination of the named priest to the Archbishop.

C.5. 31. If the first option is chosen, the Priest and the Parish Nominators meet (usually in the vacant parish) to enable the Parish Nominators to decide whether they are willing to proceed with the nomination of the Priest to the Archbishop. If the Parish Nominators are agreeable, they then write a letter to the Archbishop indicating their agreement with the nomination of the Priest to the Archbishop (or, in the case where the Archbishop is exercising his prerogative, their consent to the Archbishop's nomination of the named Priest). All three Parish Nominators should sign the letter. At the next meeting of the Presentation Board, the letter is tabled and the formal motion of nomination or consent is put.

C.5. 32. If the Parish Nominators are not agreeable to the nomination of the Priest with whom they have met informally, they advise the Regional Bishop accordingly. In such case the Board meets again to select another name.

Interim arrangements

C.5. 33. The Regional Bishop is responsible for the making of *locum tenens* arrangements in the case of vacancies. He may delegate this responsibility to a senior priest charged with co-ordinating the placement of locums.

C.5. 34. A priest who is acting as *locum tenens* in a vacant parish is expected to not make changes without the prior agreement of, or at the request of, the Regional Bishop.

APPENDIX A

Address: _____

Date: _____

Archbishop of Brisbane
GPO Box 421
Brisbane 4001

Dear Archbishop

We the undersigned, Churchwardens of the Parish of _____ wish to notify you, in accordance with Section 16 of the Parishes Regulation Canon and Regulations XIII made pursuant to the Canon, of the following matters relating to the appointment of a Parish Priest of the Parish:

- 1. The annual stipend to be paid, when appointed is: (\$)
- 2. Superannuation: (\$)
- 3. Long Service Leave (if full time): (\$)
- 4. Sickness and Accident Insurance: (\$)
- 5. Residence is to be provided rent free or authorized rent allowance: (\$)
- 6. The following provisions for traveling facilities and/or allowance, when appointed, are proposed _____

- 7. The reasonable costs of the following amenities in the residence, are to be provided: electricity, gas, oil and wood heating, lighting and power for household use and work-related activities, and telephone calls.
- 8. The annual holiday allowance is to be paid in accordance with the Parishes Regulation Canon.
- 9. The following facilities and allowances will be provided (list any further facilities or allowances, e.g. book allowance): _____

Yours sincerely

_____)
 _____)
 _____) Churchwardens
 _____)
 _____)

C.6 SYNOD REPRESENTATIVES

Appointment

C.6.1. Synod representatives are elected for a term of three years.

C.6.2. At the Annual Meeting in a year required by the *Synod Canon* the Electors shall elect two lay persons who themselves are Electors, who together with the Clergy will represent the Parish at the Synod of the Diocese and at any special meetings of Synod which may occur before the next Annual Meeting of the parish in a year required by the Synod Canon.

C.6.3. Vacancies are filled by the Parish Council; however, if there is a vacancy at the time of the Annual Meeting, that meeting will have the right to fill the vacancy.

C.6.4. Parishes should meet the expenses involved in representatives coming to Synod – travel, accommodation and meals.

Responsibilities

C.6.5. When a representative, clergy or lay, is appointed to Synod, that person is there not just to represent a particular parish, but is there as a member of the Diocese to deliberate upon and to promote the mission and welfare of the Diocese as a whole.

C.6.6. Members are summoned to Synod, not invited to come. If for some good reason they are unable to attend, they should seek leave of absence from the Archbishop.

Arrangements

C.6.7. Synod will normally meet in June.

C.6.8. The Synod normally meets at Morris Hall, Anglican Church Grammar School, East Brisbane.

C.6.9. Where necessary, parishes should arrange for retired clergy or licensed lay persons to take the Sunday Services.

C.7 MEETINGS OF PARISHIONERS

Frequency

C.7.1. General meetings of Parishioners may be called when required. It is recommended that such meetings be called when major decisions need to be made. A general meeting may make decisions which are binding on the parish officials.

C.7.2. An Annual Meeting is required to be called not later than the last day of February each year.

Notice

C.7.3. Notice of the Annual Meeting must be given by affixing the notice to a prominent notice board or to the principal door of each Church building in the Parish for a period of not less than ten days including two Sundays and by announcement in Church on those Sundays. The form of the written notice is set out in the *Parishes Regulation Canon*, Schedule 1.

C.7.4. In the case of Special Meetings the requirements concerning notice are the same, and the notice shall specify the nature of the special business to be considered at the meeting.

Procedures

C.7.5. The Parish Priest is ex officio chair of parish meetings, and returning officer for all elections required under the Canon.

C.7.6. Minutes of parish meetings must be kept, and either read aloud and confirmed at the close of the meeting, or, if the meeting so resolves, confirmed at the next meeting of the Parish Council. Minutes should be created in electronic format and saved into Microsoft O365 Teams as maintained and supported by ACSQ. Guidance on the keeping of minutes is available on The Anglican Resource Community (the ARC).

C.7.7. The Roll of Parishioners kept by the Churchwardens with the advice of the Parish Priest determines who are entitled to attend a parish meeting as Parishioners and Electors (refer C.1).

Submission to Synod

C.7.8. The following officers upon election to their office shall sign the “Declaration of Submission to Synod” if they have not on some previous occasion signed it –

- (a) Churchwardens
- (b) Synod Representatives
- (c) Parish Treasurer
- (d) Parish Nominators
- (e) Parish Councillors

and shall also sign the undertaking set out in the *Parishes Regulation Canon*, Schedule 3.

C.7.9. The Declaration of Submission to Synod is sent to the Registrar; the undertaking set out in the Canon, Schedule 3, is retained in the Parish.

Agenda

C.7.10. The agenda for the Annual Meeting of Parishioners is set out in the *Parishes Regulation Canon*, sec. 43.

C.7.11. Reports of organisations and societies should be tabled at the Annual Meeting (and if possible printed for circulation) but not necessarily read in full. A financial report should accompany each report where applicable.

C.7.12. The agenda for a Special Meeting (apart from “housekeeping” items such as ensuring that the Minutes are recorded and confirmed) is confined to the special business notified in the notice of meeting.

Annual Report by the Parish Priest

C.7.13. The following headings are a suggested guide for Parish Priests in writing their Annual Reports for the Annual Meeting of Parishioners. Copies of this report should be sent with the copies of the Annual Returns, to the Registrar.

- (a) Worship
 - (i) Outline of activities of worship.
 - (ii) Involvement of people in presentation and participation.
 - (iii) Ministry of prayer.
- (b) Pastoral Care
 - (i) Caring ministry of clergy.
 - (ii) Caring ministry of laity.
- (c) Education
 - (i) Teaching role of clergy.
 - (ii) Teaching role of laity.
 - (iii) Adult activities for development of faith.
 - (iv) Youth and children's activities for development of faith.
 - (v) Development of stewardship.
- (d) Outreach
 - (i) Baptism and Confirmation.
 - (ii) Witnessing activity of the parish.
 - (iii) Involvement in overseas and local mission.
 - (iv) Prophetic ministry to social situations.
- (e) Administration
 - (i) Clergy and other staff – personal development e.g. study and seminars.
 - (ii) Work of parish office.
 - (iii) Maintenance and development of plant.

APPENDIX A

Keeping Minutes

1 Importance of Minutes

- 1.1 Why do we keep minutes of meetings? It is to record decisions and actions, and to inform the future what we did. In other words, when you write minutes, you are writing an essential part of the history of an organization.
- 1.2 When the minutes are written, and even more importantly when they are confirmed as a true record, they become an agreed part of the history of the group - in our case, part of the history of our Church. What is recorded in the minutes and confirmed becomes the agreed record.
- 1.3 Although the minutes are useful to the present members of the committee, they may be even more useful to those who come after. As the composition of a committee changes, as people leave and new people join, the minutes are the only secure way in which the newcomers can find out what was decided in the past - and, hopefully, why it was decided.

2 Responsibility for the keeping of minutes

- 2.1 Most people think that the secretary of a meeting is responsible for the minutes. This is true, to the extent that we rely on the secretary to make accurate and sufficient notes, and to write up the minutes.
- 2.2 The responsibility for the minute's rests with the chairperson of the meeting. The chairperson must ensure that -
 - there is someone acting as secretary who has sufficient skills and experience in the taking of minutes
 - the secretary has sufficient time, as the business is dealt with, to take an accurate record
 - motions are written down, hopefully by the mover, for the secretary to incorporate in the minutes.
- 2.3 Minutes of meetings must be confirmed at the close of the meeting, or, if the meeting so resolves, confirmed at the next meeting. Minutes should be created in electronic format and saved into the relevant Microsoft Team file location.
- 2.4 The chairperson of the meeting at which the minutes are confirmed should sign those minutes as having been confirmed as a true record. The date should be added after the chairperson's signature. At this point the meeting has taken complete responsibility for the minutes.

3 What to Record in Minutes

- 3.1 The minutes should include the following -
 - The correct title of the body which is meeting
 - When the meeting was held [date, time of opening and closing]
 - Where the meeting was held
 - Who was in attendance
 - Who was in the chair
 - Whose apologies were received and accepted by the meeting.

- 3.2 If a separate record of attendance is created, this MUST be kept.
- 3.3 The minutes should record every decision taken by the meeting. The names of the persons who moved and who seconded the motion, and who moved and seconded any amendment to the motion, should be recorded. Occasionally the person in the chair may declare that a decision has been made without a formal mover or seconder - but only so long as there is no opposition expressed to it, or the matter was not deemed of sufficient importance to require a mover/seconder.
- 3.4 The chairperson needs to ensure that the minute secretary is furnished with a clear text of motions. The minutes should always show if a motion was "carried" or not. Where a motion is not carried, that is still a significant decision.
- 3.5 When a motion is not proceeded with because there was no-one prepared to second it, the minutes need not record the proposed motion.
- 3.6 Points made when discussing a motion do not need to be recorded - unless they are necessary for understanding the record of proceedings, or unless a member requests that a record be included.
- 3.7 Where a member of the meeting wants to record dissent from a decision which has been taken by the meeting, the minutes would usually run as follows -

The motion was carried [12 in favour, 4 against] with Mrs A. Baker and Mr C. Drummond requesting that their dissent be noted.

- 3.8 Each page of the minutes should be dated and numbered, and titled with the name of the meeting: for example -

24 February 2009 Parish of Churchville - Parish Council Meeting page 4

4 Format of Minutes

- 4.1 Within the minutes of a meeting, a heading should be added to each item of business. For example -

Buildings The report of the Buildings & Grounds Committee was received. Moved Mr E. & Grounds Ferguson, seconded Miss G. Harrison. Carried.
Committee

Toilet Item 2 of the report [dealing with mice in the toilet block] was debated at length, and it Block was moved by Mrs I. Jones, seconded by Mr K. Little, that ... Carried.

- 4.2 Another approach to the setting out of the minutes would be -

Buildings & Grounds Committee

The report of the Buildings & Grounds Committee was received. Moved Mr M. Nelson, seconded Miss O. Purcell. Carried.

Toilet Block

Item 2 of the report [dealing with mice in the toilet block] was debated at length, and it was moved by Mrs Q. Robertson, seconded by Mr S. Tyrrell, that ... Carried.

- 4.2 Whatever way the minutes are set out, you should remember that it is the person coming in (perhaps years later) without detailed knowledge of the business transacted, but looking for particular information, who needs to be guided easily to what is being sought.

5 Tabled Documents and Papers

- 5.1 There is nothing worse than finding a reference to a document in the minutes and not being able to find the document.
- 5.2 An example of badly kept minutes would be -

<i>Buildings & Grounds Committee</i>	<i>The report of the Buildings & Grounds Committee was received. Moved Mrs U. Victor, seconded Mr W. Xavier. Carried.</i>
--	---

<i>Toilet Block</i>	<i>Item 2 of the report [dealing with mice in the toilet block] was debated at length, and it was moved by Mr Y. Zimmerman, seconded by Miss A. Barron, that the Council adopt the recommendation of the Committee. Carried.</i>
---------------------	--

- 5.3 If the report of the Buildings & Grounds Committee has not been attached to the minutes (and, even worse, if the text of the recommendation has not been included in the minutes) then it becomes quite impossible to find out what the meeting agreed to, unless the relevant document can be located in other files - often a time-consuming and unrewarding process.
- 5.4 **IT IS ESSENTIAL** that whenever a document is received, or tabled, or considered at a meeting, a copy of that document is saved with the minutes in the relevant file location. It forms part of the proceedings of the meeting because it was dealt with and perhaps resulted in the taking of decisions. The document is usually crucial to understanding why a particular decision was taken or not taken.
- 5.5 Incoming correspondence and reports which are in hardcopy (paper) format should be scanned and incorporated into the relevant Parish's Microsoft Teams file location. Hardcopies should only be kept for reference purposes or for the sharing of information at meetings – after which they should be securely disposed of.
- 5.6 **IT IS ESSENTIAL** that when a meeting deals with a recommendation from a report, the full text of the recommendation is incorporated in the minutes of the meeting, for example -

<i>Buildings & Grounds Committee</i>	<i>The report of the Buildings & Grounds Committee was received. Moved Mrs C. Darby, seconded Mr E. Fisher. Carried. [A copy of the report is attached to these minutes].</i>
--	---

Item 2 of the report [dealing with mice in the toilet block] was debated at length, and it was moved by Mr G. Hopkins, seconded by Miss I. Jenkins, that the Council adopt the recommendation of the Committee (as follows) -

<i>Toilet Block</i>	<i>That the quotation of \$500.00 from Rent-a-Cat Pty Ltd be accepted for the eradication of the mice in the toilet block. Carried.</i>
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6 Storage of Minutes

- 6.1 All minutes and papers should be saved and kept in the relevant Microsoft Teams file location. Diocesan areas, in particular Parish Offices, should contact Digital Innovation for connect and set-up. This will help to ensure that all relevant documentation is kept with the minutes of the relevant meeting.
- 6.2 A bound book was the traditional way of keeping minutes. This had its problems when too many pages (reports, financial statements, etc.) were pasted or stapled into the book – resulting in the book not closing properly or the paper being damaged by rusting staples or being stuck together.

7 Security

- 7.1 Some minutes of a meeting, or documents which are distributed to members, may be highly sensitive. In such cases copies of these minutes and documents should not circulate to people who have no right to them, and it is reasonable for these papers to be circulated only when the meeting convenes.
- 7.2 Copies of the sensitive papers should be collected after the meeting and destroyed. Members of the meeting have the right of access to the official papers (saved with the minutes) if the need should arise.

C.8 INFORMATION MANAGEMENT AND RECORDKEEPING

Information Management Framework

C.8.1. ACSQ has developed an [Information Management Framework](#), endorsed and supported by the Diocesan Council, to provide structure for how records are to be managed throughout their lifecycle.

C.8.2. There are two policies endorsed by Finance and Diocesan Services Commission and the Diocesan Council that support the Information Management Framework:

- The [Information Management Policy](#), which provides a clear statement of the importance of Information Management, the key considerations when creating and maintaining records, and the responsibilities of all Diocesan officials.
- The [Information Security and Access Policy](#), which articulates the importance of appropriately securing records and making them accessible to authorised individuals.

C.8.3 The policies outline, at a high level, the five stages of the record lifecycle:

- Creation and Capture
- Classification
- Storage
- Access and Publication
- Retention and Disposal

C.8.4. Following the policies will ensure that ACSQ maintains evidence of its decisions and activities to meet its legislative requirements, accountability needs and operational purposes.

Responsibilities

C.8.5. All areas of ACSQ create, capture and keep records of their activities, and all staff are responsible for ensuring that records of their work areas and parishes are managed according to the Information Management Framework.

C.8.6. The Corporation of the Synod of the Diocese of Brisbane owns all registers and records which are brought into existence by the Church or with the authority of the Church - [Canons Interpretation Canon, section 9, Diocesan Governance Canon - Regulation I, Records and Archives section 3](#).

C.8.7. The management of parish records, apart from the Church Registers, is the responsibility of the Parish Council. Parish records must be kept and managed in accordance with policies, guidance and disposal schedules issued under the Information Management Framework.

C.8.8. The keeping of church registers in a parish, and other places where a chaplain is appointed such as a school, college, or hospital, and the custody of these registers while they are in active use is the responsibility of the Parish Priest - Parishes Regulation Canon section 67(1). Guidance on the [Keeping of Church Registers](#) is available on the ARC.

Retention, Disposal and Access

C.8.9. Destroying or discarding records too soon, or at all, can be illegal under legislation and the Diocesan Canon. Keeping records too long wastes space and time, costs money and can make retrieval and access more difficult.

C.8.10. [Comprehensive Retention, Disposal and Access Schedules](#) are approved by the Archives and Records Committee and endorsed by the FDSC and the Diocesan Council. They provide clear guidance on what records must be created, how long they must be kept, and when and to whom access is provided. The Schedules identify which records must be kept permanently, and which records are kept for fixed periods of time only.

C.8.11. The approved Retention, Disposal and Access Schedules are linked to all aspects of the records lifecycle. By following the Schedules, ACSQ reduces the risk of improper disposal and use. Appropriate labelling and storage of records from creation through secure access to disposal or permanent retention safeguard their value and ensure all obligations are followed..

C.8.12. There is a General Administrative Retention, Disposal and Access Schedule which covers all areas of ACSQ. There are schedules covering specific entities and business units.

Further Guidance

C.8.13. Policies, Guidance and Retention, Disposal and Access Schedules passed under the Information Management Framework and the Diocesan Governance Canon are available on the ARC.

C.9 PARISH FINANCES

A. GENERAL CONSIDERATIONS

C.9.1 A parish is an operating unit of The Corporation of the Synod of the Diocese of Brisbane which is incorporated under The Church of England Acts of 1895 to 1901.

C.9.2 This means that all assets are the property of the Diocese and it follows that all administration and accounting must be carried out to the standards set by the Diocese.

C.9.3 The following guidelines provide an overview of the minimum procedures which are required by the Diocesan Registry for the processing of receipts and payments and recording thereof in Parishes.

1. There are certain basic differences between accounting for commercial enterprises and accounting for churches –
 - (a) in the church, money is only a means to an all-important end. The aim is to marshal and utilise resources in the most effective way. This differs from business, where the aim is to show a profit.
 - (b) assets such as buildings and land are not normally considered as realisable assets. They are not part of “capital” which is bought and sold or used to produce profits.

That having been said, principles of stewardship, accountability and transparency will dictate that as far as possible, normal accounting procedures and processes will apply to Parish finances.
2. Parish accounts should be kept in such a way as to provide for –
 - (a) Control –
 - (i) to ensure that all transactions are clearly and accurately recorded, and
 - (ii) to ensure that funds given for a particular purpose (e.g. A.B.M.-A) are subsequently paid out to that cause.
 - (b) Information –
 - (i) to ensure that adequate information is readily available to the Churchwardens and Parish Council of the receipts and payments and the financial position of the parish.
 - (c) Reports –
 - (i) to ensure that the accounts are kept in such a way that accurate statements can be prepared for Parish Council meetings, the Annual Meeting of Parishioners and for the Diocesan Annual Financial Return.

B. PARISH TREASURER**Appointment and qualifications**

C.9.4 The Parish Treasurer is appointed each year by the Parish Council. The Parish Treasurer is not required to be a qualified accountant or a trained bookkeeper, but it would be advantageous if a person with such qualifications was available. The qualities to be sought in a Treasurer include –

- (a) one who likes and is comfortable with figures;
- (b) one who is methodical and orderly, tidy and precise in attitudes towards information on sources of funds received and expenditures incurred, budgeting, and preparation of financial statements;
- (c) one who is prompt in banking all moneys and in payment of accounts and other commitments subject to approval by the Parish Council. One who is able to keep the books up-to-date at all times. Note – with the approval of the Parish Council the Treasurer may delegate the task of banking but maintains the responsibility.

C.9.5 The Treasurer is subject to the Canons, Regulations, Diocesan Handbook, Memoranda from the General Manager and Diocesan Accountant, the Parish Council and of course, any applicable Commonwealth or State legislation.

C.9.6 The Treasurer is to perform such duties as the Parish Council directs. The Treasurer's duties should include keeping the account books, in which the receipts and payments are entered and dissected. The minimum duties of the Treasurer are set out below.

Duties and Responsibilities of Treasurer

C.9.7 The duties of the Treasurer will normally be –

- (a) to record the financial transactions of the parish;
- (b) to present a financial statement to each meeting of the Parish Council;
- (c) to ensure that all offertory and other funds received are recorded and banked promptly
- (d) to pay accounts as authorised by the Parish Council;
- (e) to prepare before each Annual General Meeting of Parishioners an audited statement of the financial affairs of the Parish;
- (f) to assist the Finance Committee and the Parish Council to prepare an Annual Budget;
- (g) and to carry out any other financial functions as determined by the Parish Council.

C.9.8 All money passing through the Parish Council's care, and all money put on to the collection plate in church, becomes trust money to be used for religious and charitable purposes in accordance with the laws relating to trust funds. For this reason, the Treasurer is particularly responsible to ensure that the cash books and other documents are kept accurately and in proper order.

C. INCOME

Church Collections

C.9.9 The Parish Council has the authority in the administration of Parish funds, and is therefore required to set up a secure, workable system for the handling of all receipts. Receipts normally come through church collections.

C.9.10 At the end of each service the collection should be counted by the sidespersons or those people who are appointed by the Parish Council to do this task. Two people (who are not related) should be involved in the counting and recording of the offertory and other receipts. This approach minimises the possibility of error whilst protecting those doing the counting.

C.9.11 Note - when counting large amounts of money, e.g. the offertory, try to do it in a lockable room out of the public gaze. Do not allow people to enter the room whilst the money is being counted. Counting should be done by a minimum of two (2) people and they should all sign the summary sheet.

C.9.12 It is usual for collections to be divided into loose cash and envelope offerings. Envelopes need to be opened and recorded separately.

C.9.13 A separate form should be used at each service, and an additional one for miscellaneous receipts from other sources (e.g. the mail).

C.9.14 Receipts should be issued for all other money paid to the Parish, e.g. donations, rent.

C.9.15 A form showing (a) the dissection of receipts by purpose, (b) the dissection of the notes/coins by denomination with the cheque total, (c) the names of the counters – should be prepared for each service. The following is an outline of such a form:-

<u>SUMMARY OF RECEIPTS</u>			
Date:	/ /	Time of Service:	a.m. p.m.
<u>Dissection</u>		<u>Cash Summary</u>	
Parish Envelopes	\$	Notes	\$
Cash	\$	Coins	\$
Total General Receipts	\$	Cheques	\$
Other (specify)	\$	Total Receipts	\$
e.g. A.B.M-A	\$		
Bldg Fund	\$	Names:	
C'mas Bowl	\$	_____	
Total Receipts	\$	_____	

C.9.16 As soon as the collections and contents of Planned Giving envelopes have been counted and recorded and their accuracy verified, they should be bagged ready for banking.

C.9.17 The receipts are summarised and entered in the Register of Services by the counters or nominated person before the money is moved from the church. The counting slip is left with the money for the person doing the banking. The banking is done by the Treasurer or a person appointed by the treasurer.

C.9.18 Note - money should always be banked as soon as possible after being received. It should never be left in view, in an unlocked drawer or a filing cabinet. Use night safe facilities (if practical), a parish safe, or if there is no satisfactory alternative, have someone to take it home with them rather than leave it in the office. Where money is taken off the premises it should first be recorded in the register of services.

Other Income

C.9.19 In most cases, the main source of parish giving will be through the Sunday collections, both loose and envelope (committed giving).

C.9.20 Many parishes, however, will have additional sources of income. Some will have a parish hall which is let out; some are fortunate enough to have bequests on which regular income is received. Occasionally there are investments made from past savings, and there can be few parishes which do not have fêtes or other fundraising functions.

C.9.21 The parish accounts should reflect a great deal about the parish. Are the special events the financial life-line of the parish? Is the regular giving of the committed congregation sufficient to keep the wheels turning? Or does the church have to rely on the impulse buying of the less committed well-wishers who are persuaded along to a fundraising event? What is the relationship of special efforts to missionary giving?

C.9.22 If the parish has income from specific trusts held by the Diocese, care should be taken to comply with the terms of these trusts. If there is doubt as to whether certain payments fall within the scope of a particular trust, the General Manager will be able to assist.

Banking of Church Funds

C.9.23 The Treasurer is responsible for all banking but may delegate the task with the approval of the Parish Council.

C.9.24 The person handling the banking should prepare a summary of all forms which will agree with the total banking. This summary, with the other forms attached, is then forwarded to the Parish Treasurer for entry into the cash book.

C.9.25 After recording in the cash book, these forms are then carefully filed in reverse chronological order for the auditor.

Electronic Receipts

C.9.26 Income from ANFIN Direct and other electronic transfers should be captured from bank statements and entered directly into the cash book.

Gifts for Specific Purposes

C.9.27 Special gifts to the church are usually given with a specific purpose in mind and the expenditure of these gifts should conform to that purpose.

Bequests

C.9.28 Any communications received by the parish in relation to a bequest must be forwarded to the General Manager/Registrar for a formal response. The General Manager/Registrar is the proper person to receive monies on behalf of The Corporation of the Synod of the Diocese of Brisbane.

C.9.29 These procedures must be followed:

- (a) so that Diocesan Council is aware of all bequest monies received throughout the Diocese; and that they are published in the Annual Year Book
- (b) to ensure the terms of the bequest are adhered to
- (c) to enable the Diocese to issue an official receipt that will discharge the responsibility of the executor.

C.9.30 Once the bequest monies are received by the Diocese, amounts up to and including \$10,000 will be automatically transferred to the Parish. Amounts above \$10,000 will be transferred to a special account at ANFIN. To access funds held by the Diocese a Parish Approval Form (Appendix D) should be completed and submitted to the General Manager.

D. EXPENDITURE

C.9.31 The Parish Council has the authority in the administration of Parish funds, and is therefore required to set up a secure, workable system for the handling of all payments. The system should ensure that all payments are made with their authority, that the documentation is complete and easily recorded by the Treasurer and that it is readily available to the auditor.

C.9.32 For everyone's protection, all payments should be made by cheque or bank transfer. This means that all movements of money are recorded, and anyone who has a right to do so can see from the books exactly what is happening. It protects voluntary workers, and guards against misunderstandings which can occur with voluntary organisations.

Accounts Payable

C.9.33 Each invoice should be authorised by someone with knowledge that the good or service has been received. This does not apply to invoices of a regular nature where the Treasurer has a standing authority from the Parish Council to pay the account e.g. council rates. The persons signing the cheques should ensure that all invoices have been approved in accordance with the authority issued by the Parish Council.

