

# ***Rules of Trinity South Christchurch Incorporated***

## ***The Church***

### **1. Name**

- 1.1.** *The name of the church is Trinity South Christchurch Incorporated ("the Church").*
- 1.2.** *The Church is constituted by resolution dated 26 August 2018.*

### **2. Registered Office**

- 2.1.** *The Registered Office of the Church is 10 Indira Lane, Cashmere, Christchurch 8022.*

### **3. Purposes of Church**

- 3.1.** *The purposes of the Church are to:*

- 3.1.1.** *Proclaim the Gospel of Jesus Christ as revealed through the Holy Scriptures, and all that accords with sound doctrine;*
- 3.1.2.** *Teach only the doctrine and interpretation of the Christian faith as found in the Holy Scriptures and expressed in:*
  - 3.1.2.1.** *The 39 Articles of Religion;*
  - 3.1.2.2.** *The Book of Common Prayer (1662);*
  - 3.1.2.3.** *The Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons ("The Ordinal");*
  - 3.1.2.4.** *The Jerusalem Declaration (2008);*
- 3.1.3.** *To rightly administer the sacraments of Baptism and the Lord's Supper;*
- 3.1.4.** *To disciple Members to grow in faith and godly living by providing loving pastoral care of Members which on occasion may include discipline with a view to restoration.*
- 3.1.5.** *To organise weekly worship; and to pray for the church and world.*
- 3.1.6.** *To know Jesus and make Him known.*
- 3.1.7.** *Do anything necessary or helpful to the above purposes.*
- 3.1.8.** *Obtain and maintain charitable status.*

- 3.2.** *If the Church is registered under the Charities Act 2005 in accordance with clause 3.1.8, then the activities of the Church shall be carried out exclusively for Charitable Purposes within New Zealand and not for the private pecuniary gain of any person, including any Member. The income and property of the Church shall be applied solely towards the activities of the Church or by way of gift or such other means as Vestry may consider appropriate for charitable purposes in New Zealand.*

**3.3.** To unite with CCAANZ as an Anglican Church under CCAANZ's Constitution and Canons and to uphold and promote the purposes of CCAANZ.

#### **4. Affiliation to CCAANZ**

**4.1.** The Church may seek affiliation with CCAANZ by following the applicable CCAANZ Rules.

**4.2.** If the Church seeks affiliation with CCAANZ (and its affiliation is accepted by CCAANZ), the following applies:

**4.2.1.** The Church (including licensed clergy) and its Members are bound by the CCAANZ Rules; and

**4.2.2.** These Rules apply subject to the CCAANZ Rules and, for clarity, in the event of any conflict or inconsistency, CCAANZ Rules will take priority over these Rules.

**4.3.** If the Church is not affiliated with CCAANZ, references to CCAANZ and the CCAANZ Rules in these Rules are to be ignored and have no effect.

**4.4.** Notwithstanding anything in the CCAANZ Rules or these Rules which purport to bind the Church to the CCAANZ Rules, the Church may disaffiliate from CCAANZ by Special Resolution.

**4.5.** This clause 4 cannot be amended or revoked except by Special Resolution.

## **Organisation of the Church**

#### **5. Church leadership**

**5.1.** The Church shall have an ordained senior minister, holding the designation of Vicar, to be appointed in accordance with the CCAANZ Rules.

**5.2.** The Church may have another ordained minister or other ordained ministers, holding the designation of assistant minister ("Assistant Minister"), to be appointed in accordance with the CCAANZ Rules.

**5.3.** The Church may appoint or employ lay ministers and staff in accordance with the CCAANZ Rules and these Rules.

**5.4.** The Church shall have two churchwardens ("Churchwardens"), being Members aged 20 years or over,<sup>1</sup> one appointed by the Vicar ("Vicar's Warden") and one elected annually by the Members ("People's Warden"), the appointment to be announced and the election to take place at each Annual General Meeting.

**5.5.** The Church shall have a committee charged with the governance and good order of the Church ("Vestry"), consisting of those persons set out in the CCAANZ Rules, provided that Vestry shall include not less than three but not more than 10 Voting Members,<sup>2</sup> to be elected annually by the Voting Members (in addition to the Officers) [see rule 5.5 of the Schedule].

**5.6.** The Vicar and the Churchwardens shall be the Officers of the Church.

**5.7.** Synod Representatives are to be elected or appointed and hold office in accordance with the CCAANZ Rules.

**5.8.** Only Voting Members of the Church may be Churchwardens, Synod Representatives and Vestry Members. A Voting Member may hold office as a Churchwarden and Synod Representative at the same time.

**5.9.** No person ineligible to be an Officer as defined by the Charities Act 2005 is eligible for election or appointment as a Churchwarden or election as a Synod Representative or Vestry member.

