

Anglican Diocese of Nelson



# A GUIDE FOR VESTRIES AND WARDENS

February 2022

[www.nelsonanglican.org.nz/diocese-resources](http://www.nelsonanglican.org.nz/diocese-resources)

# INTRODUCTION

We hope that those taking office as churchwardens and members of vestry will find in this Guide the information they need to carry out their responsibilities effectively and with confidence.

- The first part of this Guide contains an overview of the functions of church wardens and vestry members.
- The second part contains some commonly asked questions about these functions.
- Finally, the provisions of the Diocesan statutes relevant to the functions of church wardens and vestry members are set out at the end of the Guide.

Our bodies have many parts, but the many parts make up only one body when they are all put together.

So it is with the 'body' of Christ. Each of us is a part of the one body of Christ ..... and some of the parts that seem weakest and least important are really the most necessary.

All of you together are the one body of Christ, and each one of you is a separate and necessary part of it.

***1 Corinthians 23: 12, 22, 27***

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# IN A NUTSHELL... WHAT IS VESTRY?

## **IS**

A group of individuals who are ...

- ✓ United in the Holy Spirit
- ✓ Supportive encouragers and co-workers with the clergy
- ✓ Responsible for oversight of the church's operations
- ✓ The spiritual leadership of the parish
- ✓ Informed about the parish and life of the wider church.

## **ISN'T**

A group of individuals who are ...

- ✓ Each seeking to push their own views
- ✓ An extension of the personalities of the clergy
- ✓ Just another secular business management system.

## **DOES**

- ✓ Spend time in prayer
- ✓ Listen to each other and to parishioners
- ✓ Inform the whole parish of its business and decisions
- ✓ Arrive at unified decisions while aiming for consensus
- ✓ Delegate in order to use the gifts of all.

## **DOESN'T**

- ✓ Make decisions which they individually will not support themselves
- ✓ Disregard the wisdom of scripture, tradition and reason
- ✓ Ignore the insights of various cultures as represented on Vestry.

# RESPONSIBILITIES OF VESTRY

- ✓ Promote worship and encourage the spiritual growth and wellbeing of parishioners
- ✓ Promote Christian education
- ✓ Ensure the overall good management of the parish
- ✓ Ensure the care of church buildings, furnishings and equipment, including any alterations and improvements
- ✓ Decide on any paid positions in the parish
- ✓ Provide a vicarage free of charge to the Vicar and free accommodation for all other full time assistant clergy (or, instead, an appropriate housing allowance)
- ✓ Inspect annually all church buildings, including the vicarage, and make sure appropriate maintenance is carried out
- ✓ Keep minutes of all vestry meetings, AGMs and SGMs of parishioners
- ✓ Ensure all collections are recorded, kept safe and promptly banked
- ✓ Ensure proper accounts are kept and reported (usually this will be done by the Anglican Centre)
- ✓ Ensure that health and safety is taken seriously and that all legal requirements are followed.

In carrying out its responsibilities for finances and property, Vestry must follow any additional requirements in the diocesan statutes, set out at the end of this Guide.

Reading the duties of vestry in the Parishes Statute, one might be forgiven for thinking vestry has to do everything! However, the descriptions in sections 45 and 46 of that Statute need to be read with an understanding that vestry's role is primarily a governance role. Yes, vestry is responsible for the spiritual growth of the parish and its overall good management, but this doesn't mean it has to do it all itself. Vestry's role is primarily an *oversight and monitoring* role - although individual members may also be involved in the detailed management of the parish. For further discussion of the governance role of Vestry, please see Appendix A.

# EXTRA RESPONSIBILITIES OF WARDENS

The Churchwardens are members of Vestry who have additional leadership responsibility in the parish. They should have full involvement in church life, wide knowledge of how the parish works, be willing to step in to help when needed and have good sense and judgement.

In particular, their role is to:

- ✓ Be lay leaders of the parish.
- ✓ Together with the Vicar, act in an executive management role.
- ✓ Liaise with vestry, parishioners and the Vicar.
- ✓ Be responsible for the parish during an interregnum, or if the Vicar is ill.
- ✓ Look out for the physical wellbeing of the Vicar and staff and make sure they take their leave.
- ✓ Encourage and support the Vicar and his/her family.
- ✓ Ensure the decisions of Vestry are carried out.
- ✓ Sign all contracts entered into by Vestry, eg, employment contracts.
- ✓ Let the Bishop know if the Vicar is unable to take Sunday services because of illness.
- ✓ Together with the Vicar, keep the parish roll.
- ✓ Chair parish and Vestry meetings as needed.
- ✓ Apply for a faculty, together with the Vicar, for any change to church buildings.

To help wardens get to know parishioners and to be known by them, it can be helpful for wardens to:

- ✓ Welcome people to Sunday services.
- ✓ Act in a supervisory role, along with the sides-people, at any services with large congregations.
- ✓ Be 'generally available' so parishioners and others may speak to them about any concerns.

As lay leaders, wardens will often hear confidential information or be asked to handle sensitive situations. This may involve disputes between parishioners, or between a parishioner and the Vicar or other staff. Scripture advises those with a dispute to try and resolve matters themselves in the first instance. Wardens can encourage those with a complaint to pray about whether they can respectfully, safely and calmly resolve the matter with the other person, one to one.

If a matter cannot be resolved one to one, mediation may help. Wardens might offer to do this or choose someone recommended by the Diocese. Strict rules of confidentiality apply and no details may be disclosed to others unless all parties agree (unless a matter of immediate safety is involved).

If the matter is a serious ethical complaint, mediation is not appropriate and strict procedures must be followed. The Bishop's Chaplain or Executive Secretary must be told straight away.

# VESTRY MEETINGS

Some suggestions for your Vestry Meeting:

- ✓ Should be held at least quarterly (once a month is usual) on a set day and time.
- ✓ Remember vestry is a governance body, so don't get bogged down in unnecessary detail.
- ✓ If held monthly, consider alternating business meetings with an opportunity for 'big picture' thinking about the church's mission.
- ✓ Make good use of sub committees, especially if the parish is large.
- ✓ Start with a Bible study or other devotion led by a different person each meeting.
- ✓ Consider holding the meeting at a different member's home each month, or in the church lounge, Vicar's office or other central point.
- ✓ The Vicar usually chairs the meeting but, if the Vicar wants, Vestry can elect one of its members as chair.
- ✓ Start promptly and have an agreed closing time – although an extension can be agreed. The optimum meeting time is one and a half hours, but not more than two hours.
- ✓ A quorum must be present before business matters can be decided.
- ✓ Stick to the advertised agenda, but members can give notice of non- contentious items in General Business.
- ✓ Health and safety should always be included as a standard agenda item.
- ✓ The agenda should be sufficiently flexible to allow room for the Holy Spirit to move.
- ✓ Send out reports in advance and take them as read.
- ✓ Notify members in advance of special items of concern.
- ✓ A five minute break per hour is recommended during each meeting.
- ✓ A special speaker from the community can be invited to attend to give a short talk and answer questions
- ✓ Supper can be served but this is best done by someone not on Vestry.



## BETWEEN VESTRY MEETINGS

- ✓ Ideally each member will be responsible for the care and support of another leader or office bearer in the Church – a direct line to Vestry other than via the clergy. A caring and praying friend is often appreciated.
- ✓ Clergy also need ministering to –the wardens should visit or phone regularly to see if there are problems they can help with.
- ✓ Members may be responsible for oversight of particular ministry areas.
- ✓ The member appointed as health and safety advocate should ensure ongoing co-ordination of health and safety matters and liaise regularly with the SafeHere Co-ordinator.
- ✓ The Minutes should be sent out as soon as possible after the meeting.
- ✓ A copy of the minutes might usefully be posted on the church notice board.
- ✓ A summary of important matters should be either published in the parish magazine or in the pew sheet.
- ✓ An annual planning / quiet day for Vestry members is recommended.
- ✓ At least an annual dinner for Vestry members and partners is recommended.
- ✓ A staff meeting should be held regularly to allow the Vicar, assistant clergy, wardens and parish staff to consider spiritual and organisational matters.

# CANONS AND STATUTES

There are various sets of rules that govern the life of the Anglican Church in New Zealand:

## **A. THE CONSTITUTION, CANONS AND STANDING ORDERS OF THE ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA**

- ✓ These contain the Constitution of the Anglican Church and the Canons which are the laws governing the whole church.

## **B. STATUTES OF THE DIOCESE OF NELSON**

- ✓ The Diocesan Synod passes statutes governing life in the diocese. These are included in the Diocesan Handbook.
- ✓ The statutes that Vestry members should be familiar with are the Parishes Statute 2006 and the Diocesan Properties and Faculties Statute 2006. These are included at the end of this Guide.

## **C. THE GENERAL LAWS OF NEW ZEALAND**

- ✓ As the parish governance body and as individual church members, vestry and its members are subject to the law of the land the same as anyone else. This includes income tax law, employment law and health and safety law. The Anglican Centre has processes in place to help parishes comply with the law. Requirements such as those for accounting, allowance reimbursement, contracts and health and safety are not there to make a parish's life difficult, but to save the parish and its employees from financial and other penalties!

# **DIOCESAN COMMITTEES AND STAFF ARE THERE TO HELP**

Various committees deal with the mission, ministry and the administration of the Diocese. The consent of some of these is required to deal with church property. Others are responsible for administering funds that can assist parishes in their work. Below is information about some of these groups:

## **Standing Committee**

Standing Committee is made up of the Bishop and both clerical and lay members of Synod who are elected to deal with diocesan matters when Synod is not in session.

## **The Nelson Diocesan Trust Board**

The Trust Board owns property and holds money on trust for the benefit of parishes and others in the Diocese. Because the Trust Board is the legal owner of parish land, its consent is needed before parish land can be bought, sold, mortgaged or otherwise dealt with. So, too, is the consent of Standing Committee, which has responsibility for oversight of the Diocese. For further information about dealing with parish land, see the Diocesan Properties and Faculties Statute at the end of this Guide. Also see the list of considerations vestries need to take into account when thinking of buying or selling land, and the process they need to follow (Appendix B).

## **The Strategic Property Review Group**

Members of this group are the Diocesan Executive Secretary, the Bishop's Chaplain, Mr David Allpress and Ven Bob Barrett. When Vestries are considering acquiring or divesting property they must engage with this group at the beginning of the process.

## **Anglican Care Committee**

The ACC members meet regularly to consider Anglican care grants to parishes and others. Details about available funding can be found on the Diocesan website.

## **The Diocesan Ministry Enablers**

This is a team of people employed by the Diocese to help parishes with advice and support for their ministries. Please feel free to contract them if you need help.

Social Services/Community Ministries  
Children and Families Ministry  
Ministry Training and Communications  
Health and Safety  
Rest Home Chaplaincy

Youth and Young Adults  
Pioneering Ministries  
Creation Care  
Prayer Ministry

## **The Diocesan Secretary/Manager, Finance Manager and other administrative staff**

These staff members deal with the administration of the Diocese and its committees. Please feel free to contact them if you need help. Ph. 03 548 3124

|                                      |                                  |
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# FACULTIES

Before any changes can be made to the fabric, furniture, lighting, monuments or ornaments of any church, a faculty must be issued by the Diocese. A faculty is the permission given for such change.

An application form for a faculty is available on the Diocese website, under Resources/Forms, and must be submitted to the Diocesan Executive Secretary.

For more information about what must be provided with an application, see the Diocesan Properties and Faculties Statute at the end of this Guide.



# COMMONLY ASKED QUESTIONS

## 1. Who is eligible to be on Vestry and how are they chosen?

Any lay person on the parish roll (except someone who is a paid member of the parish staff for more than 9 hours a week) may be appointed to Vestry or hold other office in the church (Parishes Statute, s22). To be on the parish roll you need to be baptized. You also need to have taken part in the worship and life of the church for at least 4 months, or be known to be eligible by the Vicar and wardens. (Parishes Statute, s13).

Vestry consists of:

- the Vicar or Priest in Charge
- the Church Wardens
- the Parish Synod representatives, and
- the lay members who are elected at the Parish AGM.

If you are not seeking election as a Warden or Synod representative, you will need to be elected separately to Vestry by parishioners at the AGM. You must be nominated for Vestry and your nomination seconded by someone else on the parish roll, and you must give your consent to have your name put forward (Parishes Statute, s21).

