

# HOLY TRINITY WILLIAMSTOWN

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## Parish rules for Meetings and Officers applying to the Parish by virtue of Division 2 of Part 4 of the Parish Governance Act 2013

### **1. Definition**

1.1 In these rules—

“the Act” means the Parish Governance Act 2013;

“member of the immediate family” of an individual means a person who is—

- (a) a parent, child or sibling of the individual;
- (b) a spouse or domestic partner of the individual; or
- (c) a relative of the individual and a member of the individual’s household.

1.2 Words and expressions in these rules have the same meaning as in the Act.

### **2. Notices of statutory parish meetings**

- 2.1 The churchwardens must give parishioners at least 14 days’ notice of any statutory parish meeting.
- 2.2 On receiving a notice of special meeting under rule 4.2, the churchwardens must fix a date and time for the meeting that is not less than 5 weeks or more than 8 weeks from the date of that notice, and immediately give notice of the meeting.
- 2.3 At a time when it becomes necessary to convene a special election meeting under rule 5, the churchwardens must fix a date and time for the meeting that is not less than 3 weeks or more than 6 weeks from that time and immediately give notice of the meeting.
- 2.4 Each notice of a statutory parish meeting must give the date, time and place of the meeting, and the business to be transacted at the meeting.
- 2.5 Notice of a statutory parish meeting must be displayed prominently on or near the main entrance to each worship centre and where necessary it must be given or distributed in other ways that are likely to inform parishioners of the meeting.

### **3. Annual meeting**

- 3.1 The annual meeting must be held in October or November of each year on a date and at a time fixed by the parish council.
- 3.2 A notice of an annual meeting must state the time and date by which nominations for election are to be received by the vicar. The time and date fixed for the receipt of nominations must be—
  - (a) at least 96 hours before the time fixed for the commencement of the annual meeting; and
  - (b) before the time of the first service held on the Sunday immediately preceding the meeting.
- 3.3 All nominations for election must be displayed at or near the main entrance to the worship centre for at least 48 hours before the time fixed for the commencement of the annual meeting.
- 3.4 The business of the annual meeting is to include after prayers—
  - (a) The minutes of the previous annual meeting and of any subsequent statutory parish meeting;
  - (b) The reception of the parish electoral roll;
  - (c) The annual report by the vicar that includes the entries in the registers of the Parish for the financial year, including numbers of baptisms, persons received into communicant membership, confirmations, marriages, funerals, Sunday services, acts of communion and such other statistics from the registers as Archbishop in Council determines;

- (d) An annual report on the proceedings of the parish council and together with a report by the parish council on the pastoral care, evangelism, social and ecumenical programmes of the parish and on future plans for the parish;
- (e) A report by the churchwardens on the fabric, goods and ornaments of the worship centre and the vicarage and other buildings of the parish;
- (f) The audited or independently examined accounts and financial statements of the parish and any accompanying papers required by the Act;
- (g) The budget approved by the parish council for the year in which the meeting is held;
- (h) Reports by other parish groups;
- (i) The election of churchwardens and members of the parish council;
- (j) The election of an auditor or independent examiner;
- (k) The election of lay representatives to the parish incumbency committee;
- (l) Any other matters of parochial or general church interest.

#### **4. Special meetings**

- 4.1 A special meeting is convened—
- (a) if the majority of the whole number of members of the parish council so decides;
  - (b) at the request of at least two churchwardens; or
  - (c) on the written request of at least 20 parishioners.
- 4.2 A decision or request to convene a special meeting must be given in writing to the churchwardens, the vicar and the parish secretary and state the matters to be put to the meeting.
- 4.3 The business of a special meeting is to include only the matters referred to in the decision or request referred to in rule 4.2.

#### **5. Special election meetings**

- 5.1 A special election meeting is convened in the event that the number of lay members of the parish council falls to less than half the total number of elected and appointed members under rule 10.1.
- 5.2 The business of a special election meeting is to fill any casual vacancies in the positions of elected churchwardens or members of the parish council.
- 5.3 The provisions of rules 3.2 and 3.3 apply to the nomination of parishioners to fill casual vacancies at a special election meeting.

#### **6. Entitlement to be present and vote at statutory parish meetings**

- 6.1 A parishioner is entitled to be present and vote at a statutory parish meeting.
- 6.2 A clerk who regularly and habitually attends public worship in the parish and a member of staff of the parish who is not a parishioner is entitled to be present at a statutory parish meeting and to speak by leave of the meeting, but not to vote.
- 6.3 A person other than a parishioner and a person referred to in rule 6.2 may not be present or speak at a statutory parish meeting except in each case by leave of the meeting.

#### **7. Procedure at statutory parish meetings**

- 7.1 The vicar presides at a statutory parish meeting and does not have a vote.
- 7.2 A question will be determined by the majority of the votes of the parishioners present and voting on the question, and in the event of an equality of votes a question is resolved in the negative.
- 7.3 A quorum at a statutory parish meeting of a parish is 10 parishioners or one third the number of parishioners on the parish electoral roll, whichever is greater.
- 7.4 If a quorum is not present within half an hour after the time fixed for the holding of a statutory parish meeting, or if during a meeting there is a call of the meeting and there is no quorum, the meeting lapses and a statutory parish meeting may be convened to consider such of the business as was not dealt with at the earlier meeting.

