

8th and 9th June 2012

*Working together towards good
governance in our Church
communities.*

ADMINISTRATION HANDBOOK

**Wardens,
Treasurers,
Senior Sisters
Conference**

Church Wardens, Treasurers and Senior Sisters Conference

With Participation of the Respective Rectors

8/9th June 2012

2nd Conference in an ongoing series

**Prepared by members of the ANZ Diocesan Council
Governance Committee**

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Ms Ereena Somov, Solicitor, for her critique of the final draft document addressing Inappropriate Behaviour.

Saints Peter and Paul Cathedral OHS committee members for their Church Health and Safety Management Plan.

Preface

This conference is being held with the blessing of the Ruling Bishop, his Eminence Metropolitan Hilarion. It is the 2nd of its kind to date. The 1st was held in March 2011.

It is the intention of the Diocese to conduct similar conferences on an annual basis, if the resources allow this.

These Conferences are targeted at Diocesan and Parish Church Wardens, Treasurers and Senior Sisters, as the senior office bearers within the Church Communities. It is not obligatory, but highly recommended, for Rectors to attend and participate in these conferences as, after all, they are Chairpersons of the Parish Councils and bear the final responsibility for the conduct of their respective Parish's administrative functions.

The objective is to familiarise the senior office bearers, current and future, with their responsibilities as required by the Diocesan and Synodal By-Laws, Ukazes and current policies and procedures. From a broader view, the Diocese expects all Church Communities to function in a responsible and accountable manner, mindful of the requirements from the Synod, Diocese, civil authorities and community expectations.

The Diocese is aware that these conferences are seen by some as an imposed initiative. The Diocese firmly believes that these conferences are necessary in the interests of good governance in our church communities.

The Diocese would be delighted to receive constructive suggestions how to improve future conferences with respect to content, participation, presentation or any other matters.

Conference Objectives

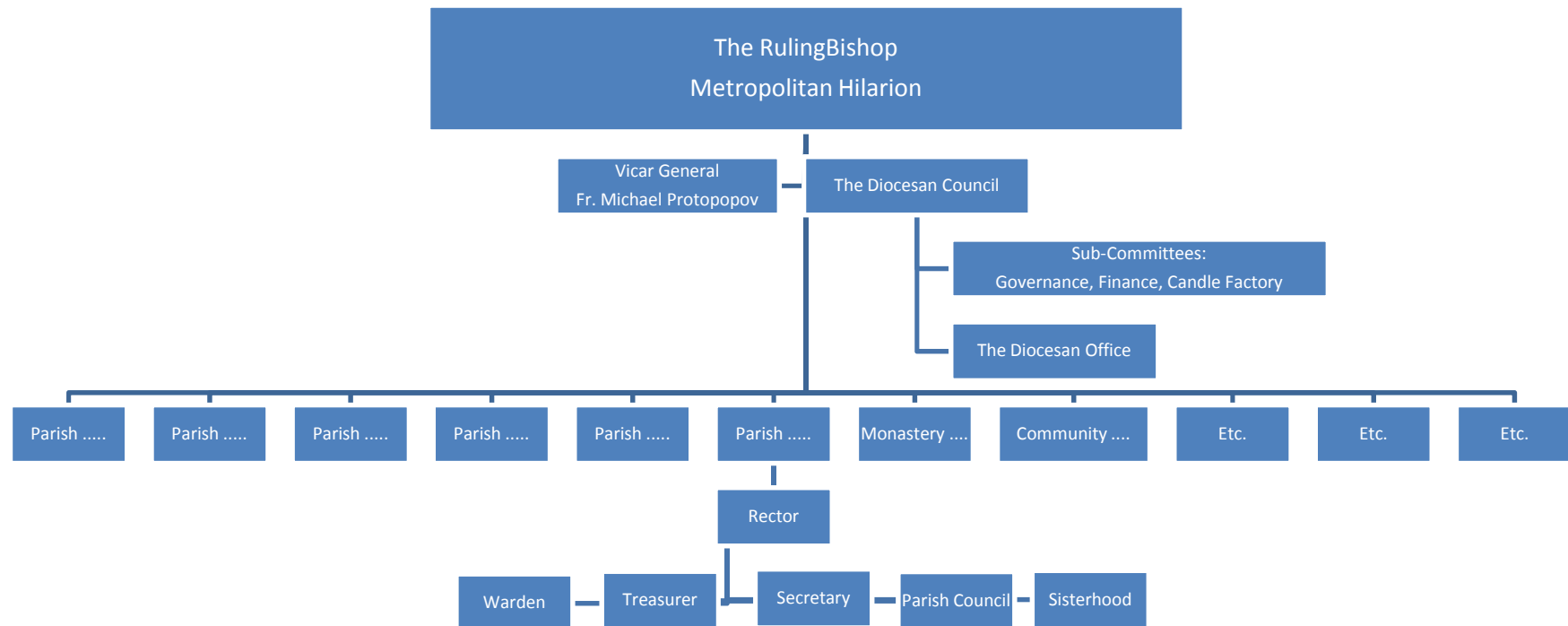
1. Ensure that all Parish Officials are aware of
 - i. the interrelationships that need to exist between the Parishes and the Diocese, and
 - ii. the obligations of the Parishes to the Diocese.
2. Introduce and/or reinforce the pivotal documents that govern the Parishes:
 - i. Act of NSW Parliament: Russian Orthodox Church Property Trust Act 1991 No 91,
 - ii. Normal Parish By-Laws and associated Diocesan Statutes,
 - iii. Episcopal decrees,
 - iv. Synodal Statutes, e.g., Sisterhoods,
 - v. Diocesan procedures and guidelines issued by the Diocese.

Section 1: Governance

A: Key aspects

- i. The following comments are made without in any way impinging upon the apostolic authority of the Ruling Bishop.
- ii. Governance (управление, руководство), with its associated policies, procedures and guidelines, is a management system with controls and checks that are judged to be appropriate and necessary for the Diocese to function in a responsible and accountable manner.
- iii. From an administrative point of view, the Diocese is accountable to its members, its flock, and to the civil authorities of our country. It also needs to be mindful of community expectations in the broadest sense.
- iv. Elements of governance have always existed in the administration of our Church. The obvious examples are Ukazes from the Ruling Bishop, Parish By-Laws authorised by the Synod and the Church Property Trust Act to name a few.
- v. Governance is one mechanism for providing leadership.
- vi. It is a means to ensure that our Church stays viable and true to its purpose through identification and dealing with potential problems, before they become a real threat to us.
- vii. We live in a country governed by laws passed by democratically elected governments.
- viii. As citizens, we are required to comply with such laws, as well as the associated procedures and expected standards of behaviour.
- ix. It would be wrong to think that we could ignore them and function outside them.
- x. We live in a world of accountability and litigation.
- xi. The Diocese, like any other organisation, would be held accountable for any transgression of the Law by a member of the Diocese, and this would be accompanied by all the attention associated with media scrutiny. Such risks cannot be ignored. The reputation of our Diocese, and perhaps even of the whole Russian Orthodox Church, could be severely tarnished.
- xii. As can be seen from the structure below, Parish and/or Church Communities are not independent entities in their own right. Decisions and actions at that level can impact on the integrity of the Diocese and the therefore the Ruling Bishop.