Once elected to Vestry, you must sign a declaration acknowledging the authority of General Synod (the governing body of the Anglican Church in New Zealand) (Parishes Statute, s24).

## 2. How many people are required for Vestry?

The Parishes Statute gives a broad range of 3 – 10 elected Vestry members (Parishes Statute, s19). The AGM usually decides the actual number needed in each parish.

## 3. How long is my term on Vestry?

Vestry members are elected for one year. If you wish to continue on Vestry, you will have to stand again for election at the next AGM (Parishes Statute, s22). In practice, very few elections to Vestry are contested.

You can resign at any time by writing to the Vicar, or if there is no Vicar to a church warden (Parishes Statute, s.32).

If a vacancy arises on Vestry the position may remain vacant or Vestry may appoint someone to fill the vacancy (Parishes Statute, s.35).

**4. Who chairs Vestry meetings?**

Usually the Vicar chairs Vestry. However, if the Vicar is unable to attend or for some reason there is no Vicar, the Vicar's warden acts as chair. Similarly, if the Vicar's warden is unable to attend or for some reason there is no Vicar's warden, the people's warden acts as chair.

If the Vicar wishes, Vestry may elect one of its members to chair Vestry meetings (Parishes Statute, s41).

**5. What quorum is needed for a Vestry meeting?**

Vestry can decide its own quorum but it must be no fewer than 1/3 of its members, with a minimum of 4, and shall include the Vicar and at least 1 warden (Parishes Statute, s43).

**6. Does notice need to be given of what will be discussed at Vestry meetings?**

Although not expressly required by the Parishes Statute, it is good meeting practice to have an agenda. Certainly, there is a requirement for Vestry to keep full minutes (Parishes Statute, s.47).

**7. How much detail should we get into at Vestry meetings?**

There is no simple answer to this. The smaller the parish and fewer the parish staff, the greater the chance that Vestry will need to engage in detail. The larger the parish and greater the parish staff, the more important it becomes that Vestry does not engage in detail unless required to for a specific reason. Remember that Vestry is the parish governance body and needs to keep its eye on the big picture. It should not get involved in the management responsibilities of others unless specifically called for. Please see the comments Vestry's Governance Role in Appendix A for seven guiding questions to influence vestry discussion.

**8. What is Vestry's responsibility to provide a vicarage?**

Vestry must provide a vicarage rent free in the parish for use by the Vicar and his / her family. The same applies to accommodation for other full time assistant clergy. If for any reason there is no vicarage, or the vicarage for some reason is unsuitable, a housing allowance approved by the Diocese must be paid instead. (The current housing allowance amounts to 1/3 of the clergy stipend.)

To make sure that clergy housing is suitable for use, the Diocese has a set of requirements for vicarages. These can be found in Appendix I of the Diocesan Handbook, kept in the parish or Vicar's office, entitled *Parish Building Regulations for*

*Vicarages.* Also in Appendix H of the Diocesan Handbook are *Guidelines for the Occupation and Vacation of Vicarages and Diocesan Housing* which contains the rights and responsibilities of clergy with respect to such housing.

**9. What responsibility does Vestry have for maintaining the church, hall and vicarage?**

Vestry must care for and maintain all these buildings and take responsibility for any alterations and improvements. To ensure proper repair and maintenance, Vestry must arrange for all buildings to be inspected at least once a year (Parishes Statute, ss 45 and 46).

Each parish is expected to draw up a 10 year maintenance plan for parish properties. The plan should be accompanied by appropriate budget provision. A 10 year maintenance plan is required before the Diocese considers any financial assistance for church buildings or the vicarage.

**10. What happens if the Vestry wants to buy property for church use?**

As soon as Vestry begins to seriously consider the purchase of land or other property, it should contact the Diocesan Executive Secretary. The approval of Standing Committee and the Nelson Diocesan Trust Board is needed before any site for a church building can be purchased ('church building' means any church, vicarage or hall). Their consent is also needed before a church building can be erected or an alteration made that affects its stability or general plan (Dio. Properties and Faculties Statute, s.4). If their 'in principle' approval to go ahead is obtained early in the process, Vestry can proceed with confidence in its planning. If needed the Executive Secretary can also put the parish in touch with those who can assist with fund raising, or who can advise on other related matters. Remember that you will need to check any Council planning regulations to ensure the intended use of the property is possible and that all Council requirements are met.

In Appendix B to this Guide is a list of factors Vestry should consider when deciding whether to buy or sell property. These factors also guide Standing Committee when considering a request to buy or sell.

Any proposal to purchase property that involves financial liability for the parish may only proceed if it is first authorised by a resolution of Vestry. The maximum amount Vestry can spend without authorisation from a general meeting of parishioners is \$20,000 or 20% of Assessable Income in the previous year, whichever is lesser. (Dio. Properties and Faculties Statute, s.5).



Should vestry wish to borrow money for the purchase (or for any other purpose), it must first have at least 60% of the purchase price (or other financial liability) and must pay off the debt within 20 years. (Dio. Properties and Faculties Statute, s.6). Limits are also placed on the giving of mortgage security over the site of a church building (s. 7) and the consent of Standing Committee and the Trust Board must also be obtained before a mortgage is entered into (s.17).

As legal owners of all diocesan property, the Nelson Diocesan Trust Board must sign as owner any transfer of property.

#### **11. What happens if the Vestry wants to sell/lease church property?**

The process of selling or leasing property is very similar to that for buying. As soon as Vestry seriously starts to consider one of these possibilities, it should contact the Diocesan Executive Secretary. The approval of Standing Committee and the Nelson Diocesan Trust Board is needed (Dio. Properties and Faculties Statute, s17) and once their 'in principle' approval to go ahead is obtained, Vestry can proceed with confidence in its planning. If needed the Executive Secretary can put the parish in touch with people who can advise on matters related to the sale.

In Appendix B to this Guide is a list of factors Vestry should consider when thinking about selling property. These factors also guide Standing Committee when deciding whether to approve a sale.

Parishioners may have strong emotional ties to church property. As part of the process of deciding to sell, you would be wise to seek as wide an approval as possible at a general meeting of parishioners, the time and purpose of which has been properly notified beforehand (Parishes Statute, s20).

As legal owners of all diocesan property, the Nelson Diocesan Trust Board must sign as owner any transfer of property.

#### **12. What is a faculty and when is one needed?**

A faculty from the Diocese must be obtained before any changes can be made to the fabric, furniture, lighting, monuments or ornaments of a church. A faculty is also needed before anything is erected or placed in a church that should be dedicated or consecrated. A faculty is the permission given for the change.

An application form for a faculty is available on the Diocese website, under Resources/Diocese/Forms, and must be submitted to the Diocesan Executive Secretary by the Vicar and church wardens.

**13. Is Vestry responsible for appointing the Vicar?**

The appointment of a Vicar is an appointment to an ecclesiastical office made by the Bishop in consultation with the parish. Each year, soon after the parish AGM, Vestry must elect 4 people as 'nominators' for the parish. The nominators must be qualified to be a member of vestry (ie, must be baptized and on the parish roll), but need not actually be a member of vestry (Parishes Statute, s44). Should the position of Vicar become vacant, the nominators represent the parish in the appointment of a new Vicar.

No other ordained staff (other than the Vicar) shall be engaged in the parish without Vestry's approval. The Diocesan Executive Secretary will prepare the appropriate appointment agreement.

**14. What responsibility does the parish have for paying the Vicar?**

The payment of clergy stipends is a first charge on the revenue of the parish. The same applies to the salaries of lay staff (Parishes Statute, s43)

**15. What responsibility does Vestry have for the Vicar's well-being?**

The suggestion has already been made that Vestry members each take responsibility for the care and support of parish leaders and office bearers. Responsibility for the Vicar's well-being is the specific responsibility of the church wardens (see question X).

**16. How does Vestry go about employing parish staff?**

One of the main duties of Vestry is to decide whether, and what, paid positions should be established in the parish (Parishes Statute, s45). All paid lay staff are appointed by the Vicar and wardens, on behalf of Vestry. If you are planning to employ someone in the parish, contact the Diocesan Executive Secretary who will draw up the appropriate employment contract ready for signing.

**17. What are our ongoing responsibilities as an employer?**

The employment of lay staff is covered by New Zealand employment law. In addition, the Diocese of Nelson has committed itself and all its parishes to being good employers and has adopted the Anglican Church's *People Matter Employment Guidelines*. You can find these Guidelines in the Diocesan Handbook, kept in your parish or Vicar's office. These *Guidelines* set out Vestry's responsibilities when selecting and appointing staff, inducting new staff, undertaking performance reviews and staff development, and when ending employment relationships.

One employer responsibility is to ensure staff well-being by making sure they take adequate leave. The responsibility of ensuring annual leave is taken lies with the wardens (Parishes Statute, s46). As well as ensuring staff well-being, making sure leave is taken also ensures that the parish is not left with the financial liability to pay out annual leave should employment end before it is taken.

**18. What is the responsibility of Vestry for health and safety?**

This is another instance where the general laws of New Zealand apply. As the governance body of the parish, vestry has a collective responsibility to ensure that health and safety is taken seriously in the parish and that legal requirements are met. Members of vestry also have an individual duty as 'officers' of the parish to exercise due diligence to ensure they educate themselves on the requirements of the law and that health and safety matters are appropriately dealt with.

To comply with the first part of this duty, vestry members must know about the Health and Safety at Work Act 2015. If you haven't attended face to face training with the Diocesan Executive Secretary, you must watch the DVD on the requirements of the Act sent out to all parishes. You must also read and be familiar with the Diocesan Health and Safety Management Plan.

**19. What are the parish's financial obligations?**

The first call on the parish's finances is for paying the Vicar and any other staff. This includes their stipend/wages, contributions towards their pension/superannuation and any allowances. The parish also has an obligation to provide cost free housing for the Vicar and his or her family, and for any assistant priest in the parish. If housing is not available, the parish must pay a housing allowance to the Vicar and other clergy generally equating to 1/3 stipend

The parish is legally obliged to pay taxes in the form of GST, ACC and PAYE. This obligation is met by the Diocese on behalf of the parish.

In addition to staff costs, the parish has an obligation under the diocesan statutes to maintain the vicarage and other church buildings. The parish buildings and other assets must be insured and cover is arranged through the Diocese. The cost of any building development or alteration is also the responsibility of the parish, although some financial assistance may be available from the Diocese.

The cost of the Vicar and staff, insurances and a contribution to the cost of the Bishop's Ministry Team are calculated and paid monthly to the Anglican Centre under what is known as the parish quota (or sustentation). The parish's direct expenses amount to about 95-99% of the quota - the contribution to the Diocese amounts to only a very small proportion of the parish costs. The Anglican Centre then arranges for payment of all staffing and other costs.

**20. What is the Diocesan accounting scheme and how does it work?**

In 2006 the Anglican Centre set up a centralised scheme to help parishes with their day to day processing and financial reporting obligations. The basis of the scheme is that the Anglican Centre takes over parts of the process usually performed on a voluntary basis by treasurers. The Anglican Centre now:

- ✓ Pays parish accounts
- ✓ Processes parish transactions
- ✓ Pays wages
- ✓ Pays parish quota to Diocese
- ✓ Prepares monthly management accounts
- ✓ Prepares two-monthly GST returns
- ✓ Prepares annual accounts

The responsibility of issuing donation tax receipts continues to lie with the parish.

# ADDITIONAL WARDENS' QUESTIONS

## 1. What is the difference between a Vicar's Warden and a People's Warden?

The Vicar's Warden is appointed by the Vicar before the election of office holders at the parish AGM; the People's Warden is elected by parishioners at the AGM (Parishes Statute, ss 21 and 27). While coming into the role by different means, the duties and responsibilities of wardens under the diocesan statutes are the same.

For example, both wardens are responsible for the Vicar's physical wellbeing, as well as that of staff (Parishes Statute, s.56). Traditionally, however, the Vicar's Warden has had a particular role in standing alongside and supporting the Vicar. Similarly, the People's Warden has traditionally had a role in standing alongside parishioners, hearing their concerns and, where appropriate, voicing them to the Vicar. Although not required, this may be a useful division of responsibility between the wardens.