C.9.34 A cheque butt is not really an adequate record by itself. When a payment is made, the invoice should have recorded on it –

- (a) "Paid",
- (b) the cheque number,
- (c) the date of payment, and
- (d) the initials or signature of each person who signed that particular cheque.

It is helpful to the auditor if the above information is contained within a rubber stamp imprint or written in red ink.

C.9.35 Where no invoice is available, a suitable parish form giving details of the payment should be used in place of an invoice.

C.9.36 The invoices and parish forms mentioned above will be filed by the Treasurer in reverse cheque number order.

C.9.37 Where possible there should be a separation of duties. The person ordering/receiving the goods should not also prepare the cheque for payment of the invoice.

C.9.38 The Parish Council has the final authority (subject to the Canons) in regard to the disbursement of Parish funds, and is charged with ensuring that certain payments are duly made, e.g. stipends, insurances (refer C.3.6). In addition, there are other payments that must be made regularly, e.g. electricity, local authority charges, telephone.

C.9.39 The policy of the Parish Council in respect of disbursements will be expressed in the annual Parish budget. The Council may also give general or special directions in respect of disbursements.

Fuel Card

C.9.40 Fuel cards are issued for specific "Parish" cars but it is rare for a garage to actually check on the registration number of the car being filled up. The fuel statement should be checked by the Treasurer each month for reasonableness.

Credit Card

C.9.41 If the Parish Priest is issued with a credit card in the name of the Parish, a Letter of Agreement should be exchanged between the Priest and the Parish, setting out the types of expenditure which can (and cannot) be charged to the card, the credit limit which applies and any other restrictions/limitations which apply to the use of the card. In particular, expenses of a personal or private nature must not be charged to the Parish credit card and cash withdrawals are not permitted as they incur interest.

C.9.42 When in use, it is essential that all transactions are identified and accounted for. This can best be done by getting the holder of the card to submit a monthly summary of expenditure together with all the appropriate dockets.

Direct Debit Facilities

C.9.43 Many regular payments may be made by standing order, credit transfer or direct debit. (This needs no cheque, letter, envelope or stamp, and saves a great deal of time and expense.) e.g. telephone, electricity, council rates, car or copier leases – the use of direct debits saves the Treasurer and cheque signatories a great deal of time and avoids the possibility of late payments.

C.9.44 The Treasurer, however, needs to monitor these to ensure that they are for expected amounts and in accordance with Parish Council guidelines.

C.9.45 Regular payments to Mission Agencies etc can be arranged through ANFIN and this also saves effort on the part of the Treasurer.

Electronic Payments

C.9.46 When paying bills electronically (e.g. by BPAY or other EFT methods), either –

- (a) Two of the cheque signatories are to be issued with separate access codes which must remain confidential to each person. All electronic payments through ANFIN require two authorised persons to approve the batch. These can be performed independently of each other. Access codes and passwords must never be disclosed to anybody; or
- (b) If only one cheque signatory is processing the payment on-line then an authority form should be completed and signed by another cheque signatory beforehand. This form should be signed by two authorised signatories; the person making the payment should not be one of the two people who signed the form.

Diocesan Payments

C.9.47 The regular payments to the Diocese e.g. contributions and insurance should be made through ANFIN and these arrangements can be commenced and altered by email.

C.9.48 The annual payment schedule is shown at Appendix A.

Petty Cash

C.9.49 There will probably need to be a petty cash float/s so that the Parish Priest and assistant clergy, together with other church officers, may buy small items and be reimbursed in cash rather than by cheque.

C.9.50 The floats should be kept in a lockable metal box which should be stored in a secure cabinet/s when not in use.

C.9.51 All such transactions should be recorded, based upon written petty cash vouchers (pads of which are available from most stationers), accompanied by receipts where possible.

C.9.52 Floats will be maintained on the Imprest System and reimbursed periodically but always as at 31 December each year.

C.9.53 To obtain reimbursement the float holders will submit a statement to the Treasurer with vouchers attached, so that the Treasurer has the information for audit and GST purposes.

Salaries

C.9.54 Stipends and Salaries should be processed through the ClergyPay service of ANFIN unless there are compelling reasons not to do so.

C.9.55 Salaries paid to office staff etc. should be in accordance with the relevant awards. E.g. the Clerical Employees Award – State. can be downloaded from the wageline web-site or obtained from the Registry Office.

Parish Projects

C.9.56 From time to time the Parish may wish to undertake a project or make a purchase from funds held on its behalf by the Diocese. Such funds could be from a bequest left to the Parish or from the sale of land or buildings.

C.9.57 In these cases, or if the project requires a loan from ANFIN, the Parish must complete a Parish Approval Form (Appendix D) and submit it to the General Manager's Office.

E. CASH BOOK

Computer Software Accounting Packages

C.9.58 The Diocese requires that parish accounts be maintained using MYOB software. The Business Basics level is adequate but some parishes may prefer to use a more advanced version.

C.9.59 In those parishes where the Archdeacon agrees that neither MYOB nor any other computer software is able to be used, a carefully designed manual accounting system must be utilised together with the standard MYOB chart of accounts.

C.9.60 MYOB should be backed up to external disk, tape or other external media after each update so that a current external file is maintained preferably at another location.

Manual Cash Book (if approved)

C.9.61 The most satisfactory way is to have a multi-column cash book with headings approximating to the main chart of account headings. In this way, it is much easier to extract figures at the end of the year for the annual accounts.

C.9.62 The Treasurer should make up his accounts monthly. The bank should be asked to send a statement at the end of each month, and cheque vouchers automatically made up to the last day of each month. The Treasurer should reconcile his or her accounts with the statement each time it arrives. If any cheques are still outstanding after six months at the most, a letter should be sent to the payee, since cheques should not be presented later than thirteen months from their original date.

C.9.63 In setting up these accounts the following sections must be distinguished –

- (a) receipts available to the Parish Council for the normal running of the Parish or for outside giving at the discretion of the Parish Council;
- (b) receipts given for missionary and other causes; these amounts should be paid out regularly to the various bodies, and certainly before the end of the financial year;
- (c) receipts to be transferred to special funds, (e.g. Building Fund, Car Replacement Reserve);
- (d) moneys received from the sale of goods, church newspapers etc.;
- (e) contra items for parish events;
- (f) payments incurred in the normal running of the parish;
- (g) payments to the Diocese, missionary organisations etc.;
- (h) payments from receipts in sub-para (c).
- (i) Goods and Services Tax (GST) collected on certain income items and GST paid on certain expenditure items – refer Anglican Church GST Handbook.

District Accounts

C.9.64 Where the Parish Council has authorised the receipt and payment of money by District Churchwardens, the Council should ensure that the accounting practices set out above, as applied in the central Parish accounts, are followed in the Districts.

C.9.65 Even where there are no District accounts, a Parish Council may like to record the receipt from each Church in the Parish separately.

F. BANK ACCOUNTS

General

C.9.66 The Diocese requires that all parish bank accounts (including societies, guilds etc.) be maintained with ANFIN.

C.9.67 In those parishes where the Archdeacon agrees that it is not practical to bank with ANFIN another bank approved by the Diocesan Registry may be used.

Opening an Account

C.9.68 The form giving authority to open a bank account for the Parish is to be signed by the chairman of the meeting authorising the opening of the account. The Parish Priest is ex officio chairman of general meetings, and of meetings of the Parish Council and the Churchwardens. Accounts for societies etc. are opened in accordance with the rules of the society.

Signatures

C.9.69 The signatories for parish accounts should be the Parish Priest, Churchwardens, and Treasurer – any two to sign.

C.9.70 For Societies, Guilds etc. the signatories should be the Parish Priest, Parish Treasurer, President, Secretary, and Treasurer – any two to sign.

C.9.71 For the Parish Priest's Account – Parish Priest only to sign. This account is opened in the name of the Parish but with a designated user and NOT the name of the individual Priest, e.g. Anglican Parish of Xyz – Rector's/Priest's Account.

C.9.72 The Parish Priest's Account can only be used for making discretionary payments to the needy.

C.9.73 When a new Treasurer is appointed (or a new bank account opened), the bank (ANFIN) will require a new authority. This will remove the redundant signature/s and will state who may sign cheques in the future.

C.9.74 A register is to be maintained of all bank accounts in use by the Parish and its agencies.

C.9.75 Copies of the form/s authorising each bank account and the signatories should be kept in the Parish records.

Mailing Address

C.9.76 The mailing address for all bank accounts must be to the official parish mailing address and not the address of a parish office bearer. This is for security reasons and also avoids problems when office bearers change or societies go into recess.

Investments

C.9.77 In order to maximise interest received on funds held, moneys not immediately required should be invested, in term deposits with ANFIN.

Borrowing Funds

C.9.78 From time to time, parishes may need to borrow money for a capital purpose such as a new building or for a major renovation. The parish may need to borrow funds to enable it to meet extra commitments such as a stewardship campaign. Borrowing should always be via arrangements with ANFIN.

C.9.79 Procedures relating to the purchase, sale or lease of property are described in Section C.10 of this handbook.

How many bank accounts?

C.9.80 For the sake of efficiency and avoiding opportunity for errors in authority or recording, a single bank account is ideal.

C.9.81 However, under certain circumstances e.g. bequests and other specific capital reserves it can be necessary to have individual accounts.

C.9.82 Parishes with District Churchwardens may require separate accounts for the Districts, although it is possible for the District Churchwardens to have their own deposit and cheque books but operate on the one parish bank account.

C.9.83 It may also be more convenient for specific groups within a parish e.g. MU or Guild to have a separate account if they have their own Treasurer.

C.9.84 The over-riding principle is that the Parish Treasurer must be able to produce monthly financial statements which show the income and expenditure together with the financial position of the whole parish, therefore the fewer bank accounts the better.

G. ASSET REGISTER

C.9.85 The Treasurer is responsible for maintaining an asset register for all items or groups of items with a value of \$500 or greater. All new purchases should be added to the register. If anything is sold or discarded etc, it should be deleted from the register, with a suitable notation.

C.9.86 Unique items of value such as chalices, chasubles, ciboria, crucifixes and works of art should be recorded in detail, including the use of colour photographs where possible.

H. BUDGET

Overview

C.9.87 A budget setting out the expected receipts and payments for the Parish should be prepared prior to the commencement of each financial year. The budget will be drafted by the Treasurer and Finance Committee (if the parish has one), considered and approved by the Parish Council for presentation to the Annual General Meeting of Parishioners for adoption.

C.9.88 Such adoption can then be taken by the Churchwardens as agreement to spend money, when it is available, within the provisions of the budget.

Preparation

C.9.89 The Treasurer needs to assist the Finance Committee and the Parish Council to prepare a realistic budget for a year, knowing the pattern of expenditure in the previous year. Therefore current year's figures need to be estimated as a basis for preparing a reasonably sound budget.

C.9.90 The budget should include as a minimum details of Income, Operating Expenses, Expenditure of a Capital or Major nature and a projected Balance Sheet as at the year end.

C.9.91 The budget must also incorporate the promised contributions by the parish as set out in a Schedule of Parish Contributions adopted by Synod and the appropriate contributions from general Parish funds to missionary organisations. Such contributions (and indeed all normal expenditure items) should be paid out of income and not out of capital funds.

C.9.92 If the receipts and payments cannot balance without budgeting for a deficit, this must be resolved. Providing there are reserves that can be called upon, a small deficit in one year is tolerable, but unless there are exceptional reasons, to budget for a deficit is a very unwise thing to do. It means that the church plans to spend money it does not expect to receive. In that case, expenditure must be contained until such time as income improves, and the budget will reflect this.

C.9.93 When the Parish Council has agreed on the budget for the year, it is very desirable that copies be made available for interested parishioners at least one week before the AGM.

C.9.94 The budget is then presented to the AGM for consideration and adoption.

Monitoring

C.9.95 Actual income and expenditure should be monitored against the budget over the course of the year, and if the position improves (or becomes significantly worse); a supplementary budget may need to be considered.

I. DIOCESAN RETURNS

C.9.96 The Diocesan Annual Financial Return to the General Manager shall be prepared on the required form. Where parishes are using MYOB, data may be sent electronically.

C.9.97 Copies of the audited statements of the Parish are to be attached. Care must be taken where separate sets of books are kept for Districts that all accounts are consolidated to give correct totals for each item of Receipts and Payments.

J. TREASURER'S NOTEBOOK

C.9.98 A Treasurer's Notebook is a very useful aid to the Treasurer and also facilitates the handing over of the role.

C.9.99 Such a notebook would contain general data relating to the parish accounts and also a detailed checklist diary of matters which need attention at particular times during the year.

C.9.100 The General data pages would contain such information as –

- (a) bank account's (BSB) number;
- (b) full title(s) and account number(s) of parish account(s);
- (c) details and whereabouts of investment documentation, loan documents, etc.;
- (d) names, addresses and telephone numbers of persons authorised to sign cheques on behalf of the Parish accounts (and of subsidiary accounts);
- (e) how many signatures are needed on cheques;
- (f) name, address and telephone number of auditor;
- (g) name, address and telephone number of Planned Giving Recorder (if any);
- (h) names, addresses and telephone numbers of Diocesan personnel with whom it has been found useful to consult, together with the subject matter for each person;
- (i) names, addresses and telephone numbers of charities customarily supported by the Parish;
- (j) copies (with dates) of any relevant Parish Council Minutes authorising the opening of bank accounts, or relating to the duties and responsibilities of the Treasurer;
- (k) details of any items held in safe custody, including locations and methods of access;
- (l) details (with amounts and due dates) of any regular periodical payments made by the bank;
- (m) details of current stipend/salary and allowance details for all clergy and staff;
- (n) the parish's ABN and authorised contact list with ATO.

The checklist diary would be based on the suggested Schedule shown at Appendix A, and would list details of all regular payments (whether weekly, fortnightly, monthly, quarterly, annually) which need to be made by the Treasurer.

Annual General Meeting of Parishioners

C.9.101 The presentation of accounts at the annual general meeting is governed by sec. 43(b) of the *Parishes Regulation Canon* which reads in part, as follows –

‘43. (b) the presentation (by the Churchwardens) and adoption of the Parish Annual Financial Accounts;’

C.9.102 It is very desirable that copies of the audited financial statements be available for interested parishioners at least one week before the AGM.

C.9.103 It is helpful to print, for comparison, the corresponding figures for the previous year in a column parallel to figures being presented, so that any changes can be immediately obvious, and questions can be asked and explanations given.

C.9.104 A Churchwarden or if requested the Treasurer should take the meeting through the main headings and point out their significance.

C.9.105 The Treasurer may want to include with the accounts, a supplementary statement showing what percentage of income and expenditure is represented by each item. The percentage increase in the totals between the last year and the previous one can usefully be given.

C.9.106 At times, a comparative chart showing trends over a number of years may be useful, since particular years may not be typical.

C.9.107 The visual chart (e.g. a circle divided into segments (pie chart), or a row of ten cent coins showing how much of each \$1.00 received came from what source, and how much of each dollar spent went to each purpose) is even more revealing than a column of percentages.

C.9.108 Other Related Sections

More detailed information can also be found in other sections of this Diocesan Handbook. Help can also be obtained from the staff at the Diocesan Registry.

STIPENDS & SALARIES

Parishes are responsible for the payment of stipends to clergy and salaries of lay staff. These payments should be arranged using the Clergy Pay facilities provided by ANFIN.

FRINGE BENEFITS TAX/REMUNERATION PACKAGING

[See Sec. E.1]

GOODS AND SERVICES (GST) TAX

[See Sec. C.18.C]

ANNUAL HOLIDAY ALLOWANCE

[See Sec. E.3]

LONG SERVICE LEAVE

[See Sec. E.4]

The rules of the General Synod Long Service Leave Fund specify that a person who will not accumulate ten years' service before retirement is not entitled to any benefits.

SUPERANNUATION

[See Sec. E.5]

WORKERS' COMPENSATION INSURANCE

[See Sec. E.6]

SICKNESS AND ACCIDENT AND MATERNITY LEAVE COMPENSATION SCHEME

[See Sec. E.7]

This scheme provides for payment of compensation as set out in the Regulation to the employer for vouched expenses incurred to provide replacement ministry while an "Enrolled Member" is totally or partially disabled and therefore unable to attend to the usual duties of employment. Where the enrolled member is entitled to receive compensation under a policy issued by WorkCover Queensland, the Diocesan Insurance Office should be contacted to determine whether there is also any entitlement under the Sickness and Accident and Maternity Leave Compensation Scheme.

LAND TAX

[See Sec. C.18.D]

If a parish rents out property at commercial rates, land tax may be payable. The Diocese should be informed when this occurs. Land Tax is payable in bulk by the Diocesan office who will then seek reimbursement from the individual parishes.

PROPERTY INSURANCE

[See the Insurance Manual at the end of this folder.]

All Church properties and contents are insured through the Diocesan Insurance Fund. Premiums are paid annually. It is the responsibility of the Parish Council to ensure that insured value accurately reflects the replacement value of insured property.

All insurance claims should be forwarded to the Diocesan Insurance Officer, who should also be advised immediately of any potential claims.

MOTOR VEHICLES

[See Sec. D.4]

A fleet discount should be sought when purchasing a new vehicle.

Ensure that the Diocesan Accountant's instructions are followed when processing the purchase of a new vehicle and/or the sale/trade-in of the current vehicle.

C.9.109 Check List

A check list to assist the parish to minimise risk of error in recording money and other assets is attached as Attachment B.

K. PARISH AUDITOR

Appointment

C.9.110 The Parish auditor is appointed at the annual general meeting of parishioners.

C.9.111 The qualifications for a person to be elected as a parish auditor are set out in Regulation IX made under the *Parishes Regulation Canon*. Note that where a person without those qualifications is appointed, a report must be furnished by the Churchwardens to the Registrar – the form for this report is contained in the Annual Returns.

Process

C.9.112 As soon as the books for the year have been closed the Treasurer will need to prepare a Statement of Income and Expenditure and a Statement of funds and other assets held and amounts owing (Balance Sheet), and to send or take these to the auditor together with all the papers that will be needed in order to carry out the audit.

C.9.113 The supporting documentation will include the cash book(s), receipted invoices, counting sheets, pay-in slips or deposit book, bank statements, cheque stubs or returned cheques, deposit account statement, interest statements, etc., or the electronic records if applicable.

C.9.114 The auditor's function is to check the statements on a test basis, to form an opinion as to whether all monies received have been correctly recorded and that all payments have been made against properly authorised documentation and correctly recorded. The auditor also checks that the items recorded on the balance sheet have been valued correctly and that all liabilities have been included.

C.9.115 When the auditor is satisfied that the financial statements of the Parish have been properly drawn up so as to give a true and fair view of the state of affairs of the Parish as at 31 December of that year, and its results for the financial year ended on that date, he or she will sign the audit statement as per Appendix C.

C.9.116 The Parish Council will have reviewed copies of these statements with the Treasurer at a meeting between the end of the financial year and the public presentation of the accounts. The Parish Council should formally adopt the accounts for presentation to the Annual General Meeting.

C.9.117 The audited accounts are then presented to the Annual General Meeting of parishioners.

Auditing Procedure

C.9.118 Suggested auditing procedure –

(a) Receipts

Check to ensure that satisfactory procedures are in place for the processing, banking and accounting of all offertories, moneys received through the mail and other receipts.

- (b) **Payments**
Check (on a test basis) to see that all payments are correctly authorised and documented.
- (c) **Receipts and Payments Account**
Check (on a test basis) to see that all receipts and payments are correctly recorded.
- (d) **Bank Statements**
Sight the bank statement as at year end for every account and confirm the reconciliations.
- (e) **Books of Account**
Check that the opening balances agree with the audited accounts for the previous year.
- (f) **Statements of the Accounts for Annual Meeting**
Check to see that they include all relevant items, especially where separate sets of books are kept in Districts as well as for the Parish generally.

Check to see that they have been properly drawn up so as to give a true and fair view of the state of affairs of the Parish as at 31 December and its result for the financial year ended on that date.

APPENDIX A**Schedule of Payments to Diocese**

JAN	Forward (1) Parish Contributions (PC) by the 15 th of the month (2) Diocesan Administration Levy Return (DAL) (for marriages and funerals) and payment, (3) Buildings/Contents Insurance Premium Complete application for Renewal of Registration of a Workplace
FEB	Forward (1) PC, (2) Clergy Superannuation (CS) by 15 th of month, (2) Sickness and Accident Premium
MAR	Forward (1) PC, (2) Long Service Leave (LSL) by 15 th of month, Parish Annual Return
APR	Forward (1) PC (2) DAL
MAY	Forward (1) PC, (2) CS,
JUN	Forward (1) PC, (2) LSL
JUL	Forward (1) PC (2) DAL
AUG	Forward (1) PC, (2) CS,
SEP	Forward (1) PC, (2) LSL
OCT	Forward (1) PC (2) DAL
NOV	Forward (1) PC, (2) CS,
DEC	Forward (1) PC, (2) LSL,

As the Diocesan Registry operates on accrual accounting, any payments relating to one year which are not received in the Registry until the following year will show as amounts owing in the annual financial statements. To avoid this happening, all payments relating to a particular fiscal year should be received by the Diocesan Registry by 15th December; otherwise such payments will show as outstanding payments for that year. Payments sent by mail in December should allow for the seasonal delays which often occur around the Christmas holiday period.

Other Matters

Business Activity Statement (BAS) incorporating GST, PAYG instalments and withholding	monthly or quarterly , as required
Caltex StarCard	paid by ANFIN monthly and billed
Copyright licences	annually
Electricity/Gas accounts	quarterly
Loan repayments	usually monthly
Local Authority Rates	quarterly, half-yearly or annually as billed
Motor Vehicle Registration and Insurance Renewals	annually
Superannuation Guarantee Contributions in respect of lay employees	quarterly if applicable
Telephone Accounts	monthly, bi-monthly or quarterly as billed
Workers' Compensation (WorkCover) Insurance	annually, in September

APPENDIX B

Security Checklist

DATE:

PARISH NAME:

COUNTING COLLECTIONS:

- 1) How many people count each Collection?.....
- 2) Which day do you bank the money?
- 3) Where is the money kept overnight?

OTHER CASH RECEIPTS

Who makes out receipts for money (particularly cash) received by way of donations, rent etc?

ASSET REGISTER - PARISH PROPERTY

- 1) Do you have an up to date asset register of all furniture, fittings, and equipment owned by the Parish?
- 2) If your priest was to move tomorrow, would it be clear what furniture in the rectory belonged to the Parish?
- 3) Is any equipment (computers, typewriters etc) belonging to the Parish taken home by anyone for any reason?

Reason:

PAYMENT OF ACCOUNTS

- 1) Does each cheque account require two signatures on every cheque?
- 2) Do both signatories always check to see what the payment is for?
- 3) Are all individual payments ratified at the monthly council meeting?

APPENDIX C

INDEPENDENT AUDIT REPORT

To

(a) The members of _____ Parish

(b) The General Manager

Scope

I/We have audited the financial statements of the Parish for the financial year ended 31 December 20nn, as per the attached signed copy. The churchwardens are responsible for the preparation and presentation of the financial statements and the information contained therein. I/We have conducted an independent audit of the financial statements in order to express an opinion on them to the members of the Parish.

My/Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. My/Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly so as to present a view which is consistent with our understanding of the Parish's state of affairs and the results of its operations.

The Audit opinion expressed in this report has been formed on the above basis.

Qualification

As is common for organisations of this type, it is not practicable for the parish to maintain an effective system of internal control over contributions, donations, bequests and fundraising receipts until their initial entry in the accounting records. Accordingly, our audit in relation to these items was limited to amounts recorded.

Qualified Audit Opinion

In our opinion, except for the effects of such adjustments, if any, as might have been determined to be necessary had the limitation of scope referred to in the qualification paragraph not existed, the financial statements of the Parish are properly drawn up so as to give a true and fair view of the state of affairs of the Parish as at 31 December 20nn and its results for the financial year ended on that date.

Date:.....

Signed

(Designation)

APPENDIX D

PARISH APPROVAL FORM

This form should be filled out if you require project approval or loan approval by the Finance and Diocesan Services Commission or if you intend accessing “bequest” moneys or “proceeds of property sales” held in ANFIN or Diocesan accounts. Please ensure that all items numbered 1-9 are completed before sending this form to the General Manager’s Office, GPO Box 421, Brisbane 4001. Attach any documents which you believe will assist in the understanding and approval of the project.

1	Name of Parish			
2	Outline of Proposal (Please attach an extra page if insufficient space)	..... .....	
3	Estimated Cost (ex GST)			
4	Signatures and Date	..... Parish Priest	..... Treasurer	..... Churchwarden
		..... Churchwarden	..... Churchwarden	..... Date
5	Does project have Parish Council approval? Please circle one.	Yes	No	Date of Parish Council approval if applicable :
6	Has the Archbishop’s Advisory Committee on Buildings and Furnishings advised the project be approved? Please circle one.	Yes	No	Not applicable
		Date of Committee advice if applicable :		
7	Does project have the necessary external approvals, e.g. Heritage Council and/or Local Council?	Heritage Council: Yes	No	Not applicable
		Local Council: Yes	No	Not applicable
		Dates of Council approval if applicable:		
8	Quotes obtained. (Preferably more than one - please circle preferred choice.) Ensure all quotes show GST. Attach copies.	..... ..... .....	
9	Source of funds? (If ANFIN loan is required, a separate loan request is to be forwarded to ANFIN at the time of submission of this form.)	ANFIN Account Balance .....as at		
		Diocesan Account Balance .....as at		
		ANFIN loan Amount .....as at		
		Bequest Balance as at		
		Terms of Bequest		
			
10	Project Approval	..... Archdeacon	..... Regional Bishop	..... General Manager/ Executive Director Finance and Diocesan Services Commission
		Date	Date	Date

C.10 PARISH BUILDINGS AND PROPERTY

Keys

C.10. 1. The Parish Priest has the custody of keys of the Church and of other buildings; the Priest should allow the Churchwardens and other officers of the Parish to perform their duties regularly in relation to the Parish buildings by making keys available as necessary.

C.10. 2. Keys for all Parish buildings should be numbered and no reference to the property address should appear on the key tag. Keys should be left in a lockable safe or key cabinet in a secure place in the parish office or other suitable location. It is preferable that the key to the key cabinet be removed from the premises when unoccupied; if this is not practicable, keys should be secured separately in a locked drawer. (See Insurance Manual sec. V.)

C.10. 3. Where the parish has a safe operated by a combination lock, the combination must be given the same standard of security as that given to keys and the following procedures adhered to –

- (a) The combination should be changed whenever there is a change of custodian, whenever a security breach is identified and also at irregular intervals;
- (b) The new combination should be committed to memory and not recorded;
- (c) As a backup, the combination code should be sealed in an envelope which is signed and dated across the flap by the custodian
- (d) The sealed envelope, or key and instruction manual for the safe, should be lodged with a third party, preferably a bank in a safe custody packet.