AUSTRALIAN AND NEW ZEALAND DIOCESE OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA
GOOD GOVERNANCE IN OUR CHURCH COMMUNITIES



B: Ukase no. 1-23-11

**THE AUSTRALIAN AND NEW ZEALAND DIOCESE OF THE
RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA**

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25 января 2011 г.
№ 1 - 23 - 11

У К А З

Настоящим вступают в силу, от даты сего указа, прилагаемые рекомендации Управленческого комитета при Австралийско-Новозеландской епархии РПЦЗ, представленные на рассмотрение 16-го Епархиального съезда от 26-27 декабря 2010 г.



+ Митрополит Меларіон
Архиепископ Сиднейский
и Австралийско-Новозеландский

25 January 2011
№ 1 - 23 - 11

UKASE

The attached recommendations of the Governance Committee of the Australian & New Zealand Diocese of the ROCOR, presented for the consideration of the 16th Diocesan Assembly on 26-27 December 2010, are hereby ratified and come into immediate effect.

+ Metropolitan Hilarion
Archbishop of Sydney, Australia & NZ

C: GOVERNANCE COMMITTEE CONSIDERATIONS

Without in any way impinging upon the apostolic authority of the Ruling Bishop, the Governance Committee believes that the following issues need to be considered as good governance practice and in accordance with current legal due diligence requirements:

Employment

- All priests receive a stipend from their relevant Parish Council; however, the employing authority must be considered to be the Diocese of the Russian Orthodox Church in Australia and New Zealand.
- Consequently, it behoves the Diocesan authorities to ensure that all priests and other employees are paid in accordance with government and diocesan regulations; i.e. four weeks annual leave, superannuation, annual CPI increases, parental leave and any other remunerations as per the industrial relations regulations in force.
- All stipends must be paid in a transparent manner, ensuring that taxation is paid either by the Parish or by the recipient through the issuing of a Statement of Income.
- The Diocesan authorities must ensure that a position description is available for every priest in the Diocese.
- All priests, deacons, diocesan employees, parish officials, volunteers, school teachers, etc. must have an AFP National Police Certificate and a Working with Children permit.

Ordinations

- All candidates for ordination must produce an AFP National Police Certificate and a Working with Children permit prior to ordination.
- Candidates must be checked for insolvency with Insolvency Trustee Services Australia (ITSA).
- Candidates must be of good health and produce a medical certificate to that effect.
- Candidates should have a recognised tertiary qualification and, at least, an elementary theological education.
- New arrival persons without permanent residence in Australia should not be ordained unless they leave Australia in accordance with their visa category.
- New arrival persons without permanent residence in Australia and whose visa does not permit working in Australia should not be ordained to avoid infringement of immigration law.
- Applications for ordinations should go to the Ruling Bishop only after a thorough examination of the candidate's background by the parish priest and after the Dean has enquired of the local clergy if anyone has any concerns regarding the suitability of the candidate for ordination.
- Candidates for ordination should have a tangible record of commitment to the Russian Orthodox Church; either through direct parish work or some other form of addressing the needs and aspirations of the Australian and New Zealand Diocese.
- Candidates for monastic tonsure are subject to the same conditions as all other clergy and employees of the Diocese.

Awards

- The recognition of people who work without recompense for the good of their parish or the Diocese should be recognised in a suitable manner
- In the first instance, it is best that the parish recognises its workers by the presentation of parish Gramatas, icons, Bibles or other gifts at official ceremonies or appropriate occasions.
- In those cases where parish rectors consider it appropriate to recognise long and outstanding work of parishioners, the rector may wish to petition the Ruling Bishop to award an Episcopal Gramata to the intended recipient. In the past, the Diocese had two forms of Gramata: 1) The Hierarchal Blessing and 2) Archpastoral Gratitude.
- In the case of someone already having a Gramata, the next step would be to petition for the award of the Diocesan Cross. This award is the highest form of recognition at diocesan level and should be seen as a rare and distinguished honour.
- Representations for the award of the Diocesan Cross should be made to the diocesan Honour Committee which consists of the Deans of the three Australian mainland deaneries.
- Representations for the award of the Diocesan Cross should be made to the diocesan Honour Committee which consists of the Deans of the three Australian mainland deaneries.
- For outstanding service beyond the levels indicated above, the Ruling Bishop may, at his personal discretion, wish to petition the Synod for an award of a Synodal Gramata.
- These awards have no adverse effect upon the awarding of ecclesiastical honours to clergy, which continue to be awarded in the normal manner, and may be granted to clergy at the Ruling Bishop's discretion.

Professional Development

- The Diocesan Council considers it to be its obligation to provide training to Church Wardens in the interpretation and execution of their duties as set out in the Normal Parish By-Laws.
- The Diocesan Council will also provide training to Parish Treasurers in the correct accounting for parish funds and implementation government regulations.
- The Diocesan Council may, from time to time, organise meetings, seminars and forums for other officials of the Diocese or Parishes, e.g. Sisterhoods, etc.
- The Diocesan Council is mindful of the regular need for clergy to undertake appropriate Professional Development courses to ensure they are qualified to perform their pastoral duties.
- Professional Development courses for clergy are mandatory for all clergy.

**Briefing on
Australian Charities and Not for profit Commission
known as the ACNC Implementation Taskforce**

The Australian Commonwealth government, as part of its overhaul of human services - aged care, disability and community services has established the Australian Charities and Not for Profit Commission. In order to establish the Commission a taskforce named the ACNC Implementation Taskforce was set up in 2011.

Background Information

The Commonwealth Government has allocated \$53.6 million over a 4 year period to establish the Commission. It will allocate the Commission certain regulatory powers and responsibilities including;

- To act as the government regulator for the not for profit and charitable sector across Australia;
- To implement new rules for charities and Not for Profit's;
- To investigate complaints about charities and Not for Profit's;
- Investigating and acting on non compliance of entities;
- To act as a one stop shop for charities to seek out charitable status, decipher tax responsibilities, and maintain charitable status through annual reporting;
- To approve applications for charitable status;
- Monitoring the "genuineness" of charities; annually;
- To inform the sector on governance responsibilities and changes to tax status and associated tax obligations; (the area where change is suspected to play a significant role)
- To implement change across the sector and monitor compliance with change by the individual entities;
- Providing a national database of information on charities and NFP's accessible by the public.

The Commission will oversee the financial and governance practices of charities and require them to provide annual statements regarding business activities and revenue and expenses.

THE CHARITABLE AND NOT FOR PROFIT LANDSCAPE

At present it is expected that all incorporated and unincorporated entities will be required to report annually to the ACNC on their activities in a predefined format.

The taskforce has identified the sector is comprised of the following entities:

- 60,000 charities with 21,000 being granted DGR status – allowed to offer receipts for gifts or donations which allows the donor to use the receipt for purposes of a tax deduction;
- 5,000 as company limited by guarantee;
- 136,000 not for profit incorporated associations;
- 440,000 small unincorporated not for profits.

It is the Commonwealth's plan that all of these entities will, within the next 12 months, have clearly defined obligations for annual reporting to the ACNC.

Significant consultations have been held in the community regarding the 4 key topics being considered by the Commonwealth government in developing the Commission's role. These include:

- what financial reporting will be implemented for entities;
- what governance obligations should be placed on entities;
- implementation of a public information portal - on line information service for the public;
- best prospects for delivering initial and then ongoing education and advice to the sector.

