

Parish Governance Act 2013 PARISH GOVERNANCE REGULATIONS

2014

PART 1 – PRELIMINARY

1.1 Title

These regulations may be cited as the Parish Governance Regulations 2014.¹

1.2 Authorizing provisions

These regulations are made under section 87 of the *Parish Governance Act 2013*.

1.3 Commencement

These regulations come into effect on the day on which the *Parish Governance Act 2013* commences.

1.4 Interpretation

- (1) Words and expressions in these regulations have the same meaning as in the *Parish Governance Act 2013*, and references to “**the Act**” are references to that Act.
- (2) In these regulations, unless the context otherwise requires—
“**ADF**” means the Anglican Development Fund in the Diocese of Melbourne.

PART 2 — FORMS RELATING TO PARISH ROLLS AND MOVEMENT BETWEEN PARISHES

2.1 Prescribed forms in relation to parish rolls

Schedule 1 contains the forms to be used for the purposes of applications, notices and other communications required by Part 4, Division 1 of the Act.

PART 3 — FORM OF DECLARATION BY PARISH OFFICE HOLDERS

3.1 Declaration by parish office holders

Schedule 2 contains the form for the purposes of section 20 of the Act.

PART 4 —DIOCESAN ASSESSMENT

4.1 Amount of diocesan assessment

The annual diocesan assessment is the greater of—

- (a) 5% of the base stipend fixed by the Diocesan Stipends Committee under the *Diocesan Stipends Act 1991*; or
- (b) an amount calculated as the sum of—
 - (i) 11% of the first \$60,000 of the total net assessable income of the parish; and
 - (ii) 16% of so much of the total net assessable income of the parish as exceeds \$60,000.

4.2 How total net assessable income calculated

The total net assessable income of a parish is the total assessable income less permitted allowances.

4.3 Meaning of total assessable income

- (1) Subject to this regulation, the total assessable income of a parish comprises:
- (a) all money given to the parish, including money given through offerings, collections and planned giving;
 - (b) all money given to the parish in donations;
 - (c) an amount (other than a negative amount) that represents the gross income from fundraising less any expenses in the year that the expenses were incurred;
 - (d) general bequests, legacies and trusts at the time when they are expended to the benefit of the parish;
 - (e) interest received;
 - (f) dividends received;
 - (g) an amount (other than a negative amount) that represents the gross income from property less any expenses on property income in the year that the expenses were incurred;
 - (h) 50% of the net proceeds from the sale of shares and other tangible and intangible assets at the time of realization;
 - (i) the proceeds from the sale of land and buildings that are not subject to Diocesan policies relating to the sale of property;
 - (j) an amount (other than a negative amount) that represents the gross income from fees, use agreements and the sale of goods or services, less any expenses in the year in which the expenses were incurred—

except for—

- (k) money received from donations and fundraising for payment out to Christian mission outside the parish and to Christian welfare agencies and Christian charities;

Note: moneys collected or otherwise received by a parish for payment to a welfare agency, charity, government agency, municipality or other organization that is not Christian form part of the parish's assessable income even if 100% of the funds received are remitted to the entity on whose behalf the funds have been collected or received.

- (l) donations received for payment into a building fund investment account with the ADF to support a building fund approved by the Archbishop in Council;
- (m) donations received for and paid to one of the Funds of the Melbourne Anglican Foundation;
- (n) income from fundraising for a specific cause where—
 - (i) the specific cause has been widely promoted to people outside the parish;
 - (ii) all the net proceeds are remitted to the specific cause; and

Parish Governance Regulations

- (iii) there is written evidence that the Archdeacon is aware of the fundraising activity and the specific cause;
- (o) specific bequests, legacies and trusts invested in a special trust account in the ADF that allows the funds of the account to be expended only for a tightly defined purpose;
- (p) interest on building funds, bequests, trusts and opportunity shops approved by Archbishop in Council;
- (q) the proceeds from the sale of land and buildings that are subject to Diocesan policies relating to the sale of property;
- (r) grants received from the Government of Victoria, a municipal council or a corporation;
- (s) grants received from the Diocese, from the Melbourne Anglican Foundation or from another parish;
- (t) other receipts such as payments received from insurance claims, payments for long service leave, deposits and security bonds, reimbursement of expenses incurred, transfers between accounts, business activity statements, tax receipts;
- (u) loans received.