## 2. How long is my term of office as warden?

Like other vestry members, the People's Warden holds office for one year until the following AGM, unless he or she resigns earlier by giving written notice to the Vicar or is re-elected for a further term. Likewise, appointment of the Vicar's Warden lasts for one year unless he or she resigns by giving written notice to the Vicar or is re-elected for a further term (Parishes Statute s.32).

If there is a vacancy for any reason in the office of Vicar's Warden, the Vicar must appoint a replacement as soon as possible and give the required notice of that appointment (Parishes Statute, s.33 and s.2). If the office of People's Warden becomes vacant, a special general meeting of parishioners must be held as soon as practicable to elect someone else to that office (s.34).

## 3. What can I do to ensure the Vicar's well-being?

As well as being available to talk things through and provide general support, you are specifically required to have concern for the physical well-being of the Vicar and other staff. This includes making sure that he or she takes regular leave. To help keep wardens up to date with the Vicar's and staff's leave entitlements, the Anglican Centre automatically sends wardens a copy of clergy and salaried staff leave returns where leave has been taken in the preceding fortnight. You can then raise any queries while the matter is current.

In addition the Executive Secretary will write to the Vicar and wardens reminding them of any excessive untaken leave by the Vicar, and about any excessive untaken leave by lay staff. Appendix C to this Guide contains useful information on *Leave Taking and Recording*.

# RELEVANT STATUTES

## PARISHES STATUTE 2006

### Analysis

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# **An Act to provide for the constitution and regulation of parishes and mission districts, and for defining the powers and duties of parish officers**

**BE IT RESOLVED** by the Bishop, Clergy, and Laity of the Diocese of Nelson, in Synod assembled as follows:

## **1 Short Title**

This Act may be cited as the Parishes Act 2006.

## **2 Interpretation**

In this Act—

**Public Notice** means a notice given—

- (a) orally at a worship service or other meeting of a congregation; and
- (b) in writing placed on a public noticeboard within the church or in a service sheet or other publication given or made available to persons coming into the church

**Vicar** means a clergy person licensed by the Bishop as a Vicar, Co-Vicar, Priest-In-Charge, Dean, Rural Dean, or Pastor

**Vicar's Churchwarden** means—

- (a) the churchwarden appointed by the Vicar, as required by section 12; and
- (b) in a parish where there is no Vicar, the Bishop's churchwarden."

## **2010 PART I**

### **PARISHES**

#### **3 Existing parishes**

- (1) The parishes of the Diocese are named in Part I of the Schedule to this Act.
- (2) Other ministry or mission units of the Diocese are named in Part II of that Schedule.
- (3) Unless changed in accordance with the provisions of section 8 of this Act, the boundaries of the various parishes, as they were defined immediately before commencement of this Act, shall continue to be the boundaries of those parishes.
- (4) *Deleted.*

#### **4 Powers of Synod in respect of Parishes and Mission Units**

- (1) Synod may from time to time, by resolution, do all or any of the following things:
  - (a) constitute a new parish in accordance with section 5 of this Act;
  - (b) constitute a new mission unit in accordance with section 6 of this statute
  - (c) *Deleted*
  - (d) alter the boundaries of any parish in accordance with section 9 of this Statute:
  - (e) abolish any parish in accordance with section 10 of this Statute.



- (2) Before any proposal is considered by Synod that would have the effect of altering the boundaries of any existing parish, the proposal shall be considered and reported on by Standing Committee after consultation with each Vestry concerned.
- (3) Before any change is made in the boundaries of any existing parish, one month's notice of the proposed alteration shall be sent to the Vestry of each affected parish, and any representations made by any such parish within the period of that notice shall be considered by Synod or Standing Committee (as the case may be) before the alteration is approved.

## **5 Constitution of new parishes**

- (1) Any members of the Church living in a defined geographical area may from time to time apply to Synod, through the Bishop, to have that area constituted as a new parish, notwithstanding that the whole or any part of the area already forms part of any existing parish.
- (2) If Synod agrees to the application, it shall define the boundaries of the new parish.
- (3) On the constitution of a new parish, the Bishop shall forthwith appoint a qualified person to be a Churchwarden of that parish, who shall hold office until a Vicar is appointed and appoints a Churchwarden of his or her choosing.

## **6 Other Ministry and Mission Units**

- (1) Other ministry and mission units, as agreed by Synod or Standing Committee may be established to further the mission of the Church
- (2) Every ministry or mission units shall have a form of administration approved in each case by Standing Committee as appropriate to the needs of the mission, and generally complying with the following guidelines:
  - (a) There shall be a committee to be appointed in such manner as Standing Committee shall specify to assist in the administration and work of the mission with such duties and responsibilities as shall be assigned to it by Standing Committee:
  - (b) The committee shall consist of not fewer than three nor more than ten church members, being persons who, if the unit were a parish, would be entitled to vote at parish meetings and for the election of lay representation on Synod:

## **7 Continuation of a Parish**

- (1) Once constituted any Parish is expected to fulfil each of the following requirements:
  - (a) To have defined geographical boundaries which accurately represent the area within which it has its primary focus
  - (b) To have provided within its boundaries a building or buildings suitable for its needs of divine worship and compliant with statutory requirements related to health and safety.
  - (c) To have provided a suitable residence where necessary for the Vicar or other responsible minister in charge or is able to make payment of a housing allowance (in accordance with Diocesan policy) in lieu thereof.

- (d) To demonstrate its ability to comply with the financial requirements and other requirements for the time being in force in the Diocese which are applicable to the exercise of the rights and privileges of a parish, as evidenced by a budget for the current year and the year thereafter. It is the expectation of the Diocese that each Parish ought to be financially self-sustaining.
- (e) To demonstrate that it has a duly elected and appointed Vestry which meets on a regular basis and is able to discharge its responsibilities as described in the Parish Statute; provided that in the case of a Parish receiving financial assistance, it has been able to comply with the administrative requirements as determined by the Bishop.
- (f) To demonstrate that it is able to provide worship, pastoral care, outreach, stewardship and other expressions of pastoral life appropriate to a church of its size and characteristics.

## **8 Parishes receiving Financial Assistance**

- (1) Where a Parish is unable to sustain its ministry from its own resources it may receive Financial Assistance from the Synod on such terms and conditions as Synod or Standing Committee may from time to time determine.
- (2) Any Parish receiving Financial Assistance shall be under the control of the Bishop.
- (3) Any Parish receiving Financial Assistance shall work with the Bishop and the Bishop's Ministry team in formulating and implementing a Parish Ministry Plan to aid the Parish moving forward to self-sustainability, if it is possible to achieve that goal.
- (4) Standing Committee may in substitution of the parish governance provisions of this Statute approve for each Parish receiving Financial Assistance an alternative form of administration that is most appropriate to the needs of that Parish, and could comply with the following guidelines:
  - (a) There be a committee to be appointed in such manner as Standing Committee shall specify to assist in the administration and work of the Parish with such duties and responsibilities as shall be assigned to it by Standing Committee;
  - (b) One member of the committee, either appointed by the Bishop or elected by the committee, to be the Warden of the Parish, to act as chairperson in the absence of a Vicar, and to perform such other duties as may be assigned to the Warden by Standing Committee;
  - (c) The committee when required by Standing Committee render a report of its financial position.
- (5) The nomination of any Vicar for a Parish receiving Financial Assistance shall be pursuant to the provisions of section 2.2 of the Appointment and Termination Act 1996.

## **9 Alteration of boundaries**

Synod may from time to time alter the boundaries of any parish by excluding any area that is presently within the parish or by including any area that is presently outside the parish

## **10 Abolition of Parishes or Mission Units**

- (1) Where Synod is satisfied that a parish is no longer viable as a separate entity, it may abolish the parish or mission unit and incorporate the whole or any part of the area of the parish in any other parish.
- (2) Where Standing Committee is satisfied that a Ministry or Mission Unit is no longer desirable or required, it may abolish the said Ministry or Mission Unit and give the necessary directions as to the disposition of any assets

### **10A When intervention may be necessary**

- (1) If, in the opinion of the Bishop, any aspect of the operation of a parish causes concern, the Bishop, after consultation with Standing Committee, may intervene in parish affairs in whatever way, in the opinion of the Bishop, is appropriate.
- (2) Without limiting any of the Bishops powers in clause (1) the Bishop in intervening may appoint a Bishop's Commissioner to undertake specified roles within the Parish. Such roles could include:
  - a. Advisor of Vicar or Parish
  - b. Acting as Vicar or as a Co-Vicar
  - c. Being an additional Warden or Vestry member
  - d. Replacing the Warden(s) or Vestry
  - e. Being the sole governor of the Parish.
- (3) The goal of such intervention is to address the identified issues and to return the Parish to normal governance as soon as practically appropriate.

## **11 Interpretation of 'Financial Assistance'**

For the purposes of determining what is Financial Assistance, that assistance given by the Diocese to a parish for the purpose of supporting a candidate for ordination or for training a clergyperson in the first two years of ministry following ordination as a Deacon, shall not be deemed to be grant-for-mission assistance, nor would grants received from specific Funds or Trusts for specific projects or purposes be deemed to be Financial Assistance.

If any doubt arises as to whether or not a Parish is receiving Financial Assistance, Standing Committee, whose decision shall be final, shall determine the matter

## PART II

### PARISH ELECTORAL ROLL

#### 12 Purpose of Parish Electoral Roll

- (1) The principal purpose of the parish electoral roll is to provide evidence that a person is entitled—
  - (a) To speak and vote on any matter properly dealt with at an annual general meeting or special general meeting of the parish;
  - (b) to be appointed as the Vicar's Churchwarden;
  - (c) to stand for an office listed in **section 18(2)(e)**.
- (2) The parish electoral roll must be available for inspection on request by any person on the roll.

#### 13 Eligibility to be Enrolled

- (1) A person is entitled to be enrolled on the parish electoral roll if the following conditions are satisfied:
  - (a) The person is baptised; and
  - (b) The person, whether resident in the parish or not, has for at least 4 months participated in the worship and life of the parish or is known by the Vicar and churchwardens to be qualified for enrolment; and
  - (c) The person signs the declaration set out in **subsection (2)**.
- (2) The form of declaration referred to in **subsection (1)** is as follows:

"I ... declare that I have been baptised and wish to be on the electoral roll of the [name] parish."
- (3) No person may be enrolled on more than 1 parish electoral roll at the same time.

#### 14 Compiling and maintaining the parish electoral roll

- (1) The Vicar and churchwardens must compile and maintain the parish electoral roll.
- (2) The parish electoral roll must consist of the name of each person who has satisfied the conditions set out in **section 13**.
- (3) The parish electoral roll must not be used except for the purposes of this Act or other Act of the Diocesan Synod.
- (4) This section does not prevent the Vicar and churchwardens from compiling, as they think fit, other information for the purposes of the parish community.

#### 15 Revision of parish electoral roll

- (1) The Vicar and churchwardens must keep the parish electoral roll current by revising it as necessary, and at least once a year, not later than 1 month before the date set for the annual general meeting, to ensure that—
  - (a) The names of parishioners are correctly recorded on the parish electoral roll; and
  - (b) the names are removed from the parish electoral roll—
    - (i) Of persons who have died;

- (ii) Of persons who have requested their names to be removed from the parish electoral roll;
  - (iii) Of persons with whom contact has been lost.
- (2) Before the Vicar and churchwardens remove the name of a person from the parish electoral roll, they must refer the matter for the approval of the Vestry.

## 16 Appeal

A person may appeal to the Standing Committee against any decision relating to that person's eligibility to be on the parish electoral roll."

## PART III

### ANNUAL GENERAL MEETINGS, ELECTIONS AND SPECIAL GENERAL MEETINGS

#### *Preliminary provisions about annual general meeting*

#### 17 Annual general meeting

- (1) The Vicar must call an annual general meeting of the members of the parish not later than 30 April in each year.
- (2) If there is no Vicar, or if, for any reason, the Vicar is unable to act, the annual general meeting must be called by—
- (a) the Vicar's Churchwarden; or
  - (b) if there is no Vicar's Churchwarden or if for any reason the Vicar's Churchwarden is unable or unwilling to act, the people's churchwarden.
- (3) Despite **subsections (1) and (2)**, the Bishop, at his or her discretion, or the Bishop's nominee, may call an annual general meeting of a parish.