REPORTING

Reporting will be based on three tiers (see attached)

- Small - revenue up to \$250,000 & not a DGR
- Medium - revenue of up to \$1 million if a DGR; or
between \$250,000 & \$1 million if not a DGR
- Large registered entity - revenue greater than \$1 million

CHANGES EXPECTED FOR 1ST JULY 2012

New obligations on the sector due to commence 1st July 2012 have been delayed and will not be announced until September or October to commence on 1st July 2013. At present the Commission taskforce has draft entity annual reporting templates available for industry review. These are based on revenue and are attached.

As of 1st June 2012 it was announced that there are no new obligations on entities at this point in time. The Taskforce is yet to announce any obligations or changes to the sector. It has been unsuccessful in meeting the original timetable for reform implementation.

The taskforce will notify entities in writing of any changes pending and new obligations. As the initial date for reporting obligations of 1st July 2012 is to pass without any clear direction from government it appears now that 1st July 2013 will be the commencement date for new obligations. Announcements regarding the detail of these obligations are now due in October 2012.

The taskforce has established its website so that information on implementation for entities can be disseminated quickly to the sector. The greatest areas of change will be for small unincorporated entities who are unfamiliar with annual reporting obligations at present.

Information about revenue, expenditure and activities will be published on the public information portal based on our annual information statement. As part of the process all charities will have their charitable tax status reviewed. The basis of this review is yet to be determined and advised to the sector. Industry commentators expect the charitable status of many entities to be withdrawn, to increase government tax revenue from our sector. A test for charities with DGR status will be applied annually.

Entities are advised to register to receive information at the taskforce website at www.acnctaskforce.treasury.gov.au.

Section 2: Diocesan Statutes & Synodal Protocols

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A. An introduction to Normal Parish By-Laws

Our Parish By-Laws is a document that reflects not only the need for sensible administration within the most common unit of the Church – the parish – but cannot be understood properly without first understanding the nature and workings of the Church.

I don't propose giving here a lecture on ecclesiology, but something needs to be said, because unfortunately, the perceptions of Orthodox Christians have been coloured by the world in which we live. We cannot assume any more that we properly understand the most basic things such as the goals of Church life or the place and role of bishops, priests and the laity within the Church.

Our Lord Jesus Christ put the first structures of Church administration in place. He is the foundation stone and the Head of the Church. He chose His 12 disciples to become the 12 patriarchs of New Israel, the Church, just like Old Israel had the 12 sons of Jacob as patriarchs of the tribes. His second group of the 70 (or 72; 6 per tribe) apostles mirrored the Supreme Council of Old Israel.

The book of Acts in Chapter 6 tells the story of the election of the deacons. The apostles began to feel burdened by the job of looking after the material needs of the Church and asked the congregation to elect seven helpers or administrators called deacons (diakonia = ministry, from minister = servant). What a reminder to us, the clergy, that we must not "serve the tables" at the expense of preaching the Word of God. The ancient deacons' work was not unlike the work of our parish council members, except the former also had liturgical duties.

St Paul talks about the Church as the Body of Christ with the Lord as its Head. This God – inspired model reveals the two relationships within the Church: obedience and co-operation. Just as the head (the brain) is the command centre of a physical body so in the Church there exists a chain of obedience, but also not without feedback. Obedience in the Church goes all the way up to God the Father. The theologians talk about the monarchy of God the Father and the Church is a monarchy even if the by-laws may give the impression that it is a democracy. (More about that further). But the Holy Trinity gives us a revelation and a model for another aspect of the life of the Church called "Sobornost" (togetherness of love). The earliest life of St Sergius of Radonezh by Epiphanius the Wise tells us that St Sergius founded the monastery of the Holy Trinity so that by looking at the image of the Holy Trinity people would overcome the hateful divisions of the world. That is really the life and purpose of the Church. The Church is not an ethnic club, a business corporation or an organisation which provides good feel for its members and creates a good impression in the community like Lions' Clubs. I am convinced that many Orthodox Christians really don't know and do not understand what the Church is or what it is for. Understanding is often narrow. In the 19th century Russian criminal case a man who robbed and killed a child would not break the Friday fast by eating only the Lenten food that the girl had with her, not the eggs. (Quoted in S.Fudel: "Vospominania").

Obedience in the Church bears little resemblance to obedience in the army even though we are called warriors of Christ. Obedience begins before time when the Son accepts the obedience of the Cup from the Father, as Andrei Rublev shows in his icon. Obedience is not an order; it is mutual love. He who gives an obedience gauges the ability of the other person to carry that burden; the recipient accepts with humility – another face of love. Our by-laws reflect this reality within the life of the Church, that the bishop with the help of parish rectors and other clergy accomplishes the fatherhood of love and care of the flock, the family. To him is due obedience, because he is obedient to Christ and God the Father through the Synod of Bishops. Normal parish by-laws specify or imply the need for the bishop's blessing, i.e. permission. Everyone in the Church operates with certain parameters beyond which a "blessing" is required. This is often misunderstood or ignored with the result that the spiritual health of the parish is undermined.

Many centuries of local and general (or ecumenical) councils have produced a large body of Church legislation

that delineates the proper balance of relationships within the Church involving the bishops, other clergy and laity. Unfortunately, the Church has never had an easy relationship with the State even when the rulers were pious Christians. The Lord stated that His Kingdom is not of this world, but this world always tries to incorporate the Church as a useful department of pious affairs. Tsar Peter prevented the election of a new patriarch after Patriarch Adrian of Moscow died in 1700. The next patriarch, Tikhon, was elected more than 200 years later. Thus began a process of domination of the Russian Church by the secular sphere that had the effect of re-educating most Orthodox Christians who then lost perspective on proper life and purpose of the Church. Even today the effects of the so-called Synod period in the culture of the Russian Church is felt in Russia and in ROCOR. The voices of the angels of the Church, like St John of Kronstadt and the Elders of Optina, were drowned in the chorus of “the devils” (i.e. revolutionaries, as in the title of Dostoyevsky’s novel) and the Russian people, with some exceptions, followed the latter.

A ray of hope in the storm clouds of the Russian revolutions of February and October 1917 was the All-Russian Church Council which in addition to restoring the Patriarchate among other things produced the Parish By-Laws. While their usage could not be sustained in the conditions of persecution in the Soviet Union they were preserved and adopted for use in the Western world after WWII. ROCOR’s edition of the by-laws was prepared by Archbishop Savva Rajewski (our former Ruling Archbishop) and published in the 1950’s. The English version appeared in 1975.

Some Church writers (especially in Russia) have criticised the Normal Parish By-Laws on the grounds that they appeared at a time when the dominant spirit affecting the Russian Church was anti-monarchist and democratic and thus carry that imprint. Be that as it may, I think for the Church Abroad the by-laws have been providential and have served a very useful purpose in providing guidelines for the practical aspects of Church administration and life. As long as we have a proper understanding of the realities that are reflected in a very concise manner in the document, it will continue serving the Church. May I remind you that it is now incorporated into the Diocesan Property Trust legislation of NSW.