C.10. 4. Where keys are issued to individuals or organisations, a record should be kept in a Key Register. Keys borrowed for a particular occasion should be returned immediately after use. Recipients of keys are responsible for replacement cost of lost keys.

C.10. 5. The Key Register should record the keys by number and identify premises and locks they operate. All key transactions (outward and inward) must be recorded and signed and dated by the recipient.

Inspection of buildings

C.10. 6. Arrangements should be made for the Churchwardens to make an annual inspection of all church property (including, by appointment, the residences of all stipendiary staff). Condition of the property together with required maintenance should be recorded on the specified form (Appendix A) and a copy forwarded to the Diocese. Please note that this form is for use when inspecting residences only. Could you please ensure that other properties (e.g. halls, parish centres and thrift shops) are also inspected annually.

C.10. 7. If the Parish building or any other building used by the Parish were constructed prior to 31 December 2003, the Parish has an obligation to identify the existence of asbestos and ensure exposure standards are not exceeded in accordance with the WHS Regulations 2011, Ch 8, Part 8.5. Identification includes testing by a NATA qualified body, clearly indicating areas of asbestos, preparing and maintaining an asbestos register on site and an Asbestos Plan if asbestos is confirmed. Please refer to the Parish Safety Management System or contact the ACSQ WHS Team for further information and guidance.

Inspection of vacated residences

C.10. 8. Parish residences should be inspected by the Archdeacon in company with the Churchwardens whenever the residences become vacant following the departure of the former occupants. When an occupant vacates a parish residence, the residence should be left in a clean and tidy condition and an Exit Condition Report completed. When a new occupant moves into a parish residence, the residence should also be in the same clean and tidy condition and an Entry Condition Report completed. Both these forms are available to download from www.rta.qld.gov.au/eforms_section.cfm.

Use for other than strictly Anglican purposes

C.10. 9. Use of the Church for ecumenical activities is under the direction of the Parish Priest subject to the control of the Archbishop [refer B.12]. The Archdeacon should be consulted where guidance is required.

C.10. 10. Use of the Church by other recognised Christian denominations is under the direction of the Archbishop.

Private use of church premises

C.10. 11. Use of the hall and other buildings by people and organisations other than for recognised parish activities may be subject to the regulations and by-laws of the local authority. Care should be taken that these are not contravened, as the status of the property for rates exemption could be affected.

C.10. 12. When an organisation or private person seeks permission to use church premises, a written agreement is to be completed and signed by all parties.

C.10. 13. This agreement may take the form of a Licence Agreement, Occupancy Agreement, Residential Tenancy Agreement or Commercial Lease Agreement. Prior to entering into any agreement to lease church premises, please consult with the Diocesan Property Officer.

C.10. 14. A Licence Agreement should be entered into when a parish building is hired for a non-exclusive use which could be a single occasion, ie wedding; or on a regular ongoing basis, ie weekly dancing classes. See Appendix B.

C.10. 15. An Occupancy Agreement should be entered into when a parish building is leased for exclusive ongoing use by a Diocesan agency or Commission. Please consult with the Diocesan Property Officer.

C.10. 16. A Residential Tenancy Agreement should be entered into when a parish rectory is being rented as a residence (refer www.rta.qld.gov.au/zone_files/eforms/form18a.doc).

C.10. 17. A Commercial Lease Agreement should be entered into when a parish building is being leased for exclusive non-residential use. Please consult with the Diocesan Property Officer.

C.10. 18. Where a building is leased for exclusive private use, there may be land tax implications and you should refer to section C.18 page 7 for fuller details.

C.10. 19. The signed agreement form should be retained as a claim may be lodged by an injured minor when they reach 18 years of age and usually they have until the age of 21 years to lodge a claim in relation to injuries sustained on church property.

C.10. 20. The parish may enter into a Licence Agreement which can be signed by the Parish Priest and two Churchwardens, however, all other agreements prepared in the name of The Corporation of the Synod of the Diocese of Brisbane should be forwarded to the General Manager for signature.

C.10. 21. Where a real estate agent is appointed to let or manage a rental property, the PAMD Form 20a Appointment of Agent - Letting and Property Management Form should be prepared in the name of The Corporation of the Synod of the Diocese of Brisbane and forwarded to the General Manager for signature.

C.10. 22. The minimum sum insured under a Public Risk Insurance policy taken out by *The User* should be \$5 million until this is amended by the Finance and Diocesan Services Commission. (Clause 7(b) of the Licence Agreement refers.)

C.10. 23. Examples of optional clauses which might be included under “Special Conditions” in the Licence Agreement are shown at Appendix C. Additional clauses for inclusion in the Occupancy Agreement, Tenancy Agreement or Lease Agreement should be itemised under “Special Conditions”.

Private use of church premises for private functions

C.10. 24. In addition to the provisions of the preceding Sections, attention is also drawn to the section of the *Insurance Manual* headed “Hire or Use of Church Property”. This provides for a Hirer’s Liability Policy to be used when church or school property is to be hired by individuals for private functions (e.g. for birthday/wedding/anniversary parties etc.) where the individual does not have Public Liability Insurance. For this policy to be activated, a copy of the application form shown in the *Insurance Manual* at page 20 must be completed and received by the Diocesan Registry prior to the event with a copy of the Licence Agreement attached.

Electrical Safety

C.10. 25. Under the Electrical Safety Regulations 2013 (Qld) all electrical equipment within a workplace must be tested and tagged annually or connected to a safety switch. It is a requirement that an approved safety switch is installed to the power board of each Parish. A safety switch is also required to be installed to all residences by 1 July 2007 and all other buildings by 1 July 2008. The safety switch must be tested every six (6) months using the inbuilt test button and be performance tested by a properly qualified electrician every two (2) years. Records of testing must be kept in an appropriate register.

C.10. 26. If a property is purchased without a safety switch, you must install a safety switch to the power board within three months of the property transfer. If you sell a property, you first establish whether a safety switch is installed for power circuits. This must be declared on the standard sales contract and Form 24 Property Transfer.

Purchase, Sale or Lease

C.10. 27. Churchwardens and Parish Councillors are officers of The Corporation whose powers are clearly defined in the Parishes Regulation Canon. Property transactions and agreements must be entered into in the name of The Corporation of the Synod of the Diocese of Brisbane and approved by the Finance and Diocesan Services Commission before signing and execution for and on behalf of the Diocese of Brisbane by the Diocesan Registrar or Treasurer.

C.10. 28. Should the parish priest or officers of the parish enter into any agreement, verbal or written, or operate outside the guidelines of the Parishes Regulation Canon and the Church of England Act of 1895, by so doing they accept full personal liability for such transactions.

C.10. 29. Purchase. When land or property is being considered for purchase, the Regional Bishop and Archdeacon should be consulted so that the full implications of the proposal for ministry in the parish and beyond the parish may be discussed.

C.10. 30. The recommendation of the Regional Bishop and Archdeacon supporting the proposal should be forwarded to the Diocese together with a Valuation Report prepared by a registered valuer.

C.10. 31. Subject to the approval of the Finance and Diocesan Services Commission, a contract should be prepared by a solicitor in the name of The Corporation of the Synod of the Diocese of Brisbane for execution for and on behalf of the Diocese by the Diocesan Registrar or Treasurer.

C.10. 32. Sale. Before disposing of any church property, the Finance and Diocesan Services Commission requires that the widest discussion should take place. This would include consultation with the Regional Bishop and Archdeacon, the ascertainment of the existence of any trusts applied either by testamentary document or deed of gift, and the calling of a Special Meeting of the Parishioners to approve the proposal. The Finance and Diocesan Services Commission will seek assurance that all these steps have been followed before approval of sale will be considered.

C.10. 33. Ascertaining the existence of any informal trusts relating to land to be disposed of is usually done by calling a Public Meeting on or close to the property, having previously advertised the Public Meeting in a newspaper that circulates in the locality. This Public Meeting is quite distinct from the Special Meeting of the Parish, being open to all members of the public. Both meetings may in fact be held at the same place on the same day, with a short time interval. The Finance and Diocesan Services Commission usually requires that the Public Meeting is held.

C.10. 34. Further guidelines for closing a church and disposing of the property are set out later in this section.

C.10. 35. Lease. The leasing of church property effectively removes it from use for church purposes and in the view of the Finance and Diocesan Services Commission should be subject to the same procedures as sale.

C.10. 36. The Diocesan Property Officer should be consulted to ensure the property is correctly zoned for the intended use, or whether a Material Change of Use Application signed by the Diocese should be lodged with the local council.

C.10. 37. Lease documentation and the terms of the lease should also be discussed with the Diocesan Property Officer.

C.10. 38. Should a building need structural upgrading to comply with Workplace Health and Safety requirements, a submission should be made to the Archbishop's Advisory Committee on Buildings and Furnishings for approval.

Execution of documents

C.10. 39. Documents requiring the signature of the "Registered Proprietor", e.g. applications under town planning ordinances, should be signed by the Diocesan Registrar or Treasurer. This is most important should such application be the subject of an Appeal to the Local Government Court.

C.10. 40. Contracts to purchase and sell property must include the following special condition: *“This Contract is conditional upon Finance and Diocesan Services Commission approval within 14 days of signing of the Contract. If the Finance and Diocesan Services Commission does not give approval within 14 days this Contract will be terminated and all monies by way of deposit will be refunded in full.”* Following the approval of the Finance and Diocesan Services Commission, contracts should only be executed by the Diocesan Registrar and Treasurer.

C.10. 41. All transfers, leases or other documentation concerning freehold or leasehold land to be submitted for registration to the appropriate registry must be executed under the Common Seal of The Corporation of the Synod of the Diocese of Brisbane. Transfer documents require the inclusion of the standard attestation clause.

Unimproved land valuations

C.10. 42. The Department of Natural Resources and Water issues Annual Valuation Notices effective as at midnight 30 June for all properties showing the current and new unimproved land valuation. This new valuation may be used as a basis for local government rating and land tax purposes.

C.10. 43. If thought to be excessive, an objection should be lodged promptly and within the designated timeframe. Objection notice forms can be obtained from the issuing authority, and should be lodged through the Diocesan office.

C.10. 44. For further information on valuation and market tables for major residential localities and other valuation information see the Department's website www.nrw.qld.gov.au. General land tax enquiries can be directed to the Office of State Revenue website at www.osr.qld.gov.au.

Major building projects

C.10. 45. When a parish needs to proceed with a major building project, the following reports and analyses will be required by the Finance and Diocesan Services Commission and ANFIN to consider a building proposal for approval in principle to proceed and financial approval for the necessary funding.

- (a) Commercial Feasibility Study and Cash Flow Analysis, including Sensitivity Analysis (based on a model acceptable to the Finance and Diocesan Services Commission);
- (b) Risk Management Plan;
- (c) Approval from the Archbishop's Advisory Committee on Buildings and Furnishings;
- (d) Project Plan;
- (e) Loan Application for approval of ANFIN.

Project Management of the Design and Construct Phase

C.10. 46. Following the approval of the Finance and Diocesan Services Commission to proceed with the development, the project manager will be appointed to provide comprehensive project management, project programming and cost management services to include –

- (a) Development Application Approval;
- (b) Concept Phase;
- (c) Design and Design Development;
- (d) Documentation and Pre-contract;
- (e) Construction;
- (f) Post Construction.

Minor Building Projects

C.10. 47. Attention is drawn to Section 3 of Regulation XIV of the *Parishes Regulation Canon*, requiring that an Architect be engaged to design and superintend the project unless relief is granted by the Archbishop-in-Council.

C.10. 48. The architect will supply all supervision of and liaison with the contractor. A specific parish official or representative should be designated to liaise with the architect. This person must be readily and regularly available and familiar with the administration of building contracts.

C.10. 49. Instructions to the architect should be in writing.

C.10. 50. Should necessity for major variations arise, this must be submitted to the Finance and Diocesan Services Commission for approval before commitment; such applications must be supported by all necessary cost information and details of the effect on approved financial arrangements.

C.10. 51. In giving instructions to architects concerning tenders, it must be made clear that necessary diocesan approvals will have to be given before a tender may be accepted.

Construction Phase - Insurance

C.10. 52. From the start of construction the Corporation usually has an insurable interest in the building under construction, and the General Manager should be requested to ensure that the necessary insurance cover is put in place.

Completion

C.10. 53. On completion of the building a final inspection by the liaison person with the Architect should be made. All defects noted should be recorded both in writing and by photograph and then agreed to in writing by the parties. Rectification should be carefully monitored.

C.10. 54. On the issue by the architect of the “Certificate of Practical Completion” on new buildings, or where building work is an extension of an existing building, advice should be given immediately to the Diocesan Insurance Board so that the previously arranged cover may be noted appropriately.

C.10. 55. Contracts may include provision for the retention of funds to ensure that defects which are detected during the maintenance period under the contract will be rectified; some contractors seek to have the retention of funds replaced by the submission of a bank guarantee on behalf of the contractor guaranteeing the rectification of defects. Diocesan approval of the terms of any such guarantee should be sought.

C.10. 56. At the expiration of the maintenance period, a final inspection should be made. No clearance should be given for payment of retention moneys or cancellation of the guarantee until all defects are rectified.

C.10. 57. Parish officials should ensure that they receive –

- (a) “Certificate of Classification of this building from the Local Authority – this specifies the approved use; this certificate must be exhibited in the building to conform with statutory requirements;”
- (b) “as built” drawings from the Architect;
- (c) Private Building Certifier’s Certificate(s).

Dedication

C.10. 58. Churches must be dedicated before being used for divine worship. Early consultation with the Archbishop to establish an appropriate date is necessary; the form of service must be submitted for approval by the Bishop concerned.

C.10. 59. The Diocesan Registrar should be advised so that the petition to dedicate the building may be prepared for execution by the Parish Priest, Churchwardens and parishioners. Two copies are prepared; the duplicate should be returned to the Diocesan Registry and the original retained for presentation to the Bishop.

C.10. 60. A Sentence of Dedication is then prepared and during the service of dedication is executed by the Bishop. This document must be preserved in the records of the parish and the petition given to the Bishop is retained in the Diocesan Office.

C.10. 61. All furnishings and artwork included in the building on the date of dedication with the authority of the Archbishop are deemed part of the building. Removal of items, alteration or addition to the building may only take place after the Archbishop has issued a faculty approving the proposed removal, alteration or addition.

C.10. 62. Buildings not set apart for divine worship should be opened with a service of blessing.

Consecration

C.10. 63. In this Diocese it has become the custom that dedicated church buildings which are, or have become, free of debt are “consecrated”. The procedure for consecration follows a similar pattern to that for dedication, as described above.

Guidelines for closing a church and disposing of the property

C.10. 64. The following sections are for the guidance of parish clergy and officials in the event that it is desired to –

- (a) close temporarily a dedicated church building for public worship;
- (b) close permanently a dedicated church building and remove its dedicated status;
- (c) dispose of the church property or any other property.

C.10. 65. In this and the following sections, no distinction is drawn between a “dedicated” church and a “consecrated” church.

Temporary closure of a church

C.10. 66. Application. An application for the temporary closure of a church should be made by the parish priest to the Archbishop through the Regional Bishop. This application should be first discussed with the Archdeacon and the Regional Bishop who will seek the approval in principle of the Archbishop. The application is then supported by a resolution of the Parish Council, and the letter should be signed by the parish priest and churchwardens. This step is sometimes a prelude to the permanent closure of the church, but not necessarily so.

C.10. 67. Approval. If the Archbishop approves of the temporary closure of a church, this approval is communicated to the parish by letter.

C.10. 68. Effect. If the application is approved, it has the effect of relieving the parish priest from the obligation of conducting divine service in the church on a regular basis [or arranging for divine service to be conducted on a regular basis].

C.10. 69. Occasional services. The temporary closure of a church does not prevent its use for occasional services such as weddings, funerals, services of a civic significance [e.g. Anzac Day], or a patronal festival.

C.10. 70. Use of building. The church may continue to be used for those purposes which are permitted in the canon: counselling, religious education and meetings of parishioners (see *Parishes Regulation Canon* sec.10). It is improper for it to be leased or rented [for financial return or not] to bodies such as pottery classes, ballet, Tae Kwon Do, or another religious organisation – unless the Archbishop has given authority for this to be done.

C.10. 71. Obligations. The obligations of the Parish Council in respect of maintenance, repairs, security, insurance etc. are not altered by the temporary closure of a church.

C.10. 72. Termination of approval. The Archbishop may at any time withdraw his approval for the temporary closure of a church. If the parish priest resumes the regular conduct of divine service in the church, the approval for its temporary closure automatically lapses.

Permanent closure of a church

C.10. 73. Principles. The closure of a dedicated church building should be considered in relation to the overall mission of the Anglican Church in the district. The regional bishop and the archdeacon must be involved from an early stage in the process – consideration at a diocesan level will not take place unless their endorsement is received. The approval in principle of the Archbishop must be given prior to the public meeting referred to in C.10.78. The steps involved in the formal closure of a church are incorporated in Appendix D.

C.10. 74. Preliminary. The parish council usually has the prime responsibility for initiating the closure of a church in the parish. After due consideration, the decision of the parish council should be made by a resolution to seek the permission of the Archbishop to commence the process of permanent closure. This decision should be communicated to the General Manager immediately, by letter signed by the parish priest and churchwardens. The decision will be noted by the Parishes and Other Mission Agencies Commission and the Archbishop-in-Council.

C.10. 75. Public meeting. A public meeting must be called, to consider the decision of the parish council. It is customary for the regional bishop or archdeacon to chair the meeting. Any member of the public is able to attend and participate fully in the meeting. It is also customary for the meeting to be held in the church building concerned. The meeting should be advertised in a newspaper circulating in the district.

C.10. 76. Agenda for public meeting. The following agenda for the public meeting is suggested –

- (a) Meeting opened with prayer.
- (b) Secretarial arrangements for the meeting are agreed [the secretary should be able to have the minutes ready for confirmation at the end of the meeting].
- (c) Chairman outlines the purpose of the meeting. The resolution of the parish council is read, and discussed. The Chairman should make it clear that since the church building and land are private property, it is not competent for the public meeting to direct what may be done with it – however any expressions of concern will be noted by the church authorities before a final decision is made.
- (d) The Chairman calls on any person who knows of any informal trusts associated with the property or the church building to declare them to the meeting. These are noted in the minutes.
- (e) The meeting may wish to declare its views concerning the proposed closure of the church building by means of a resolution.
- (f) Confirmation of the minutes.

C.10. 77. Meeting of parishioners. A special meeting of parishioners must be called to consider the decision of the parish council (see *Parishes Regulation Canon sec. 48*). It is customary for the regional bishop or archdeacon to chair the meeting on behalf of the Archbishop. All persons qualified as parishioners may attend and vote [not only the electors]. It is also customary for the meeting to be held in the church building concerned, so as to afford the local congregation full opportunity of being present.

C.10. 78. Agenda for meeting of parishioners. The following agenda for the special meeting of parishioners is suggested –

- (a) Meeting opened with prayer.
- (b) Secretarial arrangements for the meeting are agreed [the secretary should be able to have the minutes ready for confirmation at the end of the meeting].
- (c) Chairman outlines the purpose of the meeting and discussion on the proposed permanent closure may follow.
- (d) The meeting may wish to declare its views concerning the proposed closure of the church building by means of a resolution.
- (e) There may be other motions relating to service arrangements, furnishings and fittings, disposal of the building, and disposal of the property.
- (f) Confirmation of the minutes.

C.10. 79. Holding the meetings in sequence. It is often convenient to hold the public meeting and the special meeting of parishioners on the same day. In this case, the public meeting should be held first. When that meeting is concluded, there should be a short break, to allow members of the public who are not parishioners to withdraw before the special meeting of parishioners is held. Usually the special meeting of parishioners can be advertised for half an hour after the starting time of the public meeting.

C.10. 80. Application to Archbishop. After consideration of the resolutions of the public meeting and the special meeting of parishioners, the parish council may pass a resolution seeking a decision for the permanent closure of the church by the Archbishop-in-Council. The parish priest and churchwardens then apply to the Archbishop by a letter signed by them for the church to be closed and its dedication removed. Photocopies of the following documents should be attached –

- (a) the initial resolution of the parish seeking permission to start the process of permanent closure;
- (b) the minutes of the public meeting;
- (c) the minutes of the special meeting of parishioners;
- (d) the resolution of the parish council seeking the permanent closure of the church;
- (e) any other relevant material.

C.10. 81. The application is considered by the Parishes and Other Mission Agencies Commission and by the Archbishop-in-Council, and needs to be approved by each body.

C.10. 82. Approval. If the application is approved, the Archbishop informs the parish by letter. The General Manager's Office will prepare a deed of closure of the church [for the Archbishop, regional bishop or archdeacon who is to conduct the closing service in the church].

C.10. 83. Liturgical recognition. The parish priest arranges with the Archbishop, regional bishop or archdeacon the details of the closing service in the church. At this service the petition is presented, the deed of closure of the church is read, and the dedication of the building is formally removed. Any faculties which had been issued in relation to the building or its contents are deemed to have been annulled.

C.10. 84. Furniture and fittings. It is the responsibility of the parish council to arrange the disposal of furniture, fittings, ornaments, plaques, etc. from the church building. The donors of any of these have no claim upon them, but in the exercise of proper sensitivity and pastoral concern the donors or their families may be consulted. There is no necessity for any of these items to be retained in the possession of the parish, but it is suggested that every attempt should be made to place them, particularly if they are memorials, in other Anglican churches.

Disposal of property

C.10. 85. Principles – disposal of a church building. The disposal of a church building, or of a church building together with the land, may be dealt with at the same time as the closure of the church for worship. If the disposal is considered subsequent to the consideration of closure for worship, the procedures set out above for permanent closure of a church have to be repeated, with appropriate modifications. The most important modifications are: that the public meeting does not have to be repeated, and there is no liturgical recognition.

C.10. 86. Procedures for disposal of any property. When approval has been given for the disposal of a building, or of land with or without a building, the parish council in consultation with the Diocesan Property Officer will usually be required to obtain market submissions from local real estate agents and a valuation report from a registered valuer.

Disposal of property

C.10. 87. The marketing submission should include the following –

- (a) recommended sale price;
- (b) recommended marketing strategy for the successful marketing and sale of the property;
- (c) recommended advertising budget for marketing the property;
- (d) indicative sale price achievable for the property including a Competitive Market Analysis;
- (e) details of personnel to undertake the marketing assignment.

C.10.88. A recommendation will be made to the Finance and Diocesan Services Commission as to the sale price, method of sale and appointment of agent. The approval of the Finance and Diocesan Services Commission is necessary before any instructions can be given to a real estate agent to list the property for sale.

C.10. 89. The marketing submission should include the following –

- (a) recommended sale price;
- (b) recommended marketing strategy for the successful marketing and sale of the property;
- (c) recommended advertising budget for marketing the property;
- (d) indicative sale price achievable for the property including a Competitive Market Analysis;
- (e) details of personnel to undertake the marketing assignment.

CI.10.90 A recommendation will be made to the Finance and Diocesan Services Commission as to the sale price, method of sale and appointment of agent. The approval of the Finance and Diocesan Services Commission is necessary before any instructions can be given to a real estate agent to list the property for sale.

C.10. 91. Appointment of Agent. The appointed agent will prepare an Appointment of Real Estate Agent (Sales and Purchases) PAMD Form 22a in the name of The Corporation of the Synod of the Diocese of Brisbane for signature by the Diocesan Registrar and the registered signatory of the appointed real estate agency.

C.10. 92. Appointment of Solicitor. The Diocesan Property Officer should be consulted prior to the appointment of a solicitor to act on behalf of the Diocese to –

- (a) prepare the contract;
- (b) act as stakeholder if an agent is not involved in the sale;
- (c) liaise with purchaser's solicitors regarding approvals, ie finance, building and pest;
- (d) prepare settlement statement;
- (e) attend settlement.

C.10. 93. Contract. The contract should be prepared in the name of The Corporation of the Synod of the Diocese of Brisbane for execution for and on behalf of the Diocese by the Diocesan Registrar or Treasurer.

C.10. 94. The Diocesan Accountant has advised that as a church building lacks the physical characteristics of a residence and has never been occupied as a residence a Commercial Land and Building Contract should be prepared.

C.10. 95. Goods and Services Tax (GST). Except for a residence which is exempt, all other sales attract GST. Purchase price should be exclusive of GST and the “No” box marked on the contract.

C.10. 96. If the property was acquired prior to the introduction of GST, the Diocese and the buyer can choose to apply the margin scheme to the sale. It is recommended that the solicitor appointed to act in the sale liaise with the Diocesan Property Officer prior to preparing the contract.

C.10. 97. Funds. The proceeds of sale are held by the Diocese in a separate interest earning account where they remain until application is made by the parish/agency to the Finance and Diocesan Services Commission to apply the funds from the sale of property for an approved purpose. Such application should be on the Parish Approval Form (see Section C.9).

APPENDIX A

ANNUAL PROPERTY INSPECTION REPORT

Name of Parish/Agency:				
Property Address:				
Name of Inspector:		Phone:		
Signature of Inspector:		Date:		
Description	Clean	Undamaged	Working	Comments
Bedroom 1				
Bedroom 2				
Bedroom 3				
Bedroom 4				
Bedroom 5/Study				
Family Room				
Bathroom				
Ensuite				
Kitchen				
Oven/Hotplates				
Dishwasher				
Lounge				
Dining				
Light Fittings				
Curtains/Blinds				
Smoke Alarms				
Laundry				
Security Screens				
Power Points				
Interior Paint				
Exterior Paint				
Veranda/Balcony				
Staircases/Railings				
Garage/Carport				
Gardens/Lawns				
Watering System				
Pool Fence/Gates				
Pool Equipment				
Pool - General				
Clothesline				
Keys/locks				
2 nd set of keys				
Driveway				
Paving				
Roof				
Gutters/downpipes				
Other				

APPENDIX B

LICENCE TO USE PREMISES

BETWEEN: THE CORPORATION OF THE SYNOD OF THE DIOCESE OF BRISBANE
of St Martin’s House, 373 Ann Street, Brisbane (“ACSQ”)

AND:
of (“User”)

SCHEDULE

Parish:

Parish Representative:

Premises:

Permitted Use:

Licence Period:

Permitted Hours:

Deposit:

Licence Fee:

(Note: Fee must include GST for all non-Anglican entity “Users” if fee is equal to or greater than 50% of the market rate)

Frequency of Fee Payment:
(if ongoing)

Bond Amount (if applicable):

Special Conditions (if any):

.....

