**Roles of Parish Council and Wardens**

**Parish Council**

**3.3 General right and power**

(1) In the control of the funds and property of the parish and each church of the parish, the parish council has the right and power –

(a) to determine matters of policy, and

(b) to approve budgets (including the annual budget prepared by the wardens for submission to the annual general meeting of parishioners), and

(c) to authorise payments.

(2) The parish council is to exercise this right and power in a manner which does not prevent the proper exercise of any function under these rules in respect of the funds and property of the parish and each church of the parish.

**3.4 Functions of the parish council**

(1) The functions of the parish council (without imposing on its members any legal liability) are –

(a) to fix the stipend, allowances and benefits of the minister, and

(b) with the consent of the minister, to fix the stipend or salary and the allowances and benefits of any assistant minister, lay minister, student minister or other lay worker, and

*Note: Each year the Standing Committee issues Guidelines for the Remuneration of Parish Ministry Staff.*

(c) in the case of a parish having more than one church, to determine what money is to be paid from time to time by each church towards each expense of the parish, and

(d) to confer with the minister in the initiation, conduct and development of church or parish work including such matters as are vital to the spiritual welfare of the church or parish and to make recommendations to the minister on ministry within the parish, and

(e) to consider (on its own motion or on reference by a general meeting of parishioners, the minister or the Archbishop or in accordance with the provisions of any Act or Ordinance) any measure or project affecting or likely to affect the interest of the parish generally and to take proper action thereon in accordance with the functions conferred on it by these rules or any Ordinance or Act, and

(f) to cause minutes to be kept of its proceedings, and

(g) to direct the expenditure or investment policy of any surplus funds including the allocation of general funds of the church or parish (not being the subject of any trust) for the general or any specific work of the Anglican Church of Australia in the Diocese of Sydney, and

(h) to appoint a qualified person or persons to fill any vacancy in the office of auditor of the financial statements and accounts of the wardens of any church of the parish, and

(i) to fill any casual vacancy which occurs among its elected members in accordance with rule 2.8(3)(a), and

(j) to make donations for patriotic or charitable purposes or for the purposes of a Christian missionary society, whether local or foreign, Anglican or non-Anglican, and

(k) to do all things as it can reasonably do (including providing funds) to enable any wardens of the parish to comply with rule 3.11(1)(d).

*Notes:*

*(1) See rule 6.3 which deals with the functions of the parish council in relation to associated congregations.*

*(2) See rule 7.3 which provides for the parish council’s role in the appointment of the safe ministry representative for the parish.*

*(2) The parish council must, without delay, give to the wardens of each church of the parish notice of any determination under paragraph (c) of sub-rule (1). The wardens of any such church may appeal from the determination to the Regional Archdeacon and the decision given is final.*

**3.5 Committees of a parish council**

(1) A parish council may, by resolution –

(a) establish a committee, and

(b) delegate to that committee all or any of the parish council's functions, rights and powers under rule 3.3 and paragraphs (b), (d), (e), (g), (h) and (j) of rule 3.4(1).

*Note: The parish council remains responsible for the exercise of any functions delegated to a committee.*

(2) The parish council may, by resolution, abolish a committee or revoke the delegation made to any committee under sub-rule (1), or both.

(3) A committee established by the parish council under sub-rule (1) may comprise or include persons who are not members of the parish council.

*Note: A person may not be elected or appointed to a committee of a parish council if the person has been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012 (see rule 2.6(2)).*

(4) The parish council is, from time to time, to determine –

(a) the membership of a committee established under sub-rule (1), and

(b) the quorum for meetings of that committee.

**3.6 Secretary**

A parish council may appoint one of its members to be its secretary for the time being and may remove any such person from the office.