Let us now deal with the potential risks of misinterpretation of the by-laws. Who has not heard of instances in the life of our Diocese when office holders and even parish meetings exceed authority given to them by the by-laws and forget that the Church is not only catholic (sobornaya) but also apostolic, i.e. practices obedience through the bishops to Christ and God the Father, as said earlier. Let me illustrate my point. The following incident occurred in a Sydney parish several decades ago. The parish rector noticed that some of the icons hanging on the church walls had been changed around. Upon enquiring with the warden he received an impossibly rude reply: “Father, your place is in the altar. Here – I am the boss.” The rector used the authority given in the by-laws to convene an extraordinary meeting within a week and gave the meeting an opportunity to choose their “boss” in Church. They chose the rector. We have had instances of parish councils or even separate P.C. members such as wardens or treasurers trying to resist the Bishop, for example, in the appointment of new priests to parishes. Some parish councils have sustained an unhealthy attitude of regarding themselves as “the board of directors” and the rector as their employee. They forget that the parish priest is a representative of the fatherhood of the bishop. He is not paid a wage for performing certain professional tasks a set number of hours per week. He is supported by the parish so that he doesn’t need to worry about feeding himself and his family. This enables him to give himself totally, 24/7, to the parish family as its father. In the perception of some parishioners majority decisions of parish general meetings have absolute power. That is not so. The by-laws specify that the bishop must ratify decisions of all parish meetings. By implication, the parish rector as a representative of the bishop ratifies all decisions of his parish council. Of course it is uncommon for bishops to use their power of veto, but sometimes it needs to be invoked for the benefit of the Church. In 1983, for instance, Archbishop Paul vetoed a decision of a general meeting of Melbourne parish. His action prevented serious tensions within the parish and gradually led to the building of the new cathedral complex.

Misconceptions and misinterpretations arise because, as I said earlier we live in a world where the most basic assumptions are different from Christian teaching. Take for instance the idea of personhood. In the Church our personhood is dependant on our relationship with the Lord Christ and our brothers and sisters within the Church.

AUSTRALIAN AND NEW ZEALAND DIOCESE OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA
GOOD GOVERNANCE IN OUR CHURCH COMMUNITIES

In the world, the individual is considered to be a self sufficient being. “So what,” one might say, “is there a big difference?” Unfortunately, there is. The self sufficient individual may have respect for God, but that is purely optional, because he decides himself. He may unite with other individuals like himself and create a “democracy”, i.e. rule of the people, where a majority even of 51% may coerce the minority to accept things which may be improper or immoral in the eyes of God. This is where our by-laws refer to the authority of the bishop as the guardian of the Church. The Church is not about ‘enlightened self-interest’ that is at the core of liberal democracies; the Church is about transcendence of self-interest in the mutual obedience of humility, forgiveness and love. The Church is about the will of God and our submission in love, not about our selfish will.

The world’s understanding of the self-sufficient individual has led, throughout the ages to the dictatorship of either one person or many people. The lay theologian Aleksei Khomiakov (19th century) lamented that western Christianity organised itself either with the rigidity of a brick wall or the looseness of a pile of sand. The Church as the Body of Christ is a monarchy, but not a dictatorship; it is inclusive and conciliar with regard to decision making, but is not a democracy based on individualism. The difference is that the Church relies much less than the world on the carrot and the stick. It offers something the world does not and cannot give: the love of Christ.

I hope that today’s discussion of the Normal Parish By-Laws will broaden and adjust our perceptions of the Church, that is so dear to us, and our place and role within it; that we may learn from the Lord Himself, Who washed his disciples’ feet at the Mystical Supper to give them an example of humility, that the Church is vastly different in its values from the world. Let us learn about these differences not only to run away from the world, but to give the world an example of a radically different community life. A recent discussion of these themes in Melbourne has led to a request to discuss from an Orthodox perspective the topic of the protestant ethos and capitalism, treated by the sociologist Max Weber. Whenever we talk about the Church we inevitably imply the question – how do we live as Christians in the world? Just by being committed and knowledgeable Christians we can bring the Church to the world, but we must keep the world out of the Church, simply by understanding that these are two different kingdoms in which we live and function separately.

Archpriest Nicholas Karipoff

B. Key aspects

- i. The Ruling Bishop and the Parish Rector have the final word on what happens in their Diocese and Parish respectively.
- ii. However, it cannot be overstated, that, what happens in a Parish can have ramifications on the Diocese and the Synod and affect the reputation of ROCOR within the community at large.
- iii. The Parish By-Laws were drafted and subsequently authorised by the Synod of Bishops of ROCOR to provide guidelines for the practical aspects of Church administration and life.
- iv. They also provide guidelines for the required balance of relationships between bishops, other clergy and laity.
- v. It is essential that all members and office bearers within the Diocese and Parish Councils acquaint themselves with these documents (they are available in both English and Russian).
- vi. Office bearers need to ensure that their duties are carried out in accordance with the By-Laws.
- vii. Chairmen (Rectors) need to ensure that all decisions of Parish Councils follow the procedure stipulated in the By-Laws.
- viii. It is in the interests of all parishioners and Parish members that the By-Laws are followed and adhered to in the governance of all Parish activities and Church life in general.
- ix. The By-Laws are a legal document. They, and the Diocesan Statutes, have been incorporated into the "Russian Orthodox Church Property Trust Amendment Act 1991".
- x. Non compliance could lead to both poor administration and legal implications.
- xi. As a general rule, the Diocese is seeking cooperation in all matters concerning Church governance.

C: Extract of Synodal Compendium

COMPENDIUM of REGULATIONS, STATUTES AND LAWS of the RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA 2004

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- x. **Instructions to Church Wardens**
- xi. **Statutes for Sisterhoods**

NOTE: The Russian version of THE SYNDODAL COMPENDIUM of REGULATIONS, STATUTES AND LAWS of the RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA can be sourced from
<http://www.russianorthodoxchurch.ws/synod/documents/rulesguidelines.html>

i. Resolution of His Holiness the Patriarch, of the Holy Synod and Supreme Ecclesiastical Council of the Russian Orthodox Church 20/7 November 1920 Ukase No. 362

With the blessing of His Holiness the Patriarch [Tikhon—*ed.*], the Holy Synod and the Supreme Ecclesiastical Council united together, have deliberated concerning the necessity, supplementary to the instructions already given in the encyclical letter of His Holiness the Patriarch in case of the cessation of the activity of the diocesan councils, of giving to the diocesan bishops just such instructions in the event of the severance of relations between the diocese and the Supreme Church Administration, or the cessation of the activity of the latter and, on the basis of past decisions, we **have resolved**: By an encyclical letter in the name of His Holiness to give the following instructions to the diocesan bishops for their guidance in necessary cases:

1) In the event that the Holy Synod and the Supreme Ecclesiastical Council for any reason whatever terminate their ecclesiastical administrative activity, the diocesan bishop, for instructions in directing his ministry and for the resolution of cases in accordance with rules which go back to the Supreme Church Administration, turns directly to His Holiness the Patriarch or to that person or institution indicated by His Holiness the Patriarch.

2) In the event a diocese, in consequence of the movement of the war front, changes of state borders, etc., finds itself completely out of contact with the Supreme Church Administration, or if the Supreme Church Administration itself, headed by His Holiness the Patriarch, for any reason whatsoever ceases its activity, the diocesan bishop immediately enters into relations with the bishops of neighboring dioceses for the purpose of organizing a higher instance of ecclesiastical authority for several dioceses in similar conditions (in the form either of a temporary Supreme Church government or a Metropolitan district, or anything else).