TERMS

1. In consideration of payment of the Licence Fee, the User has a non-exclusive licence to use the Premises during the Licence Period and Permitted Hours and for the Permitted Use.
2. If this Licence relates to a one-off event, the User agrees to pay the Deposit at the time of booking. If the User cancels the booking within 14 days of the event, ACSQ will be entitled to retain the Deposit. If the event proceeds as per the booking, the Deposit will be applied towards payment of the Licence Fee.
3. The User will pay the Licence Fee in advance and according to the Frequency of Fee Payment during the Licence Period.
4. The User will:
 - (a) comply with any Special Conditions set out in the Schedule and any reasonable request by ACSQ concerning the use of the Premises;
 - (b) comply with all laws, including laws in relation to noise levels;
 - (c) use the Premises and all contents carefully and repair all damage caused to the Premises and/or contents;
 - (d) keep the Premises clean and tidy and remove all rubbish;
 - (e) only allow cars to be parked in designated parking areas;
 - (f) secure all doors, windows and gates at the completion of each use of the Premises;
 - (g) not cause any nuisance or inconvenience to ACSQ or to the other users or neighbours of the Premises;
 - (h) not allow the sale of alcohol on the Premises or the service of alcohol to minors; and
 - (i) ensure that all persons allowed on the Premises by the User properly conduct themselves and do not smoke on or about the Premises.

5. If the User is required to pay a Bond, and the User fails to keep the Premises in a clean and tidy state or fails to repair damage to the Premises and/or contents, the User will forfeit the amount of the Bond to ACSQ that is required to clean the Premises or rectify the damage.
6. This Licence is personal to the User and cannot be transferred or dealt with in any other way.
7. ACSQ makes no warranty that the Premises are now or will remain suitable for use for the Permitted Use and the User must satisfy itself in this regard.
8. The User uses the Premises at its own risk and, to the full extent permitted by law, releases ACSQ from all claims and demands resulting from any accident, damage or injury occurring at the Premises, except to the extent that it is caused by the wilful or negligent act or omission of ACSQ.
9. The User takes full responsibility for its conduct and that of its invitees whilst on the Premises.
10. Any property brought onto the Premises is the sole responsibility of the User.
11. The User indemnifies ACSQ against all actions, claims, damages and expenses (including legal costs on a solicitor/client basis) (“**Claim**”) arising from or in consequence of:
 - (a) the wilful or negligent act or omission of the User, its invitees and others for whom it is legally liable;
 - (b) loss, damage or injury from any cause to property or person caused or contributed to by the use of the Premises by the User,
 except to the extent that the Claim was caused by the wilful or negligent act or omission of ACSQ.
12. The User will effect and maintain a policy of Public Risk Insurance covering the Permitted Use of the Premises for an amount not less than \$5million (any one event) and provide a copy of the certificate of currency to ACSQ.
13. The User must effect and maintain workers compensation insurance in respect of any employees of the User who are employed in connection with the use of the Premises.
14. The User will comply with all laws relating to the permitted use of the Premises, including the *Work Health and Safety Act 2011*. The User will consult, co-operate and co-ordinate with ACSQ regarding any health and safety issues arising at the Premises.
15. The User will advise ACSQ promptly in writing the full details of any injury sustained or of any other incident occurring during the User’s use of the Premises and which could give rise to a claim against ACSQ and/or the User.
16. If the User continues to use the Premises after the Licence Period with the consent of ACSQ it will do so on the terms of this Agreement.
17. If this Licence is of an ongoing nature (ie. not a one-off event), either party may terminate this Licence by giving one month’s written notice to the other party.
18. If the User breaches this Licence and does not rectify the breach within 14 days of written notice from ACSQ requiring it to do so, ACSQ may terminate this Licence by written notice to the User.
19. Upon termination of this Licence, the User will promptly return all keys to ACSQ.

EXECUTED as an agreement.

SIGNED for and on behalf of ACSQ by:

.....
 Date

Witness

SIGNED by the User:

.....
 Date

Witness

APPENDIX C

APPENDIX C WAS REPEALED BY THE DIOCESAN COUNCIL ON 28 JUNE 2018.

APPENDIX D

**PROCEDURES FOR THE
PERMANENT CLOSURE OF A CHURCH BUILDING**

The procedures for the permanent closure of a church building are set out in Section C.10 of the Diocesan Handbook. All sections of this form must be signed by the appropriate person/body prior to it being sent to the General Manager for inclusion on the Diocesan Council Agenda.

1.	Name of Parish		
2.	Name of Church		
3.	Endorsement of the Regional Bishop and Archdeacon	..... Regional Bishop Date .....	..... Archdeacon Date
4.	Approval in principle by Archbishop	..... Archbishop	..... Date
5.	Resolution of Parish Council seeking permission to commence process of closure	..... Date of PC Resolution	..... Parish Priest
6.	Public Meeting	..... Date of Meeting	..... Chair of Meeting
7.	Parish Meeting	..... Date of Meeting	..... Chair of Meeting
8.	Resolution of Parish Council seeking permanent closure	..... Date of PC Resolution	..... Parish Priest
9.	Endorsement of Parishes and Other Mission Agencies Commission	..... Date of Meeting	..... Executive Director
10.	Documentation for Diocesan Council	Resolution of Parish Council <input type="checkbox"/>	Minutes of Public Meeting <input type="checkbox"/>
		Minutes of Parish Meeting <input type="checkbox"/>	Resolution of PMC <input type="checkbox"/>
		Other Documentation <input type="checkbox"/>	<input type="checkbox"/>
11.	Submitted to Diocesan Council	..... Date of Meeting	..... General Manager
12.	Deed of Closure	..... Date Signed	..... Assistant Registrar
13.	Date of Deconsecration	..... Date of Service	..... Assistant Registrar

C.11 REMOVAL EXPENSES FOR CLERGY AND CLERGY WIDOWS

Definitions

C.11.1. In this Section -

- (a) The term “removal expenses” means -
 - (i) the cost incurred by a member of the clergy in moving their furniture and furnishings and those of their spouse from the place at which they were residing prior to their appointment to a new position in a Parish to the place at which they will be residing whilst occupying such new position in a Parish, and
 - (ii) the cost incurred by the widow/widower of a member of the clergy in moving their furniture and furnishings from the place at which that member of the clergy was residing prior to death to the place at which he/she proposes to reside, and
 - (iii) the cost incurred by a member of the clergy in moving their furniture and furnishings and those of their spouse on retirement from the place at which they were residing prior to retirement to the place at which they will be residing after retirement.
- (b) The term “member of the clergy” means a person -
 - (i) who is a priest or deacon whether male or female, and
 - (ii) who holds or will hold, on being appointed to any such new position or immediately prior to death held (as the case may be) a licence issued by the Archbishop of Brisbane to an office in a Parish, other than a licence commonly known as a “general licence” or a licence granting the member of the clergy “permission to officiate”.
- (c) The term “person moving” means –
 - (i) a member of the clergy moving as detailed in C.11.1(a)(i) and (iii), and
 - (ii) a widow/widower of a member of the clergy moving as detailed in C.11.1(a)(ii).
- (d) The word “cost” shall be taken as being the proper and reasonable costs (and not necessarily the actual cost) and shall not include any expenditure of an unusual nature.
- (e) The words “General Manager” mean the General Manager of the Diocese, or the party last appointed by the Archbishop-in-Council to administer this procedure.
- (f) The word “retirement” means retirement from full-time work or service in consequence of age or ill-health or disability.

Limitations on reimbursements

C.11.2. Removal expenses of members of the clergy will be paid as follows -

- (a) In cases described in section C.11.1(a)(i) above, the removal expenses shall be borne equally by the Diocese and the gaining parish, provided that the amount borne by the Diocese is limited to a sum not exceeding one half of the current average removal cost within the Diocese (as determined by the Archbishop-in-Council from time to time). The member of the clergy

concerned should make early contact with the General Manager to ascertain the maximum amount to be reimbursed by the Diocese.

- (b) In cases described in section C.11.1(a)(ii) or C.11.1(a)(iii) above, the whole of the removal expenses shall be borne by the Diocese provided that the amount borne by the Diocese may be limited to a sum not exceeding the current average removal cost within the Diocese (as determined by the Archbishop-in-Council from time to time). In these cases, the reimbursement by the Diocese is limited to a “once only” payment in respect of any person moving. The person moving should make early contact with the General Manager to ascertain the maximum amount to be reimbursed by the Diocese.

C.11.3. Until otherwise determined by the Diocesan Council, the average removal cost within the Diocese shall be deemed to be Five Thousand Dollars (\$5,000) effective from 1 January 2019.

C.11.4. Removal expenses will be deemed to include a sum for insurance premium on cover of furniture while in transit, for a maximum amount as determined by the Diocesan Council from time to time. Premium on cover in excess of this maximum amount or on cover for special items will be the responsibility of the person moving.

C.11.5. The Diocese will make no reimbursement for fares or other travelling expenses for the member of the clergy or the family of a member of the clergy.

Archbishop may direct that costs be paid

C.11.6. The Archbishop may direct that the cost of any removal expenses beyond that met under Section C.11.2 shall be paid by the Diocese.

Clergy who remove furniture and furnishings prior to normal retirement

C.11.7. Some clergy may, prior to their retirement, wish to remove their furniture and furnishings from their place of residence prior to retirement to their proposed place of residence after retirement from full-time priestly duties. If they undertake such removal prior to their reaching the normal age for retirement they may, under certain circumstances as hereunder, apply to the Diocese for reimbursement of their removal expenses, in lieu of the normal retirement removal assistance. Clergy below the age of 55 years will not be eligible for reimbursement. Clergy between 55 years and 60 years may be considered for reimbursement, depending on the circumstances of the case. Clergy who have reached the age of 60 years will be eligible to apply for reimbursement in accordance with C.11.1(a)(iii) above.

Clergy who cease to perform full-time priestly duties prior to normal retirement

C.11.8. Clergy who cease to perform full-time priestly duties prior to reaching the normal age for retirement may, under certain circumstances as hereunder, apply to the Diocese for reimbursement of retirement removal expenses. Clergy who have not reached the age of 60 years may be considered for reimbursement, depending on the circumstances of the case. Clergy who have reached the age of 60 years will be eligible to apply for reimbursement in accordance with C.11.1(a)(iii) above.

Procedure

C.11.9. The following procedure will apply -

- (a) The person moving should obtain three quotations from removalists. Inquiry should be made of the Diocesan Registry as to the preferred list of removalists which might be approached for a quotation.
- (b) Full details of the quotations should be submitted to the General Manager, with any preference indicated.
- (c) The approved quotation will be communicated to the person moving. In the case of a move to another parish, the person moving should, as a matter of courtesy, inform the gaining parish of the cost of the move.
- (d) The person moving will be responsible for arrangement of date and time of removal, in consultation with the parish to which removal is to take place, if applicable.
- (e) The person moving should obtain, complete and return an application for insurance cover from the General Manager prior to the date of removal.
- (f) The removalist's account should be paid as follows -
 - (i) Where the member of the clergy is proceeding to take up a new appointment, the account should be paid by the receiving parish which should then submit a claim to the General Manager for reimbursement of the Diocesan share of the removal expenses, less any adjustment for the share of the insurance premium.
 - (ii) Where the member of the clergy is proceeding to retirement, or where the removal is on behalf of a clergy widow/widower, the account should be paid by the person moving who should then submit a claim to the General Manager for reimbursement.
- (g) In the event that a parish or a person moving is unable to meet payment in full of the removalist's account, immediate contact should be made with the General Manager so that appropriate alternative arrangements may be made.

Commencement date

C.11.10. These provisions shall apply in relation to removal expenses incurred on or after 1 January 2019.

C.12 ECCLESIASTICAL FURNISHINGS ADORNMENTS AND FABRIC IN CHURCHES

Faculty

C.12.1. The document issued by the Archbishop authorising the placing in or removal from a church of items of ecclesiastical furniture, adornments or fabric is termed a “faculty”. Faculties are documents granting permission to do some act or dispensation from adherence to something previously authorised.

C.12.2. In relation to church buildings, the Archbishop is the guardian of the buildings and their contents from the time of their consecration by him or a predecessor. It follows that any alteration of a building, removal of a dedicated item or introduction of a new item requires the permission of the Archbishop to vary that originally consecrated or dedicated.

C.12.3. A faculty is required in respect of all permanent fixtures and furnishings in churches. When a church is dedicated, altar vessels, for instance, are covered by the deed of dedication and obviously if a cruet bottle is broken and a replacement is required a faculty is not needed. However, if a harmonium collapses and it is intended to replace it with a three-manual pipe organ, then clearly something different is happening and a faculty will be needed. The introduction of a new organ or piano needs a faculty. The introduction of an aumbry requires a faculty; also the moving of an altar to a new position; and any major rearrangement in the church. Works of sculpture in church grounds are external “permanents” for which a faculty must be obtained.

C.12.4. The faculty procedure is intended to ensure that the Church shall always be a worthy place of worship, and the will and needs of the people of that place respected. An item in respect of which a faculty is given cannot be removed or moved without a new faculty.

C.12.5. The Archbishop’s permission, rather than a faculty, should be obtained before a picture is placed in a church. Pictures may deteriorate with age and may need removing, so the donor must realise that the acceptance of a picture does not have the assurance of “for ever”.

C.12.6. In this Diocese, the issue of faculties is covered by the *Archbishop’s Prerogative Canon*.

Procedure for obtaining a faculty

C.12.7. Before making application for a faculty, the Archbishop urges Parish Priests to discuss the proposal with the Regional Bishop and the Archdeacon, and where appropriate with the Archbishop’s Advisory Committee on Buildings and Furnishings. This will avoid disappointment should it be immediately apparent that a faculty is not likely to be granted.

C.12.8. The requisite Notice of Intention to apply for a faculty is obtained from the Registry.

C.12.9. The Notice of Intention to apply to the Archbishop for a faculty, having been duly completed and signed by the Parish Priest and Churchwardens, must be displayed on the church notice board for a period of not less than fourteen consecutive days. It would be highly unusual for a faculty application to be displayed without the concurrence of the Parish Council.

C.12.10. A sketch of what is proposed must be displayed with the Notice, or an explanation included on the Notice.

C.12.11. A parishioner may object to the granting of a faculty. This objection must be in writing, giving the grounds and reasons for the objection, and be lodged with the Registrar of the Diocese before the elapse of the fourteen days during which the Notice is exhibited.

C.12.12. After the Notice has been displayed for the required time, it is to be forwarded to the Registrar. This is placed before the Archbishop for his final approval, and any objections are considered. If there are no objections, or if none are upheld by the Archbishop, the faculty is executed under his Seal. The document should be preserved carefully with other Parish documents.

C.13 MUSICAL INSTRUMENTS

Recommendations

C.13.1. The choice and purchase of musical instruments for use in accompanying congregational singing and for other aspects of worship, is an important responsibility as it involves sizeable expenditure and will profoundly influence the musical tradition of the parish for years to come.

C.13.2. The information included in Appendix A was developed by the Archbishop's Music Advisory Committee and adopted by the Archbishop-in-Council. Those responsible for the music ministry in the parish may find this helpful in assisting their decision making.

APPENDIX A

The following information about organs may be helpful –

1. There are four vital requirements to be considered –
 - (a) The instrument should be reasonably priced in relation to its content and capabilities.
 - (b) It should be capable of fulfilling the two principal functions required by any church instrument, namely –
 - (i) Adequate accompaniment of congregational hymn singing and, where appropriate, choral singing.
 - (ii) Satisfactory rendition of the very simplest voluntary music of the great composers.
 - (c) It should be reliable, and inexpensive to maintain.
 - (d) It should be long-lasting with a low rate of depreciation.
2. The choice is narrowed to four main classes of instrument in most parishes: pipe organ, electrone, reed organ, and pianoforte. The notes that follow set out some guidelines which may be of interest. It is stressed that faculty permission for any proposed instrument must be sought before a contract of purchase is made. The purpose of the faculty is to ensure that adequate advice has been taken, and that parishioners have been given the opportunity to reflect upon any proposed action which will affect their worshipping life for years to come.

Pipe Organs

3. General

- (a) The pipe organ has been used as a church instrument for almost a thousand years. Each organ is designed and constructed for the particular needs of the church in which it is installed.
- (b) The typical pipe organ has a console with at least two manuals (keyboards) of 61 notes, and a pedal board of 32 notes. Each note of each stop has a separate pipe, and thus the instrument will require a considerable amount of space, both for its location, and around it, so that the sounds are able to fill the building.
- (c) However, smaller organs are possible, and even the smallest church could house a small positive organ with one manual, no pedals, and just three stops, as this would take up no more space than any other instrument.

4. Function

- (a) The pipe organ is the instrument for which virtually all voluntary music and anthem accompaniments have been written, and its worth in the accompaniment of hymn-singing has been proven in churches throughout the world for centuries. A well-designed and well-constructed pipe organ is undoubtedly the best instrument to fulfil the two functions of a church instrument.
- (b) Of course, an organ is not necessarily good, just by virtue of being a pipe organ. An unworthy pipe organ may become a real liability if its design is inadequate or if it falls into disrepair. Churches contemplating any change which concerns a pipe organ are advised to seek advice from an organ

consultant and a number of firms before arriving at a proposal. The reputation of an organ builder is a prime consideration in choosing a firm.

5. Cost

The major disadvantage of a pipe organ is its high initial cost. Nevertheless, its reliability, low maintenance costs, appreciation (rather than depreciation), and longevity may well prove to be more economical in the long term.

6. Reliability and maintenance

(a) Modern pipe organs are highly reliable. The pipes cannot wear out and can only be impaired by physical damage and dirt. The mechanism may eventually require overhauling but with modern materials and methods coupled with good craftsmanship such a major overhaul ought not to be necessary in the first forty years.

(b) Tuning should be carried out regularly. The frequency of tuning depends on a number of factors, e.g. the size of the instrument, the temperature range of the church, the presence of dust and the design of the instrument. Tuning costs of a complex organ can be considerable but organists can be trained wisely to effect some tuning. Further information about this can be obtained from the Cathedral organist.

7. Life expectancy and depreciation

Like all manufactured products, pipe organs may be good, bad or indifferent. There are some which are more than two hundred years old, whereas others have lasted only a few decades through neglect or poor design. Where an organ is built by a reputable and qualified organ builder following accepted principles of the craft, there is no doubt that the organ will give excellent service for thirty or forty years before it needs any major attention, and with proper care it should last indefinitely. At the same time, its value will steadily appreciate, rather than depreciate.

Electronic “Organs”

8. General

Most of the cheaper electrones are produced for the light entertainment market. The total number of instruments bought by churches is so small that few companies find it possible to provide an instrument specifically suited to the needs of a small church with limited resources. Indeed, the number of available models in this field seems to decrease rather than increase as the market expands.

9. Cost

Cost is most commonly the prime determining consideration facing the priest who wishes to replace an old or inadequate instrument with an electrone. It is emphasised that in the long view, electrones may prove to be much more costly than first appears.

10. Other factors

Other factors to be faced include the uses to which the instrument will be put, and the potential talent of prospective organists. A concert-model organ would probably daunt an inexperienced player in a small church.

11. Keyboard

- (a) Since the bulk of church music demands balanced four-part harmony (rather than a solo melody with a vamp-base) it is essential that the keyboard allows the player to manage a hymn-tune or voluntary without running out of notes at either the treble or bass end.
- (b) At the very least, the keyboard needs to have four and a half octaves. A standard organ keyboard consists of five octaves (61 notes). Staggered keyboards make playing very difficult even when the registration can be matched between them. Often they are very limited in extent (44 notes to each manual) of which 36 correspond with each other, so the effective range of the keyboard is still only 52 notes.

12. Pedals

- (a) Instruments with short manuals often try to compensate by providing one octave of toe pedals for the bass. These are useless for real organ music, and can rarely be artistically used even in hymns. It is very rare that the bass part of a hymn lies entirely within the octave from C to C. Instruments with more extensive pedal-boards are available, and as these are usually two-manual models in the conventional sense, they are priced considerably higher than the single or staggered-manual models.
- (b) If there is any prospect of organ students being encouraged to play the instrument, then care should be taken to select an organ which provides a full pedal board of 32 notes, radiating and concave, according to the specifications of the Royal College of Organists, or the American Guild of Organists. Most models have only a 25-note pedal board and this, while usually radiating, is not generally concave in design. Of course, in an instrument provided with pedals it is not necessary for them to be used, and amateur organists may well feel happier if the pedal board is covered with a solid footrest when not in use. In order to obtain the kind of requirements for the console, it may be necessary to purchase a model with a pedal-board, even though the latter may not usually be required.

13. Stops

In accompanying congregational singing, upper octaves and harmonics are more important than a variety of 8' tones. For church use, an electrone needs at least stops of 8', 4' and 2' pitch. Preferably, the specification should include 1' and mutations (e.g. 5 1/3, 2 2/3, 1 2/3, 1 1/3 etc.) and mixtures. Where staggered keyboards are contemplated, it is essential that the upper harmonics be available on the manual for the right hand.

14. Gadgetry

- (a) Gradual sophistication of cheaper electrone is designed to help unskilled player achieve some degree of enjoyment from their purchase. Rhythm devices and chord patterns are often built in as "extras". These are useless for church music, but there may be some merit in considering them if the organ is to stand in a dual-purpose hall, and is likely to be used for secular as well as sacred purposes.
- (b) Sometimes an instrument contains a built-in cassette recorder-player. This can be used not only to record music being played on the instrument but also for the playing of other pre-recorded tapes. This feature offers a number of valuable possibilities. The chief drawback of this facility is its vulnerability to casual thieves. A locking cover for the keyboard is most desirable if the

instrument includes a cassette player. The same facility could be provided fairly simply (and is already, on some models) by means of an input socket into which the portable cassette player could be plugged.

15. Speakers

When the speaker/amplifier is contained within the console, it is difficult for the organist to judge the balance of sound when accompanying the congregation. External speakers are desirable, and care is needed in their siting, as much for aesthetic as acoustic considerations.

16. Reliability and maintenance

In view of the diverse systems used and the constantly changing pattern of electronic technology it is impossible to talk of the reliability of electronic instruments in any but a general way. Electronic components in themselves have a high degree of reliability but the reliability of a particular instrument will depend upon the number of components it incorporates and the complexities of its design. The maintenance of these instruments does not lie within the competence of a TV or radio technician but is a job for a specialist. Occasional malfunctions will occur in even the best of instruments and in many cases even failure of a minor part could render the instrument unusable. It is the nature of this type of product that the day will eventually come when service becomes uneconomic and a "trade-in" will be recommended.

17. Life Expectancy and depreciation

The electronic instrument is the product of a mass production industry. It is a "consumer good", a term which implies an in-built obsolescence. It must, therefore, be expected that the installation of an electronic instrument carries with it a commitment to periodic replacements and who can say what the resale value of a twenty year old electronic organ will be?

Reed Organs

- 18.** As manufacturers are not producing reed organs any more, a discussion of these would seem to be academic. However, old reed organs can be restored for a reasonable sum. A restored reed organ may be a better alternative than a cheap electronic instrument.

Pianoforte

- 19.** Another possibility for the small church could be one that has not yet been mentioned, viz. a piano. Pianos are not usually considered to be "church" instruments; indeed most committees would dismiss them summarily in a planning discussion. A good piano is comparatively cheap and easy to maintain. It can be played by people who possibly would not be willing to tackle the organ. Its percussive tone makes it ideal for leading congregational singing. Finally, it is long-lasting and has a good resale value. There is much to be said in favour of such an effective accompanying instrument if we are really serious about encouraging congregational singing.

Conclusion

- 20.** What then is the solution to the problem of choosing an instrument for use in worship? The pipe organ is by far the best solution musically, but its high initial cost may preclude consideration. The electronic organ is less attractive musically and its

advantage of low price is not so attractive when examined closely. But it may be an acceptable solution to the problem if carefully chosen. When restoration of a reed organ is possible, this also is a viable alternative.

C.14 PARISH PAPERS

Importance

C.14.1. A parish paper is the most widely circulated of all church publications. In one parish it was found that *Focus* (the Diocesan Newspaper) went into about 80 homes while the parish paper was sent to 300 homes. Therefore, it is worth paying some attention to the contents and layout of parish papers.

Resources

C.14.2. Desk top publishing applications for personal computers are now readily available and can be utilised to produce attractive layouts for the pages of the parish paper.

C.14.3. The Internet represents an almost inexhaustible supply of information relating to the Anglican Church, and can also be used as a source of a wide range of clip-art for improving the appearance of parish papers. The editor of the parish paper should learn to tap into sources such as *The Anglican Communion official website*, *Anglicans On Line*, the General Synod Information Office, and the Web sites of the many and varied Anglican interest groups, in order to enhance the content of the parish paper.

C.14.4. Editors of parish papers should be encouraged to network with each other to share ideas, stories and even resources. They should be encouraged to maintain links with the Diocesan newspaper, *Focus*, passing on stories of interest to a wider readership and seeking advice and encouragement where appropriate.

C.14.5. From time to time the General Manager of the Diocese distributes material suitable for inclusion in pew sheets and in parish papers; these should be utilised as appropriate as an additional source of information.

Copyright

C.14.6. The editor needs to be aware of copyright restrictions that can apply to some of the proposed content of the parish paper, depending on the source of the information. Some further comments relating to copyright can be found in section C.15 of this Handbook.

Print Post

C.14.7. Print Post is an Australia Post service for the delivery of approved periodical publications to particular addresses throughout Australia. It can help to reduce the cost of posting periodical publications such as parish papers. The local Post Office can provide an information booklet and application form on the Print Post service.

C.15 COPYRIGHT AND REPRODUCTION GUIDELINES

Introduction

C.15.1. Literary, dramatic or musical works are forms of property protected by the law of copyright.

C.15.2. Under that law the owner of a work has the right to reproduce, publish, perform, broadcast, transmit or edit the work. Others may only use the work with the owner's permission and upon the payment of proper compensation. Unauthorised use of the work amounts to theft for which damages may be payable.

C.15.3. Guidelines relating to copyright are included in Appendices A, B and C. Parishes should ensure that they are aware of their legal responsibilities in relation to copyright and should adhere to these guidelines.

APPENDIX A**COPYRIGHT GUIDELINES - PHOTOCOPYING, COPYING, REPRODUCING, RECORDING, PLAYING & PROJECTING****What Copyright Covers**

Copyright law protects most original literary, dramatic, musical and artistic works used by churches, and so permission to use that material has to be obtained to comply with the law, to avoid incurring substantial infringement fines, and to meet our moral obligations.

‘Most material’ includes, but is not limited to:

- hymn books, Bibles, Prayer books, books, printed articles, magazines,
- software, internet downloads, website material, music downloads
- sheet music, music books,
- drama, various sound recordings, CD’s, music on hold, broadcasts,
- visual recordings, films, videos, DVD’s,
- poetry, artwork, photography,
- tables and charts taken from any copyrighted source.