#### **6. Elections**

**6.1.** Nominations for elections for People's Warden, Synod Representatives (if necessary) and Vestry members shall be called for at least 21 Days before an Annual General Meeting (or such lesser

period of time as determined by Vestry). Each candidate shall be proposed and seconded in writing by Voting Members and the completed nomination delivered to the Church Administrator or other person as determined by Vestry. Nominations shall close at 5pm on the seventh Day before the Annual General Meeting;

**6.2.** All Office Holders who cease to be an Office Holder pursuant to clause 7.1.3 shall be eligible for re-election or re-appointment (in the case of the Vicar's Warden) at the Annual General Meeting.

## **7. Cessation of Office Holders**

**7.1.** Persons cease to be an Office Holder if:

**7.1.1.** They resign by giving written notice to Vestry (or to the Vicar in the case of the Vicar's Warden);

**7.1.2.** They are removed by Majority vote of the Members at a Church Meeting (or are removed from office by the Vicar in the case of the Vicar's Warden);

**7.1.3.** Their term expires;

**7.1.4.** They become ineligible to be an officer under the Charities Act 2005;

**7.1.5.** The CCAANZ Rules so provide; or

**7.1.6.** They die.

**7.2.** If a person ceases to be an Office Holder, that person must, within one month give to Vestry all Church documents and property whatsoever held by the person ceasing to be an Office Holder.

## **8. Role of Vestry**

**8.1.** Vestry's role is set out in the CCAANZ Rules and rule 8.1 of the Schedule.

**8.2.** Vestry must comply with or give effect to any applicable CCAANZ Rules and appoint people to positions as required by any CCAANZ Rules.

**8.3.** Vestry has all of the powers of the Church, unless Vestry's power is limited by the CCAANZ Rules or these Rules, or by a Majority decision of the Voting Members.

**8.4.** Unless otherwise required by the CCAANZ Rules or these Rules, all decisions of Vestry shall be by a majority vote.

**8.5.** Decisions of Vestry bind the Church, unless Vestry's power is limited by the CCAANZ Rules or these Rules or by a Majority decision of the Voting Members.

## **9. Roles of the Officers**

**9.1.** The Vicar is responsible for those matters set out in the CCAANZ Rules and rule 9.1 of the Schedule.

**9.2.** The Vicar must comply with the CCAANZ Rules, these Rules and any licence issued by the Bishop, and ensure as appropriate that the Church and its Members comply with the CCAANZ Rules and these Rules.

**9.3.** The functions and powers of the Churchwardens are as set out in the CCAANZ Rules and rule 9.3 of the Schedule.

## **10. Role of Synod Representatives**

**10.1.** The role of the Synod Representatives is set out in the CCAANZ Rules and to report on matters relating to Synod as requested by Vestry.

## **11. Vacancies in Church positions**

- 11.1.** Vacancies in Church positions (which include the Vicar, the Churchwardens, Synod Representatives and Vestry members) are to be filled in accordance with the applicable CCAANZ Rules.
- 11.2.** If any Vestry member is consistently absent without leave of absence the Chair may declare that person's position to be vacant.
- 11.3.** Rules 11.3 to 11.14 of the Schedule apply to the extent that there are no applicable CCAANZ Rules applying to a vacancy.

## **12. Vestry Meetings**

- 12.1.** Vestry meetings may be held via video or telephone conference, or other formats as Vestry may decide.
- 12.2.** No Vestry meeting may be held unless a quorum is present, which is more than half of Vestry Members including a Churchwarden are in attendance.
- 12.3.** The Vicar shall chair Vestry meetings, or if the Vicar is absent or decides not to chair, the Vicar (or Vestry in the absence of any direction by the Vicar) will choose another Vestry Member to chair the meeting.
- 12.4.** Unless otherwise required by the CCAANZ Rules or these Rules decisions of Vestry shall be by majority vote and recorded in minutes of Vestry, which must be approved by Vestry.
- 12.5.** In the event of an equal vote, the Chair shall have a casting vote, that is, a second vote.
- 12.6.** Only members of Vestry present at a Vestry meeting may vote at that Vestry meeting.
- 12.7.** Subject to the CCAANZ Rules and these Rules, Vestry may regulate its own practices.
- 12.8.** The Chair shall adjourn the meeting if and when necessary.
- 12.9.** Adjourned Meetings: If, within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned to a day, time and place determined by Vestry.

# **Church membership**

## **13. Admission of Members**

- 13.1.** To become a Member, a person ("the Applicant") must:
- 13.1.1.** Profess that Jesus Christ is Lord and Saviour;
  - 13.1.2.** Be a regular attendee of the Church for at least three (3) months;
  - 13.1.3.** Agree to the purposes and aims of the Church; and
  - 13.1.4.** Agree to be registered on the Register of Members.

## **14. Types of Members**

- 14.1.** Membership is comprised of two different categories:
- 14.1.1.** General Member: Subject to clause 14.3 any person admitted as a Member under clause 13;
  - 14.1.2.** Voting Member: Any General Member who meets the requirements set out in the CCAANZ Rules [see also rule 14.1.2 of the Schedule].
- 14.2.** General Members and Voting Members are together known as the "Members" or the "Membership".