*Note: The chairman of the parish council is usually the minister (see rule 4.10).*

**Wardens**

**Division 1 Financial**

**3.7 Main financial functions**

(1) The main financial functions of the wardens are –

(a) to ensure the proper management, security and financial administration of all money and other property of the church (except money or other property for which the wardens are excluded from exercising this function by the trusts on which such money or other property is held), and

(b) in the case of wardens of the principal church in a parish having more than one church, to ensure the proper management, security and financial administration of all money and other property of or payable to the parish or collected or held in connection with matters affecting the parish as a whole and not being for the use or benefit of, or the responsibility of, any one church in the parish only (except money or other property for which the wardens are excluded from exercising this function by the trusts on which such money or other property is held), and

(c) to ensure proper procedures are followed for the collection, counting, recording in the register of services and banking of all offertory and collection money in connection with services in the church, and

(d) to keep proper accounting records of all money received and expended by them, and

(e) in the case of wardens of the principal church in a parish having more than one church, to pay or provide to the persons entitled to receive them all such stipends, salaries, allowances and benefits as are authorised by the parish council to be paid or provided in accordance with the powers conferred by this or any other ordinance, and

(f) in the case of wardens of each church other than the principal church in a parish having more than one church, to pay to the wardens of the principal church all amounts required to be paid in respect of each such church in accordance with rule 3.4(1)(c), and

(g) to insure, to the extent required by law, the persons referred to in paragraph (e) for any purpose but only to the extent that such insurance has not been taken out by the Property Trust.

*Note: See rule 6.3 which deals with the functions of the wardens in relation to associated congregations*

(2) The functions of the wardens of a church under sub-rule (1) are to be exercised subject to the powers of the annual general meeting of parishioners set out in rule 3.1 and the rights and powers of the parish council set out in rule 3.3.

(3) The wardens may arrange for a person or persons to perform any one or both of the functions referred to in paragraphs (c) and (d) of sub-rule (1) from time to time on behalf of the wardens. An arrangement made under this sub-rule does not limit the powers or the delegations of the wardens under rules 3.8 and 3.13 nor does it have the effect of removing the wardens’ responsibility for the functions under sub-rule (1).

*Note: For the purposes of discharging the functions in rule 3.7, the Standing Committee issues Parish Accounting and Administration Guidelines from time to time.*

**3.8 Treasurer, accountant or bookkeeper**

(1) The wardens may appoint one of themselves to act as treasurer or may, with the concurrence of the minister, appoint one or more other persons to act as treasurer, assistant treasurer, accountant or bookkeeper to assist them in their functions and, subject to rule 9.3, may remove any such person from office.

(2) In connection with matters affecting the parish as a whole under rule 3.7(1)(b) the wardens of the principal church may appoint one of their members to act as treasurer for any money collected, expended or held, or may, with the concurrence of the minister, appoint any other person to act as treasurer, assistant treasurer, accountant, bookkeeper to assist them in such functions and, subject to rule 9.3, may remove any such person from office.

(3) Nothing in this rule has the effect of removing from the wardens or any of them, their responsibility in relation to any funds or property of the church or parish.

**3.9 Provision of financial documentation to the annual general meeting of parishioners**

(1) The wardens are to provide the following to the annual general meeting of parishioners in the form last prescribed by the Standing Committee by resolution –

(a) a statement of the comprehensive income of the church during the previous financial year, and

(b) a statement of the financial position of the church at the close of the financial year, and

(c) in the case of wardens of the principal church in a parish having more than one church, if separate financial records are kept in connection with matters affecting the parish as a whole and not being the responsibility of any one church only, separate statements of comprehensive income, financial position, and changes in funds in relation to those matters, and

(d) a warden’s and treasurer’s report to the parishioners, and

(e) a statement setting out full particulars of all current insurances effected by them as required by rule 3.7(1)(g), and

(f) a budget for the then current financial year,

(g) any other statement or document for the financial year prescribed by the Standing Committee by resolution.

*Note: Under rule 3.3(1)(b) the parish council may approve the budget prepared by the wardens before it is submitted to the annual general meeting of parishioners.*

(2) Before the annual general meeting of parishioners, the wardens are to call on the auditor or auditors duly appointed under these rules to report on the financial statements prepared pursuant to paragraphs (a) to (d) of sub-rule (1) and on the accounting records kept by them and to state, in that report –

(a) whether anything has come to the auditor’s attention that causes the auditor to believe that the financial statements do not give a fair view of the revenue and expenses, assets and liabilities of the church or parish, in accordance with the Parish Administration Ordinance 2008, and

(b) where not so satisfied, the reasons for not being so satisfied.

