

REGISTRATION OF CONGREGATIONS AND PARISHES
ORDINANCE 2011

An Ordinance to make provision for the registration of congregations and parishes; to repeal *The Registration of Parishes Ordinance 1985*; and for other purposes.

The Synod hereby determines:

Part 1—Preliminary

1—Title

This Ordinance may be cited as the *Registration of Congregations and Parishes Ordinance 2011*.

2—Interpretation

In this Ordinance, unless the context or subject matter otherwise dictates:

Area Archdeacon, in relation to a particular proposal or step under this Ordinance that relates to a congregation or parish, means the archdeacon who, according to any designation or determination of the Bishop, has the closest responsibility for the mission undertaken (or to be undertaken) by the congregation or parish;

Register of Congregations—see Part 4;

Register of Parishes—see Part 4;

registration proposal means—

- (a) a proposal for the registration of a particular community of faith as a congregation; or
- (b) a proposal for the formation of a new parish or parishes by—
 - (i) the registration as a parish of a congregation or congregations not previously forming part of a parish; or
 - (ii) the division of an existing parish into two or more parishes; or
 - (iii) the change in membership of one or more parishes by committing one or more congregations to the pastoral care of a different member of the clergy so as to become part of another parish; or
 - (iv) the amalgamation of two or more parishes; or

- (v) a combination of any of the foregoing; or
- (c) a proposal for any other changes to the composition of a parish or for a change in the name of a parish.

Part 2—Congregations

Division 1—Registration of congregations

3—Condition for registration of a congregation

The condition for registration of a congregation is that the Diocesan Council approves a registration proposal for that congregation.

4—Registration proposals

- (1) A registration proposal for the registration of a community of faith as a congregation must not be approved unless the Diocesan Council is satisfied that the following matters have been appropriately addressed:
 - (a) the congregation has a unifying identity;
 - (b) the congregation will meet regularly for worship, which will include the ministry of the word and sacrament;
 - (c) there are sufficient members to ensure ongoing viability of the mission of the congregation;
 - (d) the registration will contribute positively to the mission and ministry of the Church;
 - (e) the views of the Area Archdeacon in relation to the application have been considered;
 - (f) the Bishop is willing to license clergy to the congregation.
- (2) A registration proposal under this section may be submitted to the Diocesan Council by—
 - (a) a person acting on behalf of the members of a congregation following a meeting of members of the congregation at which it was resolved to seek registration under this Ordinance; or
 - (b) the parish priest (where relevant); or
 - (c) the Area Archdeacon; or
 - (d) the Bishop.
- (3) A registration proposal must include—

- (a) the name of the congregation to be registered; and
 - (b) the location of the congregation, whether geographical or otherwise; and
 - (c) details of the nature of the congregation, describing the elements of its identity; and
 - (d) particulars of the governance structures proposed for the congregation on its registration under this Ordinance specifying, to such extent as may be appropriate, the elements of *The Parochial Administration Ordinance 1985* that will apply.
- (4) The Diocesan Council must, on receiving a registration proposal under this section, invite submissions from such other registered congregations and parishes as the Diocesan Council considers would be affected by the proposal (and may undertake such other consultations as the Diocesan Council thinks fit).
- (5) The Diocesan Council may then, if it thinks it appropriate to do so and after taking into account the requirements of subsection (1), approve the registration proposal with or without such amendments as the Diocesan Council think fit.
- (6) If the Diocesan Council approves a registration proposal under this section, the Secretary of Synod must record in the Register of Congregations—
- (a) the name of the congregation; and
 - (b) if relevant, the parish of which the congregation forms a part; and
 - (c) such other information as may be relevant for the purposes of registration.

Division 2—Termination of registration

5—Termination of registration

- (1) The condition for termination of registration of a congregation is that the Diocesan Council and the Bishop agree to the termination and—
- (a) in the view of the congregation or, if relevant, the parish of which the congregation forms a part, the congregation is no longer viable for the purposes of the mission of the Church; or
 - (b) in the view of the Diocesan Council and the Bishop, after consultation with the Area Archdeacon, the continuing registration of the congregation does not further the mission of the Church.