**14.3.** Any person under 16 years of age requires the consent of a parent or guardian to become a Member under clause 13.

**14.4.** Members have the rights and responsibilities set out in the CCAANZ Rules and these Rules.

## **15. The Register of Members**

**15.1.** The Church Administrator shall keep a register of Members ("the Register"), which shall contain the names, the postal and email addresses and telephone numbers of all Members, and the dates at which they became Members.

**15.2.** If a Member's contact details change, that Member shall give the new postal or email address or telephone number to the Church Administrator.

**15.3.** The Church Administrator will regularly review the Register (but no less than twice yearly including before people are nominated for election to any position), and make any amendments as necessary to keep the register up to date.

**15.4.** Members shall have reasonable access to the Register of Voting Members.

## **16. Cessation of Membership**

**16.1.** Any Member may resign by giving written notice to Vestry.

**16.2.** A Member's Membership may be terminated:

**16.2.1.** in accordance with any applicable CCAANZ Rules; or

**16.2.2.** if the Member remains uncontactable despite Vestry making a reasonable attempt to contact the Member.

**16.3.** At the request of the Vicar, the Vestry may terminate a Member's Membership when, in the opinion of Vestry the Member's life and conduct:

**16.3.1.** are not in accordance with the purposes and aims of the Church; or

**16.3.2.** negatively influences the Church or its testimony in the community.

**16.4.** A unanimous consensus of Vestry at a meeting shall be required in order to terminate a Member's Membership under clause 16.2.2 or clause 16.3 and no period of prior notice shall be required for such termination.

**16.5.** The former Member may submit an appeal of a decision terminating his or her Membership under clause 16.3 to the Bishop or to the Vicar-General if the Bishop is conflicted from making, or is unable or unwilling to make, a decision on the appeal. All aspects of the appeal process, including whether an appeal will be considered and, if so, its procedure and whether there will be a hearing on the matter, will be governed by the applicable CCAANZ Rules or, if there are no applicable CCAANZ Rules, shall be determined by the Bishop (or the Vicar General) at his discretion and the Bishop's (or Vicar-General's) decision, both on the procedure and outcome of the appeal, shall be final and binding.

**16.6.** The Church will remain open to the possibility of reconciliation with the former Member whose Membership was terminated under clause 16.3 provided that the former Member has repented and returned to orthodox belief and practice. In this event, the former Member may seek to rejoin as a Member by following the process provided for in clause 13 provided that Vestry is first unanimously satisfied that the former Member has repented and returned to orthodox belief and practice.

**16.7.** A Member whose Membership has been terminated under clause 16.2.2 may seek to rejoin as a member of the Church by following the process provided for in clause 13.

## **17. Obligations of Members**

**17.1.** All Members shall promote the purposes of the Church and shall do nothing to bring the Church into disrepute.

# Administration of the Church

## 18. Powers of the Church

**18.1.** The Church may for the purposes of the Church:

- 18.1.1.** Employ staff;
- 18.1.2.** Enter into contracts;
- 18.1.3.** Own property;
- 18.1.4.** Invest in any investment if authorised by Vestry;
- 18.1.5.** Borrow money and provide security if authorised by Vestry;
- 18.1.6.** Exercise all the rights, powers, and privileges of a natural person.

## 19. Recruitment and training of clergy, staff and volunteers

**19.1.** The recruitment and training of clergy, staff and volunteers must be carried out in accordance with applicable CCAANZ Rules and good practice.

## 20. Contracting

**20.1.** The Church contracts as follows:

- 20.1.1.** In respect of an obligation which, if entered into by a natural person, would, by law, be required to be by deed or any contracts involving land, may be entered into on behalf of the Church in writing signed under the common seal with the authority of Vestry.
- 20.1.2.** In respect of any other agreement, whether written or oral, by any person with the authority of Vestry.

## 21. The use of money and other assets

**21.1.** The Church may only use money and other assets if:

- 21.1.1.** It is for a purpose of the Church;
- 21.1.2.** It is not for the private pecuniary profit of any individual or Member; and
- 21.1.3.** That use has been approved by either the CCAANZ Rules, these Rules, Vestry or by Majority vote of the Church.
- 21.1.4.** For the avoidance of doubt, nothing in this clause restricts the ability of the Church to employ its Members or support mission work overseas.

**21.2.** Despite clause 21.1.2 and for the sake of clarity, Vestry may provide reasonable assistance to Members (including financial assistance) for the purpose of, and to the extent necessary for, providing relief from proven financial hardship.

## 22. Joining Fees, Subscriptions and Levies

**22.1.** There shall be no fee, subscription, or levy imposed on any Member, or any Applicant seeking membership.

## 23. Conflicts of Interest

**23.1.** A conflict of interest exists in any situation in which a Member's personal interest or loyalties could conflict with his duty to the Church or might affect his ability to make a decision in the best interest of the Church.

**23.2.** When a conflict of interest exists for the Member, that Member must declare the nature of the conflict or the potential conflict and must not take part in deliberations or proceedings including decision-making and voting in relation to the decision for which the conflict of interest has arisen.