3) Care for the organization of a Supreme Church Authority as the objective of an entire group of dioceses which find themselves in the position indicated in paragraph 2, is the mandatory obligation of the senior bishop of such a group.

4) In the case of the impossibility of establishing relations with bishops of neighboring dioceses, and until the organization of a higher instance of ecclesiastical authority, the diocesan bishop takes upon himself all the fullness of authority granted him by the canons of the Church, taking all measures for the ordering of Church life and, if it appear necessary, for the organization of the diocesan administration, in conformity with the conditions which have arisen, deciding all cases granted by the canons to episcopal authority, with the cooperation of existing organs of diocesan administration (the diocesan assembly, the diocesan council, *et al*, or those that are newly organized); in case of the impossibility of constituting the above indicated institutions, he is under his own recognizance.

5) In case the state of affairs indicated in paragraphs 2 and 4 takes on a protracted or even a permanent character, in particular with the impossibility for the bishop to benefit from the cooperation of the organs of the diocesan administration, by the most expedient means (in the sense of the establishment of ecclesiastical order) it is left to him to divide the diocese into several local dioceses, for which the diocesan bishop:

- a) grants his right reverend vicar bishops, who now, in accordance with the Instruction, enjoy the rights of semi-independent bishops, all the rights of diocesan bishops, with the organization by them of administration in conformity to local conditions and resources;
- b) institutes, by conciliar decision with the rest of the bishops of the diocese, as far as possible in all major cities of his own diocese, new episcopal Sees with the rights of semi-independent

or independent bishops.

6) A diocese divided in the manner specified in paragraph 5 forms an ecclesiastical district headed by the bishop of the principle diocesan city, which commences the administration of local ecclesiastical affairs in accordance with the canons.

7) If, in the situation indicated in paragraphs 2 and 4, there is found a diocese lacking a bishop, then the Diocesan Council or, in its absence, the clergy and laity, turns to the diocesan bishop of the diocese nearest or most accessible to regards convenience or relations, and the aforesaid bishop either dispatches his vicar bishop to administer the widowed (i.e. vacant) diocese or undertakes its administration himself, acting in the cases indicated in paragraph 5 and in relation to that diocese in accordance with paragraphs 5 and 6, under which, given the corresponding facts, the widowed diocese can be organized into a special ecclesiastical district.

8) If for whatever reason an invitation from a widowed diocese is not forthcoming, the diocesan bishop indicated in paragraph 7 undertakes the care of its affairs on his own initiative.

9) In case of the extreme disorganization of ecclesiastical life, when certain persons and parishes cease to recognize the authority of the diocesan bishop, the latter, finding himself in the position indicated in paragraphs 2 and 6, does not relinquish his episcopal powers, but forms deaneries and a diocese; he permits, where necessary, that the divine services be celebrated even in private homes and other places suited therefore, and severs ecclesiastical communion with the disobedient.

10) All measures taken in places in accordance with the present instruction, afterwards, in the event of the restoration of the central ecclesiastical authority, must be subject to the confirmation of the latter.

November 7/20 1920. Ukase No. 362.

ii. Charter of the Supreme Body of Ecclesiastical Authority of the Russian Orthodox Church Outside of Russia under the name: “First Hierarch and Synod of Bishops of the Russian Orthodox Church Outside of Russia.”

(Adopted by the Council of Bishops of 23 November/6 December 1950, Protocol No. 7.)

1. The Sobor [Council] of Bishops, assembled periodically, whenever possible annually, is the supreme legislative, judicial and executive body of the Russian Orthodox Church Outside of Russia. The executive body of the Sobor of Bishops is the Synod of Bishops of the Russian Orthodox Church Outside of Russia.

2. The Synod of Bishops consists of:

- a) President
- b) Vice President, and
- c) no fewer than two members.

The President of the Synod of Bishops is selected by the Sobor of Bishops for life in the rank of First Hierarch.

The members of the Synod of Bishops are selected by a Sobor of Bishops for 2-year terms. The eldest of the members is the Vice President of the Synod of Bishops.

After expiration of their terms, the members of the Synod of Bishops can be reelected for the same term.

Members of the Synod of Bishops absent from the place of its meeting can, for the time of their absence, nominate proxies in the rank of bishop.

The election of the members of the Synod of Bishops is to be, whenever possible, unanimous; in the absence of unanimity, by a majority of votes, in the event of an equal number of votes, the vote of the President is decisive.

A bishop who is unable to attend a Sobor submits his vote in written form addressed to the President of the Sobor of Bishops, such a vote being counted among the votes of the present members of the Sobor.

3. The Synod oversees the following matters:

- a) the assignment of temporary heads of church missions and of dioceses directly subordinate to the Synod of Bishops;
- b) reunification with the Church of schismatic bishops and bishops joining the Church from faiths which have not lost Apostolic succession;
- c) coordination and organization of all aspects of the life of the Russian Orthodox Church Outside of Russia concerning with regard to the execution of the decisions of the Sobors of Bishops and other enacted ecclesiastical legislation;
- d) publication of sacred and liturgical books and textbooks on the Law of God;

- e) supreme management of missionary and educational activity.
- f) auditing of dioceses, missions and monasteries;
- g) divorce cases in the second instance;
- h) exceptions to the rules on the prescribed venue of divorce cases;
- i) confirmation and dismissal of members of diocesan councils directly subject to the Synod of Bishops;
- j) matters of ecclesiastical adoption and legalization;
- k) assignment and dismissal of the Director of the Synodal Consistory of the Synod of Bishops and of the Treasurer;
- l) awarding to married and monastic clergy of the palitsa, the gold pectoral cross and the rank of archimandrite;
- m) publication of the Synod publishing organ;
- n) supervision of the Synod's resources and their expenditure;
- o) supervision and control of real and personal property of the Synod of Bishops, general supervision over the building of churches, monasteries, almshouses, cemeteries, printing houses and church schools, and also general supervision of the activity of educational and charitable institutions of the Russian Orthodox Church Outside of Russia;
- p) presentation through the President of the Synod of Bishops of the annual report and the report of the Synodal Treasurer for confirmation of the Sobor of Bishops.

4. Matters outside the scope of competency of the Synod of Bishops are resolved by the Sobor of Bishops on the basis of the Temporary Statutes of the Russian Orthodox Church Outside of Russia, authorized by the General Sobor of Bishops of September 9/22 and 11/24, 1936.

Urgent matters which lie outside the competency of the Synod of Bishops are permitted to be resolved by the latter with the caveat that such decisions be presented to subsequent Sobor of Bishops for approval.

5. The President of the Synod of Bishops in the rank of First Hierarchy:

- a) presides over Sobors of Bishops and at sessions of the Synod of Bishops;
- b) communicates, on behalf of the Sobor of Bishops and the Synod of Bishops, with the heads of churches and the highest administrative and legislative institutions and individuals in various countries on questions concerning the well-being of the Russian Orthodox Church Outside of Russia;
- c) upon authorization of the Sobor of Bishops or Synod of Bishops, issues circulars to the flock of the Russian Orthodox Church Outside of Russia;
- d) is responsible for the about internal and external well-being of Russian Orthodox Church Outside of Russia;
- e) gives fraternal instructions to bishops as concerning their personal life, and the execution by them of their pastoral obligations connected with dioceses and missions directly subject to the Synod of Bishops;
- f) has direct supervision over the activity of the Director of the Synodal Consistory and the Synodal Treasurer;
- g) convokes Sobors of Bishops and sessions of the Synod of Bishops;
- h) controls the expenditures of the Synod of Bishops within the limits of the estimates authorized by it;

- i) signs checks of the Synod of Bishops together with the Synodal Treasurer or Director of the Synodal Consistory;
- j) convokes Auditing Commissions;
- k) presents the annual report and report of the Synodal Treasurer, as well as the conclusions of Auditing Commissions, for consideration by the annual session of the Synod of Bishops and for confirmation by the Sobor of Bishops.