#### 18 Purposes and business of annual general meeting

- (1) The purposes of the annual general meeting of the parish are—
- (a) to review the spiritual life and the management of the parish; and
  - (b) to enable the business of the parish to be carried out through the democratic election of office holders; and
  - (c) to receive and adopt the accounts of the parish for the previous financial year.
- (2) The business of the annual general meeting must include the following matters:
- (a) The minutes of the annual general meeting and of any special general meetings of the previous financial year must be confirmed; and
  - (b) The receipt and consideration of—
    - (i) the Vicar's annual report; and
    - (ii) the churchwardens' annual report; and
    - (iii) if appropriate, other reports of parish activities; and
  - (c) the receipt and adoption of the annual accounts; and
  - (d) the appointment of the Vicar's Churchwarden:
  - (e) the election of—

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- (i) the people's churchwarden; and
  - (ii) the members of the Vestry required by section 19 to be elected; and
  - (iii) in every third year, the lay synod representatives required.
- 2009 (f) The appointment of an auditor if required. An auditor is required if the Parish's accounts are not being processed and prepared by the Anglican Centre.
- (3) The right of adjournment is not in the chairperson, nor in the Churchwardens or Vestry, but in the whole assembly, and the question of adjournment must be decided by a majority of votes.

### **19 Number of elected members of Vestry**

The annual general meeting must elect not fewer than 3, and not more than 10, persons to be members of the Vestry.

### **20 Notice of annual general meeting**

Public Notice must be given at each worship service on not fewer than 3 Sundays before the date set for the annual general meeting—

- (a) stating the venue, date, and time of the meeting; and
- (b) inviting—
  - (i) nomination of candidates for office holders in accordance with sections 21, 22, and 23; and
  - (ii) notice of any items of general business.

### **21 Nominations for office**

- (1) Nominations must be invited for candidates for—
  - (a) the office of people's churchwarden; and
  - (b) members of the Vestry; and
- (2) Nominations must be made in the form provided for the purpose, which must require that each candidate—
  - (a) be nominated and seconded by persons on the electoral roll; and
  - (b) clearly indicates his or her consent to be nominated.
- (3) Nominations must be received not later than 8 days before the date of the annual general meeting.
- (4) Public Notice must be given of the persons nominated for office not later than 1 Sunday before the date set for the annual general meeting.

### **22 Eligibility for office**

2011 Any lay person who is on the parish electoral roll (except a person who is a paid member of the staff of the parish for more than 9 hours each week) may be appointed to or nominated for, and hold, an office referred to in **section 18(2)(d) and (e)**.

### **23 Tenure of office**

- A person elected to office as the people's churchwarden or as a member of the Vestry—
- (a) holds that office until the next annual general meeting; and
  - (b) may be re-elected or re-appointed, as the case may be, to the same office.

## **24 Declaration**

The Chairperson of the Annual Meeting shall require every Churchwarden and Vestry member, before entering on office to make and subscribe to the Declaration of Acknowledgement of the authority of General Synod as required by Title B Canon xxi. The Declarations so signed shall at once be forwarded to the Diocesan Secretary.

### *Procedure for Annual General Meeting*

## **25 Vicar to chair annual general meeting**

- (1) The Vicar is the chairperson of the annual general meeting.
- (2) However, if there is no Vicar, or if, for any reason, the Vicar is unable or unwilling to act, the meeting must be chaired by—
  - (a) the Vicar's Churchwarden; or
  - (b) if there is no Vicar's Churchwarden or if for any reason the Vicar's Churchwarden is unable or unwilling to act, the people's churchwarden; or
  - (c) the chairperson of Vestry.
- (3) Despite **subsections (1) and (2)**, the Bishop or the Bishop's nominee may chair the annual general meeting of any parish.
- (4) The chairperson has a deliberative and a casting vote.
- (5) Unless expressly provided otherwise in this Act or in another Act of the Diocesan Synod, the chairperson may regulate the procedure of the annual general meeting.

## **26 Eligibility to speak and vote at annual general meeting**

- (1) Every person on the parish electoral roll is entitled to speak and vote on any matter properly dealt with at the annual general meeting.
- (2) A person not on the parish electoral roll may, with the leave of the meeting, speak on any matter properly dealt with at the annual general meeting, but is not entitled to vote on any matter.

## **27 Appointment of Vicar's Churchwarden**

Before the election of office holders is conducted at the annual general meeting, the chairperson must announce the person appointed by the Vicar (or if there is no Vicar, by the Bishop or the Vicar-General) to be the Vicar's Churchwarden (or the Bishop's churchwarden).

### *Election of People's Churchwarden and Members of Vestry*

## **28 Election procedure**

- (1) Despite **section 21**, the chairperson may, with the leave of the meeting, accept from the floor further nominations of candidates for the Vestry.
- (2) If the number of candidates nominated under **section 21** or **subsection (1)** for the offices

of people's churchwarden, members of the Vestry, and Synod Representatives (when required)—

- (a) does not exceed the number required to be elected, the chairperson must declare each of the candidates to be elected; or
- (b) does exceed the number required to be elected, the chairperson must proceed to conduct a ballot to elect the required office holders.

## **29 Conduct of ballot**

- (1) Before a ballot is conducted, 2 scrutineers who are not candidates for election must be—
  - (a) nominated by the chairperson; and
  - (b) approved by the meeting.
- (2) The role of the scrutineers is to distribute, collect, and count the voting papers and to certify to the chairperson the number of votes cast for each candidate.
- (3) A ballot paper is counted as valid only if votes are cast—
  - (a) by a person who is on the parish electoral roll; and
  - (b) for not more candidates than the number required to be elected; and
  - (c) in accordance with the procedure directed by the chairperson.
- (4) The scrutineers must exclude any voting papers on which votes have been cast for more candidates than the number required to be elected.
- (5) The scrutineers must deliver the voting papers to the chairperson to be destroyed.
- (6) Voting by proxy is not permitted.

## **30 Declaration of results of ballot**

- (1) If the result of the ballot is decisive, the chairperson must declare the name of each person elected.
- (2) If 2 or more candidates receive the same number of votes, the chairperson must conduct a further ballot among those candidates in accordance with **section 29**.
- (3) If the second ballot is not decisive—
  - (a) the matter may be determined by lot; or
  - (b) the vacancy may be filled in accordance with the relevant provisions of **sections 34 to 36**.

### *Election of lay synod representatives*

## **31 Lay synod representatives**

- (1) As required by section 14 of the Diocesan Structures Statute 2005, in every third year the parish must, by 30 April, elect the required number of lay synod representatives for the parish.

## **32 Resignation from office**



- (1) A person holding office as a churchwarden, member of the Vestry, or auditor may resign from office at any time by giving written notice to the Vicar or, if there is no Vicar, to a churchwarden, or if there is neither a Vicar nor a churchwarden, to the Bishop or the Vicar-General.
- (2) A person holding office as a Synod Representative may resign from office at any time by giving written notice to the Bishop.
- (3) When a notice is received, the office to which it relates becomes vacant—
  - (a) from the date on which the notice becomes effective; or
  - (b) if no effective date is stated in the notice, immediately.

### **33 Vacancy in office of Vicar's Churchwarden**

- (1) If the office of Vicar's Churchwarden becomes vacant through death, resignation, removal, or for any other reason, the Vicar must, as soon as practicable,—
  - (a) appoint another person to that office; and
  - (b) give Public Notice of that appointment.
- (2) If there is no Vicar and a vacancy arises in the office of Bishop's churchwarden, the Bishop or Vicar-General must make the necessary appointment and give Public Notice of that appointment.

### **34 Vacancy in office of people's churchwarden**

If the office of people's churchwarden becomes vacant through death, resignation, removal, or for any other reason, a special general meeting of parishioners must be held as soon as practicable to elect another person to that office.

### **35 Vacancy in Vestry**

If a vacancy arises on the Vestry through the death, resignation, or removal of an elected member of the Vestry, or for any other reason, —

- (a) the position may remain vacant unless it is necessary to fill the office in order to provide a quorum for the Vestry, as required by section 43.
- (b) the position may be filled—
  - (i) by an appointment made by the Vestry.

### **36 Vacancy in office of auditor**

If the position of auditor becomes vacant through death, resignation, removal, or for any other reason, the Vestry must, if an auditor is required as soon as practicable, appoint another qualified person to that position.

### *Special general meetings of parish*

### **37 Special general meetings of parishioners called**

- (1) A special general meeting may be called for any purpose in accordance with **section 17**.
- (2) A request may be made for a special general meeting of the parish by notice in writing to the Vicar or churchwardens, signed by not fewer than 20 members or 20% of the members of the parish roll, whichever is less.
- (3) If a request is received under **subsection (2)**, the Vicar or churchwardens, as the case

may be, must hold a meeting not later than 28 days after the notice is received.

- (4) A special General meeting may be called for any purpose by the Bishop or the Vicar.

### **38 Procedure for special general meetings**

- (1) Public Notice must be given in accordance with **section 20** of a meeting called or requested under **section 37**.
- (2) The notice must state the purpose for which the meeting is called.
- (3) No business except what is stated in the notice may be raised or transacted at a meeting called under **section 37**.
- (4) **Sections 25 to 26** apply to a meeting called under **section 37**, and, if a vote is required in relation to a matter properly before the meeting, the provisions of **sections 28 to 30** apply with any necessary modifications.
- (5) The right of adjournment is not in the chairperson, nor in the Churchwardens or Vestry, but in the whole assembly, and the question of adjournment must be decided by a majority of votes.

## **PART IV**

### **VESTRIES**

#### **39 Membership of Vestry**

- (1) A Vestry consists of the Vicar of the parish [or an alternate as provided for by Section 39 (3)], the churchwardens, Lay Synod Representatives and the lay members elected at an annual general meeting of parishioners.
- (2) The persons referred to in subsection (1) have the right to speak and vote at Vestry meetings.
- (3) The Bishop of Nelson may permit the Vicar to be represented on the Vestry by another clergy person, provided that this is with the concurrence of the Vicar and churchwardens.

#### **40 Meetings of Vestry**

- (1) Meetings of Vestry shall be held at least quarterly, and at such time and place as the Vestry may determine.
- (2) A special meeting of Vestry may be called at such time as the Vicar or the Churchwardens may determine, or upon a requisition in writing signed by a majority of the members of Vestry.

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- (3) A special meeting may be called any purpose by the Bishop.

#### **41 Chairing of Vestry**

- (1) Subject to the provisions of this section and section 39, the Vicar shall chair all meetings of Vestry.
- (2) If for any reason the Vicar is unable to attend any meeting of Vestry, and while there is no Vicar, the Vicar's Churchwarden (or if for any reason the Vicar's Churchwarden is unable to act, and while there is no Vicar's Churchwarden, the People's Churchwarden) shall chair the meetings of Vestry.
- (3) If the Vicar so desires, Vestry may elect one of its members to chair its meetings for the

whole or part of its term of office.

- (4) The person chairing any meeting of Vestry shall have a casting as well as a deliberative vote.

#### **42 Persons with right to attend Vestry meetings**

Any person may attend Vestry meetings at the invitation of the Vestry, and have the right to speak but not to vote.

#### **43 Quorum for Vestry**

- (1) No business shall be transacted at a meeting of Vestry unless a quorum is present.
- (2) Vestry may determine its own quorum, but it shall be no fewer than one-third of its members with a minimum of four, and shall include the Vicar or at least one of the Churchwardens.
- (3) Vestry may, with the express consent of the Vicar and the Churchwardens, delegate to a member of Vestry or a subcommittee of Vestry the power to deal with any particular item of business or to be responsible for any particular aspect of parish life, with power to co-opt additional parishioners who are not members of Vestry; and in such a case the subcommittee may conduct the business committed to it even though the Vicar or a Churchwarden is not present or is not a member of the subcommittee.

#### **44 Election of Parochial Nominators**

At a meeting held not later than two (2) months after the annual general meeting at which it was elected, Vestry shall elect four (4) persons, who are qualified to be members of Vestry, to be the Parochial Nominators for the parish or Mission District as the case may be.