**23.3.** The Member in conflict, or potential conflict, must not be counted in the quorum required for decision-making on the matter for which they have the conflict of interest.

## **24. Financial Year**

**24.1.** The balance date of the Church is 31 December each year.

## **25. Assurance on the Financial Statements**

**25.1.** The Church, at its Annual General Meeting, shall appoint an accountant to review or audit (the review or audit to be determined by Vestry) the annual financial statements of the Church ("the Reviewer"). The Reviewer shall conduct an examination with the objective of providing a report that nothing has come to the Reviewer's attention to cause the Reviewer to believe that the financial information is not presented in accordance with the Church's accounting policies. The Reviewer must be a suitably qualified person, preferably a member of the Chartered Accountants New Zealand and Australia, and must not be a member of Vestry, or an employee of the Church. If the Church appoints a Reviewer who is or becomes unable to act for some reason, Vestry shall appoint another Reviewer as a replacement.

**25.2.** Vestry is responsible to provide the Reviewer with:

**25.2.1.** Access to all information for which Vestry is aware that is relevant to the preparation of the financial statements such as but not limited to records, documentation and invoices;

**25.2.2.** Additional information that the Reviewer may request from Vestry for the purpose of the review or audit; and

**25.2.3.** Reasonable access to persons within the Church from whom the reviewer determines it necessary to obtain evidence in order to carry out the review or audit.

# **Conduct of meetings**

## **26. Church Meetings**

**26.1.** Church Meeting has the meaning given in clause 32.1.7.

**26.2.** The Annual General Meeting shall be held once every year no later than 31 March, or such later date as determined by Vestry in accordance with any applicable CCAANZ Rules.

**26.3.** Notice of the date, place and time of the Annual General Meeting shall be given in accordance with the CCAANZ Rules and rule 26.3 of the Schedule.

**26.4.** The business to be conducted at each Annual General Meeting must include those matters set out in the CCAANZ Rules and rule 26.4 of the Schedule.

**26.5.** Special General Meetings may be called in accordance with the CCAANZ Rules and rule 26.5 of the Schedule.

**26.6.** Vestry shall:

**26.6.1.** Give all Members at least 10 Days' Written Notice of the business to be conducted at any Church Meeting.

Additionally, Vestry will provide, as applicable:

**26.6.2.** A copy of the Vicar's report on the Church's mission and ministry activities;

- 26.6.3.** A copy of the annual financial statements as approved by Vestry;
- 26.6.4.** A copy of the Churchwardens' report;
- 26.6.5.** A list of nominees for People's Warden, Synod Representative(s) (if any), Vestry and/or any other positions requiring election, and information about those nominees if it has been provided;
- 26.6.6.** The presentation by the Treasurer of duly audited or reviewed financial accounts for the past financial year and a budget for the forthcoming year;
- 26.6.7.** Notice of any motions and, where applicable, Vestry's recommendations in relation to those motions; and
- 26.6.8.** Any other item required by the CCAANZ Rules or these Rules.

**26.7.** If Vestry has made a reasonable attempt to send a notice to all Members, the Meeting and its business will not be invalidated simply because one or more Members do not receive the notice.

**26.8.** All Members may attend Church Meetings, but only Voting Members may vote.

**26.9.** Unless otherwise required by these Rules or the CCAANZ Rules no Church Meeting may be held unless at least 33% of Voting Members (including at least one Officer) are in attendance. (This will constitute a quorum.)<sup>3</sup>

**26.10.** Unless otherwise required by the CCAANZ Rules or these Rules, all decisions made at a Church Meeting shall be by a Majority vote.

**26.11.** Subject to the CCAANZ Rules and these Rules, Vestry may decide that a Church vote on any motion can take place otherwise than at a Church Meeting and by any method (including by way of online voting) it decides.

**26.12.** All Church Meetings shall be Chaired by the Vicar. If the Vicar is absent or there is no Vicar appointed at that time or the Vicar chooses not to chair, a Churchwarden shall Chair that meeting. Any person chairing a Church Meeting has a casting, that is, a second vote.

**26.13.** On any given motion at a Church Meeting, the Chair shall in good faith determine whether to vote by:

- 26.13.1.** Voices;
- 26.13.2.** Show of hands; or
- 26.13.3.** Secret ballot.

However, if any Voting Member demands a secret ballot before a vote by voices or show of hands has begun, voting must be by secret ballot. If a secret ballot is held, the Chair will have a casting, that is, a second vote.

**26.14.** Votes will be counted by at least two scrutineers who will be appointed by the Voting Members.

**26.15.** The Chair may adjourn a Church Meeting at his discretion.

**26.16.** In extraordinary circumstances, a Special General Meeting may be held via video or telephone conference. An Annual General Meeting may only be held via video or telephone



conference if it is impossible (including legally impossible) to hold an in-person meeting and the Annual General Meeting is required for the Church to comply with its legal obligations.