6. The Secretary, one of the members of the Synod, upon his election:

- a) operates the office and all ongoing correspondence of the Synod of Bishops;
- b) keeps the protocols of the Acts of the Sobors of Bishops and sessions of the Synod of Bishops;
- c) prepares, by order of the President of the Synod of Bishops, reports and documents for sessions of the Sobor of Bishops and Synod of Bishops;
- d) executes the assignments of the President of the Synod of Bishops in connection with the latter's work;
- e) in case of need, signs checks of the Synod of Bishops, together with the President;
- f) keeps the seal of the Synod of Bishops;
- g) supervises the archive and library of the Synod of Bishops.

7. The Synod of Bishops has a Director of the Synodal Consistory subordinated to the President. The Director of the Synodal Consistory executes both his assignments and the instructions of the Secretary, being the direct assistant and deputy of the latter.

8. The Treasurer of the Synod of Bishops, directly subordinated to the President:

- a) maintains the funds of the Synod of Bishops in the method established by it;
- b) conducts and maintains financial accountability to the Synod of Bishops;
- c) prepares the income-expenditure estimates for presentation to the Synod of Bishops;
- d) signs checks together with the President of the Synod of Bishops;
- e) makes the annual financial report for presentation to the Synod of Bishops;
- f) provides the necessary information to the Auditing Commission relating to the annual audit.

9. The annual assembly of the members of the Synod of Bishops occurs, whenever possible, in the first week after the Feast of the Holy Trinity. The annual assembly:

- a) selects the Secretary of the Synod of Bishops and trustees subject to election;
- b) examines the annual reports of the Synod of Bishops and Synodal Treasurer;
- c) considers and renders decisions on other matters included in the agenda of the annual assemblies.

Other sessions of the Synod of Bishops occur not less than once a month or more often, depending on the requirements of the Church administration.

The validity of sessions, both annual and regular, requires the presence of not less than three members of the Synod of Bishops, including the President or his Assistant.

10. The Synod of Bishops maintains an Auditing Commission consisting of three bishops who are not members of the Synod of Bishops, elected for the period of 2 years at subsequent Sobors of Bishops.

11. The Auditing Commission:

- a) reviews the Treasurer's report;
- b) reviews the annual report of the Synodal Treasurer, comparing it with supporting documents;
- c) presents their conclusion to the annual assembly of the Synod of Bishops,

12. The Auditing Commission is convoked by the President of the Synod of Bishops not later than one week prior to the annual assembly of the its members.

13. The Synod of Bishops is given the right to protect its interests by judicial means, to make legal claims and to respond to them.

14. The Synod of Bishops retains a seal with the image in the middle of an eight-pointed cross framed by a trikiri and dikiri and the inscription in English on the border of the seal, "The Holy Synod of Bishops of the Russian Orthodox Church outside of Russia."

15. The Synod of Bishops is the court of first instance for districts subject to the Metropolitan and for bishops not included in dioceses. The quorum for judicial sessions of the Synod of Bishops in these matters is its full membership. In the event that any members of the Synod of Bishops cannot participate in the court, the President invites bishops of the Russian Orthodox Church Outside of Russia who are not members of the Synod of Bishops to participate in order to reach the quorum.

Appeals of the decisions of the Synod of Bishops, as the court of first instance, are made by the accused in writing not later than two months after the announcement of the decision to the President Synod of Bishops, which in urgent cases convokes a Sobor of Bishops, whenever possible, at the earliest possible date.

16. The Synod of Bishops is the appellate court of clergy. Its usual quorum is required for the validity of its decisions. The decisions of the Synod of Bishops on matters of this nature may be appealed to a Sobor of Bishops not later than two months after the announcement to the accused of the decision. Such complaints are presented to the President of the Synod of Bishops, who in urgent cases convokes a Sobor of Bishops as soon as possible.

17. The legal proceedings of the Synod of Bishops are regulated by Holy Scriptures, by Canons, by the Ustav [Statutes] of Ecclesiastical Consistories as well as other legislation and decisions of the Sobors of Bishops of the Russian Orthodox Church Outside of Russia.

18. The Synod of Bishops may cease its existence only by the decision of a Sobor of Bishops under the condition of the restoration of normal ecclesiastical life and a lawful Supreme Ecclesiastical Authority in Russia propagating its functions to the Russian Orthodox Church Outside of Russia.

AUSTRALIAN AND NEW ZEALAND DIOCESE OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA
GOOD GOVERNANCE IN OUR CHURCH COMMUNITIES

The Sobor of Bishops which authorizes the dissolution of the Synod of Bishops will determine the distribution of the real and moveable property of the Synod of Bishops.

iii. REGULATIONS of the Russian Orthodox Church Outside of Russia

(Confirmed by the Council of Bishops of the Russian Orthodox Church Outside of Russia on 26 September/9 October, 27 September/10 October, 28 September/11 November, 29 September/12 October and 2/15 October 1956, and by a decision of the Council dated 5/18 June, 1964.)

1. GENERAL

1. The Russian Orthodox Church Abroad is an indissoluble part of the Russian Orthodox Church, and for the time until the extermination in Russia of the atheist government, is self-governing on conciliar principles in accordance with the resolution of the Patriarch, the Most Holy Synod, and the Highest Church Council [Sobor] of the Russian Church dated 7/20 November, 1920, No. 362.

2. The Russian Orthodox Church Abroad is composed of those who are outside the borders of Russia and are guided by the lawful hierarchy of a diocese with their parishes, church communities, spiritual missions and monasteries.

3. The basic task of the Russian Orthodox Church Abroad is the preservation abroad of complete independence of the Russian Orthodox Church from atheistic and anti-Christian forces and the overall spiritual nourishment of the Orthodox Russian flock in the diaspora, independent of nationality; and in particular, the preservation and strengthening in the souls of the faithful flock the purity and wholeness of the holy Orthodox faith; and the encouragement of devotion in the flock, dispersed throughout the world, to the suffering Mother Church.

4. In her internal life and administration, the Russian Orthodox Church Abroad is guided by Holy Scripture and Tradition, by the Holy Canons and Church laws, the regulations and pious customs of the Church of Russia and, in particular, by the resolution of His Holiness the Patriarch, the Most Holy Synod, and the Highest Church Sobor of the Russian Orthodox Church dated 7/20 November, 1920, No. 362, by the resolutions of sobors and declarations of the Russian Orthodox Church Abroad, in which is included the present statute.

5. The administration of the Russian Orthodox Church Abroad is carried out by a Sobor of Bishops through the First Hierarch and Synod, and through diocesan bishops.

6. All organs of Church administration, beginning with the First Hierarch and Synod of Bishops and others in descending order, must subject their acts to scrutiny and control, according to the prescribed chain of authority.