- (2) A resolution of the Diocesan Council passed for the purposes of subsection (1) must be supported by at least two-thirds of the members of the Diocesan Council.

6—Procedure for termination of registration

- (1) A proposal for the termination of the registration of a congregation may be initiated by—
 - (a) the congregation; or
 - (b) the parish (where relevant); or
 - (c) the Area Archdeacon; or
 - (d) the Bishop.
- (2) The proposal must be submitted to the Diocesan Council and the Diocesan Council must then -
 - (a) consult with the Bishop; and
 - (b) invite submissions on the proposal from the Area Archdeacon, the congregation itself, the parish priest (if relevant), and any other person or body that the Diocesan Council considers would be affected by the proposal and should be consulted in the circumstances of the particular case; and
 - (c) cause at least two public consultations to be held at which members of the congregation and other persons who, in the opinion of the Diocesan Council have an interest in the matter, are invited to attend.
- (3) In connection with the operation of subsection (2)(c) -
 - (a) there must be a period of at least 3 months between the first meeting held under that provision and the second or last such meeting; and
 - (b) the Area Archdeacon or, if he or she is not available to attend, a person nominated by the Bishop, must be present at any meeting in order to assist with the conduct of the meeting and to facilitate discussion.
- (4) The Diocesan Council may then, if it thinks it appropriate to do so and after taking into account the requirements of section 5 and the outcome of the consultation required under subsections (2) and (3), terminate the registration of the congregation.
- (5) If the Diocesan Council terminates the registration of a congregation, the Secretary of Synod must—

- (a) remove the name of the congregation from the Register of Congregations; and
- (b) make such other changes to the register as may be appropriate in view of the termination.

7—Report to Synod

If the Diocesan Council terminates the registration of a congregation under this Division, the Diocesan Council must include a report on the matter in its next annual report to Synod.

Part 3—Parishes

Division 1—Registration of parishes

8—Condition for registration as a parish

For the purposes of section 24 of the Constitution, the condition for registration of a parish is that the Diocesan Council approves a registration proposal for that registration.

9—Registration proposals

- (1) A registration proposal for the registration of a parish must not be approved unless the Diocesan Council is satisfied that the following matters have been appropriately addressed:
 - (a) any parish to be formed by the proposal is able to be an effective functioning part of the Church in worship, service and responsibility;
 - (b) proper pastoral care can be provided within any parish to be formed by the proposal;
 - (c) mission and pastoral care within the Diocese will not be adversely affected by the registration of any parish to be formed by the proposal;
 - (d) the pastoral care and leadership of any parish to be formed by the proposal has been or will, on approval of the proposal, be committed to one or more members of the clergy licensed to the parish by the Bishop;
 - (e) the conditions of section 26 of the Constitution are complied with in respect of any parish to be formed by the proposal;
 - (f) if there is no estate or interest in land for the purposes of any parish to be formed by the proposal, the parish has agreed to be governed by rules approved by the Diocesan Council.

- (2) A registration proposal under this section may be submitted to the Diocesan Council by—
 - (a) a person acting on behalf of the members of the new parish following a meeting of members of the parish to be formed by the proposal at which it was resolved to seek registration as a parish under this Ordinance; or
 - (b) the parish priest of any parish that will be affected by the proposal; or
 - (c) the Area Archdeacon; or
 - (d) the Bishop.
- (3) A registration proposal must include—
 - (a) the name of any parish to be formed by the proposal; and
 - (b) the congregation or congregations of which any parish to be formed by the proposal will be comprised; and
 - (c) particulars of the members of the Church, the pastoral care of whom will be committed to one or more members of the clergy on registration of any parish to be formed by the proposal; and
 - (d) sufficient information to enable the Diocesan Council to be satisfied as to the matters set out in subsection (1); and
 - (e) if a provision is to take effect other than from 1 January in any year, insofar as may be relevant, particulars of the means by which the assessment which would be paid by a parish if the proposal did not take effect will be paid: and
 - (f) particulars of the means by which the assessable income of any relevant parish for the purposes of calculating assessment for the next ensuing financial year is to be calculated.
- (4) The Diocesan Council must, on receiving a registration proposal under this section, invite submissions from such parishes and parish priests as the Diocesan Council considers would be affected by the proposal (and may undertake such other consultations as the Diocesan Council thinks fit).
- (5) The Diocesan Council may then, if it thinks it appropriate to do so and after taking into account the requirements of subsection (1), approve the registration proposal with or without such amendments as the Diocesan Council think fit.
- (6) As soon as practicable after the Diocesan Council has approved a registration proposal under this section, the meeting of members of a parish