## **27. Motions at Church Meetings**

**27.1.** Any Member may request that a motion be voted on ("Member's Motion") at a particular Church Meeting. In order that Vestry can consider the Member's Motion, it must be provided by giving Written Notice to Vestry at least 28 Days before that Church Meeting (or, if fewer than 28 Days' notice of the Church Meeting has been given, at least 10 Days prior to the Church Meeting). The Member may also provide information in support of the motion ("Member's Information"). Vestry may in its absolute discretion decide whether or not the Church will vote on the Member's motion. However, if the Member's Motion is signed by at least 10% of Voting Members: The Parish Administration Canon provides that unless the Parish's rules specify otherwise, a quorum is a number representing 40% of the Voting Members on the parish register. The Church can therefore choose the requisite quorum.

**27.1.1.** It must be voted on at the Church Meeting chosen by the Member moving the motion; and

**27.1.2.** Vestry must ensure the Member's Information is given to all Members at least 10 Days before the Church Meeting chosen by the Member moving the motion; or

**27.1.3.** If Vestry fails to do this, the Member has the right to raise the motion at the following Church Meeting.

**27.2.** Vestry may also decide to put forward motions for the Church to vote on ("Vestry Motions") which shall be suitably notified.

### **Common seal**

#### **28. Common seal**

**28.1.** Vestry shall provide a common seal for the Church.

**28.2.** The Church Administrator (or other person as determined by Vestry) shall have custody of the common seal, which shall only be used by the authority of Vestry. Every document to which the common seal is affixed shall be signed by two Officers or, in the alternative, one Officer and countersigned by two members of Vestry.

## **Altering the Rules**

### **29. Altering the Rules**

**29.1.** The Church may alter, amend, add to, or replace the Rules or any part thereof at a Church Meeting by a resolution passed by a two-thirds majority of Voting Members present at the Church Meeting.

**29.2.** Any motion to alter, add to, amend or replace the Rules shall be signed by:

**29.2.1.** All members of Vestry; or

**29.2.2.** At least 10% of Voting Members and given in writing to Vestry at least 28 days before the Church Meeting at which the motion is to be considered, and accompanied by a written explanation of the reasons for the proposal.

**29.3.** At least 10 days before the Church Meeting at which any rule change is to be considered, Vestry shall direct the Church Administrator to give to the Members written notice of the proposed motion, the reasons for the proposal, and any recommendations Vestry has in relation to the proposed motion.

**29.4.** When a Rule change is approved by a Church Meeting, no Rule change shall take effect until the Officers have filed the changes with the Registrar of Incorporated Societies.

**29.5.** Notwithstanding the above, the Members (including Vestry) will not have the ability or power to amend, vary, or change any of the provisions in clause 3.1 and this clause 29.5 except by

unanimous Vestry approval and 75% of all Voting Members. For the avoidance of doubt "all Voting Members" refers to all Voting Members recorded in the Register and not limited to the Voting Members present at the Church Meeting.

## Bylaws

### 30. Bylaws to govern the Church

**30.1.** Vestry may from time-to-time make, alter or rescind bylaws for the general management of the Church, so long as any such by law is not repugnant to the CCAANZ Rules, these Rules or to the provisions of law. All such bylaws shall be binding on Members of the Church. A copy of the bylaws for the time being, shall be available for inspection by any Member on request to the Church Administrator.

## Winding up

### 31. Winding up

**31.1.** If the Church is wound up:

**31.1.1.** The Church's debts, costs and liabilities shall be paid;

**31.1.2.** Surplus Money and Other Assets of the Church may be disposed of:

**31.1.2.1.** By resolution; or

**31.1.2.2.** According to the provisions in the Incorporated Societies Act 1908,  
but

For the purposes of this clause, no distribution may be made to any Member.

**31.2.** All surplus Money and Other Assets must be given or transferred to another organisation, being a registered charity in New Zealand, whose purposes are aligned with those of the Church.

## Definitions

### 32. Definitions and Miscellaneous matters

**32.1.** In these Rules:

**32.1.1.** "Bishop" means the Bishop consecrated and installed as Bishop of CCAANZ;

**32.1.2.** "CCAANZ" means the Church of Confessing Anglicans Aotearoa/New Zealand.

**32.1.3.** "CCAANZ Canons" means any canon passed by Synod.

**32.1.4.** "CCAANZ Constitution" means the Constitution passed by Synod as may be amended from time-to-time.

**32.1.5.** "CCAANZ Rules" means any rules or directives issued by or on behalf of CCAANZ, including for clarity the CCAANZ Constitution and the CCAANZ Canons and any rules, resolutions, regulation, codes, standards and decisions promulgated by or on behalf of CCAANZ.

**32.1.6.** "Church Administrator" means the person employed by the Church to undertake the day to day administration of the Church or, if no such person is employed, the person nominated as such by Vestry.

**32.1.7.** "Church Meeting" means any Annual General Meeting, or any Special General Meeting, but not a Vestry Meeting, nor a Church service or small group meeting.