- 7.5 If a statutory parish meeting lapses before voting has been completed for an election to be held at the meeting, the vicar must convene a further statutory parish meeting to hold the election.

**8. Nominations for election**

- 8.1 At the time when an annual meeting is called there must be a call for nominations for—
- (a) churchwardens;
  - (b) elected members of the parish council; and
  - (c) members of the incumbency committee.
- 8.2 Nominations must be in writing and signed by—
- (a) the person nominated;
  - (b) the proposer; and
  - (c) the seconder,
- each of whom must be a parishioner and not a disqualified person.
- 8.3 If the person nominated is unable to sign the nomination, there may be a statement signed by the proposer and seconder to the effect that the person nominated has consented to the nomination.
- 8.4 Where there is no nomination for a position (including where the number of vacancies exceeds the number of nominations) there is a casual vacancy in that position.

**9. Conduct of elections**

- 9.1 If at the time of any election the number of candidates is not greater than the number of vacancies the candidates nominated shall be declared elected.
- 9.2 If an election is required it will be by secret ballot conducted by a returning officer appointed by the vicar.
- 9.3 If in an election there is an equality of votes requiring casting vote, the returning officer may at his or her discretion exercise a casting vote or determine the result by lot.

**10. Parish council**

- 10.1 The parish council consists of—
- (a) the vicar;
  - (b) three churchwardens; and
  - (c) 6 other persons, one-third nominated by the vicar and two-thirds elected by the parishioners.
- 10.2 The parish council may co-opt a parishioner (other than a person who is not eligible for election or appointment under rule 13) to assist the council for such a period (but not extending beyond the conclusion of the next parish annual meeting) as the council determines and such person shall have a right to attend and speak at but not vote at meetings of the Council.
- 10.3 A clerk in holy orders licensed or authorized for service in the parish or a stipendiary lay person appointed to the parish who is not otherwise a member of the council may attend and speak but not vote at meetings of the parish council.
- 10.4 The parish council may invite any person (whether or not a parishioner, but other than a person who is not eligible for election or appointment under rule 13.2) to attend and speak but not vote at a meeting of the council.

**11. Quorum**

11.1 A majority of the parish council constitutes the quorum.

**12. Term of office**

12.1 A churchwarden or member of the parish council—

- (a) appointed by the vicar; or
- (b) appointed by the parish council or elected by a special election meeting—

holds office until the conclusion of the annual meeting next following that election or appointment.

12.2 A churchwarden elected at an annual meeting holds office until the conclusion of the annual meeting next following that election.

12.3 A member of the parish council at an annual meeting holds office until the conclusion of the annual meeting next following that election.

**13. Eligibility for election**

13.1 A person is not eligible for election or appointment as a churchwarden or member of the parish council if the person is not a communicant member.

13.2 Subject to rule 13.3, a person who has been for a continuous period of six years in any capacity a lay member of the parish council in the parish (including a person co-opted under rule 10.2) is not eligible for election or appointment as a churchwarden or member of the parish council, or to become a member of the parish council by election or appointment as a treasurer or parish secretary, at any time in the 12 months immediately following that six year period.

13.3 A person is not ineligible under rule 13.2 for election or appointment at or following an annual meeting if they have not been in any capacity a lay member of the parish council since the conclusion of the previous annual meeting.

13.4 A disqualified person within the meaning of the Act is not eligible for election or appointment as a parish officer.

**14. Termination of office**

14.1 The office of a churchwarden or member of the parish council becomes vacant if he or she —

- (a) is absent for three consecutive meetings of the council except on leave of absence granted by the council; or
- (b) fails to sign a declaration as required by section 20 of the Act; or
- (c) resigns in writing to the vicar; or
- (d) ceases to be a parishioner; or
- (e) becomes a disqualified person.

14.2 The office of a churchwarden becomes vacant if he or she at any time—

- (a) holds a remunerated office or position in the parish without the consent referred to in section 27(4) of the Act;
- (b) is or becomes a member of the immediate family of the incumbent; or
- (c) is or becomes the treasurer of the parish otherwise than under rule 18.2(b).

14.3 Acceptance by a council of an apology for absence from a meeting of the parish council is to be taken to be a grant of leave of absence from that meeting.

**15. Casual vacancies**

15.1 Where there is a vacancy in an office of churchwarden or member of the parish council appointed by the vicar, the vicar may nominate a person eligible to fill the vacancy.

15.2 Subject to rule 15.5, where there is a vacancy in an elected office of churchwarden or member of the parish council, the remaining members of the parish council may fill the vacancy by a person eligible to fill the vacancy.

15.3 A person nominated or elected pursuant to this section holds office for the remainder of the term of office of the person whose place is being filled.