- (2) For the purposes of regulation 4.3(1)(b) the donations that form part of the total assessable income include—

- (a) money received from; or
- (b) money expended for the purposes of any capital works of the parish or for the repair, maintenance or improvement of any buildings, grounds, equipment, systems, amenities or other assets of the parish by —

an opportunity shop which is conducted by the parish or which is a trust or corporation referred to in section 41(2) of the Act.

- (3) For the purposes of regulation 4.3(1)(e) and (f) interest on and dividends from funds in an approved building fund, bequest account with the ADF, ADF reserve account or opportunity shop investment account do not form part of the total assessable income until paid to the parish.
- (4) For the purposes of regulation 4.3(1)(g)—
 - (a) the expenses associated with property income include a proportion of the costs associated with holding, maintaining and operating that property corresponding to the hours of use in generating income relative to the hours when the property is available for use; and
 - (b) all the property of the parish may be treated as a single portfolio for the purposes of calculating expenses.
- (5) A net loss on the sale of shares or other assets is not a permitted allowance, but during the two financial years following the financial year in which the loss was incurred it may be off-set against any net proceeds to which regulation 4.3(1)(h) applies.
- (6) For the purposes of regulation 4.3(1)(k) and 4.4(1)(e), a payment is considered to have been made to a Christian welfare agency or to a Christian charity only if—

- (a) the payment or donation is unconditional;
- (b) the agency or charity is not connected to the parish and does not perform work or services for the parish or provide work or services to the parish; and
- (c) the agency or charity is not a trust or corporation referred to in section 41(2) of the Act.

4.4 Meaning of permitted allowances

Subject to this regulation, the permitted allowances are:

- (a) the total amount of any stipend, salary, salary sacrifice, motor vehicle allowance, housing allowance, superannuation, corporate card, long service leave and sickness and accident insurance paid by the parish from assessable income to or in respect of curates;

Note: an amount paid to a curate from a grant is not paid from assessable income.

- (b) the total amount of any stipend, salary, salary sacrifice, motor vehicle allowance, housing allowance, superannuation, corporate card, long service leave and sickness and accident insurance, up to a total amount of \$3500, paid by the parish from assessable income to or in respect of students undertaking Supervised Theological Field Education;

Note: an amount paid to a student from a grant is not paid from assessable income.

- (c) in respect of all clergy and authorised stipendiary lay ministers who are not referred to in paragraphs (a) or (b) and who are not—
 - (i) the vicar;
 - (ii) acting during the absence of the vicar or during a vacancy in the incumbency;
 - (iii) involved with youth;
 - (iv) involved with benevolent causes—

50% of the first \$100,000 paid by the parish by way of stipend, salary, salary sacrifice, motor vehicle allowance, housing allowance, superannuation, corporate card, long service leave and sickness and accident insurance, and 25% of any additional amount so paid, except to the extent that the amount so paid has been funded by grants from the Melbourne Anglican Foundation that have not been matched by donations to that Foundation by or through the parish;

- (d) the amount represented by G in the following formula:

$$G = \frac{C - (P \times 1.03)}{2}$$

where

C is the amount of the total assessable income referred to in paragraphs (a), (b) and (c) of regulation 4.3;

P is the amount of the total assessable income referred to in paragraphs (a), (b) and (c) of regulation 4.3 in the preceding financial year.

- (e) amounts paid by the parish council from the funds of the parish for Christian mission

outside the parish;

- (f) subject to regulation 4.3(2), amounts paid by the parish council from the funds of the parish for Christian charities and welfare agencies;
- (g) grants given to another parish in the Diocese as part of a programme approved by the Archbishop;
- (h) money given by the parish to support Christian chaplaincy in schools or universities;
- (i) the whole of the amount, up to an amount of \$2000, expended on the maintenance of each local worship centre in the parish or paid into a designated account with the ADF for expenditure for maintenance in future years, except for an amount paid into that account in a previous financial year and expended in the current financial year.

4.5 Annual statement of income and expenditure

The income and expenditure of a parish must be given to the Registrar by 15 December if it is a business day (or otherwise by the next following business day) setting out the information in regulations 4.2, 4.3 and 4.4. The parish must provide that information in the form of an Excel[®] workbook if the Registrar provides the parish with such a form for that purpose.

PART 5 —KEEPING AND INVESTING FUNDS

5.1 Institutions for keeping parish funds

For the purposes of section 34(2) of the Act the ADF and the Melbourne Anglican Fund are prescribed institutions.