Any church that:

- produces and prints pew bulletins, magazines, booklets, service sheets,
- produces baptism, wedding or funeral service booklets or other orders of service,
- produces choir booklets,
- photocopies music, lyrics or other musical material,
- copies out or writes out, music, lyrics, dramatic works, poems,
- prints music, including melody lines, or lyrics,
- makes or projects a power point slide, transparency or other media,
- plays recorded music, or performs dramatisations of any sort,
- makes or uses sound or video recordings of services, dramatisations or musical performances,
- uses electronic or digital media,

must comply with the Copyright Law.

This list is not conclusive and it is safe to assume that all material reproduced, copied or photocopied is covered by copyright and that permission must be obtained to use that work.

The Copyright Act

The law with respect to copyright is set out in the Australian *Copyright Act 1968, with amendments* (the Act). This is a Commonwealth Act, amended from time to time to keep the law up to date and applies in all States and Territories. Details of the Act may be found at: http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133/
<http://agsearch.ag.gov.au/clsearch/home?query=Copyright+Act&new=1>

Under the Act, the owner only, of a work has the right to reproduce, photocopy, publish, perform, broadcast, transmit or edit the work.

Anyone else may only use the work with the owner’s permission and upon the payment of proper royalties/compensation/licensing fees. Churches, like all users of material which has

been developed by other people, must be aware of and comply with, their copyright responsibilities.

Infringement

Infringement of the Act amounts to theft. Substantial fines for breaking the law may be ordered and the Act gives the owner of the copyright the right to claim damages in the Federal Court against those infringing it.

Infringement applies to using a part, as well as the whole of the work.

Licences and Permission

Churches need to have permission or a licence from one or more of the following:

- a relevant licensing organisation (agency),
- a publisher if they administer the copyright on behalf of the author/composer/artist,
- an author/composer/artist, if they have not assigned the copyright to a publisher or a licensing organisation.

A number of Church Licensing Organisations (agencies) offer copying licences to churches for a fee, on behalf of their writer or publisher members. Applications for licences can be downloaded from the agency web sites, or can be requested by contacting the relevant agency. A table of the details of Church Licensing Organisations, with the activity that they cover is included in this document, Appendix B.

Each agency covers different publishers and has its own requirements for keeping records and providing reports so that the relevant owners of the works can be paid the appropriate royalties for their works.

An agency may provide several licences and each licence covers different and specific activities, different materials and different copyright owners, therefore a church may require several different licences from different agencies, to cover the range of activities that they wish to conduct.

What You Need To Do

It is your responsibility to check the details of your licence with the agency before you do anything, to ensure that you comply with the conditions of that licence.

You need to:

- find out what type of copyright licence/s your church has, and the repertoire that this covers;
- decide on the work to be used – eg words, lyrics, music, film;
- find out if that work is protected by copyright – usually indicated within the first few pages of written material, on the cover of sound or media recordings, or on the website of the publisher;
- decide your required activity:
 - reproduce it eg photocopying, transcribing, making data projection slides or overhead transparencies (OHT's), dubbing, recording, etc;
 - adapt it in some way eg changing the lyrics or rearranging the music etc;
 - publish it eg printing a song book, service book, special service sheets, etc;

- perform it eg performing it or playing it via a CD, DVD, tape etc;
- communicate it eg playing music on hold via telephone, uploading it to a website etc;
- Check if your licence allows the desired activity for that piece by the author/s and the specific copyright owner.

If it does, that is fine, and you just have to follow the conditions of the particular licence – for example – do you have to:

- mark the copies with a © line, the author/s, copyright owner, or put a licence number on the copies?
 - keep a record of the activity under the particular licence requirements?
 - provide a report to the agency? and,
 - destroy any reproduction or keep it for a certain period?
- If the licence that you have does not cover the activities or the work that you wish to reproduce, you will need to obtain permission from either:
 - another agency which can provide a different licence to cover what you need, or
 - the relevant copyright owner or publisher directly, or
 - the author/creator of the work.

The Australian Mechanical Copyright Owners Society (AMCOS) may be able to provide you with advice on whether or not a work is in copyright. <http://www.apra-amcos.com.au/>

Accuracy

Any material that is copied, photocopied or reproduced in any form, must be an accurate copy of the original.

COPYING AND PHOTOCOPYING MUSIC, HYMNS, SONGS

Original Material

Most agencies require the Church to own an original publication of lyrics or music that is to be copied or photocopied. It is therefore easier to go to the publications the church already owns and select your piece of music or lyrics from there, providing the particular piece is covered by the actual licence used.

Record Keeping For Music and Lyrics

Most copyright agencies require records to be kept of any copyright activity undertaken for music and lyrics. Reports are then to be submitted to the agency so that they can distribute the appropriate royalties to the copyright owners for the use of their work.

Public Domain

From 1 January 2005 the Act was amended to extend the duration of copyright from 50 years to 70 years after the death of the composer, lyricist or arranger. Works are deemed then to be in the public domain.

It is important to assess the copyright status of the words as well as the music, and any possible copyright protection in a translation of the words. This often applies to hymns where the

original music and melody may be well and truly out of copyright but a recent translation or adaptation of the lyrics may be protected by copyright or a recent arrangement of the music may be protected.

If a work is in the “public domain”, authority to perform or reproduce that work is not required, but the work should be identified as “public domain”.

If you are unsure if something is in the public domain, your copyright licensing agency may be able to advise you.

PERFORMANCE OF MUSIC AND PLAYING RECORDINGS

Playing music within a service of worship

If you wish to play any copyright music, either live or a recording, within a service of worship, you do not require a licence from the Australian Performing Rights Association (APRA). This permission includes the playing of electronically produced music, eg MP3 wave files, midi files etc.

An APRA licence is not required when music is performed at a wedding, funeral or baptism.

A service of worship does not need to be held in a church for this policy to apply.

Playing music and/or sound recordings other than at a service of worship

If your church plays live music or performs any copyright music outside of a service of worship, such as Sunday school, youth groups, meetings, socials or fetes, a licence from APRA is required. APRA offers an annual church licence, which will cover most musical performances outside of a service of worship. An application form for the APRA church licence may be obtained from APRA or by downloading it from www.apra-amcos.com.au

If it is intended to perform music or lyrics for which the copyright is owned by a person who is not a member of APRA, permission must be obtained from that person.

If your church plays copyright protected sound recordings of music at a church event or for example, in the church hall at social gatherings, you will require both an APRA licence to cover the music and lyrics and a Phonographic Performance Company of Australia (PPCA) licence to cover the recording. Further information and application forms may be downloaded at www.apra-amcos.com.au
www.apra-amcos.com.au/musicconsumers/musicinbusiness/churches.aspx
www.pcca.com.au/
www.pcca.com.au/licensing.htm

If it is intended to perform music or lyrics for which the copyright is owned by a person who is not a member of APRA, permission must be obtained from that person.

Many churches make their premises available to third parties, such as dance or music classes or other organisations for meetings or functions. It is the responsibility of the person or organisation that is using the premises for these functions to obtain the appropriate licences from APRA and PPCA.

Making audio or video recordings of services for ‘shut-ins’

If you want to make a recording of a service of worship to distribute to someone who cannot attend the service due to reasons of illness or age, or if they are house-bound (referred to as ‘shut-ins’), you will not require a licence to make either an audio or video recording of the service provided that no charge is made for the distribution of the recordings.

This is because both AMCOS (on behalf of music publishers) and Australian Record Industry Association (ARIA) (on behalf of record companies) have a complimentary policy of allowing recordings to be made without a licence for this particular purpose.

SPECIAL LICENCES

Special licences are required for a number of circumstances outside the usual regular activities of the church:

- showing DVD’s, films, videos and film clips, either in part or total;
- mobile licence for use by travelling ministries or individuals who use their licence in more than one location;
- playing “music on hold” through telephone systems;
- recording or dubbing pre-recorded music;
- recording music or performances;
- photocopying or copying secular music for church choirs, services or instrumental groups reproducing secular music.

Showing DVD’s, films, videos and film clips, either in part or total

A Special Video Licence must be obtained in order to show a film, film clip or part thereof, in any parish situation, including sermon illustrations and services of worship. Christian Copyright Licensing International (CCLI) provide a Church Video Licence for this purpose.

Mobile licence for use by travelling ministries or individuals who use their licence in more than one location

A special licence is available from CCLI and Word of Life International (WOL) for circumstances that arise with travelling ministries, individuals who use their licence in more than one location, and parishes with several locations for services of worship. Contact CCLI or WOL for the details of this licence.

Music on Hold

Churches that choose to use ‘music on hold’ on their telephone system will need to obtain a ‘music on hold’ licence from APRA/AMCOS and/or PPCA.

Recording or Dubbing Pre-recorded Music

A licence must be obtained to make copies of pre-recorded music from APRA/AMCOS and/or ARIA.

Video or Recording Services, Music or Performances

If you wish to make recording of a service of worship, wedding, baptism, funeral service or live performance, permission must first be obtained from the performers/participants, whether or not they are speaking, playing or singing.

If you wish to make an audio or video recording of the service or work, generally speaking, you will need an AMCOS licence to make an audio recording of any copyright music, or an AMCOS/ARIA licence to make a video.

Contact AMCOS for advice and licences.

Photocopying or Copying Secular Music for Church Choir Services and/or Instrumental Groups Reproducing Secular Music

Permission of the relevant music publisher is required. Contact AMCOS for advice and/or publisher contacts.

PRAYER BOOKS

A Prayer Book for Australia, 1995 (APBA) and An Australian Prayer Book, 1978 (AAPB)

Broughton Publishing, the publishing arm of the Anglican Church of Australia, administers the copyright in A Prayer Book for Australia. Broughton Publishing can also advise on the making of print or electronic copies of An Australian Prayer Book www.broughtonpublishing.com.au.

BIBLES

Most Bible publishers will have a waiver for churches to copy up to 500 verses of scripture without requiring additional copyright permission, providing that notice of copyright is given on the copied material. This information is found under “Copyright ©” on the ‘imprint’ or ‘verso’ page, usually found in the first few pages of the publication.

Copyright requirements are also usually found under “Permissions” on the website of the relevant publisher.

Drawings that are copied from a Bible usually must be accompanied by the minimum scripture or verse, which relates to that drawing.

The Bible Society of Australia may be able to advise on the additional use of Bible text www.biblesociety.com.au.

MAGAZINES AND PUBLICATIONS, OTHER BOOKS

Material that is copied or reproduced from other magazines, books, publications, and internet websites, and used in pew bulletins, magazines etc requires permission from the publishers or relevant agencies to use the material. Many Christian websites are designed for information/material to be used by other Christian organisations and if so, this will be indicated on their website, under “Conditions of Use”.

Focus, the Diocesan newspaper, is happy for parishes to use articles and photos from their publication, providing there is acknowledgement of *Focus* and the author if given. Permission must be obtained to use any other material not written by *Focus* authors.

More information can be obtained by phoning the Anglican Media Office (07) 3835 2229 or emailing focus@anglicanbrisbane.org.au.

Copyright Agency Limited (CAL) also provides a licence to copy and reproduce a percentage of a variety of other written material.

INFORMATION IN THIS DOCUMENT IS PRIMARILY FROM:

Music Copyright for Churches, Fiona Loader, on behalf of the AMCOS and the APRA music publishers and writers. Also on behalf of various other licensing organisations including the ARIA, PPCA, CCLI, CAL, Media Com (LicenSing) and WOL.

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More detailed information on a considerable amount of this document can be obtained in hard copy form from APRA/AMCOS or downloaded from www.apra-amcos.com.au.

For further information about specific licences, please contact the relevant licensing body for advice. (Appendix B gives the contact information). Please note that AMCOS does not issue licences on behalf of other organisations.

OTHER USEFUL PUBLICATIONS

APRA/AMCOS

- APRA information sheet: “Music in your church: what you need to know”*;
- “A Practical Copyright Guide to the Use of Print Music in Australia”, Third Edition 2006*;
- Music copyright for schools – a guide to the AMCOS, AMCOS/ARIA and APRA school licences*;
- The APRA handbook for APRA composer members;
- AMCOS – a guide to music reproduction rights and the concept of copyright.

Contact APRA/AMCOS for free copies of any of the above or for the documents marked * read/print a copy from www.apra-amcos.com.au as these documents are available in pdf format.

Other licensing organisations

ARIA and PPCA, CAL, CCLI, LicenSing and WOL all have brochures on their particular licences which may be obtained on request. Also check their websites for additional information.

The Australian Copyright Council

The Australian Copyright Council has many interesting information sheets and conducts training sessions. Some publications that may be relevant to churches are:

Books

- Churches & copyright 1st edition 1/1995
- Music & copyright 6th edition 12/1998

Information sheets including:

- Music: Playing music, APRA & PCCA (Oct 2000)
- Music: Use by churches (Oct 2000)
- Videos & films: screening in public (Oct 2000)

Many of the information sheets are free and can be downloaded in pdf format from the Australian Copyright Council website: www.copyright.org.au.

Information sheets and books may also be obtained/purchased from the Australian Copyright Council, phone (02) 8815 9777, fax (02) 8815 9799; sales@copyright.org.au; www.copyright.org.au.

CONCLUSION

The organisations/agencies listed in this document are extremely helpful and are very willing to help with your licensing and copyright questions. Appendices B and C give the necessary contact information and quick reference guide.

The information contained in this section is accurate at the time of writing ie February 2009.

APPENDIX B**SUMMARY AND CONTACT DETAILS OF CHURCH LICENSING ORGANISATIONS AND ADVISORY GROUPS**

Name of organisation	Coverage of Licences	Address	Phone & Fax numbers	Email and Website addresses
ACC Australian Copyright Council	General Information Publications Training	PO Box 1986 Strawberry Hills NSW 2012	(02) 8815 9777 Fax Number (02) 8815 979	sales@copyright.org.au www.copyright.org.au
AMCOS Australian Mechanical Copyright Owners Society	General Information Recording Music Dubbing Video Recording	6-12 Atchison Street St Leonards NSW 2065	(02) 9935 7900 Fax Number (02) 9935 7999	mehclie@apra.com.au www.apra-amcos.com.au www.apra-amcos.com.au/musicconsumers/musicinbusiness/churches.aspx
APRA Australian Performing Rights Association	Playing / Performing Music Music on Hold Performing Artistic / Dramatic Works	6-12 Atchison Street St Leonards NSW 2065	(02) 9935 7900 Fax Number (02) 9935 7999	licence@apra.com.au www.apra-amcos.com.au www.apra-amcos.com.au/musicconsumers/musicinbusiness/churches.aspx
ARIA Australian Record Industry Association	Copying Sound Recordings Video Recording	Level 4 19 Harris Street Pyrmont NSW 2009	(02) 8569 1144 Fax Number (02) 8569 1183	aria.mail@aria.com.au www.aria.com.au www.aria.com.au/pages/licensing.htm
Bible Society of Australia	General Information	GPO Box 1228 Brisbane Q 4001	(07) 3221 5683 1300-139-179 Fax Number (07) 3229 0063	infoqld@bible.com.au www.biblesociety.com.au/
Broughton Publishing	Copying APBA AAPB	32 Glenvale Crescent Mulgrave VIC 3170	1800-037-729 (03) 9560 7077 Fax Number (03) 8545 2922	www.broughtonpublishing.com.au www.broughtonpublishing.com.au/copyright.html
CAL Copyright Agency Limited	Copying Lyrics Photocopying Lyrics Copying other material Specific Repertoire	Level 15 233 Castlereagh Street Sydney NSW 2000	(02) 9394 7600 Fax Number (02) 9394 7601	info@copyright.com.au www.copyright.com.au www.copyright.com.au/religiousorganisations.htm
CCLI Christian Copyright Licensing International	Copying Music Copying Lyrics Photocopying Music Photocopying Lyrics Showing Videos/Films Recording Music Specific Repertoire	PO Box 6644 Baulkham Hill Business Centre NSW 2153	(02) 9894 5386 or 1800-635-474 Fax Number (02) 9894 5701	support@ccli.com.au www.ccli.com.au www.ccli.com.au/about/whatweoffer.cfm
LicenSing Media Com Education Inc	Copying Music Copying Lyrics Specific Repertoire	P.O. Box 610 Unley SA 5061	1800-811-311 Fax Number (08) 8297 8719	mediacom@licensingonline.org www.mediacom.org.au www.licensingonline.org
PPCA Phonographic Performance Company of Australia	Playing Sound Recordings Music on Hold	PO Box Q20 Sydney NSW 2000	(02) 8569 1100 Fax Number (02) 8569 1183	ppca.mail@ppca.com.au www.ppca.com.au www.ppca.com.au/licensing.htm
WOL Word of Life International	Copying Music Copying Lyrics Photocopying Music Photocopying Lyrics Specific Repertoire Taize	PO Box 345 Mirboo North South Gippsland VIC 3871	(03) 5664 9245 Fax Number (03) 5664 9249	freelink@sympac.com.au www.freelink.com.au

Appendix C**QUICK REFERENCE**

	Required Activity	Name of Organisation
INFORMATION	General Information	ACC AMCOS APRA
	Copying Bible Text / Illustrations	Bible Society of Australia
	Publications	ACC APRA / AMCOS
	Training	ACC
LICENCES	Copying / Dubbing Sound Recordings	APRA / AMCOS ARIA
	Copying Anglican Prayer Books	Broughton Publishing
	Copying Lyrics	CAL CCLI Licensing Word of Life International
	Copying Music	CCLI LicenSing Word of Life International
	Copying Other Printed Material	CAL
	Making a Sound Recording	APRA / AMCOS CCLI
	Making a Video Recording	APRA / AMCOS ARIA CCLI
	Music on Hold	APRA PPCA
	Performing Artistic / Dramatic Works	APRA / AMCOS
	Photocopying Lyrics	CCLI CAL LicenSing Word of Life International
	Photocopying Music	CCLI LicenSing Word of Life International
	Playing / Performing Live Music	APRA
	Playing Sound Recordings Outside a Service Of Worship	PPCA APRA
	Showing Videos/Films	CCLI
Taize	Word Of Life	

C.16 MINISTRY AND PAROCHIAL DEVELOPMENT

Policy for the establishment of new areas of ministry

C.16.1 The Diocese of Brisbane recognises that parochial ministry is most likely to be effective when the priest is resident among the congregation and identified with the local community. It accepts that needs for the expansion of ministry must be met as and when they arise, subject to availability of resources both in finance and in personnel. The Diocese encourages the development of ministry to provide for such growth.

C.16.2 If expansion continues to the extent that a separate parochial unit is deemed necessary, then the policy of defining a geographical area and requesting the Archbishop to license a priest in terms of the *Parishes Regulation Canon* to minister to church members and the community in that area should be followed.

Procedures for the establishment of new areas of ministry

C.16.3 Parish priests and parish councils should monitor population growth or movement and significant development in and around their parishes, and keep the Finance and Diocesan Services Commission and the Parishes and Other Mission Agencies Commission informed through the Archdeacon of probable needs in the future for new areas of ministry. They should promote discussion with neighbouring parishes likely to be affected by such growth, movement and development as a means of bringing about an awareness of developing needs.

C.16.4 Area Deans together with Deanery Councils should take note annually of and report to their Archdeacons on development happening within their deanery area and refer significant developments to their Archdeacon to arrange a meeting of appropriate persons to consider whether action is necessary to provide for future ministry.

C.16.5 A parish, or a group of parishes, or a group of interested church members, in a locality where consideration of the establishment of a new area of ministry is being undertaken, should at an early stage request the assistance of the Archdeacon in formulating a proposal for consideration by the Finance and Diocesan Services Commission to facilitate appropriate actions.

C.16.6 Parish priests and churchwardens (through Archdeacons and Deanery Councils) should advise the Finance and Diocesan Services Commission on the desired provision of appropriate resources for future needs in provision of ministry in new areas.

C.16.7 Attention is drawn to sec. 5 of the *Parishes Regulation Canon*, and in particular to sub-sec. (3), where the procedure is set out in relation to objections to the constitution of any new parish or the alteration of existing parish boundaries.

C.16.8 Regulation I made under the Canon sets out the criteria which are to be taken into account when declaring the existence of a new parish.

Care and nurture

C.16.9 After the establishment of a new area of ministry, consideration must be given to its care and nurture during its formative stages. The regional bishops, archdeacons and deanery councils can assist by –

- (a) recommending the names of experienced clergy and lay officials who are willing to act as advisers and mentors; and
- (b) encouraging established parishes and ministering communities, including neighbouring parishes and those with an affinity of mission direction, to adopt a link through prayer and practical assistance with a new ministry area.

C.17 RESIDENT-FUNDED HOUSING PROJECTS FOR OLDER PERSONS

Preamble

C.17.1 The Anglican Diocese of Brisbane in engaging in the establishment of resident-funded housing is responding to an increasing need in the community for independent living units with associated care services. Our primary motive shall be the provision of care services, not the promotion of a form of investment in real estate.

C.17.2 The Diocese will recognise and respond to the needs of the total church membership, placing particular emphasis on moderately priced development appropriate to those with modest resources. We will not attempt to compete with the commercial sector which is also responding to a community need.

C.17.3 The Diocese recognises the need for a continuum of care, although it may not be possible for this to be provided entirely on site. The familiar 3-tier structure of self-contained units, hostel (low care) and nursing home (high care) in a village may not be achievable in view of the policy of the Commonwealth Government to reduce the proportion of nursing home beds available and to follow a “needs-based” planning approach. The Diocese shall, however, provide the maximum of facilities on site within the limits of such policies.

C.17.4 Our policy and procedures will be oriented towards enabling us to build up an increasing capacity to help the disadvantaged as years go by.

C.17.5 Because of the complexity of the funding arrangements and the increasing need for capital to support these projects, any parish wishing to respond to the need for resident-funded housing must do so through Spiritus. The Diocese will not approve parish based stand alone resident-funded housing projects.

C.18 TAXATION

A. INCOME TAX – PRIESTS’ STIPENDS AND ALLOWANCES

C.18. 1. For Income Tax purposes, priests are classified as employees and as such are subject to the PAYG provisions of the taxation legislation. They are not self-employed. This means that income tax should be deducted from their stipends and any other forms of remuneration which are paid to them, in accordance with guidelines available from any Australian Taxation Office (ATO). Amounts deducted should be reported to the ATO and remitted as part of the Business Activity Statement submission each month or each quarter as determined by the ATO. A “tax file number declaration” (or an “employment declaration”) should be held for each priest. They should also be supplied with Group Certificates/Payment Summaries by 14 July each year, showing full details of earnings with tax paid.

C.18. 2. Any allowances which are paid directly to the priest are subject to taxation. This includes such things as -

- (a) House Allowance
- (b) Car Allowance
- (c) Special Allowance (paid when going on Long Service Leave).

C.18. 3. It is up to the individual to claim any expenses he/she may have, relating to an allowance payment, at the end of the financial year when doing his/her tax return.

C.18. 4. See also Section E.1 Stipends – “Remuneration Packaging Benefits”.

B. INCOME TAX – PARISH INCOME

C.18.5. As a charitable institution, a parish is exempt from paying income tax on parish income.

C. GOODS AND SERVICES TAX (GST)

GST Registration

C.18. 6. Each Parish has been registered separately for the GST. This means that each Parish Treasurer is responsible for completing the Business Activity Statement (BAS) on a quarterly (or monthly) basis. In turn, the Parish Council must accept responsibility for getting the BAS submitted on time and for its accuracy.

C.18. 7. The legal name for each registered Parish (or agency) is “The Corporation of the Synod of the Diocese of Brisbane” and the name of the Parish (or agency) is the trading name. This protects parishes from being sued in their own right. Most Parishes have been registered in this way, but a few may have been registered differently – these should contact the Diocesan office to ascertain what action they need to take.

C.18. 8. Once the Annual General Meeting for parishes has taken place, could you please ensure that the names of the priests in charge and the treasurer are forwarded to the ATO for the purpose of updating their records regarding contact details for the parish. This is very important as, should contact with ATO be necessary, they will only talk to a designated person from the parish.

C.18. 9. If you are a new Treasurer please ring the ATO on 1300 130 248 quoting your ABN number. You will need to find out who is registered as the contact person for your parish. This will need to be updated. Where possible more than one person should be nominated.

Change of GST Status

C.18. 10. If a Parish or associated entity has applied for an Australian Business Number (ABN) but has elected not to apply for GST registration, this can be changed at any time by contacting the ATO.

C.18. 11. If a Parish’s annual turnover exceeds \$150,000, the Parish is required to register for the GST. The ATO definition of ‘turnover’ excludes offertories and most donations.

C.18. 12. A Parish which has registered for the GST will not be able to opt out in less than 12 months from its registration.

Registered Parishes (and other entities)

C.18. 13. Parishes which have registered for GST need to examine their income (supply) items to determine which of these are affected by GST (see pages 32 to 38 of the publication “The Anglican Church and the GST”).

C.18. 14. Such Parishes also need to consider producing their own tax invoices for use if making taxable supplies. The necessary requirements are outlined by the ATO “Valid Tax Invoices and GST Credits” at <http://www.ato.gov.au/businesses/content.asp?doc=/Content/50913.htm> .

Unregistered organisations within the Parish

C.18. 15. Organisations within the Parish (such as Ladies' Guilds, Fund-raising Committees, etc.) may have elected not to register for the GST. Such unregistered groups –

- (a) will not need to charge GST on any goods and services supplied by the group;
- (b) will not need to remit 1/11 of their income to the ATO; and
- (c) will not be able to claim back any input tax credits for GST paid on inputs.

C.18. 16. It is important that each unregistered sub-entity keeps its own accounting records. It should monitor its own turnover so that it knows whether (or when) its turnover exceeds \$150,000. Any tax paid will not be able to be claimed back, but there is also no need to charge GST on any goods and services sold by the sub-entity. This is useful where most of the items sold are donated (e.g. cake stalls, bring and buy stalls and other such fund-raising activities).

C.18. 17. It is assumed that the activities of the unregistered sub-entities will NOT involve much (if any) exposure to the GST, e.g. the activities are of a fundraising nature and the “customers” are individuals rather than a business. If for any reason this changes and the unregistered organisation begins to deal on a regular basis with a business (e.g. catering for a local Council or Funeral Director, etc.) which needs a Tax Invoice, then a decision needs to be made about whether the entity will require an ABN and GST registration, or whether they can structure their financial affairs in a different way.

C.18. 18. Some Parishes may have associated organisations such as welfare programs where they receive Government funding. If the annual turnover of the associated organisation is significant (e.g. over \$40,000) and the accounts are prepared separately, then it may be advisable to separately register the organisation for an ABN and for the GST. Welfare type organisations will be required to supply their ABNs to the relevant Government aid agency.