(3) On at least one Sunday before the annual general meeting of parishioners, being a Sunday on which at least one service of public worship is conducted, the wardens are to make copies of the documents listed in sub-rule (1) and the auditor’s report (if available) available for inspection or distribution (or both) at or near each main entrance to the church, in such quantities and manner as the minister and wardens may reasonably determine, and to cause an announcement to be made at such service to the effect that they are so available.

(4) The wardens are to produce the documents listed in sub-rule (1) and the auditor’s report at the annual general meeting of parishioners.

(5) At or within 7 days after the annual general meeting of parishioners, the wardens are to forward copies of the documents listed in sub-rule (1) and the auditor’s report to the Diocesan Secretary, and are to comply with rule 2.15 concerning the delivery of keys, documents and funds etc.

**3.10 Financial affairs of parish organisations**

(1) The wardens are responsible for keeping proper financial records of any organisation of the parish or any church of the parish established under rule 3.18 and for those purposes –

(a) may keep separate financial records for the organisation or may incorporate the financial records of the organisation as part of the financial statements of the church or parish under rule 3.9, and

(b) may appoint and remove a person to act as treasurer of the organisation.

(2) If the financial statements of the organisation are not incorporated as part of the financial statements of the church or parish, before the annual general meeting of parishioners of the principal or only church of the parish the wardens are –

(a) to prepare financial statements comprising –

(i) a statement of the receipts and payments of the organisation during the previous financial year, and

(ii) a statement of the assets and liabilities of the organisation at the close of the financial year, and

in the form last prescribed by the Standing Committee, and

(b) to present the financial statements for audit to the auditor appointed by the annual general meeting of parishioners.

(3) The wardens are to produce the duly audited financial statements prepared under sub-rule (2) to the annual general meeting of parishioners and, at or within 7 days after the annual general meeting of parishioners, are to forward copies of these financial statements to the Diocesan Secretary.

(4) If any such organisation ceases to exist for any reason, its remaining funds and property (not being the subject of any trust) become the property of the church or parish, and its books and records (other than any financial records which must be given to the wardens) must be given to and remain in the custody of the minister.

**Division 2 Property**

**3.11 Main property functions**

(1) The main property functions of the wardens are –

(a) to keep order in each church and its grounds for which they are responsible, and

(b) to ensure proper care is taken of the church and other things relating to the conduct of services of public worship and to ensure that those things are available whenever needed for such purposes, and

(c) to ensure proper repair and maintenance is undertaken of all buildings (including church, hall and rectory), and their fixtures, furniture and contents which are the property of the church or parish, and

(d) if any property of the church or parish is listed on the State Heritage Register maintained from time to time under the Heritage Act 1977 (the “Act”) –

(i) to ensure the repair and maintenance of the property is in accordance with the minimum standards (if any) prescribed from time to time by the Act or any regulations made under the Act, and

(ii) where the Property Trust or other trustee is the owner of that property for the purposes of the Act, to provide within 28 days of receipt of a written request, such information as the Property Trust or other trustee reasonably requires about compliance with the requirements of subparagraph (i), and

(e) to provide the minister with sufficient means for the safe custody of all church registers and records.

*Note: See rule 6.3 which deals with the functions of the wardens in relation to associated congregations.*

(2) The functions of the wardens of a church under sub-rule (1) are to be exercised subject to the powers of the annual general meeting of parishioners set out in rule 3.1 and the rights and powers of the parish council set out in rule 3.3.

(3) The wardens may arrange for a person or persons to perform either or both of the functions referred to in paragraphs (a) and (b) of sub-rule (1) from time to time on behalf of the wardens. An arrangement made under this sub-rule does not limit the powers or delegations of the wardens under rules 3.8 and 3.13 nor does it have the effect of removing the wardens’ responsibility for the functions under sub-rule (1).