5.2 Investing surplus parish funds

Surplus parish funds may be invested in a manner determined by the parish council on the recommendation of the churchwardens, but only if the investment—

- (a) is prudent;
- (b) is consistent with the fundamental beliefs and principles of the Christian church and the good name and repute of the Anglican Church; and
- (c) does not involve investment in a company that has major business activities in gaming, the manufacture of tobacco products, the manufacture of alcoholic beverages, uranium mining or the manufacture of armaments.

PART 6 — AUDIT AND INDEPENDENT EXAMINATION

6.1 Form of reporting of irregularities by auditors

The form of reporting of irregularities by auditors is Form 1 in Schedule 3.

6.2 Form of reporting of irregularities by examiners

The form of reporting of irregularities by examiners is Form 2 in Schedule 3.

6.3 Independent examiner to examine accounting thresholds

The independent examiner must verify that—

- (a) the total receipts of the parish in the relevant financial year do not exceed \$250,000; and either
- (b) the electors of the parish have, at the annual meeting of the parish, at their option, appointed the independent examiner; or
- (c) the parish council has appointed the independent examiner to fill a vacancy.

6.4 Independent examiner to understand the parish

The independent examiner must obtain an understanding of the parish's organization, accounting systems, activities and nature of its assets, liabilities, incoming resources and application of resources in order to plan the specific examination procedures appropriate to the circumstances of the parish.

6.5 Independent examiner to document the examination

The independent examiner must record the independent examination procedures carried out and any matters which are important to support the factual findings contained in the independent examiner's report.

6.6 Independent examiner to compare accounting records

The independent examiner must compare the accounts of the churchwardens with the accounting records of the parish in sufficient detail to provide a reasonable basis on which to decide whether the accounts are in accordance with those accounting records.

6.7 Independent examiner to review accounting records

The independent examiner must review the accounting records of the parish in order to provide a reasonable basis for the identification of any material failure to maintain those records.

6.8 Independent examiner to use analytical procedures

- (1) The independent examiner must carry out analytical procedures to identify unusual items or disclosures in the accounts.
- (2) Where concerns arise from those procedures, the independent examiner must seek explanation from the Treasurer.
- (3) If, after following those procedures, the independent examiner has reason to believe that in any respect the accounts may be materially mis-stated then additional procedures, including verification of the asset, liability, incoming resource or application, must be carried out.

6.9 Basis for independent examiner's findings regarding the accounts

The independent examiner must carry out procedures to provide a reasonable basis on which to reach a factual finding that the accounts have been prepared in accordance with the Act.

6.10 Independent examiner to review accounting policies, estimates and judgments

- (1) The independent examiner must review the accounting policies adopted and consider their conformity with relevant accounting concepts, consistency of application and their appropriateness to the activities of the parish.
- (2) The independent examiner should consider and review any significant estimate or judgment that has been made in preparing the accounts.

6.11 Independent examiner to enquire as to governance and disclosures

The independent examiner must enquire of the Treasurer as to material conflicts of interest, contingencies, internal controls and financial activities which may require disclosure in the accounts.

6.12 Independent examiner and the annual report of the churchwardens

- (1) The independent examiner must compare the accounts to any financial references in the annual report which will be presented by the churchwardens to the annual meeting.
- (2) The independent examiner must identify any major inconsistencies and consider the significance which those matters will have on a proper and accurate understanding of the parish's financial report.

6.13 Independent examiner's report

- (1) The independent examiner must review and assess all conclusions drawn from the evidence obtained from the examination and consider the implications on the report to be made by the independent examiner.
- (2) If the independent examiner has cause to make a statement on any matter which has arisen, then the independent examiner must ensure so far as practicable that the report so made gives a clear explanation of the matter and of its financial effects on the accounts presented.

PART 7 — PARISH REGISTERS

7.1 Form of parish registers

- (1) Each register must be in one or both of:
 - (a) a bound book of durable paper and (except in the case of the register of marriages) with each page headed with the name of the parish or congregation, the diocese and the year and information recorded in columns corresponding to the matters to be recorded;
 - (b) an electronic register maintained for the purpose by the Diocesan Registry.
- (2) Despite sub-regulation (1), this regulation does not require a parish to commence maintaining a bound book in a form required by this Part until all available entries in any previous book relating to the same subject matter have been filled.
- (3) An entry in a register must be made promptly following the service or other event to which it relates.

7.2 Form of register of baptisms

The register of baptisms must record:

- (a) the next consecutive number of the entry in the registry;
- (b) the date on which the person was baptised;
- (c) the candidate's date of birth;
- (d) the candidate's full name;
- (e) the first name and surname of each of the candidate's parents (if known);
- (f) the occupation of each of the candidate's parents (if the candidate is aged under 18) or of the candidate (if the candidate is aged 18 or older);
- (g) the first name and surname of each godparent;
- (h) the candidate's residential address;
- (i) by whom the baptism was performed.