C.18. 19. It is a good idea to record all the sub-entities somewhere in the Parish records.

Registration of Clergy for an ABN

C.18. 20. In Queensland, all priests employed by Parishes are common law employees (they are part of the PAYG system) and as a consequence they do not have to register. Any payments from a funeral director should be made out to the Parish, which has its own ABN. The Parish can then pass on all, or any agreed portion, of such payments to the Priest. The ATO will introduce a “0% withholding rate” for payments (such as those made in respect of funerals) where a *No-ABN withholding event* would potentially apply.

C.18. 21. Clergy who are not common law employees can register for their own ABN. Common law employees can also register for an ABN for services provided outside their normal employment.

GST Exemptions

C.18. 22. The Federal Government has agreed to exempt all internal financial transactions from the GST by amending the GST Act to allow for the formation of a “GST religious group”.

C.18. 23. The significance of the new “GST religious group” is that it does not require the group to submit one consolidated Business Activity Statement (BAS). Instead, each member of the religious group will submit its own BAS. To qualify for membership in the GST religious

group, an entity will need to be registered for the ABN and GST and be endorsed for income tax exemption (ITEC).

Completion of the BAS

C.18. 24. Transactions between the Parish and the Diocese are now considered to be “internal” and do not have to be included anywhere on the BAS.

C.18. 25. Supplies you have made (money in) - in completing the BAS, most church income is not subject to GST (weekly giving, donations where the donor does not expect anything in return, transfers from the Diocese, etc.). Interest received from banks (not from ANFIN) and rental income should be entered at G4. (Note: where a ‘donation’ is given and the donor receives some consideration in return, this is not a donation and is subject to GST .)

C.18. 26. Acquisitions you have made (money out) – where a parish rectory is rented out, expenses paid in relation to the rectory must be treated as input taxed supplies and the GST cannot be claimed. Unless the GST relates to a one-off fundraising event for which GST has not been charged, the GST included in most other payments should be claimed back.

C.18. 27. Pay As You Go Withholding – If your priest is paid through ANFIN Clergy Pay, you should not include stipends, taxes and other such payments under either W1 or W2 as these will be included on a separate BAS submitted by the ANFIN. If the parish pays the priest or other employees then any GST refund is offset against the PAYG liability.

Funerals

C.18. 28. The GST Act specifies that religious services will be “GST Free”; this includes the religious part of a funeral (i.e. the priest’s time).

- (a) If a funeral company charges a family for a funeral “package” then GST will apply to the total “package” (including the religious service). The parish will invoice the funeral company for the service but no GST should be included.
- (b) If a parish invoices a family directly then no GST is payable. The family then pays the remainder of the funeral company’s account which includes GST.

C.18. 29. In case (a) above, the cost to the family will be slightly more than in case (b). In many cases, however, it is the funeral company which contacts the priest rather than the family of the deceased.

Fundraising

C.18. 30. The parish may conduct a number of fundraising events each year without these being held to form part of a series or regular run of like or similar events. Such events may include any of the following –

- (a) a fete, ball, gala show, dinner, performance or similar event;
- (b) an event comprising the sale of goods provided that each sale is for consideration that does not exceed \$20 or such other amount as the regulations specify, and selling those goods is not a normal part of the supplier’s business;
- (c) an event that the Commissioner decides, on application by the supplier in writing, to be a fundraising event.

Note: An event that involves the sale of goods as described above cannot involve the sale of alcoholic beverages or tobacco products.

Motor Vehicles

C.18. 31. Following the implementation of the GST and in accordance with the ATO guidelines please note the following –

- (a) if you sell your parish vehicle for more than 75% of the purchase price, then 1/11th of the proceeds should be regarded as GST. For example –
- | | |
|----------------------|-----------------|
| a car sold for | \$22,000 |
| GST (payable to ATO) | <u>\$2,000</u> |
| Net Proceeds | <u>\$20,000</u> |

This applies to all bodies registered with an ABN.

- (b) You may claim any GST paid on the purchase of a new vehicle.
- (c) If you trade in your old vehicle against a new one, this is considered to be two transactions for GST purposes, ie a purchase and a sale.
- (d) If you receive less than 75% of the purchase price of the vehicle, GST does not apply.

Further Information

C.18. 32. If you require further information on the effect of the GST on the activities of the Anglican Church, please contact the Diocesan Accountant in the first instance. If you receive any information from an ATO employee which appears to be in conflict with information from the Diocese, please advise the Diocesan Accountant.

D. LAND TAX

C.18. 33. Amendments to the *Land Tax Act* which took effect for the 1989/1990 financial year standardised exemptions for religious and charitable institutions across stamp duty, pay-roll tax and the land tax.

C.18. 34. A parcel of land used predominantly for a religious, charitable or educational purpose (ie a qualifying exempt purpose) will continue to be exempt from land tax. A parcel of land owned by such institutions and totally used for carrying on a business on a commercial basis is liable for land tax (e.g. house let at market rates).

C.18. 35. If a parcel of land is used partially for commercial purposes, land tax will only apply to the area/floor area of the commercial purpose (excluding common areas).

C.18. 36. Church land used for the business of agriculture, pasturage or dairy farming will be exempt from land tax.

C.18. 37. The Commissioner is satisfied that thrift shops, and warehouses used to store goods for same, are not businesses carried on on a commercial basis. Each case of low cost housing (i.e., at less than 75% of the current market rate) provided for the needy, will be considered on its merits. Vacant land purchased after 30 June, 1989 may be exempt if it is intended to be used for a qualifying exempt purpose within three years of such extended period as the Commissioner allows.

C.18. 38. Land tax is determined on the usage of the land at midnight on 30 June each year. However the Land Tax Department will consider each case on its merits should the activity have changed during the course of the preceding 12 months. Where land tax is payable, it is paid in advance for the next year from July to June. Land tax is paid in bulk by the Diocesan office, which will then seek reimbursement from individual parishes involved.

C.18. 39. The General Manager's office is to be advised promptly of the following details for land which is being used for a non-exempt purpose (please note that the test for exemption is the "use of the land" and not the "use of the income from the land").

- (a) Street address and Town;
- (b) Area of the land used for the non-exempt purpose;
- (c) Real property description;
- (d) Date commenced use for a non-exempt purpose.

C.18. 40. Once this information is supplied, please remember to keep the General Manager's office advised of any changes to land tax circumstances, e.g., change of usage from exempt to taxable or taxable back to exempt.

C.18. 41. Any new properties purchased and used for non-exempt purposes need to be advised to the General Manager's office.

C.18. 42. The Office of State Revenue is automatically advised of property sales.

E. DONATIONS ALLOWABLE AS INCOME TAX DEDUCTIONS**Deductible Gift Recipients**

C.18. 43. A full list of Deductible Gift Recipients can be found on the following website – www.abr.business.gov.au. Please read this in conjunction with the *Deductible Gift Recipient (DGR)* information, which is also available on the site, before making a gift.

F. FRINGE BENEFITS TAX

C.18. 44. Employees able to avail themselves of remuneration packaging arrangements fall into either of two categories –

- (a) Priests employed by a Religious Organisation are exempt pursuant to Section 57 of the Fringe Benefits Tax Assessment Act; and
- (b) People employed by a Public Benevolent Institution (e.g. Spiritus) are exempt under Section 57A of the Fringe Benefits Tax Assessment Act.

C.18. 45. All other employees are subject to normal fringe benefit tax regulations.

C.18. 46. Benefits paid to clergy are classified as “exempt benefits” and as such do not have a taxable value. These benefits include –

- (a) Free accommodation
- (b) Use of a parish vehicle, and
- (c) Money going to a designated benefit account.

C.18. 47. The only figures which should appear on the PAYG Payment Summary Statements (formerly called Group Certificates) are those that are actually paid to the clergy via the PAYG system. No FBT figures should appear.

C.19 THE DISPOSAL OF ASHES ON CHURCH PROPERTY

Purpose and scope

C.19.1 The purpose of this section is to set out matters that ought to be kept in mind when consideration is being given to the provision of a place on church property where the cremated remains of people can be laid to rest.

C.19.2 Some of the information in this section is set out in the *Cemeteries Canon*. In addition, references are made to policies adopted by the Archbishop-in-Council on these matters, and suggestions are made from experience.

C.19.3 The advice in this section is principally directed towards parish officials, since it is mainly to parishes that requests come for the provision of a place for ashes. However, the issues raised are just as important and just as pertinent to those who administer schools, colleges, children's homes, aged persons' establishments, and camping and conference centres - in fact, any place which the church owns. The Canon extends explicitly to "land vested in or held in trust for the Corporation or the Corporation of the Lesser Chapter (Cemeteries Canon – section 3).

Principles

C.19.4 What follows in this section is in many ways controlled by the following principles –

C.19.5 The proper final resting place of human remains should be the earth from which we are formed. The words at the committal in the funeral service should be taken seriously - *earth to earth, ashes to ashes, dust to dust*.

C.19.6 The place where ashes are laid to rest and its precinct should be beautiful; if the place functions in any other capacity as well as a place for ashes, those other functions should be compatible with showing respect for the persons whose ashes are nearby.

C.19.7 The place where ashes are laid to rest should be able to be used (in due time) for future interments. Precise identification of burial plots is not appropriate. That is to say, the Church's resources of land must be seen to be finite.

Columbaria

C.19.8 The use of a columbarium for the placing of ashes is not thought now to be appropriate. It is felt that a columbarium is not compatible with at least two of the principles listed above. It is some years since any new columbarium has been authorised, and in 1990 the provision of any new columbarium was banned (Cemeteries Canon – section 8).

C.19.9 A number of church buildings in the Diocese have a columbarium nearby, or as part of the structure, and it is not intended to interfere with the continued use of these columbaria. The Canon does not prohibit the extension of an existing columbarium, but it is unlikely that the Finance and Diocesan Services Commission would now give permission for such an extension to be made.

Memorial gardens and lawns

C.19.10 By far the most sought after way of disposing of ashes on church property is by means of a memorial garden or lawn. That is, a portion of land is set aside for this purpose, and the ashes are laid to rest there.

C.19.11 The extent of a memorial garden or lawn is usually delineated by walls, fences, hedges, borders etc. It is appropriate for proper signage to be installed to alert visitors to the purpose of this area. Layout of the area, with its pathways, is important. Of great importance at the planning stage should be the continued maintenance of this part of the grounds.

C.19.12 A memorial garden or lawn may be a suitable place for commemoration of the resurrection of our Lord - his body was laid in a tomb in a garden adjacent to the place of crucifixion, and it was in a garden that the Lord was first seen after he was raised. Any artistic enhancement needs to be carefully planned, and expertly executed once it has been approved by the Archbishop.

Setting aside the land

C.19.13 Careful thought needs to be given in setting aside a portion of land for a memorial garden or lawn. The first consideration is whether the Church has good prospects of retaining this site anyway. For example, the Church is not immune from land resumption by governments; the Church's needs for land in a particular locality may change, as parishes are created and closed.

C.19.14 Parish officials should be aware of, and take into account, any existing plan or concept for the grounds. There can be historical or heritage issues in the existing layout that need to be considered. Technical issues should also be kept in mind, e.g. the impact upon a building of placing a garden up against it, with the changes that watering the garden may bring to the movement of the soil, and the water table.

C.19.15 The ways in which we wish to use a particular block of land may change as a parish becomes larger or smaller, or its requirements alter. This means that care must be taken that there is no real prospect of wanting the site of the memorial garden or lawn for another building, or the extension of an existing building, or for a roadway, etc.

C.19.16 Parishioners should not be under any illusions, therefore, that the Church can guarantee that the memorial garden or lawn will be there in perpetuity. To put it another way, eternity is a dimension of heaven, not of the created universe.

C.19.17 When application is made to the Archbishop for a memorial garden or lawn to be set aside, there should be supplied a plan of the whole site, showing all existing buildings, pathways, services and any other significant features. A second plan should show what the proposal is. These plans should be drawn up by competent professionals, e.g. surveyors, architects.

Development of the memorial garden or lawn

C.19.18 A good-sized plan professionally drawn of the proposed memorial garden or lawn should be provided when application is made to the Archbishop. It may already be a garden or lawn - in which case its major planting features should be shown.

C.19.19 The nature of the planting which is proposed should be set out. Usually native species that are common in the area will do the best.

C.19.20 The demarcation of the garden or lawn with walls, fences, borders, pathways etc. should be planned and described both in a statement and with drawings.

Ongoing maintenance of the memorial garden or lawn

C.19.21 The proposal made to the Archbishop should set out what financial and other provisions are to be made for the maintenance of the memorial garden or lawn, over a lengthy period of time. The families and friends of people whose ashes are placed in the garden or lawn can reasonably expect, whenever they visit, to find it carefully maintained and looking good.

C.19.22 The Canon sets out provisions for setting fees for the placing of ashes in memorial gardens or lawns. Maximum fees can be set by the Finance and Diocesan Services Commission and in a parish it is the Parish Council which sets the fees (Cemeteries Canon – sections 25, 26).

C.19.23 The money that comes in from charging fees is administered by the Parish Council. However, that money is “quarantined” from all other parish funds, and can only be used for the purposes of the memorial area (Cemeteries Canon – sections 24, 28). The control of the memorial garden or lawn is in the hands of the Parish Priest and the Churchwardens who form the “Board” (Cemeteries Canon – section 6).

Memorials

C.19.24 The provision of plaques or other physical markers in a memorial garden or lawn or on the walls, fences or borders around it raises some difficulty. This is partly on account of the finite nature of the space available, and also because the ethos of a memorial area is seen to be one of life and the future [expressed in the planting and decoration] and not an ethos of death and the past.

C.19.25 In some parishes, there is currently the practice of placing a small plaque on a marker, or on a border kerb. Parishes which permit this will in due course have to review the practice, as space starts to run out. No additional borders, walls or such physical structures should be provided for the purpose of plaques.

C.19.26 The preferred way for the person whose ashes are placed in the garden or lawn to be memorialised is in a book of remembrance. This should be kept safely in the church, and put on display whenever appropriate. An advantage with such a book is that the pages can nowadays be produced in a professional manner on computer, and can contain much more biographical and family material than could ever be fitted on a small plaque.

Burying the ashes

C.19.27 Under no circumstances should the ashes of a person be buried in a container or receptacle. The ashes should be available to disperse into the ground, and should become unidentifiable with a particular person in the course of time.

C.19.28 The recommended way of burying ashes is to dig a hole at least 600mm x 600mm or a trench of an equivalent area. The ashes should be sprinkled and evenly distributed in the hole, so that they will not fuse into a large mass with the action of water. They should be well covered with light loam prior to restoring the area to its usual shape.

Regularising other burials

C.19.29 In some places where a memorial garden or lawn is established, it may be that ashes have been placed somewhere in the grounds irregularly. In these cases, the Parish Council may wish to bring together into one official place any of these unauthorised burials.

C.19.30 Family members, if available, need to be consulted, and the intention of the Parish Council needs to be advertised to the parish at large. Permission should also be obtained from the Archbishop for the exhumation of the ashes from their original place.

C.19.31 Depending on the manner of the previous burial, the depth, and the time elapsed, it may be that little trace is found of the ashes. In that case, an appropriate amount of the soil from the spot could be transferred, and the re-burial recorded in the register.

Plans and registers

C.19.32 Whilst a plan must be kept for cemeteries and for columbaria (Cemeteries Canon – section 29), there is no necessity to keep an official plan of where ashes are placed in a memorial garden or lawn. An unofficial working plan may be thought desirable in order to spread the burials across the whole of the area, and also because families may have some desire to associate the placing of ashes near another family member, or near a particular plant.

C.19.33 Registers must be kept for recording the placing of ashes in a memorial garden or lawn (Cemeteries Canon – section 30). The service register and the book of remembrance may well be a record also – but the funeral register of the parish should be the official register of the placing of ashes.

Finance and Diocesan Services Commission delegated authority under Cemeteries Canon

C.19.34 Under the *Diocesan Governance Canon* the Finance and Diocesan Services Commission has delegated power and authority of the Archbishop-in-Council in the *Cemeteries Canon*.

C.20 INSURANCE

Parish Insurance

C.20. 1. All aspects of the insurance cover provided to Parishes under the Diocesan Insurance Policy are included in the *Insurance and Claims Manual*, which is located at <http://anglicanbrisbane.org.au/resources-downloads/risk-and-insurance-2/>

Risk Management

C.20. 2. Parishes are required to complete the following checklists annually:

- Emergency Preparedness
- Buildings
- Workplace

These checklists are located in the Parish Safety Management system.

Public Liability

C.20. 3. If anyone is hurt or injured on church property, or is hurt or injured because of anything to do with church activities, or if anyone suffers any loss of their property or damage to their property on church premises or because of church activities, it is expected that church people, and especially office bearers and people acting in some official capacity, will do everything possible to be helpful, and to render assistance which is consistent with their duties as citizens and duties as Christians.

C.20. 4. It should be remembered, however, that NO-ONE is authorised to admit that the church is in any way liable for what has happened, or that it has been caused by some fault or negligence on the part of the church or any of its officials. However, it is appropriate to express regret that the incident happened without accepting liability for the occurrence.

C.20. 5. This is a requirement of our insurers. If anyone with any position of leadership within the church suggests that the church is liable for what has happened, or has been negligent, the insurance company may be able to refuse to provide cover for the church or the individual for the incident.

C.20. 6. If anything like the matters referred to above should happen, an office bearer or leader (or any other parishioner present) should make a note of all the relevant details, and inform the Parish Priest. If the Parish Priest is not able to be contacted, one of the Churchwardens should be advised. They will take the necessary steps to notify the Diocesan office. This is in case the person who has been injured, or who has suffered some loss, makes a claim against the church. The Parish Priest or Churchwardens should be advised, whether or not the person says that a claim will be made, and whether the matter is serious or minor (refer to Section 8 for incidents and injuries involving workers).

C.20. 7. It is a condition of our insurance that all matters which could possibly give rise to a claim must be reported to the Diocesan insurer through the Diocesan Insurance Department.

C.20. 8. Our Diocesan insurer can be expected to stand by us if we follow their requirements.

Liability Insurance Policies

C.20. 9. The Management Liability and Professional Indemnity Insurance Policies are annual policies written on what is known as a “Claims Made Basis”. This means that the Policies only relate to claims first made or notified to the Insurer during the policy period. (Please refer to the Insurance Manual for policy details).

C.20. 10. When the Policies expire each year, no new notification can be made on them even though the event giving rise to the claim may have occurred during the relevant Policy period.

C.20. 11. Any such notification, would need to be made to the new insurer, but there will be no entitlement to indemnity under the new Policies if the claim arises out of circumstances known prior to inception of the new Policies which would have put a reasonable person on notice that a claim may be made against an officer or entity and therefore should have been notified to the current insurer.

C.20. 12. It is essential therefore that the General Manager be advised immediately any clergy or churchwardens become aware of any incident, act, error or omission, which could give rise to a claim under these insurances so that they can be notified to the Insurer within the required time period. This is particularly important at renewal time when the Diocese's existing policy ceases and we have to declare to the new Insurers that we are unaware of any circumstances which could give rise to a claim.

C.20. 13. A condition of our Public & Products Liability Insurance Policy is that we must notify the Insurer of any incident which could possibly give rise to a claim under the policy. The Insurer can then make an assessment as to whether to investigate the incident whilst the facts are still fresh in the minds of the people involved. This enables them to more effectively defend a claim made against the Insured at a future date.

C.20. 14. Therefore, since all these policies are due for renewal on 31 October each year, after inquiry of all appropriate officers and council members, clergy and churchwardens, the General Manager must be advised by 15 October of any incident, act, error or omission, which could give rise to a claim under any of the above policies and for which written advice to this office has not already been forwarded.

C.20. 15. In relation to persons who offer counselling, examples of matters to be disclosed would include allegations of providing negligent advice or allegations of defamation, discrimination or harassment.

C.20. 16. If appropriate, the disclosure could be returned in an envelope marked "Private and Confidential" and this information would only be disclosed to our Insurance Officer and our Insurer. In special circumstances, it is possible to have names and places deleted from the advice to protect a person's identity in the initial stages, but a date of birth and initials of the relevant persons must be included.

C.20. 17. Our Insurers also request advice of any known relevant dishonest conduct, claims, pending claims, disciplinary action, fines, penalties or inquiry against any office bearer or council member in their capacity as either Director or Officer of any other company.

C.20. 18. Non-reply by 15 October about the above matters will be taken as certification that after inquiry the relevant clergy and churchwardens are not aware of any incidents which would have put a reasonable person on notice that a claim may be made.

Asset Register

C.20. 19. An up-to-date asset register of all furniture, fittings and equipment owned by the Parish should be maintained. Examples would include tables, chairs, computers, telephone systems, photocopiers, and items usually kept in the church, e.g. Bibles, hymn books, chalices, etc. Valuable items should be recorded in such a way that they can be readily identified in case of theft, e.g. by use and recording of photographs, serial numbers, identification marks etc. To assist in this task, a Microsoft Access or Excel Asset Register is available through the Diocesan Registry.

Workers' Compensation Insurance

C.20. 20. This compulsory insurance is provided by WorkCover Queensland. Further details are to be found in Section E.6 of this Handbook.

Sickness and Accident and Maternity Leave Compensation Scheme

C.20. 21. Full details of this scheme are to be found in Section E.7 of this Handbook and in Regulation I made under the *Insurance Canon*.

C.21 PRIVACY ACT

Date of effect

C.21. 1. The 2001 privacy legislation came into effect on 21 December 2001 and applies to most businesses. Any business or parish that collects or uses information about individuals needs to rethink what they do and what they can do with the information collected.

Consent

C.21. 2. Many difficulties in the expected use of personal information can be overcome by obtaining individual consents at the appropriate time. It is suggested that parish priests identify the process by which the information is collected, identify how it is used and, where feasible, arrange for the appropriate specific and tailored consents to be obtained at the time of collection, e.g. in the Annual Returns there is a clause: "Please note that any personal information supplied in these returns may be published." This will give approval for the Year Book and other publications if the matter arises.

Internal privacy policy

C.21. 3. It is useful and a requirement under the Act to have an internal privacy policy that reflects the Act. The Diocesan Privacy Policy is available to view on the bottom of the Diocesan website homepage.

C.21. 4. Individuals who provide information, particularly for parish rolls as well as for asking for daily prayers, need to be advised at the time of collection of this information as to where this information will be distributed. Obviously, commonsense needs to prevail at all times.

Websites

C.21. 5. A particular area that needs to be examined is any parish or agency website. A parish/agency needs to be sure that any information included in the website has the approval for public consumption. It would appear that information collected before December 2001 is exempt from some aspects of the Privacy Act, but when such documents are updated, they will then come within the ambit of the Act.

Application

C.21. 6. The new Privacy Act applies to businesses, including non-profit organisations, with an annual turnover of more than \$3 million. Whether the Privacy Commissioner regards a parish as a separate entity to The Corporation is not known at this stage. As everything is in the name of The Corporation we may be regarded as one entity and therefore not exempt from the Act. In any event, parishes should operate within the limits of the Diocesan Privacy Policy.

C.21. 7. If you have any queries at any time, please contact the General Manager before the information is made available.

D.1 REGIONAL BISHOPS, ARCHDEACONS AND AREA DEANS

Gifts are given ... to equip the saints, for the work of ministry, for building up the Body of Christ.

Ephesians 4.12

D.1. 1. The role descriptions below outline some of the expectations of Area Deans, Archdeacons and Regional Bishops. These expectations are not exhaustive, and each person is able to shape further the role they hold.

D.1. 2. Area Deans, Archdeacons and Regional Bishops work with the Archbishop in encouraging, serving and building up the People of God. They extend pastoral care to the clergy of the Diocese and work with all to realise our vision of 'Going for Growth in Christ'.

The Role of Area Deans

D.1. 3. Area Deans draw the clergy and laity in the Deanery together for mutual consultation, support and action to encourage effective ministry in the Church and in the wider community.

D.1. 4. In particular, Area Deans:

- a) convene meetings of clergy in the Area Deanery for peer support, mutual encouragement and further education. Area Deaneries should meet at least four times a year;
- b) offer counsel and pastoral support to all clergy in the Area Deanery and foster fellowship for them and their families, taking care to include retired clergy, chaplains, locums, clergy widows etc; and
- c) oversee arrangements for Commissioning services of new parish priests and chaplains in collaboration with parish lay leaders and submit the draft order of service for the Regional Bishop's approval in good time.

D.1. 5. Area Deans are usually priests of busy parishes, so expectations of the time they have available need to be realistic.

The Role of Archdeacons

D.1. 6. Archdeacons work with their Regional Bishop to support the Area Deans, clergy, parishes and other ministry agencies to enable the Diocesan vision of 'Going for Growth in Christ' to be fulfilled.

D.1. 7. Archdeaconries are usually defined geographically, although from time to time the Archbishop might create an Archdeacon with a particular ministry portfolio.

D.1. 8. In particular, Archdeacons:

- a) are part of the ordained leadership team in the Diocese and within the Region. The Archdeacon is a channel of communication between Diocesan officials, the Regional Bishop, Area Deans and clergy;
- b) are responsible for the Parish Review, at least every five years as prescribed by the relevant Regulation, or when a parish becomes vacant;
- c) inspect church property, including rectories (by negotiation with the parish priest) every five years, and consult with churchwardens about required repairs and refurbishments;
- d) consult with parishes about plans for new buildings or alterations to existing buildings, and indicate agreement or otherwise report on the prescribed form seeking building approval;
- e) receive from clergy, on the prescribed form, notification regarding leave or other absences and arrangements for the continuance of pastoral and liturgical ministries; and convey such arrangements to their Regional Bishop;

- f) welcome locum clergy during a parish interregnum and keep in touch with them during the length of their locum;
- g) consult with the Regional Bishop in finding pathways for the resolution of any parish conflict;
- h) work with the Regional Bishop and others in the development of strategies for church growth in the Archdeaconry, and in the implementation of good management procedures in parishes and other ministry agencies, such as record keeping, accounts, policies etc; and
- i) participate in the Archbishop's regular meeting with the Bishops, Archdeacons and Dean of the Cathedral.

D.1. 9. Archdeacons are also usually priests of busy parishes, so (as with Area Deans) expectations of the time they have available need to be realistic. Recognising the additional workload and responsibilities of Archdeacons, an annual allowance equal to 10% of the Minimum Rate of Stipend (MRS) will be paid by the Diocese to the Archdeacon at the end of the year, (or for those who have not served a full year in the role a pro rata amount).