#### **45 Primary duties of Vestry**

- (1) The primary duties of the Vestry are —
  - (a) To promote the worship of Almighty God and to provide all things necessary for the ordering of public worship; and
  - (b) to foster the spiritual growth and wellbeing of the parishioners, to bring before the parishioners the claims on them of the mission of the church in their community and in the world at large, and generally to promote the extension of Christ's Kingdom; and
  - (c) to encourage all members of the parish to grow in the faith and service of Christ by the power of his Spirit, and in particular to see that Christian education is provided for persons of all age groups; and
  - (d) to be responsible for the overall good management of the parish, to administer and undertake the business affairs of the parish, and to provide and care for the buildings, furnishings, and equipment needed for the good working of the parish.
  - (e) to determine the establishment of any paid position within the parish.
- (2) Subsection (1) does not limit the responsibility of the Vicar, under the authority of the Bishop, for the pastoral care of the parish, for Christian education in the parish, and for the spiritual wellbeing of the parishioners.

#### **46 Further duties in respect of property**

Vestry shall have the following further duties:

- (a) to plan, authorise, and execute all capital works, alterations, and improvements that may be necessary or desirable for the proper functioning of the parish buildings, subject always to the provisions of the Diocesan Properties and Faculties Act 2006:
- (b) to provide a Vicarage in the parish free of charge to the Vicar, and free accommodation to other full-time Assistant Clergy who are paid from parish funds, or, instead of accommodation, to provide an allowance approved by Standing Committee:
- (c) to cause to be inspected at least once in each year the Church, the vicarage, and all other buildings and property for which Vestry is responsible and ensure that all necessary repairs and maintenance are carried out.

**47 Keeping of minutes**

Vestry shall ensure that full minutes of all its meetings, and of all annual and special general meetings of parishioners, are kept.

**48 Collections**

Vestry shall ensure that all collections at services within the parish are fully recorded, safely kept, and promptly banked.

**49 Contributions for objects outside parish**

- (1) Vestry may at its discretion pay money from parish funds for religious, charitable, or educational objects outside the parish and authorise collections to be made for any such purposes.
- (2) All special offerings and collections shall be paid to the object specified within 2 months after their receipt.

**50 Vestry bound by acts of predecessors**

All contracts and undertakings that have been duly and lawfully entered into by Vestry shall according to their tenor be binding upon their successors in office from year to year.

**PART V**

**FINANCIAL MATTERS**

**51 Parish accounts**

- (1) Vestry shall ensure that full and complete accounts of the receipts and payments of the parish are kept, and that a statement of accounts is tabled at its meeting at least quarterly.
- (2) The parish accounts shall be closed every year on the 31st day of December.
- (3) Except where The Annual Accounts are prepared and completed by the Anglican

Centre the accounts shall be forwarded to the Diocesan Secretary by the 31st day of March next following.

- 2009 (4) A copy of the parish accounts [where applicable independently reviewed in accordance with subsection (5) of this section], together with a list of the monetary assets and liabilities of the parish, and any parish trust accounts shall be submitted to the annual general meeting of the parishioners and thereafter to the Diocesan Secretary.
- 2009 (5) Where the Parish accounts are not processed and prepared by the Anglican Centre the annual accounts shall be independently reviewed by the duly appointed auditor.
- 2009 (6) Where the Parish accounts are processed and prepared by the Anglican centre the annual accounts shall be independently reviewed by the Diocesan Auditors as part of the Anglican Centre's audit.

## **52 Parish bank account**

- (1) A bank account shall be opened in the name of the parish into which all parish money shall be paid and from which all payments on account of the parish shall be made.
- (2) Except where the Anglican Centre administers and operates the Parish Accounts, subject to subsection (3) of this section, any bank accounts of the parish shall be operated upon by any 2 members of Vestry appointed for that purpose by Vestry.
- (3) If Vestry appoints or employs a parish treasurer, the treasurer may be appointed one of the signatories to operate the parish bank account even though he or she is not a member of Vestry.

## **53 Stipends and salaries have priority**

The payment of stipends and salaries to the clergy and lay staff of the parish shall be a first charge upon the revenue of the parish.

## **54 Authorisation of payments**

- (1) The payment of the Diocesan assessments and levies, the salaries and allowances, and the rates and insurance premiums may be made from parish funds without formal authorisation by the Vestry.
- (2) Subject to subsections (1) and (3) of this section, no payment from parish funds shall be made unless the payment has been approved by a majority of the members of Vestry present at a meeting of Vestry.
- (3) Vestry may delegate to the treasurer the right to make such routine payments as it may from time to time determine; but all such routine payments must be re-authorised by each incoming Vestry.

## **55 Incurring financial liability, borrowing and mortgaging**

Where it is proposed -

- (a) to enter into any contract or to undertake any work that involves any financial liability; or
- (b) to acquire land or undertake work that necessitates borrowing; or
- (c) to grant a mortgage or other security over parochial property, -Vestry shall comply with the provisions of **section 6** or **section 7** or **section 8** or **section 9** (as the case may require) of the Diocesan Properties and Faculties Act 2006.

## **PART VI**

### **CHURCHWARDENS, VICAR, AND STAFF**

#### **56 Duties of Churchwardens**

The duties of the Churchwardens shall be as follows:

- (a) to be the lay leaders of the parish:
- (b) to be the spokespersons for Vestry to the parishioners:
- (c) to be the spokespersons for the parishioners in all matters except those for which the lay representatives on Synod or the Parochial Nominators are responsible:
- (d) to be responsible for the operation of the parish during an interregnum or during the illness or incapacity of the Vicar:
- (e) to have concern for the physical wellbeing of the Vicar and staff and to ensure that they each take their annual leave entitlements:
- (f) to ensure that the decisions of Vestry are carried out:
- (g) to be signatories to all contracts and deeds executed in the name of Vestry:
- (h) to inform the Bishop whenever the Vicar is prevented by illness or other disabling cause from officiating at the Sunday Services.

#### **57 Church, Vicarage and Parish Buildings, at disposal of Vicar**

The Church, vicarage and parish buildings and all things necessary for the ordering of public worship shall be at the disposal of the Vicar, or of any other person acting on the Vicar's behalf.

#### **58 Forms of service**

- (1) Where alternative forms of service for the Holy Communion or Sunday Worship are permitted, the form to be used from time to time shall be decided by the Vicar after consultation with Vestry.
- (2) No form of service shall be used in the parish without the Vicar's approval.

#### **59 Choir and music under direction of Vicar**

The formation and management of the choir, and the selection of church music, shall be subject to the control and direction of the Vicar.

#### **60 Vicar to maintain registers**

- (1) The Vicar shall maintain up-to-date, in good order and legible form, register of services, registers of baptism, confirmation and admissions to Holy Communion, marriages, and funerals for the parish or for each part of the parish.
- (2) When complete the registers shall be forwarded to the Diocesan Secretary.

#### **61 Appointment of ordained staff**

No ordained staff (other than the Vicar) shall be employed in the parish without the prior approval of Vestry.

#### **62 Appointment and dismissal of voluntary staff**

The Vicar shall have the right to appoint and dismiss all voluntary Church workers or to grant them leave of absence, with the exception of any whose appointment or election is governed by any Canon of General Synod or by any Act of the Diocesan Synod.

#### **63 Stipendiary Lay Staff**

- (1) Stipendiary lay staff may be appointed by the Vicar and Churchwardens with the approval of Vestry.

2008 PROVIDED that before any employment commences the Employment Agreement required to be entered into between the proposed employee and the Parish has the prior approval of the Diocesan Secretary as to content and form.

- (2) The Vicar and Churchwardens shall have power to suspend the lay staff of the Parish, but any such suspension shall be at once notified by them to the other members of Vestry.
- (3) No stipendiary lay staff of the Parish shall be dismissed without the approval of two-thirds of members present at a duly constituted meeting of Vestry, and in the case of stipendiary lay staff who hold a licence or letter of authority from the Bishop, without the prior consent of the Bishop.
- (4) The Vicar shall have power to grant leave of absence from work to any stipendiary lay staff, but leave of absence for a term exceeding one month shall not be granted except with the approval of Vestry, and no payment from parish funds shall be offered or made to any replacement without the authority of Vestry.

#### **64 Occupants of parish houses liable for damage**

The Vicar and any other clergy or lay staff provided by the parish with housing shall be responsible for all damage arising from his or her occupancy of the house other than fair wear and tear.

## **PART VII**

## **LOCAL COMMITTEES**

### **65 Constitution of local committees**

- (1) Where, within a parish, -
  - (a) there is more than one district community, or there is an area that is likely to be constituted as a separate parish in the future; and
  - (b) divine services are held regularly within that community or area, -the annual general meeting of parishioners may resolve to set up a local committee for that community or area with such boundaries as Vestry may determine.
- (2) Every such local committee shall consist of not less than three (3) nor more than ten (10) members of the Church elected by and from those who reside in the community or area.
- (3) Every Church committee of a sub-district of a parish, established at the date of the passing of this statute, shall be deemed to have been duly constituted under the provisions of this section.

### **66 Powers and responsibilities of local committees**

- (1) A local committee shall have all such powers and responsibilities as may be delegated from time to time to it by Vestry.
- (2) Where Vestry delegates to the local committee responsibility for local funds, the local committee shall appoint a treasurer who shall keep the local accounts, and shall remit to Vestry monthly, quarterly, or annually, as required by the Vestry, any payments to parish funds; and at the conclusion of each financial year shall render to Vestry a full statement of the receipts and payments, assets and liabilities of the committee.

### **67 Parish to submit aggregated accounts**

In any parish where there are local committees, Vestry shall include in the accounts submitted to the Diocesan Office all receipts and payments, assets and liabilities, aggregated for the whole parish.

### **68 Election of representatives of local committees to Vestry**

- (1) In any parish where there are one or more local committees, the annual general meeting of parishioners may elect one or more representatives of each local committee to the Vestry, provided that the total number of members of Vestry does not exceed fifteen.
- (2) In such a case, the election of members of Vestry shall be held in the following manner:
  - (a) at the annual general meeting of parishioners, there shall be separate elections for members of Vestry to represent each local committee:
  - (b) the separate elections shall be held in such order as the chairperson shall decide:
  - (c) each nominee shall be a member of the congregation represented by the local committee, and otherwise qualified to be a member of Vestry:
  - (d) the decision of the chairperson as to whether any person is or is not a member of a particular congregation shall be final:
  - (e) all those present at the meeting eligible to vote shall be entitled to nominate and vote in the election of all members of Vestry:
  - (f) after the election of representatives of the local committees, the meeting shall



elect the remainder of the members of Vestry.

## **PART VIII**

### **MISCELLANEOUS MATTERS**

#### *Presumption and saving of decisions*

#### **69 Effect of non-compliance**

The validity of a decision made under this Act is not affected by the failure of any person to comply with a procedural requirement of this Act.

#### **70 Disputes procedures**

- (1) In the case of any dispute as to the meaning of any part of this statute such dispute shall be referred to the Bishop and Standing Committee of the Diocese to resolve.
- (2) All questions which may arise between the Trustees and the Vicar or the officers of any Parish or Mission District shall be decided by the Bishop and the Standing Committee.
- (3) All questions which may arise between the Vicar and Vestry or between the Vestry and Parishioners shall be referred to the Bishop for his decision.

#### **71 Repeal**

The Parish and Mission Districts Act 1960 is hereby repealed.

# **DIOCESAN PROPERTIES AND FACULTIES STATUTE 2006**

## **Analysis**

- 1 Title**
- 2 Purposes of this Statute**
- 3 Interpretation**

## **PART I – Properties**

- 4 Acquisition of Site or erection of building requires the prior approval of Standing Committee in compliance with the Canons where applicable**

## **PART II – Liabilities**

- 5 No financial liability to be incurred without resolution of Vestry**
- 6 Limitations on borrowing**
- 7 Limitations on giving security**
- 8 Standing Committee may grant relaxation of provisions of sections 6 and 7**
- 9 Application for authority for certain dealings with parochial property**
- 10 Report from Diocesan Finance Team**
- 11 Appeal process**

## **PART II – Faculties**

- 12 Diocesan Secretary as applicant**
- 13 When faculty required**
- 14 Application**
- 15 Determination of the application**
- 16 Other faculties to be dealt with under this Part**

## **PART III – Miscellaneous Provisions**

- 17 Diocesan Trustees to consult Standing Committee before entering into certain dealings**
- 18 Standing Committee may make rules**
- 19 Standing Committee to inspect parish property every three years**
- 20 Protection of other parties**
- 21 Relationship with Anglican Church Trusts Act 1981 and the Canons**

## **A Statute to Make Better Provision Relating to Diocesan Properties and Liabilities, and the Issuing of Faculties**

### **1 Title**

This Statute is the Diocesan Properties and Faculties Statute 2006.