2. SOBOR OF BISHOPS

7. The Sobor of Bishops is to be convoked annually, if possible, in accordance with Church canons, and it is the highest law-making administrative, judicial and controlling body in the Russian Orthodox Church Abroad.

8. The President of the Sobor of Bishops and the Synod of Bishops is the First Hierarchy of the Russian Orthodox Church Abroad, being the Metropolitan, and is elected for life by the Sobor. All bishops of the Russian Orthodox Church Abroad are members of the Sobor .

9. Members of the Sobor who for some special valid reason cannot be present at a Sobor, must give their opinion on questions raised at the Sobor, or entrust their representation to other bishops. Absent bishops have the right, in matters concerning their diocese or vicariate, to send their proxies (of priestly rank).

10. Questions at a Sobor of Bishops are resolved by common consent of all participants, or by the opinion of the majority. On all equally divided votes, the President's vote prevails.

11. The following matters come within the authority of the Sobor of Bishops:

- A. The election of the First Hierarchy of the Russian Orthodox Church Abroad, for life, with his elevation to the rank of Metropolitan;
- B. The election of two deputies of the First Hierarchy who will be vice-presidents of the Synod, two members of the Synod of Bishops, and two deputies of the members of the Synod;
- C. Questions of a general church nature concerning faith, morals, services, church administration, church discipline, general religious instruction, and also the church court of appeal;
- D. Matters of a principal character concerning contemporary schisms and false teachings; and also defense of the rights of the Russian Orthodox Church Abroad before governments and various institutions;
- E. Publication of epistles and other acts in the name of the whole Russian Orthodox Church Abroad;
- F. Establishment of diocesan sees, their closure, and alteration in diocesan boundaries; similarly, the opening or organization of new missions and their closure;
- G. The election, nomination, transfer, retirement and rewarding of bishops.

Note: The appointment of ruling bishops from those available, and also the election, appointment, transfer, retirement and rewarding of bishops, establishment of diocesan sees, their closure and alteration of boundaries, the reuniting to the Church of bishops who have apostasized or who join from other faiths, in the period between sobors, may be carried out, in case of extreme need, by the Synod of Bishops but not otherwise than by requiring the written opinions of all the bishops.

- H. Setting up of monetary collections and tithes for church needs;
- I. Resolution of problems associated with the preparation of candidates for the priesthood and of the other clergy;
- J. Consideration of reports of the Synod of Bishops, its President, diocesan and vicar bishops and others and of institutions, concerning various aspects of church administration and life, and also other assorted questions concerning relations with governments and church authorities or representatives of other Orthodox Churches and heterodox faiths;
- K. The opening and closing, by the Synod of Bishops, of permanent institutions listed in par. 32;
- L. The election of a Synodal Auditing Committee for the checking of Synodal accounts and the proper conducting of the economic side of the Synod and for similar bodies under the Synod's

jurisdiction;

M. Setting up of staffs (personnel) of the Synod of Bishops;

N. Examination and confirmation of income/outgoing estimates for the maintenance of the First Hierarchy, the Synod of Bishops and the Metropolitan's residence, and also for the publication of the official organ of the Synod of Bishops;

O. The supplementing and alteration of the Regulations of the Russian Orthodox Church Abroad.

12. In case of special need, the First Hierarchy together with the Synod of Bishops may call an extraordinary Church Sobor, composed of bishops, representatives of the clergy, and laity. The resolutions of these Sobors have the force of law and go into effect only on confirmation by the Sobor of Bishops under the presidency of the First Hierarchy of the Russian Orthodox Church Abroad which should meet at the same time or immediately after the end of the extraordinary Church Sobor.

13. The preparatory work for the calling of a sobor shall be done by the First Hierarchy. He shall compile a preliminary agenda of matters to be discussed by the Sobor, collect and prepare material for the sobor received from bishops and their dioceses and other sources. The Synod of Bishops can set up a pre-sobor Commission under the presidency of a member of the Synod for the preparation of material for the consideration of the sobor and financial and administrative questions and matters connected with the calling of the Sobor.

14. Besides the regular Sobor of Bishops, extraordinary Sobors may be called, for example, for the election of a new First Hierarchy after the retirement or death of the former one, and also in the case of some other special events which give rise to the necessity to call an extraordinary Sobor of Bishops.

15. In the period between Sobors, urgent and important questions lying within the competence of the Sobor, may be resolved by the Synod of Bishops by way of calling for comments from all the bishops of the Russian Orthodox Church Abroad.

3. THE SYNOD OF BISHOPS

16. The Synod of Bishops is the executive organ of the Sobor and is composed of the chairman, who is the First Hierarchy of the Russian Orthodox Church Abroad, his two deputies and four members, of whom two are elected by the Sobor for the period between Sobors, and two are summoned from dioceses for a four-month period in order of turn; and also of two of their deputies summoned to the meeting of the Synod at the discretion of the chairman.

17. In cases of discussion and decision by the Synod of extremely important matters, and also judgments in respect of bishops at first instance, the composition of the Synod shall be enlarged by other bishops, expressly invited by the First Hierarchy.

18. Every diocesan bishop may attend a meeting of the Synod which discusses the affairs of his diocese equally with other members of the Synod.

19. A) The Synod may, in case of necessity, summon the diocesan or vicar bishop concerning

matters in his diocese or vicariate;

B) In the case of some serious disruption in a diocese, the Synod may send one of the bishops to become acquainted with or to investigate the affair on the spot. Should there be uncovered any abuses or offences on the part of the diocesan or vicar bishop, the Synod shall take necessary steps to establish order in accordance with par. 15; in case of necessity, the Synod may temporarily employ measures with notification of such to the hierarchy.

20. Meetings of the Synod are to be considered valid when, besides the chairman, at least half of the members are present. But when there is discussion of extremely important questions, and also when it sits as a court of first instance in respect of bishops (in which case an enlarged composition of the Synod is required), the meeting is considered valid when no less than six bishops are present including the chairman.

21. In the case of illness or absence for some reason of the First Hierarchy, his deputy shall take the chair in the Synod.

22. Matters in the Synod are to be determined by general agreement of all members who take part in the meeting or by a majority of votes. On an equal division of votes, the chairman's vote shall be decisive.

23. No one who participates in a Synod meeting may abstain from voting, but in the event of disagreement with the accepted decision, the person who disagrees may give his opinion which he must declare at the same session, setting out that on which it is based, and he should present it in written form no later than three days after the day of the session. Special opinions are appended to the item without annulling the decision.

24. Matters coming within the jurisdiction of the Synod may be brought up for discussion at the direction or initiative of the chairman; but the right to raise questions to be discussed by Synod also belongs to every individual member of the Synod.

25. All resolutions of the Synod are to be published in ledgers and should be signed by the chairman and all members who took part in the essence of the matter at hand.

26. After signing, resolutions of the Synod go into force and are not subject to review except when facts are presented which change the very essence of the matter at hand.

27. The chairman of Synod has supreme authority for the correct processing of matters in the Synod's Consistory and its auxiliary bodies and for the expeditious and exact carrying out of resolutions that have been passed.

28. The following officials are attached to Synod: a secretary, of the rank of bishop, from among the members of Synod; a director who shall be in charge of the Synodal Consistory; the Synodal Jurisconsult; the Synodal Treasurer; and officials of the Consistory.