formed by the proposal must be held in accordance with section 25 of the Constitution.

- (7) If the Diocesan Council approves a registration proposal under this section, the Secretary of Synod must, after the receipt of the relevant certificate under section 25 of the Constitution, record in the Register of Parishes—
 - (a) the name of a parish formed under the proposal; and
 - (b) the congregation or congregations that make up the parish; and
 - (c) the location, geographical or otherwise, of those congregations; and
 - (d) such other information as may be relevant for the purposes of registration.

Division 2—Other registration proposals

10—Other registration proposals

For the purposes of section 24 of the Constitution, the condition for registration of a change in the composition of a parish (but not so as to create a new parish), or a change in the name of a parish, is that the Diocesan Council approves the relevant registration proposal.

11—Registration proposals

- (1) A registration proposal under this Division may be submitted to the Diocesan Council by—
 - (a) the relevant parish; or
 - (b) the parish priest of the parish that will be affected by the proposal; or
 - (c) the Area Archdeacon; or
 - (d) the Bishop.
- (2) A registration proposal must include such information as the Diocesan Council may determine as being necessary for the purposes of a registration proposal under this Division.
- (3) The Diocesan Council must, on receiving a registration proposal under this Division, invite submissions from the parish that the Diocesan Council considers will be affected by the proposal (and may undertake such other consultations as the Diocesan Council thinks fit).
- (4) The Diocesan Council may then, if it thinks it appropriate to do so, approve the registration proposal with or without such amendments as the Diocesan Council thinks fit.

- (5) If the Diocesan Council approves a registration proposal under this section, the Secretary of Synod must—
 - (a) make such changes to the Register of Parishes as may be appropriate in view of the approval of the proposal; and
 - (b) record in the register such other information as may be relevant in the circumstances.

Division 3—Termination of registration

12—Termination of registration

- (1) The condition for termination of registration of a parish is that the Diocesan Council and the Bishop determine that—
 - (a) the parish is no longer able to be an effective functioning part of the Church in mission, worship, service or responsibility; or
 - (b) proper pastoral care can no longer be provided within the parish; or
 - (c) mission and pastoral care within the Diocese is adversely affected by the continued registration of the parish; or
 - (d) the parish has failed to comply with the provisions of the Constitution, of any Ordinance, or of any trust deed governing its affairs; or
 - (e) it is not reasonably practicable to incorporate the parish into a registration proposal.
- (2) A resolution of the Diocesan Council passed for the purposes of subsection (1) must be supported by at least two-thirds of the members of the Diocesan Council.

13—Procedure for termination of registration

- (1) A proposal for the termination of the registration of a parish may be initiated by—
 - (a) the parish; or
 - (b) the Area Archdeacon; or
 - (c) the Bishop.
- (2) The proposal must be submitted to the Diocesan Council and the Diocesan Council must then -
 - (a) consult with the Bishop; and