### **2 Purposes of this Statute**

The purposes of this Act are:

- (a) to ensure accountability and define responsibility for property developments in this Diocese.
- (b) to ensure that approval steps are clearly defined and understood, ensuring that the aspirations of Parishes are met as well as the requirements of the Diocese.
- (c) to maintain the minimum level of control to ensure that these goals are met.
- (d) to ensure property developments support the mission objectives of the Diocese.

### **3 Interpretation**

**Assessable Income** shall mean the income of a parish received by that parish during that financial year, -

- (a) Including –
  - (i) gifts (other than gifts in memoriam) for specific parish purposes;
  - (ii) the net proceeds of the sale of any asset less than \$5,000;
  - (iii) the net proceeds of any fund-raising activity, except those excluded under paragraph (b) below;
  - (iv) all other income, such as rent, interest, fees, direct giving, and donations; but
- (b) Excluding –
  - (i) money received by the parish on trust for any other body or person;
  - (ii) bequests and gifts in memoriam, whether for specific parish purposes or general parish purposes;
  - (iii) any money raised or received for specific capital works or maintenance projects of \$5,000 or more;
  - (v) refunds;
  - (vi) funds transferred within the parish accounts;
  - (vii) the proceeds of sale of any asset of \$5,000 or more;
  - (viii) grants-for-mission.

**Bishop** includes the Vicar-General

**Canons** means the Canons of the Constitution of the Church in Aotearoa, New Zealand and Polynesia

**Church** includes any parochial building used exclusively for divine service

**Church Building** is any church, vicarage, parish hall or school

**Diocesan Trustees** are the Nelson Diocesan Board of Trustees

**Diocesan Finance Team** is the Diocesan body established under the Diocesan Structures Statute 2005

**Standing Committee** is the Diocesan body established under the Diocesan Structures Statute 2005

**Site** includes so much of the land surrounding a Church Building necessary for the proper and convenient use of that building; and includes land intended to be the site of any such building

**Trustees of Parochial Property** are any trustees, whether or not incorporated, of land situated in any parish or held in trust for any parish, other than the Diocesan Trustees

**The Anglican Church Trusts Act 1981** is the Act of that name enacted by the New Zealand Parliament.

## **PART I**

### **PROPERTIES**

#### **4 Acquisition of Site or Erection of Building Requires the Prior Approval of Standing Committee in Compliance with the Canons Where Applicable**

- (1) A Site for any Church Building may be purchased, accepted or otherwise acquired only with the prior approval of Standing Committee and the Diocesan Trustees where appropriate.
- (2) A Church Building shall be erected and alteration made by way of addition, diminution, or otherwise to any Church Building that may affect the stability or general plan of the building only with the prior approval of the plans and specifications by Standing Committee and the Diocesan Trustees.
- (3) Where the approval of Standing Committee is sought for any proposal under subsection (1) or subsection (2), the proposal must be forwarded to the Diocesan Secretary who must forward it to Standing Committee as soon as possible after obtaining the approval of both a Diocesan Property Consultant and the Chaplain for Church Development (or like position) together with any comments the Diocesan Secretary considers relevant to the proposal.
- (4) The Bishop may waive the requirements of subsection (2) in respect of any alteration that, in the opinion of the Bishop, is of minor importance.

## **PART II**

### **LIABILITIES**

#### **5 No financial liability to be incurred without resolution of Vestry**

- (1) Any contract, work or project that involves any financial liability must be undertaken in

any parish as part of the activities of that parish, whether by the Vicar, the Churchwardens, or any association of parishioners, only if the contract or work has been first authorised by a resolution of the Vestry.

- (2) The maximum amount a Vestry can spend on any contract, work or project without authorisation from a general meeting of parishioners is \$20,000 or 20% of Assessable Income in the previous year, whichever is the lesser.
- (3) The maximum amount established in subsection (2) must be reviewed annually by Standing Committee which may make an amendment in accordance with any movements in the Consumer Price Index.
- (4) Where the agreement of parishioners is to be sought under subsection (2), the estimated amount of the liability to be incurred must be given in the notice convening the meeting and in the resolution moved at the meeting.

## **6 Limitations on borrowing**

- (1) No vestry or other parochial body wishing to authorise or enter into any contract for the acquisition of land, or for the acquisition, erection, renovation, or improvement of any building, must have available, without borrowing, not less than 60% of the total liability involved in the contract.
- (2) In respect of each such contract, in addition to making provision for the interest on the balance of the total liability, the Vestry or other parochial body must make provision to reduce the balance annually such that the total liability is extinguished within 20 years.

## **7 Limitations on giving security**

Trustees of Parochial Property shall not -

- (a) Mortgage the Site of any Church Building for the purpose of meeting ordinary expenditure of the parish; or
- (b) Mortgage the Site of any Church Building except for purposes connected with that building or its Site or with the provision of a new Church Building or Site in place of the present one.

## **8 Standing Committee may grant relaxation of provisions of sections 6 and 7**

- (1) In particular cases, Standing Committee may relax on special grounds the provisions of sections 6 and 7.
- (2) Every application for such relaxation must be made to Standing Committee in writing, setting out the grounds on which it is made.

## **9 Applications for authority for certain dealings with parochial property**

- (1) No Trustees of Parochial Property shall sell, exchange, mortgage, otherwise dispose of, or lease for a term (including renewals) of more than 21 years any of that property unless they have the authority required by section 3(2)(d) or section 9(2)(d) of The Anglican Church Trusts Act 1981.
- (2) An application for such authority must be made to Standing Committee, stating the reason for the proposed dealing and the purpose to which it is intended to apply the proceeds arising from the dealing.

## **10 Reports from Diocesan Finance Team**

Before making its decision on any matter arising under sections 5, 8 and 9, Standing

Committee may seek a report from the Diocesan Finance Team.

## **11 Appeal process**

Where an application is declined, there is a right of appeal to the Bishop who would then make a determination.

## **PART III**

### **FACULTIES**

## **12 Diocesan Secretary as applicant**

In this Part, where the Diocesan Secretary is one of the applicants, the Bishop or the Bishop's nominee carries out the Diocesan Secretary's functions.

## **13 When faculty required**

- (1) A faculty must be issued under this Part of this Act before any of the following occurs:
  - (a) any alteration by way of addition, diminution or otherwise in or to the fabric, furniture, lighting installation, monuments or ornaments of any church; or
  - (b) the erection or placing in any church of any article that is required or ought to be dedicated or consecrated.
- (2) The work contemplated must not be commenced until the faculty has been issued, unless the Diocesan Secretary waives the provisions (1).
- (3) In any new church, a faculty must be obtained for all furnishings, installations, monuments and ornaments that are to be placed in it, whether new or transferred from a building previously in use.

## **14 Application**

- (1) The Vicar and Churchwardens of the parish concerned must apply in writing to the Diocesan Secretary for the issue of a faculty.
- (2) The application must include
  - (a) a full description and plan or sketch of the work or article; and
  - (b) a copy of the resolution, certified by the Vicar, of the Vestry approving the proposals
  - (c) a statement showing how the cost has been, or will be met

## **15 Determination of the application**

- (1) The Diocesan Secretary may refer an application to advisors recommended by Standing Committee.
- (2) On receipt of an application, the Diocesan Secretary may ask the applicants for such further information as the Diocesan Secretary considers necessary.
- (3) The Diocesan Secretary may issue or decline a faculty.
- (4) The Diocesan Secretary must give reasons if the application is declined.
- (5) If the Diocesan Secretary declines to issue a faculty, there is a right of appeal to the Bishop who would then make a determination.

## **16 Other faculties to be dealt with under this Part**

All faculties required under any of the Canons or under any other Statute must be applied for and dealt with under this Part of this Statute.

## **PART IV**

### **MISCELLANEOUS PROVISIONS**

#### **17 Diocesan Trustees to consult Standing Committee before entering into certain dealings**

Before selling, exchanging, mortgaging, otherwise disposing of, or leasing a parochial property vested in the Diocesan Trustees, and before applying for an authority required by law for selling, mortgaging, exchanging or leasing any parochial property so vested, the Diocesan Trustees must refer the proposed dealing to Standing Committee and must consider any recommendation made by the Committee.

#### **18 Standing Committee may make rules**

Standing Committee may make rules which must not be inconsistent with the provisions of this Act or of The Anglican Church Trusts Act 1981 or of the Canons governing the procedure to be followed by vestries and Trustees of Parochial Property in respect of applications under section 9 or section 14.

#### **19 Standing Committee to inspect parish property every three years**

Standing Committee must, either through the Diocesan Secretary or otherwise, inspect all the land and buildings of each parish at least once every three years.

#### **20 Protection of other parties**

A person proposing to give credit to any vestry or other parochial body or any trustee or Trustees of Parochial Property, or to purchase or exchange or otherwise acquire, or take a mortgage or other charge over the Site of a Church Building

- (a) may not be concerned to inquire about the power of the vestry, body, trustee or trustees to incur the liability, or about the purposes for which any money or property to be derived from the sale, exchange, acquisition, or to secure the mortgage or charge, has been or is intended to be employed; or
- (b) may not be concerned to see to the application of any such money; nor
- (c) be affected by notice, expressed or implied, of any matter that would cause the incurring of the liability, or the sale, exchange, acquisition, or giving of the mortgage or charge, to constitute a breach of this Act or of any other Act.

#### **21 Relationship with Anglican Church Trusts Act 1981 and the Canons**

The powers and duties conferred and imposed by this Act are in addition to any powers and duties conferred and imposed by The Anglican Church Trusts Act 1981 and the Canons.

# APPENDIX A: VESTRY'S GOVERNANCE ROLE

## **The Need for Organisational Clarity**

One of the most notable features of churches is their lack of clear organisational structure. This probably isn't surprising, as the smaller an organisation is (and our Anglican parishes are typically quite small) and the fewer the paid staff, the easier it is for distinctions between roles to be blurred – with people pitching in to help where they see a need.

### ***Changing role of vicar***

The situation is not made any easier by the fact that the role of vicar is changing – being a simple pastor is no longer enough, but what is it exactly we expect of our clergy? With few other staff, vicars in small parishes are often left being responsible for the parish vision and strategic direction, running day to day management and operations, while still being called on to pastor those in need. With greater numbers and more people involved in leadership, however, the need for organisational clarity increases.

### ***Different types of leadership***

Another difficulty is that we often fail to distinguish between different types of leadership in the church. While the vicar, wardens, vestry members and parish manager are all leaders, there is a difference between

- *visionary leadership* (deciding where the church needs to be and creating the environment and culture to get it there),
- *governance leadership* (keeping the church on course to get it to the desired goal) and
- *management leadership* (organising the staffing and daily operations of the church).

The first is the primarily the role of the Vicar (although vestry may feed into this), the second is the role of vestry and the third of staff (and volunteers) involved in parish management.

## **Functions of Vestry**

### ***The Parishes Statute***

The functions of vestry are set out in ss 45 and 46 of the Parishes Statute. Reading these one might be forgiven for thinking vestry has to do everything! The description of vestry's duties needs to be read *in light of the broad distinction between governance and management*. Yes, vestry is responsible for the spiritual growth of the parish and its overall good management, but this doesn't mean it has to do it itself. Vestry's is an *oversight* responsibility and hopefully our discussion tonight can help clarify what this means.



### ***Analogy with a board is helpful (but not perfect)***

Although a corporate analogy is not perfect, it's helpful to compare the role of vestry with that of a board. However the traditional distinction – that the board makes policy and management carries it out – is perhaps too simple. Vestry members need to be kept informed about management issues and want to be engaged. They must be provided with the information needed to exercise this oversight and monitoring role effectively. The difficult question is: when does appropriate engagement cross the line into management? There isn't always a clear line between the two. Different situations will affect the appropriate level of governance involvement. For example, if finances are in serious downturn, vestry is likely to become more involved and review more detailed information than it normally would.

*As a general rule, though, governing bodies function best when they focus on higher-level, future oriented matters of strategy and policy as well as performing their oversight responsibilities.*

### **Seven guiding questions**

To help keep within the bounds of governance, I find these seven questions helpful:

- Is it big?
- Is it about the future?
- Is it core to the mission?
- Is a high level policy decision needed?
- Is a red flag flying?
- Is a watchdog watching?
- Does the Vicar want and need the Vestry's support?