7.3 Form of register of children admitted to communion

The register of children admitted to communion under the Canon for the Admission of Children to Holy Communion 1981 must record:

- (a) the date of admission;
- (b) the name of each child admitted;
- (c) the name of the vicar;
- (d) the signature of the vicar.

7.3 Form of register of confirmations and receptions

The register of confirmations and receptions must record:

- (a) the next consecutive number of entry in the register
- (b) the date and place of the candidate's birth;
- (c) the date and place of the candidate's baptism;
- (d) the date of the confirmation or reception;
- (e) whether the service was confirmation or reception;
- (f) the names of the sponsors or presenters;
- (g) the signature of the confirming or receiving bishop.

7.4 Form of register of marriages

The register of marriages must be in the form of the official certificate of marriage in Form 16 of Schedule 1 of the Marriage Regulations 1963 of the Commonwealth of Australia.

7.5 Form of registers of funerals and burials etc

- (1) The register of funerals and memorial services must record:
 - (a) the next consecutive number of the entry in the register;
 - (b) the name of the person;
 - (c) the age of the person;
 - (d) the residential address of the person;
 - (e) the date of the service;
 - (f) the date, place and nature of any other service, rite or action in connection with the disposal of the mortal remains of the person that is known to the person completing the entry in the register;
 - (g) the signature of the person performing the service.
- (2) The register of burials and the interment of ashes must record:
 - (a) the next consecutive number of the entry in the register;
 - (b) the name of the person;
 - (c) the age of the person;
 - (d) the residential address of the person;
 - (e) the date of the service;
 - (f) the date, place and nature of any other service, rite or action in connection with the death of the person that is known to the person completing the entry in the register;
 - (g) the signature of the person performing the service.

7.6 Form of register of public worship

The register of public worship must record:

- (a) the date of the service;
- (b) the day in the calendar of the church or, if there is no day, the day of the week;
- (c) the hour of the service;
- (d) the form of the service;
- (e) the signature of the person conducting the service;
- (f) the total number attending;
- (g) the number of communicants;
- (h) the number of those attending under the age of 16 (whether or not receiving communion);
- (i) the signature of the preacher (if not the person conducting the service).

PART 8 —PERIODIC PARISH REVIEWS

8.1 Data required in periodic parish reviews

A periodic parish review must consider at least:

- (a) For each of the past five years:
 - (i) The number of parishioners;
 - (ii) The number of parishioners added to the roll;
 - (iii) The number of baptisms;
 - (iv) The number of confirmations;
 - (v) The income of the parish and the sources of that income (and in particular whether it is from the giving or fundraising activity of parishioners or from other sources);
 - (vi) The proportion of income of the parish paid as income or fringe benefits to clergy and lay ministers licensed to the parish;
 - (vii) The solvency of the parish;
 - (viii) The ability of the parish to fill parish offices and other lay leadership positions;
 - (ix) The number of parishioners who have offered for ordination;
 - (x) The number of parishioners serving as missionaries within Australia or overseas;
 - (xi) The average number of hours per week in which parish buildings are used for parish activities;
 - (xii) The average number of hours per week in which activities of a missional, educational or fellowship nature organized by the parish take place (such as bible study, house groups);
 - (xiii) Achievements against the parish's Mission Action Plan
 - (b) At the time of review:
 - (i) Whether the buildings and grounds are properly maintained;
 - (ii) The parish's ability to meet its Diocesan assessment;
 - (iii) The parish's risk management plan.
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SCHEDULE 1 — FORMS RELATING TO PARISH ELECTORAL ROLL
APPLICATION FOR ENROLMENT ON PARISH ELECTORAL ROLL

<i>PARISH*</i>	
<i>Full name:</i>	
<i>Postal address:</i>	
<i>Email address:</i>	
<i>Parish or Authorised Anglican Congregation in the Diocese of Melbourne in which</i>	
<i>Worship centre for enrolment (in multi-centre parish):</i>	

* or Authorised Anglican Congregation

I declare that—

I am 18 years of age or older I

have been baptised

I am a member of the Anglican Church of Australia

I do not belong to any religious body which is not in communion with the Anglican Church of Australia.

I seek to be entered on the parish roll of this parish, and wish to be removed from the roll of the parish in which I am currently enrolled.