**32.1.8.** "Day" means a calendar day.

**32.1.9.** "Majority vote" means a vote made by more than half of the Voting Members who are present at a Church Meeting and are voting at that Church Meeting upon a resolution put to that Church Meeting.

**32.1.10.** "Money or Other Assets" means any real or personal property or any interest therein, owned or controlled to any extent by the Church.

**32.1.11.** "Office Holder" means, as the context requires, the Churchwardens, Synod Representatives, and/or Vestry members.

**32.1.12.** "Special Resolution" means unanimous Vestry approval and resolution passed by 90% of those present at a Church Meeting that comprises at least 66% of all Voting Members (including at least one Officer) recorded in the Register.

**32.1.13.** "Synod" means the Synod of CCAANZ as constituted by the CCAANZ Constitution.

**32.1.14.** "Synod Representatives" means those Members elected or appointed in accordance with the applicable CCAANZ Rules to represent the Church at Synod.

**32.1.15.** "Use Money or Other Assets" means to use, handle, invest, transfer, give, apply, expend, dispose of, or in any other way deal with, Money or Other Assets.

**32.1.16.** "Written Notice" means communication by post, electronic means (including email, and website posting), or advertisement in periodicals, or a combination of these methods.

**32.1.17.** Unless the context otherwise requires, it is assumed that:

**32.1.17.1.** Where a masculine is used, the feminine is included;

**32.1.17.2.** Where the singular is used, plural forms of the noun are also inferred;

**32.1.17.3.** Headings are a matter of reference and not a part of the Rules;

**32.1.17.4.** A clause is a reference to a clause in the principal part of these Rules;

**32.1.17.5.** A rule is a reference to a rule in the Schedule and each rule corresponds to the same clause number;

**32.1.17.6.** Matters not covered in the CCAANZ Rules and these Rules shall be decided upon by Vestry;

**32.1.17.7.** If the Church is not affiliated with CCAANZ, references to CCAANZ and the CCAANZ Rules in these Rules are to be ignored and have no effect.

**32.1.17.8.** References to "Senior Minister" shall be deemed to be references to "Vicar" if the Church is affiliated with CCAANZ;

**32.1.17.9.** References to "Vicar" shall be deemed to be references to "Minister" if the Church is not affiliated with CCAANZ; and

**32.1.17.10.** References to legislation includes amendments to or re-enactments or substitutions of that Act.

**32.2. Status of Schedule:** the Schedule sets out rules which, unless expressly provided otherwise in the Schedule:

**32.2.1.** apply if the Church is not affiliated to CCAANZ; or

**32.2.2.** if the Church is affiliated to CCAANZ, continue to apply to the extent not inconsistent with the CCAANZ Rules (for example, and without limiting the foregoing, there are no relevant CCAANZ Rules applicable or the CCAANZ Rules allow the Church discretion as to a particular matter or to adopt its own rules or further rules on a particular matter).

# SCHEDULE

The following rule 5.5 applies in the event that no relevant CCAANZ Rules are applicable:

## 5. Church leadership

**5.5.** The Church shall have a committee charged with the governance and good order of the Church ("Vestry"), consisting of the following persons:

**5.5.1.** The Senior Minister, who shall also be chair;

**5.5.2.** Subject to the agreement of the Officers, all Assistant Ministers;

**5.5.3.** The two Churchwardens; and

**5.5.4.** Not fewer than three but not more than 10 Voting Members, to be elected annually by the Voting Members (in addition to the Officers).

The following rule 8.1 applies in conjunction with clause 8.1 of these Rules, to the extent not inconsistent with the CCAANZ Rules:

## 8. Role of Vestry

**8.1.** Subject to these Rules, the role of Vestry is to:

**8.1.1.** Carry out the purposes of the Church, and specifically:

**8.1.1.1.** Promote and participate in the mission of this Church, and generally to seek the coming of Christ's Kingdom;

**8.1.1.2.** Promote the worship of God, and to provide all things that are necessary for the ordering of public worship;

**8.1.1.3.** Take counsel together for the fostering of spiritual growth and the well being of people, both Members and others;

**8.1.1.4.** Support and partner with the Vicar and any other clergy to help develop and fulfil the above goals;

**8.1.2.** Govern and administer the Church;

**8.1.3.** Use money or other assets of the Church in order to achieve the purposes of the Church;

**8.1.4.** Manage the Church's financial affairs, including approving the annual financial statements for presentation to the Members at the Annual General Meetings;

**8.1.5.** Set accounting policies in line with generally accepted accounting practice; **8.1.6.** Subject to clause 19.1, determine what lay staff the Church should have and to decide and oversee the appointment procedure (provided that any appointment of staff must have the consent of the Vicar);

**8.1.7.** Appoint people to positions as required: for the order and good governance of the Church; and to promote health and safety for both Members and others;

**8.1.8.** With the approval of not fewer than two Officers, delegate responsibility and co-opt Members where necessary;

**8.1.9.** Decide the times and dates for Vestry meetings;

**8.1.10.** Decide the procedures for dealing with complaints;

**8.1.11.** Make policies and regulations; and

**8.1.12.** Ensure that all filing requirements of the Incorporated Societies Act 1908 and Charities Act 2005 (if the Church is registered under the Charities Act 2005) are complied with.