#### **1. *Is it big?***

The bigger the impact of a decision, the greater the role vestry should play. One rule of thumb is that decisions affecting about 10% or more of revenues or activities are strategic decisions. The other side of the coin is to ask is the matter too small to merit vestry's attention?

#### **2. *Is it about the future?***

What will the church look like in five years' time and what has to be done strategically and financially to get it there? Management's role is to develop the draft strategy documents for vestry's input and approval.

#### **3. *Is it core to the mission?***

Think of vestry members as guardians of the church's mission. Questions such as how much to invest in outreach activities are the types of questions vestry should be considering. The role of management is to produce sound analysis and recommendations to help vestry reach the right balance when mission and finances seem to conflict.

#### **4. *Is a high level policy decision needed?***

These policy decisions are ones that have important impact on the church, or that involve such matters as legal compliance or affect the responsibilities of vestry or management – they are not day to day operational policies. For example, if the Diocese hadn't sent out a health and safety policy for parishes, parishes might have had to consider their own high level policy to ensure it complied with the law.

**5. *Is a red flag flying?***

Vestry should know the red flags that indicate it should look closely at a matter. And they should focus on trends – not individual occurrences. Of course matters such as reports of unethical or illegal activity, or serious underperformance call for immediate review. Red flags may also be raised by external agencies, such as an auditor. Even here, vestry's focus should be on whether management recognises the problem and has the capability and plans to improve results, not to micromanage possible solutions.

**6. *Is a watchdog watching?***

If the IRD, other legal watchdog or news media care, then so should vestry.

**7. *Does the vicar want and need vestry's support?***

If the Vicar asks for advice or intervention, then vestry should respond.

### **Some Practical Steps**

There are some practical things vestry can do to help it focus on governance:

- ✓ The chairperson's role is essential and he / she shouldn't hesitate to keep discussion at the right level.
- ✓ A written report sent to vestry before it meets updating it on operational issues can do away with the need for these to be discussed at the meeting.
- ✓ Fewer vestry meetings with more preparation and focus can be an advantage - the problem with meeting monthly is that there is a strong pull to manage rather than govern. The agenda becomes cluttered with less urgent matters and vestries can quickly find themselves drawn into management.

(With heavy reliance on the article 'Distinguishing Governance from Management' by Barry S Bader.)

# APPENDIX B: BUYING AND SELLING LAND OR BUILDINGS IN A MISSION BASED CHURCH

## 1.0 THE REALITY

It is difficult to base decision making on a simple checklist. There is no “one formula” nor “one set of questions” to consider. The Rural / Urban factors are different. Every parish is potentially different – as are their potential sizes and mission opportunities. Therefore each possible sale or purchase is a “special case” requiring careful investigation of current and future factors.

The issues of Sections 2.0 and 3.0 flow out of and into Mission and Community factors. Each sub-section needs to be interpreted in the light of the others. Each potential possibility will require consideration of many of the issues below and probably other issues that are not listed here. Section 4.0 gives a summary of Diocesan Statutory requirements.

## 2.0 UNDERLYING CHURCH LEADERSHIP ATTITUDES AND DESIRES

Generally speaking the following desires will impact our decision making.

### 2.1 The desire to be MISSION FOCUSED

1. Overall mission is based on a variety of Biblical principles and passages – e.g. to be servants of others by providing opportunities for worship, life transformation, involvement, etc. as we are.....
  - Matthew 28 – “making *more* disciples”.
  - Matthew 25 – offering a variety of caring ministries.
  - Matthew 16 – looking for Jesus to “build” his Church.
  - John 13: 35 – loving all people.
2. Mission is people. Mission is ministry. Mission is not buildings, but mission may require land and buildings to enable the church to fulfil its call to mission - to meet in, live in, serve people from, operate from.
3. Mission based churches choose a variety of mission models rather than a chaplaincy model (which provides local care and worship until the interested people ‘die’ off).
4. In terms of numbers impacted, mission implies a growing church, not a shrinking church. The call to grow in mission and disciple making covers a multitude of areas: breadth of ages and needs; of ministries and skills; of worship styles / missions / maturity / belonging / enabling opportunities. All these can impact the need for buildings –all are impacted by land/buildings a local community of faith has available.
5. Mission and ministry involves the whole people of God (not just the leaders and the ordained) - Ephesians 4: 1-16. Increasing lay ministry often leads to a greater variety of mission/ministries, a greater need for buildings and more people involved. This in turn leads to the need for more enablers / overseers / coordinators / staff.

6. Currently the city/town areas of the Diocese various sizes of plant (land and building). Should future mission lead to church clusters then (under some potential models) some local churches within the cluster may need a larger plant than others – i.e. the size of land and variety of buildings to allow for 'cluster' activities.
7. If in the future some smaller town/city parishes were to close (or amalgamate with neighbouring parishes) in order for the Diocese to be mission effective this may not reduce the total land / building requirements rather group it together on a larger site. This assumes not choosing "amalgamation models" used in some dioceses where two small parish combine to form one small parish. Combining should use a model to form a bigger small or middle sized church with potential for greater mission impact.
8. Generally the bigger the worshipping congregation the greater the likelihood of a variety of ministries emerging within, for and from that local church. This may impact building requirements - e.g. spaces for staff, team, specialist ministries (counselling, social services, youth, children, crèche, etc.).
9. Recurring question: will this sale / purchase assist the church fulfil its mission now and in the future – by enabling mission effectiveness, flexibility and variety? Will this sale / purchase enable this community of faith to reach its God-given potential? Hence the following issues .....

## **2.2 The desire to free the Church for its LONG TERM FUTURE POTENTIAL**

1. Future opportunities are beyond current realities and visions.
2. The future is not about the way (nor where) land and buildings are currently being used.
3. Decisions are about far more than the present Vicar or Vestry views, ideas, theories, hopes and desires.
4. Potential is about the unknown – the "could be" not the "what now is".
5. Potential includes the future of society and the local community – its needs, realities and requirements – see section 3.0

## **2.3 The desire to create FLEXIBILITY**

1. Mission opportunities can create the need for flexibility in style, ministries, gatherings purposes, group sizes (small, medium, large), age focus (children, youth, all age, adult).
2. Cost effectiveness (see 2.5) will frequently require most spaces to be multi-use. For example: the same larger space used for worship on Sunday, children or youth during the week, a parish dinner in an evening; a well laid out carpark doubling as a youth basketball court.
3. Spaces (in buildings and land) may have certain uses now and quite different uses in the future.
4. People gathering spaces could be for a mixture of cell, congregation and celebration – meaning small (in a home or local church), medium (what is often now the local church worship space) and large maybe one of the local churches or a nearby venue).

5. Specialisation and deeper levels of ministry may sometimes require their “own” space (e.g. community social service, counselling, pre-school, crèche).

#### **2.4 These desires mean AVOIDING RESTRICTIONS**

1. There is a 3-fold linking, where each impacts the other. Ministries ← → buildings ← → numbers ← → ministries (and around the triangle).
2. All three are impacted by the ministry style, skills and leadership of the local Vicar / ministry team.
3. The 3-fold interlink points to such things as: ministries are often handicapped by lack of building space; numbers we can touch with the gospel are restricted by lack of empty seats in worship or lack of space for various children/youth age groups to meet.
4. Lack of access (e.g. car parking) can restrict ministry (numbers and type of people reached) – see section 3.0
5. One example: to avoid future restrictions we recall the plans of one overseas diocese a couple of decades ago. They purchased 10 acres in new residential suburbs. In a few cases they knew they might sell up to 5 acres but considered every local church required a minimum of 5 acres of land.

#### **2.5 Desires and Visions are balanced by REALISM**

1. Land and buildings are expensive. Financial resources are limited. Land and buildings need to be cost effective.
2. Suitably sized blocks of land are hard to obtain especially in towns and cities. It is often impossible to ‘add a bit of land’ to existing sites. See 3.3 Point 9.
3. We recall instances of churches saying they would focus on mission not buildings. They hired buildings as a place to gather and do mission from. Often these churches lasted a short time or eventually bought /built their own spaces. Having said that there may be a case for renting, especially initially as a ‘start up’ strategy.
4. Churches are no longer regarded as “special case” organisations and are now facing greater restrictions – see 3.0.
5. We constantly face population shifts – shrinking or dying towns; new and growing suburbs; housing areas becoming commercial or industrial; new motorways/roadway routes restricting or dividing communities.

#### **2.6 Desires and visions face the COMPLICATIONS OF HOUSING STAFF**

1. Generally churches that develop strong and effective teams of lay ministers or who reach out to involve more than 60-70 people in their “regular life and activities” require the provision of staff time – which may mean stipend and/or allowances. Housing or house allowances may become an issue.
2. Housing may or may not need to be on the same site as the “church plant”. The larger the church the more beneficial it can be to have the senior staff person (vicar) off site.

3. Generally (where possible) it is good for the (senior) staff person to live in the community they minister in.
4. Staff housing requirements (location and size) depend on a number of things including a staff person's ministry style; family situation (ages and size); the size of the church; other members in the staff team; etc. Such factors impact the need for study/office space in the church buildings.
5. Generally it is good for parishes to own (a) staff house(s) which staff (the vicar or other staff) could live in – or which can be rented to provide income towards housing allowances. In certain economic climates it is economically advantageous to own (and rent) housing.
6. Where houses are rented vestry, as stewards, should set aside income for rates, insurance and larger long term R & M.
7. Not all clergy or staff will be able to afford to buy or rent in the area in which they will minister. They may own (retirement) housing elsewhere. In some areas it would be unwise for clergy to purchase – e.g. depressed small towns where housing is difficult to sell. Renting can be disruptive on families if the house becomes unavailable.
8. In a parish where a vicarage is sold, yet residential ministry could be required in the future, serious consideration should be given for the proceeds of the sale to be invested in a replacement purchase so future ministry offers are not restricted by lack of appropriate housing.

## **2.7 Attitudes and desires recognise DIFFERENCE**

1. Every local church is different - significantly so between small and large churches and between Rural, small town and city churches. Different skills and specialisations are required for each.
2. Consequently each situation requires different approaches to decisions about land and buildings. Apparently similar issues may lead to a decision of 'yes' in one situation and a 'no' in another. No decision creates a precedent.
3. Decision makers avoid using small church thinking when making decisions about (potentially) large or multi-styled churches – or using city ideas when deciding about rural churches. Decision makers may find advantage in drawing on the wisdom of people with expertise in the type of church about which decisions are being considered.
4. One complication of difference is related to future perspectives. See 2.2. Some local churches go through periods of having as warden/vestry few (or no) practical people or visionary members who can imagine a different brighter future. In some situations vestry members who would "stand up to" the vicar have "gone" – leaving vestry as a "yes" group to the Vicar's desires. That does not always lead to good decision making or wise requests to the Diocese.

## **3.0 LEGAL, GOVERNMENT, COMMUNITY AND SOCIAL ISSUES**

The church, its land and buildings are no longer a "special case". Community decision and social attitudes are and will restrict the church in its mission. Decisions re land and buildings must ensure each local church can continue with its strong mission focus.

A number of specific issues impact the retention, sale and purchase of land.

### **3.1 GENERAL REQUIREMENTS**

These impact all parishes especially if new buildings are added or when rebuilding (due to fire etc.).

1. The percentage of site coverage allowed for buildings required now and possible future changes.
2. Number of all-weather car parks. Some councils now require one car park for every two seats in the largest gathering space. Adequate and accessible disability parking.
3. Egress to car parking and buildings (legal, obvious and easy).
4. Egress restrictions on some major roads – are there NZTA requirements?
5. Churches surrounded by residential housing: restrictions on noise levels and hours of use. Some churches have therefore found it necessary to purchase houses next to their plant, to avoid neighbour complaints re buildings, activities or noise.
6. Enough land to build toilets for each specialist space – toilets that have the number of cubicles etc. councils require.
7. Sun, light, shadow and height restriction.
8. Space for correct gradient ramps for each building and sometimes additional ramps for alternative access to or within buildings.
9. Church buildings seen as attractive with visibility not restricted by other buildings.
10. Land for gardens, shrubs, trees etc. to make pleasant outdoor gathering spaces which enhance fellowship and deepen potential for mission through community ministries, funerals, weddings, etc.
11. Ongoing question: what are the current and likely future government and council legal requirements?