D.1. 10. Provision is also made for a contribution to an Archdeacon's parish for expenses incurred by the parish because of the Archdeacon's ministry. Payments will be made annually to the parish as follows –

Archdeaconry	Percentage of MRS
West	8%
Cunningham, The Downs, Sunshine Coast, Burnett	6%
Brisbane, Lilley, Oxley, Moreton, Gold Coast	4%

The Role of Regional Bishops

D.1. 11. The **Regional Bishops** form, with the Archbishop, an Episcopal team serving the Diocese. Assistant Bishops undertake functions or roles requested or authorised by the Archbishop. This might include serving on one or more Commissions from time to time.

D.1. 12. Except for the responsibilities of decision and appointment that are specifically the Archbishop's, they carry out the role of a Bishop to the clergy and people in the Episcopal region they serve. This is often a pastoral responsibility and will involve them closely in consultation with the clergy and people of the parishes. As "shepherds of the shepherds" they seek to encourage the development of ministry and the witness of clergy and laity in their Region. They teach and defend the faith, encourage all Christians and foster hope for the future as we 'Go for Growth in Christ'.

D.1. 13. The Bishops realise it is fundamental that they pray and plan together. For this purpose they meet together with the Archbishop each week.

D.1. 14. Other roles and responsibilities of the Regional Bishops include:

- a) visiting parishes and other mission agencies regularly and spending time with clergy and people, for it is in the parishes and other mission agencies that the fundamental and continuing life and witness of the Church takes place;
- b) chairing, at the Archbishop's request, meetings of the Presentation Board;
- c) regular consultation with the Region's Archdeacons and Area Deans, especially in relation to new appointments, to strategies that might grow the church in faith, service, generosity and numbers, and to pastoral care especially of the clergy;
- d) keeping in touch with clergy who have recently accepted an appointment to a parish within the Region and particularly with clergy in their first charge;

- e) responsibility for ecumenical relationships at the Regional level, and the exploration, where appropriate, of possible co-operative ventures;
- f) responsibility for the making of locum tenens arrangements in the case of vacancies; and
- g) being available to clergy and laity who seek an appointment and attentive to their needs and issues.

Therefore ... let us run with perseverance the race that is before us, looking to Jesus the pioneer and perfecter of our faith.

Hebrews 12.2

D.2 LOGO OF THE ANGLICAN CHURCH OF AUSTRALIA

General

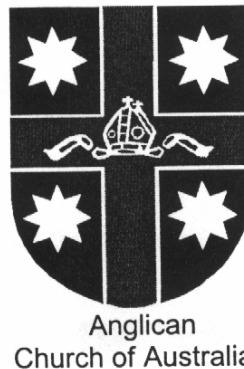
D.2. 1. The Diocesan Council has approved that the logo of the Anglican Church of Australia be depicted, wherever possible, on the top right hand side of correspondence in the Diocese.

D.2. 2. Please note that the logo is to appear as shown below, with the words “Anglican Church of Australia” included below the shield as illustrated. An electronic copy of the logo is obtainable from the General Manager’s Office.

D.2. 3. When ordering stationery, parishes should consider this proposal.

Grant of Arms of the General Synod, Anglican Church of Australia

D.2. 4. A copy of the logo and an explanation of the Coat of Arms follow –



The original Grant of Arms to Bishop Broughton, first Bishop of Australia (in 1836) was four stars, the Crux Australis, or the Southern Cross without the fifth star, imposed on a blue field.

The General Synod grant has added to it the Cross of St George superimposed with a mitre.

The Cross of St George is the emblem of the Church of England from which we are derived, and the mitre denotes that the Church is episcopally led.

The fifth star of the Crux Australis is omitted – no-one knows what happened, heraldically. By the time of the Eureka Stockade, Lalor’s flag had the Southern Cross also without the fifth star.

The description on the General Synod Grant of Arms reads –

“Azure on a Cross Gules fimbriated and between four Mulletts of eight points Argent a Mitre Or”.

D.3 LEGAL PROCEDURES

Engagement of Diocesan Solicitors

D.3.1. It is a specific responsibility of the Finance and Diocesan Services Commission to institute or defend legal proceedings on behalf of the Diocese (Diocesan Governance Canon Section 25(f)).

D.3.2. The engagement of all solicitors acting on behalf of The Corporation, in any capacity, must be channelled through the office of the General Manager.

Bequests

D.3.3. If a Parish is approached by a solicitor for advice as to how a bequest should be worded, the following information should be supplied –

(a) For General Purposes

“I give and bequeath the sum of [or the rest and residue of my estate] to The Corporation of the Synod of the Diocese of Brisbane and the receipt of the Diocesan Registrar/General Manager shall be a sufficient discharge to my executor or trustee.”

(b) For a Specific Parish

“I give and bequeath the sum of [or the rest and residue of my estate] to The Corporation of the Synod of the Diocese of Brisbane for the general charitable and religious purposes of the parish of, and the receipt of the Diocesan Registrar/General Manager shall be a sufficient discharge to my executor or trustee.”

(c) For General Purposes

“I give and bequeath the sum of [or the rest and residue of my estate] to The Corporation of the Synod of the Diocese of Brisbane to be applied for the benefit of, and the receipt of the Diocesan Registrar/General Manager shall be a sufficient discharge to my executor or trustee.”

(d) For other Specific Diocesan Purposes

Other sample wordings which are appropriate for certain specific Diocesan purposes (e.g. Bush Ministry Fund) can be obtained from the office of the Diocesan Registrar/General Manager.

D.3.4. Any communications received in relation to the possibility of a bequest to a Parish must be forwarded to the Diocesan Registrar/General Manager for a formal response. The Diocesan Registrar/General Manager is the proper person to receive monies on behalf of The Corporation of the Synod of the Diocese of Brisbane, and is the only person who is able to issue the official receipt on behalf of The Corporation.

D.3.5. All bequest monies will be transferred to a special account at ANFIN. For distribution procedure refer to section C.9 Parish Finances under the heading Bequests.

Access to the Chancellor of the Diocese

D.3. 6. Access to the Chancellor by the clergy or the laity of the Diocese can only be obtained through either the Archbishop or the General Manager. Please note and follow this correct procedure.

Discrimination Matters

D.3. 7. Matters of workplace harassment prevention and anti-discrimination are covered in the *Human Resource Policy and Procedures Manual*. The manual itself is available on the Diocesan website at www.anglicanbrisbane.org.au. Each employee should read this document. A copy should be placed in a conspicuous place, for example, on office notice boards.

Protocol dealing with complaints of a sexual nature against clergy and church workers

D.3. 8. The Diocesan Council has approved a *Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour* which applies throughout the Diocese. The Protocol applies to all information relating to the alleged conduct of a sexual nature wherever and whenever it occurred. This information must be communicated to the Director of Professional Standards.

D.3. 9. Procedures for making a complaint are contained in the Protocol and the brochure which have been distributed to all parishes and agencies. Additional copies are available from the Office of Professional Standards and on the Diocesan website.

***Faithfulness in Service* – a national code for personal behaviour and the practice of pastoral ministry by clergy and church workers**

D.3. 10. *Faithfulness in Service* was adopted by Synod in June 2006 and applies to all clergy in the Diocese. Copies are available from the Diocesan website and from the Office of Professional Standards.

D.3. 11. Sections of the code include –

- (a) About this code
- (b) Key terms
- (c) Putting this code into practice
- (d) Pastoral relationships
- (e) Children
- (f) Personal behaviour
- (g) Sexual conduct
- (h) Financial integrity

Clergy Complaints and Performance Protocol

D.3. 12. This document has been approved by Archbishop-in-Council. It sets out the procedures to be followed if anyone makes a complaint about a member of the clergy – except where the complaint is about sexual harassment or assault or sexually inappropriate behaviour. In these types of matters, the *Professional Standards Canon* and the revised *Protocol for Dealing with Complaints of Sexual Harassment, Sexual Assault or Sexually Inappropriate Behaviour* (August 2006) will still apply.

Engagement of Parish Staff

D.3. 13. The engagement of staff is not without problems. Prior to appointment, all references should be carefully checked. Certain processes have to be adopted if termination of staff is contemplated. Casual staff, as well as permanent staff, have certain rights and in order to avoid any undue litigation the advice of the General Manager and his staff should be sought. Appointment of staff who are working with children is subject to the **Safe Ministry Check** (<http://www.anglicanchurchsq.org.au/resources/professional-standards/safe-ministry-check>).

Inquiries to Australian Government Offices

D.3. 14. If a Parish official has an inquiry in relation to a matter relating to Commonwealth legislation, it is requested that the inquiry be directed through the General Manager's office as this can avoid unnecessary confusion with Government officers.

Attestation clause

D.3. 15. The correct wording of the Diocesan Attestation Clause for documents required to be executed under seal is –

Given under the Common Seal of The Corporation of the Synod of the Diocese of
Brisbane

(here insert full name of General Manager/Registrar)
General Manager/Registrar

(here insert full name of Chief Financial Officer)
Chief Financial Officer

D.3. 16. When contracts are submitted for signature, the pages which require signature must be clearly flagged.

D.4 STAMP DUTY EXEMPTION

General

D.4.1. The Corporation of the Synod of the Diocese of Brisbane has been approved as an Exempt Institution under the *Duties Act 2001* for exemption from payment of Vehicle Registration and Insurance duty. It therefore retains its status under the new Act that it had under the former *Stamp Act 1894*.

D.4.2. A photocopy of a letter dated 7 March 2002 from the Office of State Revenue confirming this exemption is attached.

Exemption categories

D.4.3. Attached also are “Use Requirements” that apply to the new Act and where these use requirements are not met, no exemption is available.

D.4.4. Exemption cannot be used where the vehicle is part of a salary package of an officer or employee of the institution.

Procedure

D.4.5. As insurance policies particularly for motor vehicles, and the purchase of motor vehicles, are processed directly by parishes the procedure for lodging an application for exemption from Duty will have to be followed by parishes.

D.4.6. Copies of the documentation required to be lodged when applying for exemption from duty are attached; these should be used as masters for copying when the need arises to make a claim.

D.4.7. Please note that the narration in the application should read –

“The Corporation of the Synod of the Diocese of Brisbane (Parish of) or (.....School) or (.....Home) etc.”

D.4.8. Any questions relating to the interpretation of this document should be referred to the General Manager’s office.



Queensland
Government

The Corporation of the Synod of The Diocese of Brisbane
General Manager
GPO Box 421
Brisbane Qld 4001

Office of
State Revenue

Duties Act 2001

RE: Exempt Institution
The Corporation of the Synod of The Diocese of Brisbane
8/44/533

7 MAR 2023

As at the 1 March 2002, the *Stamp Act 1894* will be replaced by the *Duties Act 2001*. The above institution was exempt pursuant to section 59E of the *Stamp Act 1894* and as at the 1 March 2002 will be registered as an exempt institution under the *Duties Act 2001* Chapter 12 Part 5.

When claiming an exemption from Vehicle Registration or Insurance duty, you must produce a copy of the attached "Notice of Registration Certificate" and a fully completed "Qualifying Use Statement" to the Department of Transport, Motor Dealer or the Insurance Company.

In all other circumstances, it is necessary for instruments to which the institution is a party to be produced, together with evidence that the conditions of exemption relating to the use of the property will be met, to the Office of State Revenue so that a determination can be made as to whether the institution is entitled to an exemption.

The transactions from which your institution may be exempt and the use requirements that apply to each are set out in the attached table. Where the use requirements are not met, no exemption is available. If failure to meet the conditions occurs after exemption is obtained, the institution must notify the Office of State Revenue of that fact by approved form 10.4 within 28 days and lodge the instruments required for a reassessment of duty on the instrument or transaction (section 419). The *Taxation Administration Act 2001* contains penalties for failure to give such notice.

Your attention is drawn to section 471 which provides that the Commissioner may cancel your registration if the commissioner is satisfied that your institution:

- (a) ceased to exist, or
- (b) has ceased to be entitled to be registered; or
- (c) was registered because of a materially false or misleading representation or declaration

In any future correspondence with the Office of State Revenue, please quote the reference number above.

Please note – It is important to keep your original "Notice of Registration" Certificate and the original "Qualifying Use Statement" so future exemptions may be claimed.

TRANSACTION	USE REQUIREMENTS
An application to register or transfer a vehicle in the name of an exempt institution.	<ol style="list-style-type: none"> 1. The application is made by the institution. 2. The motor vehicle is necessary to, and principally used for, carrying out the institution's work for a qualifying exempt purpose. 3. The Commissioner is satisfied that the motor vehicle is to be used for that purpose: <ol style="list-style-type: none"> (a) immediately after the application is made; (b) for a duration period of 1 year after the application is made; and (c) is not part of a salary package of an officer or employee of the institution.
A dutiable transaction under which an exempt institution acquires dutiable property.	<ol style="list-style-type: none"> 1. The dutiable property must be acquired by the institution. 2. The property is to be used, solely or almost solely, for a qualifying exempt purpose. 3. The commissioner is satisfied that the property is to be used for that purpose: <ol style="list-style-type: none"> (a) within 6 months of the date the liability to transfer duty arises; (b) for a duration period 1 year from the date the exempt institution starts to use the property for a qualifying exempt purpose or a later date fixed by the commissioner by notice given to the institution; and (c) is not part of a salary package of an officer or employee of the institution
A dutiable transaction that is the creation or termination of a trust of dutiable property for the benefit of an exempt institution.	<ol style="list-style-type: none"> 1. The creation or termination of trust is for the benefit of the institution. 2. The creation or termination of trust is in respect of property that is to be used, solely benefit of an exempt institution. or almost solely for a qualifying exempt purpose. 3. The Commissioner is satisfied that the property is to be used for that purpose: <ol style="list-style-type: none"> (a) within 6 months of the date the liability to transfer duty arises; and (b) for a duration period 1 year from the date the exempt institution starts to use the property for a qualifying exempt purpose or a later date fixed by the commissioner by notice given to the institution; and (c) is not part of a salary package of an officer or employee of the. institution.
A dutiable transaction that is a trust acquisition or surrender by an exempt institution.	<ol style="list-style-type: none"> 1. The trust acquisition or surrender is for the benefit of the exempt institution. 2. The property is be used solely or almost solely for a qualifying exempt purpose. 3. The Commissioner is satisfied that the property is to be used for that purpose: <ol style="list-style-type: none"> (a) within 6 months of the date the liability to transfer duty arises; and (b) for a duration period 1 year from the date the exempt institution starts to use the property for a qualifying exempt purpose or a later date fixed by the commissioner by notice given to the institution; and (c) is not part of a salary package of an officer or employee of the institution

TRANSACTION	USE REQUIREMENTS
A premium for general insurance for property or undertaking of an exempt institution.	<ol style="list-style-type: none"> 1. The institution is insured under the policy. 2. Where the policy is in respect of property of an exempt institution: <ol style="list-style-type: none"> (a) the property is to be used, solely or almost solely for a qualifying exempt purpose; (b) the Commissioner is satisfied that the property is to be used immediately for that purpose after the premium is paid; (c) the property is used for that purpose for a duration period of 1 year; and (d) the property insured is not part of a salary package of an officer or employee of the institution 3. Where the policy is in respect of the undertaking of the institution, the institution is engaged solely or almost solely in activities for a qualifying exempt purpose.
A mortgage given to secure an advance to an exempt institution.	<ol style="list-style-type: none"> 1. The security was given for an advance to an exempt institution. 2. The loan or debt is incurred solely, or almost solely for a qualifying exempt purpose. 3. The commissioner is satisfied that the advance would be used for that purpose: <ol style="list-style-type: none"> (a) Immediately after the advance is made; (b) for a duration period of 1 year after the advance is made; and (c) is not part of a salary package of an officer or employee of the institution

Duties Act 2001

QUALIFYING USE STATEMENT

In respect of claims by an Exempt Institution for Registration or Transfer of Registration of a Vehicle

or

A Premium for General Insurance for property or undertaking

I/We

.....
of..... (address)
*am/are the *Accountant/Secretary/Manager/Trustees of The Corporation of the Synod of The Diocese of Brisbane
.....

The Corporation of the Synod of The Diocese of Brisbane is an Exempt Institution for the purpose of the Duties Act - Queensland as approved by the Office of State Revenue Queensland (Attach copy of Notice of Registration Certificate).

The *motor vehicle / policy of insurance listed below is acquired and used by the Institution solely or almost solely for the qualifying use of (describe purpose)and is not acquired, insured or held as part of a salary package for any officer or employee of the institution.

The *motor vehicle / property / undertaking insured by the policy, is to be used for the purpose *immediately / almost immediately after the application is made or premium is paid. If almost immediately, the date thereof and the reason for the delay are.....(complete if applicable).
The property is to be used by the Institution for the above purpose for a period of at least twelve months.

DETAILS OF VEHICLE	
Make:.....	Year of Manufacture:.....
Model:.....	Engine Number:.....
Body Type:.....	Chassis Number:.....
Registration Number:.....	

DETAILS OF INSURANCE	
Policy Number:.....	Type of Risk (eg fire):
Location of Property:.....	Date of Commencement of Risk:.....
Total Sum Insured:	\$.....
Proportion of the Total Sum Insured not relating to a Qualifying Purpose:	\$.....
The amount of premium payable on the above policy is:	Premium: \$.....
Proportion of Premium not relating to a Qualifying Use:	\$.....

*I/We certify that the above statement is correct, this..... day of..... 20

.....
Signature(s)

*Delete where not applicable



Queensland Government
Office of **State Revenue**

EXEMPT INSTITUTION

NOTICE OF REGISTRATION

C
E
R
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E

Name of Institution -

*The Corporation of the Synod of The
Diocese of Brisbane*

Registration No. -

8/44/533

In accordance with section 457 of the *Duties Act 2001*, the above institution is registered as an EXEMPT INSTITUTION from 1 March 2002.

Important to Note - The Exempt Institution is exempt from particular duties only if the use requirements are complied with. A detailed listing of the duties and their relevant use requirements (sections 414 and 415 of the *Duties Act 2001*) is attached.

M Sakrzewski
Revenue Officer
for Commissioner of State Revenue

D.5 TELSTRA DISCOUNTS

D.5.1. Telstra has offered the Anglican Church of Australia substantial discounts on local, mobile, long distance, international calls and data services. Further details are available from www.anglican.org.au

D.5.2. Parishes are able to access further discounts from Telstra by joining the Brisbane Diocese's consolidated Telstra Account. Contact the Diocesan Accountant for further details.

D.6 FUEL CARDS

D.6. 1. The Diocese runs a Caltex “StarCard” fuel card system. This allows Diocesan- and parish-owned vehicles to be issued with fuel cards, which will save people using cash when they fill up.

D.6. 2. Any parish which wishes to join up can do so. However an account needs to be opened with ANFIN, or an existing account may be used. This can be done by telephoning the Accounts Clerk in the Registry Office.

D.6. 3. At the end of each month the Diocese receives an itemised invoice from Caltex. An individual itemised report or invoice will then be sent to each participating parish.

D.6. 4. Before the 20th of the month the Parish needs to ensure that there is sufficient money in its ANFIN account. The individual ANFIN account will be debited by the Registry and paid to Caltex in one lump sum.

D.6. 5. Fees apply to each transaction. The fees will be itemized on your monthly account from Caltex. Please contact the Accounts Clerk if you have any queries with regard to the fees charged.

D.6. 6. Not only can fuel be purchased by the card, but also oils, batteries, food and any type of service undertaken at any Caltex service station.

D.6. 7. The car which is intended to be used must be a Church-owned car. It cannot be owned by a parishioner. Should there be a change of vehicle, the new details must be advised to the Accounts Clerk in order to update or issue a new card. Details would include the make, model and year of the vehicle and its registration details

D.6. 8. Any queries should be directed to the Accounts Clerk on (07) 3835 2222.

D.7 WORK, HEALTH AND SAFETY

Legislation

D.7.1 The Anglican Church Southern (ACSQ) is committed to creating and maintaining an environment that ensures the health and safety of its workers and any other persons that may be affected by its activities, and encourages Parishes in the development of a positive safety culture. Each Parish has a responsibility in accordance with the Work Health and Safety Act 2011 (Qld) (the WHS Act), to take reasonable care to ensure workers and all persons who could be affected by the activities of the Parish are safe from harm.

D.7.2 Each Parish is required to display the ACSQ Work Health and Safety Policy which reflects these responsibilities and can be downloaded from the ACSQ website.

Parish Workplace

D.7.3 The Parish is designated a “Workplace” under the WHS Act when work is carried out at the Parish by a Worker. A Worker includes (Clergy, Parish workers (employees), volunteers and contractors). Work undertaken can be within the Parish, a Parish Hall or any site used for a Parish activity.

Workplace environment and facilities

D.7.4 A Parish must ensure the work environment provided meets the following requirements where relevant:

- Is maintained in a clean and safe condition. Broken or damaged furniture, fixtures and fittings, including chairs, plumbing, air-conditioning and lighting should be repaired promptly.
- Kitchen and toilet facilities are clean, safe, accessible and in good working order. Consumable items, including soap and toilet paper, should be replenished regularly. Equipment and furniture such as toasters, fridges, lockers or seating should be maintained in good working order.
- The workplace and all facilities should be cleaned regularly to ensure clear and hygienic areas to minimise contamination.
- Entry and exit pathways within the Parish workplace should be well maintained and clear of obstructions at all times.
- Lighting and air quality should be adequate and well maintained.
- A first aid kit should be well stocked and accessible to all workers.
- Installation of emergency equipment including fire extinguishers and emergency lighting must be in accordance with the Building Regulations.

For more detail on managing the workplace facilities, refer to the Parish Safety Management System Folder.

Safety Consultation

D.7.5 Parishes have an obligation under the WHS Act to ensure they discuss safety with their workers. To assist Parishes in this process, the Parish Induction Pack should be provided to all new workers and volunteers. The pack provides workers and volunteers with an understanding of safety and how to work safely within the Parish. (*Refer to the Parish Safety Management System Folder, Section 6, Induction and Emergency Response*).

Emergency response

D.7.6 As the Occupier of a workplace, the Parish is required under the Fire & Emergency Services Legislation and WHS Act, to maintain an emergency procedure and to ensure in the event of an emergency, the Parish can safely evacuate persons from the Parish. (*Refer to the Parish Safety Management System Folder, Section 6 Induction and Emergency Response, for the Parish emergency procedure*).

Management of safety hazards and risks

D.7.7 Parishes must eliminate safety hazards where reasonably practicable or minimise the risk to the safety of workers by implementing appropriate risk management control measures. (*Refer to the Parish Safety Management System Manual (Section 1) for guidance in managing hazards and risks*). Specific safety checklists relating to buildings, workplace, kitchen and emergency preparedness have been developed to assist Parishes identify and manage safety hazards.

Incident Reporting

D.7.8 Parishes have an obligation under the WHS Act to report all incidents involving workers which includes (near misses, injuries, or notifiable incidents) using the incident reporting process provided in the Parish Safety Management System. All incidents involving workers must be reported to the Priest or Parish Leader in the first instance. If the incident involves emergency services attendance e.g. fire, structural damage, fatality or ambulance, the ACSQ WHS Manager must be notified immediately.

Workers Compensation

D.7.9 Clergy and Parish workers who sustain a workplace injury/illness are eligible for workers compensation in Queensland. Workplace injuries may include an injury or illness caused by conducting work in the workplace; an injury while travelling, as part of work; an injury travelling to or from work (where there is no significant deviation); or an injury in a scheduled meal break while at work. Parishes can obtain assistance and guidance regarding workers compensation and claims by calling the ACSQ People Services Helpdesk.

D.7.10 All Parishes must have a Workers Compensation Policy in place, refer to C20 Insurance, for more details.

Contractor Management

D.7.11 Outsourcing work to contractors does not remove the Parish from its work, health and safety obligations. Under the WHS Act the Parish has the same duty of care to contractors as to their workers to ensure the activities of the Parish do not affect their health and safety. (*Refer to the Parish Safety Management System Folder, Section 4 for further details*).

Parish Safety Management System

D.7.12 Procedures and processes for the management of safety within the Parish are contained in the Parish Safety Management System. This is a paper-based system contained in the Parish Safety Management System folder held at each Parish. An electronic version is also available on the ACSQ web-site under the People & Culture - WHS page.

D.7.13 Parishes can obtain assistance and advice for safety by contacting the ACSQ People Services Helpdesk on (07) 3838 7645 (option 3).

E.1 STIPENDS

Minimum Rates

E.1. 1. Minimum rates of stipend payable to clergy in the Diocese are fixed from time to time by the Archbishop-in-Council pursuant to authority given in the following Canons –

- (a) *Parishes Regulation Canon* (parish clergy);
- (b) *Licensing of Clergy Canon* (other clergy).

E.1. 2. Attention is drawn to Regulation IV made under the *Parishes Regulation Canon*, where the minimum rate of stipend for parish clergy is set out, as at the time of the latest amendment of the Regulation. The base rate is payable to assistant clergy, and there is a loading of 12.5% for parish priests.

E.1. 3. The terms of appointment of clergy to parishes require that certain provisions over and above stipend be made, in respect of accommodation, travelling, heating, lighting, power and telephone. These are set out in Regulations V (Provision for Housing), VI (Travelling Facilities) and XIII (Standard for Residences). In the case of telephone call costs, the Regulation provides that ‘the reasonable costs of telephone calls’ be provided by the Parish. This is generally interpreted to mean that the Parish would pay for all local calls and for all STD and IDD calls made for Parish purposes, and that the Priest would reimburse the Parish for the cost of private STD and IDD calls.

E.1. 4. Attention is also drawn to Regulation XVI made under the *Parishes Regulation Canon*, which provides for the appointment of clergy to part-time positions and regulates the payment of stipends and other arrangements in respect thereof.

Review of stipends

E.1. 5. The Archbishop-in-Council reviews the rate of minimum stipends from time to time. This is usually done towards the end of the year with increases effective from 1 January of the following year.

E.1. 6. The advice of these reviewed rates to Churchwardens is the authority for the variation of payment rates. This advice should be kept on file in the parish office, and copies of Regulation IV should be amended.

Churchwardens' statement re stipends

E.1. 7. When any Parish becomes vacant the Churchwardens are required to advise the Archbishop of the stipend to be offered. When the appointment is made it is incumbent upon the Parish Council to pay the stipend offered. Should this stipend be varied other than by the Archbishop-in-Council the Archbishop should be advised. In particular, no reduction in stipend or other emoluments is to be made without the prior consent of the Archbishop. Sec. 16 of the *Parishes Regulation Canon* sets out these requirements in more detail.

Remuneration packaging scheme

E.1. 8. Current taxation laws provide exemptions from Fringe Benefits Tax (FBT), in certain circumstances, for benefits provided to –

-
- (a) clergy and ministers involved in religious pastoral ministry (excluding school chaplains), and
 - (b) employees of Public Benevolent Institutions (PBIs).

E.1.9. This means that where the church as the employer makes payment directly to suppliers of goods or services for Ministry Related Expenses, such items are not treated as income in the minister's hands, nor is the church as employer liable for fringe benefits tax.