I do / do not (*delete as applicable*) consent to details of my postal address and my email address being on the parish roll exhibited prior to statutory parish meetings and available for inspection by parishioners.

Signed

Date

Parish Governance Regulations

NOTICE OF REVISION OF PARISH ELECTORAL ROLL

Parish of

The parish electoral roll of this parish will be revised by the parish electoral committee commencing on [*insert date*].

The *Parish Governance Act 2013* provides that parish electoral roll is to contain the names of people who are of at least eighteen years of age and who—

- (a) are baptised;
- (b) regularly and habitually attend public worship at a worship centre in the parish;
- (c) have signed an application seeking to be included on the roll and declaring that—
 - (i) they are a member of the Anglican Church of Australia or of a church in communion with the Anglican Church of Australia;
 - (ii) they are not a member of any church which is not in communion with the Anglican Church of Australia; and
 - (iii) they are not on the parish electoral roll of any other parish or any Authorised Anglican Congregation in the Diocese other than a roll from which they wish their name to be removed.

The parish electoral roll as revised will be displayed prior to the annual meeting.

A person must be on the parish electoral roll to vote at the annual meeting.

A person may apply to be on the electoral roll at any time. A person wishing to apply to be on the electoral roll before the next revision may obtain a form from me at the address shown below and must return the completed form to me before the above date.

Dated:

Signed:

Parish Secretary

Parish Governance Regulations

Address:

NOTICE TO CANCEL ENTRY IN ANOTHER PARISH

To the Secretary of the Parish of

..... *[name]* of

..... *[postal address]*

has applied for enrolment on the parish electoral roll of this Parish and has asked for their name to be removed from the parish electoral roll of your parish and it is requested that their name be removed accordingly.

Signed

Parish Secretary

Parish of

Date

Parish Governance Regulations

SCHEDULE 2 — FORM OF DECLARATION BY PARISH OFFICERS

PARISH*:		
Full name:		
		Date of most recent election or
Office(s) held:	churchwarden	
	member of the parish council (other than churchwarden)	
	member of the incumbency committee	
	a member of the vestry for the worship centre of	

** or Authorised Anglican Congregation*

I have been appointed or elected to the above office or offices and declare that I am qualified for that office under the provisions of the Acts of the Synod of the Diocese of Melbourne, that I am not a disqualified person within the meaning of the *Parish Governance Act 2013*, and that I will faithfully perform all the duties of that office or those offices and conform to the Acts of the Synod in relation to those duties.

Signed:

Date:

SCHEDULE 3 — FORMS TO BE USED IN REPORTING MATTERS OF MATERIAL SIGNIFICANCE

FORM 1: REPORT TO THE REGISTRAR BY THE AUDITOR

I..... being the auditor of the accounts of the churchwardens for the Parish of report to the Registrar the following matters that have become apparent to me during the course of the audit or review, namely,

(a) I am aware of circumstances that I have reasonable grounds to suspect may amount to:

(i) a failure in a significant respect of any of the treasurer, the churchwardens or the parish council to comply with a provision of the Act;

Particulars of circumstances

[set out details]

(ii) dishonesty or fraud involving a loss of parish funds or a risk of loss of parish funds; or

Particulars of circumstances

[set out details]

(iii) a breach in a significant respect of the terms of any special trust to which property enjoyed by the parish is subject.

Particulars of circumstances

[set out details]

(b) that information or explanation to which I am entitled has not been afforded to me.

Particulars of circumstances

[set out details]

.....

Auditor

Date:

Parish Governance Regulations

FORM 2: REPORT TO THE REGISTRAR BY THE INDEPENDENT EXAMINER

I..... being the independent examiner of the accounts of the churchwardens for the Parish of report to the Registrar the following matters that have become apparent to me during the course of the examination, namely,

(a) I am aware of circumstances that I have reasonable grounds to suspect may amount to:

(i) a failure in a significant respect of any of the treasurer, the churchwardens or the parish council to comply with a provision of the Act;

Particulars of circumstances

[set out details]

(ii) dishonesty or fraud involving a loss of parish funds or a risk of loss of parish funds; or

Particulars of circumstances

[set out details]

(iii) a breach in a significant respect of the terms of any special trust to which property enjoyed by the parish is subject.

Particulars of circumstances

[set out details]

(b) that information or explanation to which I am entitled has not been afforded to me.

Particulars of circumstances

[set out details]

.....

Independent Examiner

Date

NOTES

1. The **Parish Governance Regulations 2014** were made by the Archbishop in Council on 22 May 2014 and come into force on 1 July 2014.

Parish Governance Regulations