- (b) invite submissions on the proposal from the Area Archdeacon, the parish itself, the parish priest (if relevant), and any other person or body that the Diocesan Council considers would be affected by the proposal and should be consulted in the circumstances of the particular case; and
 - (c) cause at least two public consultations to be held at which members of the parish and other persons who, in the opinion of the Diocesan Council have an interest in the matter, are invited to attend.
- (3) In connection with the operation of subsection (2)(c) -
- (a) there must be a period of at least 3 months between the first meeting held under that provision and the second or last such meeting; and
 - (b) the Area Archdeacon or, if he or she is not available to attend, a person nominated by the Bishop, must be present at any meeting in order to assist with the conduct of the meeting and to facilitate discussion.
- (4) The Diocesan Council may then, if it thinks it appropriate to do so and after taking into account the requirements of section 10 and the outcome of any consultation required under subsections (2) and (3), terminate the registration of the parish.
- (5) If the Diocesan Council terminates the registration of a parish, the Secretary of Synod must—
- (a) remove the name of the parish from the Register of Parishes; and
 - (b) make such other changes to the register as may be appropriate in view of the termination.

14—Report to Synod

If the Diocesan Council terminates the registration of a parish under this Division, the Diocesan Council must include a report on the matter in its next annual report to Synod.

Part 4—Registers

15—Registers

- (1) There will be—
- (a) a Register of Congregations; and
 - (b) a Register of Parishes.

- (2) A register under this Part must be maintained by the Secretary of Synod in such form as the Diocesan Council may from time to time determine or approve.
- (3) The Secretary of Synod must ensure that a register reflects any action taken by the Diocesan Council under this Ordinance that is relevant to the registration of a congregation or a parish.
- (4) The Secretary of Synod—
 - (a) must include in a register any other information that the Diocesan Council directs should be recorded in the register; and
 - (b) may include in a register any other information that the Secretary of Synod thinks to be appropriate for the purposes of the register.
- (5) A member of the public is entitled to gain access to a register under this Part on such conditions as the Diocesan Council may determine from time to time (with such access being available during normal office hours at the principal office of the diocese).

Part 5—Other matters

16—Ability to define the boundaries or location of a parish

- (1) For the purpose of defining the members of the Church in respect of whom a member of the clergy having pastoral care of a parish will exercise the responsibility committed to him or her by his or her licence, the Diocesan Council may, from time to time and subject to the approval of the Bishop, specify the boundaries or location (whether geographical or otherwise) which apply to the parish (including in relation to any congregation within the parish).
- (2) If the Diocesan Council takes action under subsection (1), the Secretary of Synod must make such changes to a register under this Ordinance as may be appropriate to reflect the decision of the Diocesan Council.

17—Annual report to Synod

Without limiting any other provision of this Ordinance, the Diocesan Council must include in its annual report to Synod information on—

- (a) each registration proposal accepted by the Diocesan Council under this Ordinance during the relevant year; and

- (b) any decision of the Diocesan Council during the relevant year to specify the boundaries or location that are to apply to a parish under section 16.

18—Petition to Synod

- (1) A member of the Church may at the annual session of Synod at which a report under section 7 or 14 is to be received (and subject to the provisions of the *Standing Orders Ordinance 1980*) petition the Synod to review the decision of the Diocesan Council to terminate the registration of a congregation or parish (as the case may be).
- (2) On the receipt of a petition under subsection (1), the Synod may confirm, quash or vary the decision of the Diocesan Council.
- (3) A decision of Synod to quash or vary a decision of the Diocesan Council must be given effect according to its terms (and the Secretary of Synod must, if necessary, make any consequential amendment to the Register of Congregations or the Register of Parishes).

19—Repeal

The Registration of Parishes Ordinance 1985 is repealed.

20—Transitional provisions

- (1) In this section—

relevant day means the day on which this Ordinance takes effect;

repealed measure means *The Registration of Parishes Ordinance 1985*.
- (2) A parish or congregation registered under the repealed measure immediately before the relevant day will be taken to be a parish or congregation registered under this Ordinance.
- (3) The Secretary of Synod must include all information appearing in a register under the repealed measure immediately before the relevant day in the appropriate register under this Ordinance.
- (4) A registration proposal or any other process commenced but not finally dealt with or completed under the repealed measure before the relevant day will be continued and determined or completed under this Ordinance.