### **3.2 Looking ahead PROJECTION ISSUES**

Are there any potential future impacting issues:

1. Community population projections and new housing areas?
2. Roading or other council projections (restricting access, taking land, etc.)?
3. Is there potential for development in the future? For example: what are the long term possibilities for a small towns near cities (e.g. Brightwater)? Might it mean a parish could require new or larger spaces to gather in or different spaces to minister from? This would mean the application of council parking requirements. Is there plenty of land to cover all possible parish and council requirements?
4. Imagining a potential future means considering: possible multi-use spaces; specialist areas; how the church might be called to (or have the opportunity to) be involved in meeting community needs; etc.
5. The more people a church mission touches (and the more people involved in “doing” the mission) then the higher the likely need for building spaces.

### **3.3 More Specifically CITY ISSUES**

1. Land is expensive and usually increasing in value. Suitably sized land is difficult to find and afford.
2. Land once sold is unlikely ever to be able to re-purchased.
3. Roadside parking is becoming harder to use – especially competing with community events, Sunday trading, special activities, etc. Parking may face more time restrictions in the future.
4. Multi-congregational churches better multi-use their buildings but often require additional parking for the overlap of coming-going.
5. City ministry/mission has a greater opportunity for style specialisation. This enables the powerful impact of eclectic parishes – people attracted to church ministries (those I like/need for me or my family – youth/crèche etc.) or worship that fits my personality / background / music tastes / etc. (e.g. Cathedral worship, a church with young adults, a church with effective youth programme, etc.).
6. Other spaces may be available for hire – but will they be available when required (especially if wanted during the week or every Sundays). What will be the ongoing cost (financially and on energy to set up / take down)?
7. Often city churches are significantly restricted by land size. Churches where “not now needed” land has been sold off have suffered ministry (and therefore mission) restrictions in later years. So – generally city and town land within or attached to the church plant should never be sold.
8. There needs to be compelling reasons to sell – such as ‘the church is going to close’. “We are not currently using the land/building” or “we need the money to save/use” are not compelling reasons.
9. There are also compelling reasons to purchase neighbouring properties – for example a house or section next door to the Church property, even if it is then rented until the parish needs to use it or “join” it to the existing site.

### **3.4 More specifically RURAL ISSUES.**

A few of the rural factors directly or indirectly related to land and buildings are:

1. Rural people seldom have a choice as to which church they will choose.
2. Rural communities are complex and require different strategies to reach the different people groups: agri-business people (farmers) and people linked to the rural economy; long established residents; commuters and lifestyle block owners; retirees; idealists; holiday home occasional residents; transient groups (now fewer teachers, doctors, bankers etc. and often more benefit / cheaper housing people); some professionals with the type of work that means they can live anywhere; etc.
3. New residents and settlements may not be people with rural mind-sets. This can cause conflict and require special skills to incorporate such a range of people.
4. Traditional rural communities are being disrupted by changes to employment, land use and such things as loss of doctors and schools.
5. Rural churches are impacted by long memories; local ownership rules; historical kinship connections, etc. All these factors impact both the way decisions are made and the type of decisions that may need to be made – if



the aim is to keep the church and community open to the gospel and mission.

6. Travel distances are measured differently – and are not measured by distance between churches but from where people live/farm etc. and what they regard as their “centre” to travel to / belong to.
7. Small towns’ complexities often (in our Diocese) impact surrounding rural communities.
8. Buildings may be small, old, require maintenance, seldom used – but still be significant to locals.
9. Some rural / small town communities have still not faced the ‘modern’ requirements for warmth, toilets, tea/coffee making, flexible indoor space for fellowship, etc.
10. Reduced attendances (or no worship services being held) may be due to these and other ministry / clergy factors and may not be “proof” that the buildings are no longer required. Reduced attendances may also be due to the fact that in the past worship services (and possibly other activities) have not been offered at a time suitable to that particular rural community. It is important to ask and listen to the locals.

#### **4.0 DIOCESAN STATUTORY REQUIREMENTS – A Brief Summary**

The requirements for parishes wishing to buy, sell or develop land and buildings are set out in the *Diocesan Properties and Faculties Statute 2006*, which is found in the Diocesan Handbook.

Among other things these requirements ensure that property developments support the mission objectives of the Diocese. Any parish wishing to deal with land or buildings must read this statute carefully and seek advice from the Diocesan Executive Secretary.

- Part i requires the prior approval of Standing Committee and the Diocesan Trustees before land can be acquired or any building erected or altered.
- Part ii sets out the rules concerning parishes incurring financial liability or entering into mortgages (e.g., to purchase or develop land / buildings).
- Part iii requires a faculty to be granted before alterations can be made to a church, including alterations to its fabric, furniture or ornamentation, and for installation of the same in a new church.
- Part iv requires the Diocesan Trustees to consider the recommendations of Standing Committee before entering any sale, exchange, mortgage, lease or other disposition of land / property held by the Trustees on behalf of a parish.

## APPENDIX C: LEAVE TAKING AND RECORDING

Leave provisions are set out in clergy appointment agreements and contracts of employment for lay staff. The purpose of leave is to ensure that those working for the church have adequate time off for rest and refreshment.

The following comments clarify expectations around leave taking, especially time in lieu and annual leave. They also explain the diocesan process for recording leave and recommend parish procedures.

### Clergy

Ordination is a call on the whole of one's life and appointment to an ecclesiastical office entails non-standard work hours. The expectation is that full time stipendiary clergy work a minimum of 40 hours a week, but never more than 60 hours a week. To clarify, this does **not** mean that clergy are expected to work 60 hours a week, although from time to time this may happen. The 60 hour upper limit is included to ensure that clergy never work **beyond** this limit, as had previously sometimes been the case.

All full time clergy should take one day a week as a rest day (day off). In addition, if other obligations allow, clergy are encouraged to take another day for reading, study and reflection on their ministry.

Public holidays may be taken and provision is made for four weeks annual leave a year. Annual leave is available after 12 months in a position, however with the wardens' approval (or in the case of assistant priests, the vicar's approval), anticipated annual leave can be taken in the first 12 months. After the first year in a position, and to ensure a good break from ministry, at least 14 days annual leave should be taken as a continuous block. Leave should also be taken within 12 months of becoming due, except in special circumstances and with the wardens' agreement.

In the older appointment agreements there is no explicit provision for time in lieu. Newer agreements now try to clarify expectations by providing that where clergy conduct a wedding or funeral on their day off, or respond to an emergency pastoral situation, they may take a full day in lieu at a time agreed with the wardens. This is to enable a full day to be taken away from the workplace. A day in lieu may also be taken if clergy have to conduct a wedding, funeral or other service on a public holiday, or if they have to respond to an emergency pastoral situation, or if a public holiday falls on their day off. There is no other provision for time in lieu. Time in lieu should be taken as soon as possible and cannot be carried over to the following year.

The newer appointment agreements make explicit the requirement to consult with the wardens about when holidays and time in lieu may be taken. This is to promote transparency and coordination in the parish. The same arrangement is expected of all clergy.

## Lay parish staff

Hours to be worked are detailed in the contract and are a matter for negotiation. All staff are entitled to public holidays and four weeks annual leave. Whether or not staff are entitled to time in lieu is set out in the contract and, if permitted, must have the prior approval of a manager/supervisor. As time in lieu is given to compensate for long hours and to ensure adequate rest, it should be taken as close to the time it was accrued as possible.

## Why leave must be recorded

The law requires leave records to be kept. The current practice is for stipendiary clergy and salaried staff to fill in an electronic fortnightly leave return, sent out by the diocesan office on the Friday before the end of a pay period. This electronic form has recently been amended to include space to record time in lieu – both when additional hours are worked and when accrued time in lieu is taken as leave. As the new form records time in lieu in hours, clergy who conduct a service on their day off /public holiday, or who respond to an emergency pastoral situation on these days, (and who are therefore entitled to a full day in lieu), should record their entitlement to time in lieu as 8 hours.

The electronic form now also has a button at the bottom of the page to submit the completed form to the Anglican Centre.

**Anglican Diocese of Nelson**  
 PO Box 100  
 Nelson 7040  
 FAX # 03 548 2125

Staff Name  
  
 Parish

### Fortnightly Leave Form

For Pay Period Start  Did you take leave during this period ?  
 End  Yes  No

\* Clergy Leave is accrued and paid based on a 14 day fortnight - inclusive of any 'day/s off'  
 \*\* IF your leave exceeds the pay period END date shown above, please put the ACTUAL end date your leave will finish

|   | 1st Day of Leave                          | Last Day of Leave                         | Number of Days                            |
|---|---|---|---|
| Select Leave Type <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> |
| Select Leave Type <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> |
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| Select Leave Type <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> |

Notes:

#### Public Holiday & Time in Lieu Records

Select Public Holidays you took off that fell in the leave period advised above.. (if any)

Select Public Holiday Taken off 
 Select Public Holiday Taken off 
 Select Public Holiday Taken off

Did you work on either a Public Holiday or your day/s off ? IF yes please record below

|   | Hours Worked                              | Reason for working.. ?                     |
|---|---|--|
| Select Day Worked <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 150px;" type="text"/> |
| Select Day Worked <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 150px;" type="text"/> |
| Select Day Worked <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 150px;" type="text"/> |
| Select Day Worked <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 150px;" type="text"/> |

Record any Time in Lieu taken this pay period below

|                            | Start Date TIL Taken                      | End Date TIL Taken                        | Number of HOURS taken                     |
|----------------------------|---|---|---|
| Accrued Time in Lieu Taken | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> |
| Accrued Time in Lieu Taken | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> |
| Accrued Time in Lieu Taken | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> | <input style="width: 80px;" type="text"/> |

Click below to return by email

Waged staff fill in an alternative fortnightly timesheet. This must be received in the

diocesan office by 5pm on the day following the end of a fortnightly pay period. Some larger parishes collate timesheets for their staff and send the details on a spreadsheet (available from the diocesan office). All time sheets must be authorised as correct by a designated person within the parish.

An accurate and regular record of leave is needed to ensure correct remuneration payments. While the level of clergy stipends and staff salaries is not affected by leave calculations (unlike wages), the financial liability of a parish when an appointment/employment ends is directly linked to outstanding clergy/lay staff leave and this needs to be monitored.

To this end the Diocese records in the parish accounts a monthly holiday pay accrual to help identify which parishes have excessive leave liability to help them manage this liability - across the Diocese at any one time this liability amounts to around \$200,000. Leave reporting is also needed to ensure contractual compliance and regular fortnightly reporting ensures that leave taken is recorded in the corresponding pay period.

Lack of consistent and regular leave reporting can, and has, led to tension. People forget to record leave and a lack of clear communication between clergy and wardens, or between lay staff and managers, can give rise to misunderstanding.

### **Role of wardens**

The Parishes Statute puts responsibility on wardens "to have concern for the physical wellbeing of the Vicar and staff and to ensure that they each take their annual leave entitlements". In the past the Diocese has sent wardens an annual report of leave outstanding in the form of a 'leave audit', which wardens confirm as correct. Without regular information about leave taken, this is an onerous request. Therefore, from now on, the Anglican Centre will automatically send wardens a copy of clergy and salaried staff leave returns where leave has been taken in the preceding fortnight. Wardens can then raise any queries while the matter is current. The fortnightly timesheet for waged staff already has provision for recording time in lieu, and the requirement for authorisation means there is already parish oversight. The annual leave audit will continue to be sent, but for information only.

### **The Need for Parish Procedures**

The process for approving and recording leave will vary from parish to parish depending on its size and number of staff. With this in mind, we recommend that parishes develop their own internal procedures to ensure good communication between clergy, wardens and staff about leave, in particular for:

- approving leave
- where applicable, authorising wage-earner timesheets and flagging any concerns with wardens
- arranging cover while clergy or lay staff are on leave (the Anglican Centre can assist with this, if needed)
- approving time in lieu and deciding when it can be taken
- ensuring clergy and staff take adequate and regular annual leave

The Anglican Centre will continue to monitor leave. This is to ensure both the health and

well-being of those behind in taking leave, and for the benefit of parishes bearing financial liability for untaken leave. It is in all our best interest that those working for the church have regular times of rest and refreshment.