The following rule 9.1 applies in conjunction with clause 9.1 of these Rules, to the extent not inconsistent with the CCAANZ Rules:

## 9. Role of the Officers

**9.1.** The Vicar is responsible for:

- 9.1.1.** the promotion of the purposes of the Church;
- 9.1.2.** Generally seek the coming of Christ's Kingdom;
- 9.1.3.** Provide spiritual leadership in both the sustenance and promotion of the Christian faith within the Anglican tradition;
- 9.1.4.** Ensuring that a sermon is preached at least once each Sunday, except for reasonable cause;
- 9.1.5.** Ensuring that only the forms of service authorised by the CCAANZ Rules and these Rules are used;
- 9.1.6.** Overseeing all day to day operations required to achieve the purposes of the Church;
- 9.1.7.** Holding on trust the keys of the church and vicarage, and to use the church for Divine Service as the Vicar thinks fit;
- 9.1.8.** Liaise with people as is appropriate concerning matters related to public worship, while retaining discretionary power regarding times of services, selection of hymns, anthems and Church music;
- 9.1.9.** Complying with these Rules and ensuring as appropriate that the Church and its Members comply with these Rules;
- 9.1.10.** Convening Vestry meetings and establishing whether or not a quorum is present;
- 9.1.11.** Subject to clause 12.3, chairing Vestry meetings;
- 9.1.12.** Giving consent for the ringing of the Church bells, which should only be rung with good cause; and
- 9.1.13.** Providing a report on the mission and ministry of the Church ("Vicar's report") at each Vestry Meeting, Annual General Meeting or other Church Meeting as necessary.

The following rule 9.3 applies in conjunction with clause 9.3 of these Rules, to the extent not inconsistent with the CCAANZ Rules.

**9.3.** The functions and powers of the Churchwardens are to:

- 9.3.1.** promote and participate in the mission and ministry of the Church
- 9.3.2.** prayerfully, personally, and practically support and encourage the ministry of the Minister or ordained leader of the Church.
- 9.3.3.** be key lay leaders of the Church.
- 9.3.4.** ensure, with the chairperson, that Vestry is properly informed about matters for which it is responsible, and that the decisions of Vestry are carried out.
- 9.3.5.** communicate significant information received from Voting Members or others to the Senior Minister, and to communicate from Vestry to the Church.
- 9.3.6.** receiving and replying to correspondence as required by Vestry
- 9.3.7.** be signatories on behalf of the Church in all contracts and deeds, including staffing and employment.
- 9.3.8.** ensure that the financial management of the Church is appropriate, including ensuring that relevant legislation is complied with.
- 9.3.9.** be responsible for the running of the Church during an interregnum or during the illness or incapacity of the Senior Minister.
- 9.3.10.** ensure the provision of all things necessary for public worship, and ensure the preservation of order during public worship.
- 9.3.11.** have superintendence of any buildings, furniture, and equipment owned or used by the Church, and to report to Vestry from time to time on their state and any need for repairs, replacement, improvement or insurance.

- 9.3.12.** certifying and forwarding the annual financial statements for the Church to the Registrar of Incorporated Societies upon their approval by the Members at an Annual General Meeting.

The following rules 11.3 to 11.9 apply in the event that no relevant CCAANZ Rules are applicable to a vacancy arising in a Church position.

## **11. Vacancies in Church positions**

### Senior Minister

**11.3** In the event of the position of Senior Minister becoming vacant, Vestry must meet and agree upon a process and timeline including:

**11.3.1** Church consultation;

**11.3.2** Advertising;

**11.3.3** Interviewing; and

**11.3.4** Appointing a panel, which must include the Churchwardens and up to four Members, to conduct the above process and to recommend a preferred candidate or candidates to the Church ("the Panel").

"Church consultation" requires meaningful consultation between the Panel and the members of the Church, and must include sufficient time for reasonable joint consideration and review of the Church's mission and ministry objectives, needs, strengths and weaknesses.

**11.4** The Panel may invite individual clergy to apply for the position, but may not offer the position to anyone.

**11.5** The Panel must attend the interviews of any candidates.

**11.6** Any decision to recommend a candidate or candidates to the Church must be made by the majority of the Panel.

**11.7** Any decision to select a preferred candidate for the position must be made by Majority vote of the Church.

**11.8** The most senior Assistant Minister or, if there is no Assistant Minister, the Churchwardens will assume the responsibilities of the Senior Minister until the vacancy is filled.

### Assistant Minister

**11.9** If it is desired to appoint an Assistant Minister:

**11.9.1** The Senior Minister must form a Panel, comprising himself, the Churchwardens and at least four Members; and

**11.9.2** The Panel must meet and agree to a process and timeline for advertising and interviewing.

**11.10** Any decision to appoint an Assistant Minister must be agreed to by the Senior Minister and the majority of the Panel.