E.1.10. The Remuneration Packaging Scheme simply means that parts of the remuneration package of the clergy are paid by the employer directly to third parties. The total package remains unchanged and therefore the cost to the parish remains unaltered. The benefit to the minister is that his/her tax liability will be reduced. However clergy must realise that, as certain amounts of the remuneration package are retained by the employer for payment to third parties, their in-hand remuneration could be less than they have been used to receiving.

E.1.11. The following criteria apply for eligibility for remuneration packaging within the Diocese –

Employees of Diocesan PBIs –

- The principal purpose for use (of exempt fringe benefits in remuneration packages) by Diocesan PBIs must be to maximise the delivery of the welfare ministry through their various programmes.
- From 1 April 2001, all PBIs have had a capping threshold placed on the amount of FBT-free benefits they may provide to employees. The concessional FBT treatment to these PBIs has been capped at \$30,000 of the grossed up taxable value of fringe benefits provided to each employee.
- However, the Australian Taxation Office (ATO) requires that the salary component must be at least equal to the minimum award payment for the employee, unless there is an enterprise agreement or contract that provides for alternative arrangements.

Full-time and part-time clergy and ministers (including clergy who undertake regular parish locum work) –

- Up to 30% of the remuneration package (i.e. the agreed stipend).

E.1.12. The permanent employees of all Diocesan PBIs and all clergy and ministers in pastoral work are eligible to use these arrangements for remuneration packaging provided through their payroll system or ANFIN.

E.1.13. Parishes and Diocesan agencies must record or account for their employee benefit accounts in their annual accounts.

Remuneration packaging benefits

E.1.14. The following benefits that may be provided as part of the packaging arrangements are –

- (a) private housing expenses of the employee and his/her immediate family – including items such as board or rent; local authority rates and charges; electricity or gas supply; telephone costs (including purchase of fixed or mobile telephones); housing loan repayments (subject to the limits on cash

-
- withdrawals); house and contents insurance; home renovation and improvements costs; household furniture, furnishings and appliances; cleaning and maintenance services (e.g. pest control, mowing); removal costs; and real estate transaction and conveyancing costs;
- (b) motor vehicle operating expenses – including registration; insurance; fuel; servicing, repairs and maintenance costs; loan repayments;
 - (c) education expenses of the employee and his/her immediate family - including school fees and levies, tertiary education fees (e.g. HECS), school camps, excursions, text books, uniforms, tuition costs (e.g. music, cultural and sporting) and related equipment purchase and hire costs;
 - (d) personal computers – purchase and maintenance costs of hardware and software;
 - (e) memberships of professional, cultural and sporting associations (including gymnasiums);
 - (f) child-care costs (N.B: payments from benefit accounts may not be eligible for the child care cash rebate);
 - (g) medical insurance (N.B: payments from benefit accounts may not be eligible for the health insurance rebate);
 - (h) personal insurance premiums;
 - (i) personal loan repayments - excluding negatively geared loans;
 - (j) pre-tax superannuation contributions;
 - (k) contributions to insurance savings plans;
 - (l) travel for work, business or study purposes;
 - (m) travel and accommodation components of personal holidays;
 - (n) work-related entertainment and hospitality expenses;
 - (o) personal stewardship contributions to a parish or church agency (provided the contribution is voluntary and confidential, and is not made under duress, e.g. if the parish requests a cut in the clergy stipend);
 - (p) costs of a credit card for use in remuneration packaging arrangements

E.1. 15. The Diocese has been advised that the ATO will not allow cash or cash-style payments from benefit accounts. Cash withdrawals from housing loans, credit card accounts, investment savings plans or other similar accounts, to which payments are made as exempt benefits by the employer, **may cause the employee to be liable for income tax** on the amounts withdrawn. They may also be subject to **penalties**.

E.1. 16. Expenses for which an employee claims a taxation deduction cannot be reimbursed as a benefit. Expenses that are reimbursed as a benefit cannot be claimed as a taxation deduction.

E.1. 17. It is not compulsory to participate in the Remuneration Packaging Scheme; Churchwardens must ensure that the directions of the clergy are complied with in this matter.

E.1. 18. The parish or other employer should first ascertain the eligibility for exemption of the priest, minister or employee. Generally, parish clergy and ministers, as well as PBI staff, may receive benefits without the employer being liable for payment of FBT. If there is any doubt, the Diocesan Accountant should be consulted.

E.1. 19. Documentation to assist the staff member to prepare a budget, and to assist the parish or other employer to establish an appropriate account with ANFIN, is available from ANFIN upon request.

E.1. 20. Staff of the ANFIN office can provide guidelines on how to set up accounts to ensure that the remuneration package is properly administered.

Zone Allowance

E.1. 21. The Archbishop-in-Council has approved that the isolated or distant parishes of the Diocese be divided into three Zones, in which the clergy of such parishes are eligible for an allowance to assist with increased cost of living for items such as food, fuel etc. The parishes within the three Zones are –

ZONE 1	ZONE 2	ZONE 3
Chinchilla Crows Nest Goondiwindi	Barambah Gayndah Goonaneman Jandowae Leichhardt Mundubbera-Eidsvold-Monto Roma St George Tara	Charleville Cunnamulla Mitchell Quilpie

E.1. 22. The minimum rate to be paid by the Diocese will be determined from time to time by the Finance and Diocesan Services Commission.

E.1. 23. This allowance is to be available to be paid into a discretionary fund or under such other arrangements as may be entered into by the Priest and Parish Council.

E.1. 24. The allowance may be paid by the Diocese retrospectively, upon application.

E.1. 25. It is noted that the payment is to be declared by the recipient as income for taxation purposes.

Non-stipendiary or Honorary Clergy

E.1. 26. The Archbishop-in-Council recommends that where non-stipendiary or honorary clergy work in a parish, a reimbursement of any certifiable or relevant outlays connected with that ministry may be claimed. (It is envisaged that these outlays could be travelling costs, telephone etc. Such expenditure is to be claimed by presenting invoices or details of expenditure to the parish churchwardens. Any expenditure involving Diocesan ministry is to be submitted to the General Manager. Retired clergy are to be paid in accordance with the relevant Diocesan Regulations.)

Illness or other crisis

E.1. 27. When extraordinary expenses of the clergy which affect ministry are incurred, such as relating to illness or crisis, a request for relief in writing may be made to the Assistant Bishop who would consult with the Archbishop, who would then take the matter up with the General Manager or the Honorary Treasurer of Synod.

E.2 TRAVELLING FACILITIES

E.2. 1. Attention is drawn to Regulation VI made under the *Parishes Regulation Canon*, where the basic provisions that must be made by Parishes in respect of travelling facilities for the clergy are set out. In addition, the following information is provided.

E.2. 2. Whenever a Parish shall have been newly created, or declared to be a Benefice, or shall have become or been declared vacant, it is the duty of the Churchwardens to forward to the Archdeacons and Regional Bishop a clear written statement indicating the travelling arrangements to be provided in the Parish. When a Parish owns a car and intends to continue this arrangement, careful consideration must be given to the situation of an incoming Parish Priest who owns a car, so that the priest is not financially disadvantaged thereby.

E.2. 3. The Parish should not expect the priest to use the priest's own car unless the priest is agreeable to this.

Use of parish car

E.2. 4. As soon as possible after a priest is appointed to a Parish the Parish Priest and the Churchwardens or the Parish Council should discuss the use of the parish-owned car (where one is provided), so that misunderstandings do not arise in the future from the differing expectations of the priest and the Parish. Once agreement is reached, this remains in operation unless it is changed by mutual agreement in the future. This would form part of a Covenant Agreement, where one has been put in place.

E.2. 5. The priest is responsible for the careful driving, regular maintenance and general care of the vehicle, so that it is constantly available for use. The Parish Council should appoint some suitably qualified person with whom the priest may discuss matters relating to the car.

E.2. 6. It is strongly recommended that all maintenance work done on the car be carried out by a qualified mechanic, that all services recommended by the manufacturer be carried out as and when specified, and that the service record be kept up-to-date throughout the life of the vehicle.

E.2. 7. The priest, the priest's spouse, any assistant curate and/or stipendiary lay minister (Regulation VI [b]) may drive the car. Children of the priest's family, and other persons, may not drive the car without the prior permission of the priest and/or Parish Council. The Council should not expect the Parish Priest to share the use of the car with an assistant curate.

E.2. 8. It is expected that the Parish will encourage the clergy to respond to normal diocesan obligations and relations with other clergy, which necessitates travelling outside the Parish. The cost of such travel is to be borne by the Parish (unless it is borne by the Diocese in accordance with established precedent).

Use of parish vehicle on annual leave

E.2. 9. Regulation VI provides that the person to whom a parish vehicle is provided shall have the use of the vehicle for travel on annual leave.

Registration of parish car

E.2. 10. All vehicles owned by parishes, schools, homes etc must be registered using the name “Corporation of the Synod of the Diocese of Brisbane”, and no other name. Do not include the word ‘the’ at the beginning, and do not use any abbreviations. The address to be shown on the registration is the normal address of the parish, school, home etc.

Insurance of parish car

E.2. 11. The car is to be insured in the name of the parish, with the priest named as the normal driver. The parish will pay the excess due in the case of an insurance claim. If agreement is reached for members of the priest’s family under the age of 25 years to drive the car, any associated excess shall be paid by the priest.

Purchase of parish car

E.2. 12. It is strongly recommended that parishes purchase new cars, or alternatively near-new cars with low odometer readings and reliable history. A fleet discount should be sought when purchasing new vehicles. This may be obtained by requesting the General Manager to forward a formal letter to the dealer concerned. Please ensure that the dealer registers your new vehicle using your current CRN number. The Diocese has a motor vehicle policy which is available to parishes upon request.

E.2. 13. Details of registration number, make, model, body type and year should be forwarded to the Accounts Clerk. If you would like to have a new Caltex fuel card for the new vehicle or you want to update the current card please advise the Accounts Clerk.

E.2. 14. When purchasing a car, consideration must be given to the type and size of car which will cope adequately with the running conditions to be encountered, and with the size of the priest’s family.

E.3 ANNUAL LEAVE

E.3.1. Attention is drawn to sec. 29 of the *Parishes Regulation Canon*, where provisions relating to the annual leave of the clergy are set out.

E.3.2. The minimum provision of four weeks' annual leave shall be taken to mean that the absence on annual leave shall include not more than four Sundays in any year.

E.3.3. Annual leave may not be accumulated from year to year.

E.3.4. Parish Treasurers should note the Annual Holiday Allowance, which is payable within seven days of Easter. The amount payable is advised each year by circular from the General Manager. The Allowance is payable to any clergy who have been full-time or part-time licensed clergy of this Diocese for at least six months prior to Easter Day in the year concerned.

E.3.5. The Parish Priest is required to notify the Archdeacon of certain matters when intending to take annual or other leave – these requirements are set out in Regulation VIII made under the Canon. The Parish Priest should provide a copy of the notification to the Regional Bishop.

E.4 LONG SERVICE LEAVE

Authority

E.4.1. The *Long Service Leave Canon 2007* is a canon of General Synod. The canon has been adopted by the Diocese.

E.4.2. Attention is drawn to the *Long Service Leave Canon* of this Diocese, in which the procedures applicable in this Diocese are set out. In addition, the following information is provided

Contributions

E.4.3. Every parish institution or organisation responsible for the payment of the stipend of an Eligible Member shall pay to the Registry by quarterly instalments on account of each such person the annual contributions fixed under the provisions of the General Synod Canon or such other amounts as may be fixed from time to time by the General Synod or its Standing Committee. Such payments shall be remitted to the Registry by the following days in every year –

15 March
15 June
15 September
15 December

E.4.4. Where the clergy do not serve the whole of any year in a particular parish, institution or organisation, a pro rata proportion of the annual contribution is payable by the parish, institution or organisation concerned.

E.4.5. *A Guide to Long Service Leave* is attached as Appendix A.

Procedure to be followed

E.4.6. Persons desirous of availing of long service leave should take the following steps –

- (a) Ascertain the amount of leave which is due. This can be obtained by inquiry to the General Manager.
- (b) Discuss the proposed leave with the Parish, the Archdeacon and the Regional Bishop regarding dates, *locum tenens*, etc.
- (c) When dates and relief arrangements for the leave are agreed, make a formal application to the Archbishop requesting the leave, and setting out the proposed period of absence (indicating any proposed concurrent annual leave etc.).
- (d) If approved, the Archbishop will forward a copy of the application to the General Manager who will send a letter to the Long Service Leave Board in Sydney, applying for the leave payment.
- (e) Approximately two weeks prior to the due date, the Long Service Leave Board will forward a payment cheque to the Diocese. The Diocese will then forward the money to the Parish who will then pay the priest.

NOTE: This payment is subject to normal P.A.Y.G. rules.

APPENDIX A**A GUIDE TO LONG SERVICE LEAVE**

1. Long service leave accrues at the rate of one week's leave for every year of service.
2. Leave can be taken after 10 years of service (one week per year of service). Leave can be taken as follows:
 - 10 weeks split into a maximum of two periods, eg 5 plus 5 weeks or 4 plus 6 weeks;
 - 15 weeks split into a maximum of three periods, eg 4 plus 6 plus 5 weeks or 5 plus 5 plus 5 weeksAfter 10 years, leave can be taken every 5 years i.e. either 15 weeks after 15 years or 20 weeks after 20 years but NOT 18 weeks after 18 years.
3. When planning to take leave, the priest should first check with the Registry to see what his/her entitlements are.
4. The next step is to discuss the period of leave with the appropriate people (parish, Archdeacon, Bishop etc) and arrange suitable cover.
5. Once this is done a letter should be sent to the Archbishop seeking permission to take leave. Preferably this should be done at least four months before leave is to be taken.
6. Once the Archbishop's approval has been obtained, a copy of the priest's letter is sent to the General Manager's office.
7. The General Manager's office will notify the Long Service Leave Board that the priest has applied for leave and the dates of the proposed leave. If annual or any other leave is being taken with long service leave then long service leave should be taken first. This ensures that the money is received before the priest goes away.
8. Approximately two weeks before the due date, a cheque arrives at the registry.
9. The total amount is transferred to the Parish's bank account. A copy of the details is sent to ANFIN for clergy pay members, or to the Parish.
10. The payment is split into two components -
 - a) leave; and
 - b) a supplementary payment
 - i) The payment for leave is an average rate based on payments to priests throughout Australia. However, the priest must be paid at his usual rate of stipend by the parish.
 - ii) The supplementary payment is paid to the priest because it is assumed that he/she will have to vacate the rectory during long service leave.Both components are taxable. Tax should be worked out over the period of leave.

If the Priest normally Salary Sacrifices his stipend, then this can continue with the leave component but NOT the supplementary allowance.
11. The Priest may elect to be paid all of his/her leave before going on leave or be paid normally (i.e. fortnightly or monthly).

E.5 SUPERANNUATION

Sunsuper – The Anglican Diocese of Brisbane Superannuation Plan (Sunsuper)

E.5.1. A Fund to provide for the superannuation of clergy in the Diocese of Brisbane is operated in accordance with the *Superannuation Canon*.

E.5.2. All stipendiary Licensed Clergy in the Diocese are invited to become members of the Fund.

Other salaried staff

E.5.3. All staff in the Diocese under 70 years of age who earn more than \$450 in any one month are now subject to superannuation. In addition, clerical staff earning less than \$450 per month who are employed under the Clerks' and Switchboard Attendants' Award may also be subject to superannuation.

Contributions

E.5.4. The *Superannuation Canon* requires that parishes or other entities responsible for the payment of stipends shall deduct from the stipends of clerical members the amount of contributions payable by the members, and forward these deductions at least quarterly to the Administrator of the Superannuation Fund to be received no later than the 28th February, 28th May, 28th August and 28th November each year. The relevant Federal legislation specifies that failure to make such payments by the due dates constitutes an offence which may be punishable by a substantial fine. It is therefore essential that the deductions be received on time. Such contributions shall not be required from any stipendiary licensed clergy for whom the employer undertakes to make contributions in lieu of the member's contributions under a "remuneration package" scheme.

E.5.5. The parishes or other entities responsible for the payment of stipends must also contribute at least quarterly into the fund a specified amount for each member of the clergy who is a member of the fund.

E.5.6. The deductions from stipend, and/or the contributions from the parishes, are calculated on the minimum rate of stipend payable to Parish Priests. The alterations to rates are advised from time to time as and when the rates of minimum stipend are varied. The rate of contribution by parishes or other entities for other employees is set to be not less than the minimum amount required by the Superannuation Guarantee legislation in force at any time.

E.5.7. Additional voluntary contributions to the Fund can also be made on behalf of members, either by the member or by the employer.

Remuneration Packaging Scheme

E.5.8. Any Parish which is paying the member's contribution by way of a remuneration packaging scheme must advise the General Manager so that the correct contribution can be paid by the Parish, and the correct amount of tax paid by the Fund. The difference comes about because contributions paid by the member are paid out of after-tax income and are not subject to further tax when received by the Fund, whereas contributions paid by the employer under a

remuneration packaging scheme are paid out of before-tax money, and are subject to tax when received by the Fund.

Contributions for members under 70 years of age

E.5. 9. If an employer employs a person who is less than 70 years, and pays that person more than \$450 in wages or stipend in any calendar month, the employer must contribute at least the required level of Superannuation Guarantee Contribution (SGC) (which is 9% of that amount) to a complying regulated superannuation fund. The contribution must be paid within 28 days after the end of each quarter to avoid penalties. Once a member reaches 70 years, SGCs must cease. Where contributions are voluntary by the employer and/or the member after age 70 years, the member must have worked at least 40 hours in a period of not more than 30 consecutive days in that financial year. Further information is available from the Diocesan Administration Officer.

Members of other funds

E.5. 10. The *Superannuation Canon* also requires that parishes or other entities responsible for the payment of stipends shall deduct from the stipends of licensed clergy who are members of another fund, an amount specified by the Archbishop-in-Council as a contribution to the other fund, and forward these deductions at least quarterly to that fund. Such contributions shall not be required from any stipendiary licensed clergy for whom the employer undertakes to make contributions in lieu of the member's contributions under a "remuneration package" scheme.

E.5. 11. The parishes or other entities responsible for the payment of stipends must also contribute at least quarterly into the other fund such an amount for each member of the clergy who is a member of the other fund as would have been contributed to the fund of this Diocese had the clergy been members of this Fund.

Members leaving the Diocese

E.5. 12. Members resigning their appointments in the Diocese may continue to contribute to Sunsuper. A member serving in another diocese may make arrangements with that diocese to continue the contributions. It is necessary to specify separately the amounts of contributions paid by the member and the employing agency, as these amounts are treated differently for taxation purposes.

Benefits

E.5. 13. The withdrawal and retirement benefits payable from the Fund are based on the accumulation of contributions paid by or in respect of the members, with investment earnings thereon.

E.5. 14. There are certain requirements to be met regarding the payment of Income Tax.

E.5. 15. Where a fully stipended Category "5" member dies or has to retire from active service through total and permanent disablement, a benefit calculated according to the Rules of the Category will be payable.

E.5. 16. Should a Category "5" member become totally and temporarily disabled for a period of not less than thirteen months, that member shall be entitled to receive a benefit of monthly income equal to one-twelfth of 75% of the minimum rate of stipend times any part-time factor

for a further maximum period of twelve months. (Note that the initial thirteen month period is covered by other arrangements related to the Diocesan Sickness and Accident and Maternity Leave Compensation Scheme.)

Further information

E.5. 17. Full details of the superannuation scheme are set out in the *Superannuation Canon* and in information which can be obtained from the trustee of the Fund.

E.6 WORKERS' COMPENSATION INSURANCE

E.6. 1. The *Parishes Regulation Canon* requires that the Parish Council arrange a workers' compensation insurance policy in respect of the clergy and any other employees. This policy is only obtainable from WorkCover Queensland.

E.6. 2. Under the Act, a “worker” is now defined as “a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5”. If a person sustains a work-related injury and the person falls within the definition of “worker”, the person can claim compensation under WorkCover’s No Fault Scheme – regardless of whether the employer has included them in its WorkCover policy. If the employer did not cover the person as a “worker” and should have, WorkCover will recover the cost of the claim plus premium and penalties. If the claim is a Common Law claim, it could run into the hundreds of thousands of dollars. It is therefore prudent that, if there is any doubt whether a person is a “worker”, the person should be included in the employer’s WorkCover policy. Where a Parish uses individuals rather than contractors for cleaning, mowing, as musicians and attendants at weddings and funerals, or performing other occasional work, these persons should be declared under the Parish WorkCover policy.

E.6. 3. Some parishes give a nominal remuneration to persons performing work (e.g. cleaners, lawn mowers, organists, deacons, directors of music, clergy performing occasional duty, etc.) These people should be declared under the WorkCover Policy.

E.6. 4. The Insured shown on the policy should be “The Corporation of the Synod of the Diocese of Brisbane - Parish of

E.6. 5. An annual return of gross wages paid for the preceding financial year must be lodged with the WorkCover Board by 31 August each year. The value of the provision of a house and payments by the Parish of electricity accounts should be included in the Annual Wages Declaration.

E.6. 6. Should an accident occur, a report should be lodged with WorkCover by both the Churchwardens and the employee. Such events must be events which occur in the course of carrying out their duties. There may also be a top-up benefit available from the Sickness and Accident and Maternity Leave Compensation Scheme.

E.6. 7. When lodging a claim for total disablement and the Parish is not continuing to provide the house or electricity payments, it would be in order to include these amounts when computing the weekly rate of pay.

E.6. 8. Where clergy are absent from duty owing to illness or injury not arising from a work related incident, a claim may be made under the Sickness and Accident and Maternity Leave Compensation Scheme.

E.7 SICKNESS AND ACCIDENT AND MATERNITY LEAVE COMPENSATION SCHEME

E.7.1. The *Parishes Regulation Canon* requires that Parish Councils arrange coverage in respect of the clergy under the Sickness and Accident and Maternity Leave Compensation Scheme. Attention is drawn to *Regulation I* made under the *Insurance Canon*, where the details of this scheme are outlined in full.

E.7.2. The scheme provides for compensation payments to be paid to the Parish Council where –

- (a) the clergy are absent through illness or injury for a period in excess of 7 days. A limit of 55 weeks applies. The payments are for reimbursement of vouched expenses incurred by the employer in employing a locum or other personnel during the period of disablement, and may include a supplementary allowance for additional expenses of ministry necessarily incurred, e.g. additional accommodation and travelling costs.
- (b) a female clergy person is on approved maternity leave. A limit of 12 weeks applies. The payments are for reimbursement of vouched expenses incurred by the employer in employing a locum or other personnel during the period of maternity leave and may include a supplementary allowance for additional expenses of ministry necessarily incurred, e.g. additional accommodation and travelling costs.

E.7.3. For a Sickness and Accident claim a medical examination may be required of any Enrolled Member. As the scheme does not provide for differing classifications for persons with pre-existing conditions it may not be possible to accept such persons into the scheme; or should a condition develop subsequent to a claim being met, the cover may not be renewed. This action is necessary since a premium of excessive proportions might otherwise be payable as the probability of a claim is higher. It is also a principle of insurance that it is not possible to insure against a certainty. Where these circumstances arise, each case is dealt with sympathetically and if necessary alternative sources of assistance to a parish are found.

E.7.4. Where a sickness and Accident claim is made, a certificate from a medical practitioner must be submitted on a quarterly basis to cover the period of absence of the Enrolled Member or more frequently if requested.

E.7.5. Where clergy are absent from duty for an extended period, consideration must be given to the question of their capacity to continue their appointment. Should this indicate obvious incapacity, clergy should consider action in relation to their superannuation entitlements.

E.8 VISITING AND RELIEVING CLERGY

E.8. 1. Attention is drawn to Regulation VII made under the *Parishes Regulation Canon*, where provisions are set out for the proper remuneration to clergy and their parishes for the conduct of occasional duty in parishes.

E.9 DIOCESAN ADMINISTRATION LEVY

The Diocesan Administration Levy was abolished following the decision by Synod 2013 to repeal the *Offerings at Pastoral Services Canon 1995*.

E.10 CLERGY IN PARISH APPOINTMENTS OWNING AND OCCUPYING THEIR OWN HOMES

E.10.1. It is recognised that it will be beneficial in the long term for priests to own their own home for their retirement. The making of provision by clergy for a home for retirement is to be encouraged.

E.10.2. It is normal practice that a priest in charge of a parish should reside within that parish.

E.10.3. In the past, and still in the majority of cases, the parish has provided a house for the priest and family's occupation.

E.10.4. Diocesan standards for such houses have been established, and it is expected that parishes will provide and maintain houses in accordance with these standards, which are specified in Regulation XIII made under the *Parishes Regulation Canon*.

E.10.5. In the case of some new parishes, rental housing has been provided.

E.10.6. Regulation V – Provision for Housing, made under the *Parishes Regulation Canon* provides that the Parish or relevant Commission shall provide a residence for the parish priest. Clergy may choose to invest in a house as one of many alternatives in planning for retirement. The possibility of living in that house is by exception only (and in accordance with E.10.7 below) and must be approved by the Parish Council, Archdeacon, Regional Bishop and finally the Archbishop.

E.10.7. Approval may be granted if the Archbishop is satisfied that –

- (a) the arrangement has the approval of the Parish Council;
- (b) the arrangement will enable parishioners and others to have appropriate access to the priest;
- (c) the arrangement does not financially disadvantage the parish;
- (d) the residence is appropriate for use as a rectory;
- (e) the removal costs from the house provided by the parish are borne by the priest, or, by agreement, shared between priest and parish;
- (f) the priest agrees in writing that occupation of the house will not prevent the priest from accepting another parish appointment, knowing that this will require vacating the house in order to take up residence in the new parish;
- (g) any housing allowance paid by the parish to the priest is at an amount agreed by the parish council, which will normally be based upon rental of equivalent housing in the locality;
- (h) costs normally associated with the rectory as referred to in Sec.7 of Regulation XIII made under the *Parishes Regulation Canon* are met by the parish.

Housing Allowance

E.10.8. If clergy have approval to live in their own homes they should be paid a “housing allowance” (see Regulation V – Provision for Housing, made under the *Parishes Regulation Canon*). The amount of the allowance to be paid shall be agreed between the member of the clergy and the Parish Council, or in the case of Bishops, Chaplains and other clergy not associated with a parish, the relevant Commission or Finance and Diocesan Services Commission. No guidelines are provided by the Diocese because houses and housing costs vary considerably throughout the Diocese. The local rental market can be used as a starting point in negotiations.

Once the negotiations have been finalised, it is recommended that all decisions relating to the payment of the allowance, and periodical reviews thereof, should be documented before the payments commence.