- 15.4 The validity of anything done by a parish council is not affected by a vacancy in the membership of the council for as long as the number of lay members of the parish council (inclusive of the churchwardens) is greater than half the number elected or appointed at the preceding annual meeting or annual election meeting.
- 15.5 If the number of lay members of the parish council (inclusive of the churchwardens) is equal to or less than half the number of lay members (inclusive of the churchwardens) provided for in rule 10.1, the parish council cannot make any decisions or undertake any action other than what is necessary to convene a special election meeting.
- 15.6 Despite any other provision in these rules, the churchwardens or the remaining churchwarden or churchwardens may continue to discharge all the powers and functions vested in them by the Act and these rules notwithstanding the number of vacancies in the parish council.

**16 Chairing meetings of the parish council**

16.1. The chair of a meeting of the parish council is—

- (a) the vicar or a member of the parish council nominated by the vicar; or
- (b) if vicar or person so nominated is not present, a member of the parish council chosen by the parish council.

**17. Churchwardens**

17.1 The parish has three churchwardens, two elected by the parishioners and one appointed by the vicar.

**18. Parish treasurer**

18.1 The parish treasurer is appointed by the churchwardens.

18.2 The treasurer—

- (a) must be a parishioner; and
- (b) except with the prior agreement of, and for such period and on such other terms set by, the Archbishop in Council, must not be a churchwarden.

18.3 If the person appointed as treasurer is not a member of the council, he or she becomes, upon being so appointed, a member of the council for all purposes for the remainder of the current term of the council.

18.4 The treasurer is responsible to the churchwardens for—

- (a) ensuring the proper banking of all moneys of the parish and the proper payment of all amounts payable by the parish;
- (b) maintaining proper financial records of the parish;
- (c) reporting to each meeting of the parish council on the financial affairs of the parish, including projected outcomes in accordance with the annual budget of the council;
- (d) preparing forward estimates of income and expenditure in accordance with strategies and plans adopted by the council;
- (e) ensuring that the accounts of the parish are audited or assessed as required by the Act; and
- (f) preparing the annual financial report to the annual meeting.

18.5 The name and postal address of the treasurer must be given to the Registrar.

**19. Parish secretary**

19.1 The parish council may appoint a lay member of the parish council as parish secretary.

19.2 The parish secretary is responsible for:

- ensuring that minutes of statutory parish meetings are made, displayed and permanently kept;
- sending and receiving correspondence on behalf of the parish;
- maintaining up to date compliance register of the legal requirements applying to the parish;
- assisting the wardens and parish council to comply with their legal obligations and responsibilities.
- and such other duties as determined by the parish council from time to time.

19.3 The name and postal address of the parish secretary must be given to the Registrar.

**20. Nomination by the vicar**

- 20.1 The vicar must announce to the parishioners within 30 days of becoming entitled to appoint a person as churchwarden and or member of the parish council the name of each person appointed.

**21. Acting appointments**

- 21.1 During a period when a churchwarden or treasurer is absent or is, for any reason, unable to perform the duties of the office—
- (a) the parish council may appoint one of its members to act in the place of a churchwarden elected by the parish during some or all of that period;
  - (b) the vicar may appoint a communicant member who is a parishioner (whether or not a member of the parish council) to act in the place of a churchwarden appointed by the vicar during some or all of that period; and
  - (c) the churchwardens may appoint a communicant member who is a parishioner (whether or not a member of the parish council) to act in the place of the treasurer during some or all of that period.

**22. Meetings of the parish council**

- 22.1 The parish council must hold such meetings as are necessary for the performance of its functions.
- 22.2 A meeting of the parish council may be convened, subject to any directions of the council, at any time by the vicar or the person (if any) nominated by the vicar as its chair.
- 22.3 A meeting of the parish council shall be convened upon request by four of its members.
- 22.4 Questions arising at a meeting of the parish council shall be determined by a majority of the votes of the members present and voting and, if the votes are equal, the question shall be decided in the negative.
- 22.5 The person chairing a meeting of a council, has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.
- 22.6 True and accurate records of each meeting of the parish council shall be kept and signed by the chair.

**23. Conflict of interest**

- 23.1 A member of the parish council who has a pecuniary interest in a matter before the council must—
- (a) declare that interest at the first occasion on which it becomes apparent that the matter is to be discussed at, referred to or considered by the meeting;
  - (b) not vote on any question in relation to that matter; and
  - (c) if so requested by—
    - (i) the chair of the meeting; or
    - (ii) the meeting following a secret ballot requested by any member of the parish council (without the requirement of a seconder)—be absent from and out of sight and hearing of the meeting during any discussion or consideration by the meeting, and during any vote in relation to the matter.
- 23.2 In addition to any other basis on which a member of a parish council may be considered to have a pecuniary interest in a matter, the member has a pecuniary interest if the matter concerns the financial interests of the council member, of a member of the immediate family of the council member, or of any business or organization (whether profit-making or not) of which the council member or a member of the immediate family of the council member is an office holder.
- 23.3 If the provisions of this rule mean that the parish council is during consideration of that matter without a quorum, the members present constitute a quorum in relation to that matter.

**24. Minutes of meetings**

- 24.1 The minutes of statutory parish meetings and of the parish council must be publicly displayed.