**11.11** The Senior Minister must attend all Panel meetings, and must give assent to the preferred candidate prior to the position being offered.

**11.12** The pastoral care and encouragement of the Assistant Minister is a primary function of the Minister.

### Wardens

**11.13** If the position of People's Warden becomes vacant between Annual General Meetings, Vestry may appoint another Vestry Member to fill that vacancy until the next Annual General Meeting. If the position of Vicar's Warden becomes vacant, the Senior Minister must promptly appoint a replacement.

### Vestry

- 11.14** Other than People's Warden, if the position of any Member of Vestry becomes vacant between Annual General Meetings, Vestry may appoint another Church Member to fill that vacancy until the next Annual General Meeting.

The following rule 14.1.2 applies in the event that no relevant CCAANZ Rules are applicable:

- 14.1.2.** Voting Member: Any General Member who is at least 16 years of age and wishes to be a voting member.

The following rules 26.3, 26.4 and 26.5 apply in conjunction with clauses 26.3, 26.4, and 26.5 of these Rules respectively, to the extent not inconsistent with the CCAANZ Rules:

- 26.3.** Vestry shall determine, and give Members at least three weeks' notice of, when and where the Annual General meeting shall take place. Vestry's notice must:
- 26.3.1.** Specify the date by which motions for consideration at the meeting must be lodged with the Church Administrator; and
- 26.3.2.** List any positions which require elections and specify the date by which nominations must be lodged with the Church Administrator.
- 26.4.** The business of an Annual General Meeting shall be:
- 26.4.1.** Receiving any minutes of previous Church Meetings;
- 26.4.2.** Receiving the Vicar's report on the mission and ministry of the Church;
- 26.4.3.** Receiving all other reports on the mission and ministry of the Church (including from the Churchwardens);
- 26.4.4.** The presentation by the Treasurer of duly audited or reviewed financial accounts for the past financial year and a budget for the forthcoming year;
- 26.4.5.** Announcing who will be Vicar's Warden;
- 26.4.6.** To decide by Majority Vote (to be voted on in the following order unless in the Chair's opinion there is good reason to the contrary):
- 26.4.6.1.** How many Members should be elected to Vestry;
- 26.4.6.2.** Which of the duly nominated Members will hold the office of People's Warden;
- 26.4.6.3.** Which of the duly nominated Members will hold the office of Synod Representative(s), if any (who shall be elected in accordance with the applicable CCAANZ Rules);
- 26.4.6.4.** Which of the duly nominated Members will serve on Vestry; and
- 26.4.6.5.** Which of the duly nominated Members will serve on any other positions requiring election.
- 26.4.7.** Appointing a Treasurer (if possible from the Membership) who will be responsible for:
- 26.4.7.1.** Keeping proper accounting records of the Church's financial transactions to allow the Church's financial position to be readily ascertained;
- 26.4.7.2.** Preparing annual financial statements in accordance with the Church's accounting policies;
- 26.4.7.3.** Providing a financial report at each Annual General Meeting; and
- 26.4.7.4.** Providing financial information to Vestry as Vestry determines;
- 26.4.8.** Motions to be considered;
- 26.4.9.** General business; and
- 26.4.10.** Any other business expressly required by the CCAANZ Rules and these Rules.
- 26.5.** Special General Meetings may be called by Vestry or the Vicar. Vestry must call a Special General Meeting if any Officer receives a written request signed by at least 20% of the Voting Members. At least two weeks' notice must be provided for any Special General Meeting. The nature of the

business to be conducted and, preferably, the wording of any motion that will be advanced at the special meeting must be provided and promptly communicated to Voting Members.

### **33. Branch churches**

**33.1.** In the event that the Church is a branch church, and unless the context otherwise requires:

**33.1.1.** References to "Vicar" or "Senior Minister" in these Rules shall be deemed to be references to the leader in charge of the Church;

**33.1.2.** References to "Assistant Minister" in these Rules shall be deemed to be references to the assistant leader in charge of the Church;

**33.1.3.** Both Churchwardens are to be elected by the Church at each Annual General Meeting;

**33.1.4.** References to "Synod Representatives" shall be deemed to be references to "Synod Invitee(s)"

**33.1.5.** References to "Vestry" shall be deemed to be references to the branch church committee;

**33.1.6.** The branch church committee shall comprise:

**33.1.6.1.** the leader in charge of the Church, who shall also be chair;

**33.1.6.2.** the two elected churchwardens;

**33.1.6.3.** the Synod Invitee(s); and

**33.1.6.4.** at least one but no more than three Voting Members.

**33.1.7.** Any clause or rule in these Rules that do not have direct application to the Church shall be applied by analogy.

**33.2.** A church that is not yet affiliated with CCAANZ but intends to do so may designate itself as a branch church for the purposes of these Rules, in which case these rules will apply as though the church is a branch church.