*Note: Contracts for the purchase of land in the name of the Property Trust, or for the improvement or maintenance of property held by the Property Trust must generally be signed by the Property Trust. However, in view of the wardens’ responsibility under rule 3.11(1)(c) to ensure the proper repair and maintenance of all buildings on such property, the Property Trust has resolved that wardens can sign building contracts up to $100,000.*

**3.12 Granting of licences by wardens**

Subject to rules 3.20 and 5.3 to 5.7, the wardens may grant a licence to permit a person or organisation (“licensee”) to use real property of the church for purposes not connected with the church if –

(a) the use of the property by the licensee is not –

(i) prohibited by law or by the trusts on which the property is held, or

(ii) for the purposes of a pre-school, kindergarten, child care centre, long-day care centre or like service, and

(b) the terms upon which the licensee is to be permitted to use the property are documented in a form last approved by the Property Trust, and

(c) the period during which the licensee is permitted to use the property does not exceed 5 years, and

(d) the amount payable by or on behalf of the licensee for the licence is not more than $50,000 per annum (including GST), or such other amount as may be determined by the Standing Committee by resolution from time to time, and

(e) in the case of non-occasional use, the granting of the licence has been approved in writing by the Regional Archdeacon and the majority of the parish council of the parish.

**Division 3 Appointment of paid workers**

**3.13 Appointment of administrators, cleaners, gardeners, etc**

The wardens of the principal or only church of the parish may, with the concurrence of the minister, appoint an administrator, cleaner, gardener or other paid worker to perform duties in the parish, and may, with the concurrence of the minister and subject to rule 9.3, remove any such person from the position at any time.

**3.13A Appointment of lay ministers and student ministers**

The wardens of the principal or only church of the parish may, with the concurrence of the minister, appoint a lay minister or a student minister and may, with the concurrence of the minister and subject to rule 9.3, remove any such person from the position at any time.

*Note: The minister is responsible for the spiritual welfare of the parish (see Part 4 Division 1). Accordingly any employment relationship established under rule 3.13A between the wardens and a person appointed to assist the minister in this responsibility is for administrative purposes only. The minister retains control of the duties performed by such a person.*

**3.13B Decision-making concerning family members**

A warden who is a family member of a person appointed or proposed to be appointed under rule 3.13 or 3.13A is not to take part in any decision concerning the appointment or removal of such person and is not to participate in any performance review of such person.

**Division 4 Reporting**

**3.14 Reporting to Archbishop**

The wardens are to report to the Archbishop any grave irregularities in the conduct of services of public worship and any wilful neglect of duty or any flagrant misconduct on the part of the minister.

**Division 5 Investment**

*Note:*

*Under clause 5 of the Investment of Church Trust Property Ordinance 1990, a person who or an organisation which holds church trust property may invest such property only in any one or more of the following investments –*

*(a) deposit with the Glebe Administration Board or any authorised deposit-taking institution,*

*(b) any public funds or Government Stock or Government Securities of the Commonwealth of Australia or any State thereof,*

*(c) any debentures or securities guaranteed by the Government of the Commonwealth of Australia or any State thereof,*

*(d) deposit with any dealer in the short term money market being a dealer which has been approved by the Reserve Bank of Australia as an authorised dealer and has established lines of credit with that bank as a lender of last resort,*

*(e) the acquisition of any bill of exchange which –*

*(i) at the time of acquisition has a maturity date of not more than 200 days, and*

*(ii) if purchased for value confers on the holder a right of recourse against a bank as the acceptor or endorser of the bill for an amount equal to the face value of the bill,*

*(f) certificates of deposit issued by an authorised deposit-taking institution,*

*(g) units in any managed investment scheme –*

*(i) which is registered under the Corporations Act 2001, and*

*(ii) for which there is a disclosure document lodged with the Australian Securities and Investments Commission under the Corporations Act 2001, and*

*(iii) for which the responsible entity is an authorised deposit-taking institution or a related body corporate of an authorised deposit-taking institution,*

*except where the scheme conducts as its main business or one of its main businesses a business which the Synod or the Standing Committee has by resolution declared to be a disapproved business or the scheme mainly invests in the securities of a corporation or scheme which conducts such a business as its main business or one of its main businesses.*

*For the purpose of paragraph (g), the Standing Committee has declared the following businesses to be disapproved businesses –*

*(i) the manufacture, promotion, distribution or sale of armaments,*

*(ii) a business which is illegal or immoral,*

*(iii) the manufacture, promotion, distribution, or sale of tobacco,*

*(iv) the business of gambling or betting or directly connected therewith,*

*(v) the manufacture, promotion, distribution or sale of liquor, and*

*(vi) production, sale or distribution of 'X' or 'R' rated video or digital images, videos or films.*