29. The following matters come within the jurisdiction of the Synod of Bishops:

- A. The appointment of ruling bishops from those available; the appointment and transfer of vicar bishops; the appointment and release of heads of missions; the retirement of bishops during the inter-sobor period;
- B. The arranging for the election of new bishops in the inter-sobor period by way of requesting written opinions from all bishops;
- C. The establishment of cathedral sees, their closure, and alteration of borders in inter-sobor periods, if there be urgent need;
- D. The reuniting of bishops to the Church who have apostacized and the reception of those who come from other faiths;
- E. The composition (which shall be enlarged) of a court at first instance in respect of bishops;
- F. The hearing of complaints and formation, with normal Synod membership, of an appeal court in respect of clergy, and confirmation of decisions by diocesan courts to defrock clergy, submitted by diocesan bishops;
- G. The hearing of divorce matters at first instance in respect of clergy, and in respect of laity in parishes directly subject to the chairman of the Synod, brought to the Synod from diocesan courts for whatever reason. Also, the hearing of appeals of divorce matters.

Note: Synod has authority to make exceptions to the rules concerning the place of bringing divorce suits and the setting up of time limits for them.

- H. The resolution of questions concerning various aspects of church life and church administration and regulation thereof;
- I. Amalgamation and direction of all aspects of the life of the Russian Orthodox Church Abroad and control over the carrying out of previous soborresolutions and other church laws still in force;
- J. The publishing of books of Sacred Scripture, collections of the canons, service books, texts on catechism and other books of a religious-moral nature, and also of sacred art; in addition, the granting of permission, approval and blessings for the publication of books of the aforesaid content by various organizations and private individuals;
- K. The approval of newly composed services, rites and prayer-books and the safeguarding or the text of Scripture and church service books; control over the correction of the latter; and also translations and publications;
- L. The opening of theological schools for candidates for the priesthood and lesser schools;
- M. The appointment of heads of theological schools for the preparation of candidates for the priesthood, and their dismissal;
- N. The supervision and confirmation of academic curricula for separate courses and subjects in theological schools, on the initiative of the Schools Committee;
- O. The supervision of the strictly Orthodox and artistic form of church art and architecture, iconography, singing and applied arts, and their development;

P. The appointment and dismissal of the director of the Synodal Consistory, Jurisconsult and Synodal Treasurer.

Note: The chairman of Synod accepts into service and dismisses from service those who work in the Consistory and other Synod employees, at the representation of the director.

Q. The appointment and dismissal of members and secretaries of Diocesan Councils, at the representation of the diocesan bishop;

R. The organization of various types of collections for general church needs, and for the needs and maintenance of separate missions;

S. Matters of adoption and legitimization;

T. The awarding of "white" and monastic clergy with the rank of protodeacon, the pectoral cross, the rank of archpriest, the palitsa, the jeweled pectoral cross, mitre, the rank of hegumen and Archimandrite, and also the giving of awards to clergy and laity in the form of certificates, Bibles or icons, for their special labors, sacrifices and services on behalf of the Russian Orthodox Church Abroad;

U. The granting to bishops of permission to take vacations for a period in excess of two months, and vacations abroad with temporary substitution by vicar bishops or bishops from other dioceses;

V. The supervision and partial alteration of pre-existing rules and statutes by which are regulated the life, activity and administration of existing and potential parishes, brotherhoods, sisterhoods, various diocesan and parochial educational and philanthropic organizations, institutions of the Synod of Bishops, theological schools, spiritual missions and convents and monasteries;

W. Matters concerning the strengthening and defense of the rights of the Russian Orthodox Church Abroad in respect of her legal status, existence and activity, and of her organs;

X. Matters concerning church property in dioceses, parishes, brotherhoods, sisterhoods, spiritual missions, monasteries and theological schools, coming within the jurisdiction of Synod;

Y. The supervision and decision of matters concerning spiritual missions and theological schools, directly subject to Synod;

Z. The resolution of difficult questions coming from dioceses and other places or people, and also arising as a result of incompleteness or lack of clarity of church laws and conciliar decisions;

AA. Appeals by epistle or addresses to archpastors, pastors, monastics, brotherhoods, and to the flock, as circumstances demand;

BB. The notification of bishops of important events in church life and Synodal resolutions of general significance, this duty belonging to the Secretary of Synod.

30. The Synod of Bishops will publish its own magazine under the name of Church Life.

31. The Synod has the following auxiliary bodies:

- A) Consistory;
- B) Schools Committee, under the chairmanship of a member of Synod;
- C) Synodal Philanthropic Fund;
- D) Department of Missions, under the chairmanship of a member of Synod;
- E) Library, Archives and Museum;
- F) Department of domestic affairs;
- G) Synodal Accountant;
- H) Synodal Auditing Committee;
- I) Legal Committee; and Artistic/Architectural Committee.

32. Income for the maintenance of Synod will be generated from the following:

- A) Basic fees established by the Council and received through diocesan offices and also, in part, directly from parishes and monasteries;
- B) From specific plate collections taken up in churches;
- C) From percentages of candle and plate collections in churches of the entire Russian Orthodox Church Abroad;
- D) From the 2% deducted from the income of the bishops;
- E) From the 1% deductions from the income of the parochial clergy;
- F) From bonus taxes and administration taxes in connection with divorce matters;
- G) From donations connected with certain prayerbooks, made by the clergy of the Synodal church of the Metropolitan;
- H) From deductions made from the sale of spiritual literature;

- I) From stamps and endorsements;
- J) From other individual donations;
- K) From deductions from the income of the Synodal Council.

4. THE FIRST HIERARCH

33. The First Hierarchy, holding the rank of Metropolitan, heads the Russian Orthodox Church Abroad. He is elected for life by the Sobor of Bishops from among those of the episcopate who are available.

34. The name of the First Hierarchy shall be commemorated at services in every church of the Russian Orthodox Church Abroad, before the name of the local ruling bishop.

35. The residence of the First Hierarchy shall have a domestic chapel in which shall be kept the holy, wonderworking Kursk-Root Icon of the Mother of God of the Sign.

36. The First Hierarchy is, at one and the same time, the diocesan bishop of that diocese of the Russian Orthodox Church Abroad in which he constantly resides, and the rector of the Metropolitan's cathedral church. He administers, with the rights of a diocesan bishop, those churches not included in any other diocese and directly subject to him. His vicar helps him administer the churches subject to him.

37. The First Hierarchy, besides being chairman of the Council and Synod, possesses the following rights:

- A) He has the general care for the well-being of the Russian Orthodox Church Abroad, both internally and externally;
- B) To call ordinary and extraordinary Sobors of Bishops, and also the All-Diaspora Sobors with the participation of clergy and laity, of which he is also chairman;
- C) He is the chairman of the Sobor of Bishops;
- D) To present to the Sobor accounts of the condition of the Russian Orthodox Church Abroad during the period between sobors;
- E) To communicate with representatives of autocephalous Orthodox Churches on questions of church life, in fulfilment of resolutions of the Sobor or Synod, and also in his own name;
- F) To communicate with government authorities on matters affecting the Russian Orthodox Church Abroad;
- G) To address the whole Russian Orthodox Church Abroad with archpastoral epistles and

instructive admonitions;

H) To be responsible for appointments to cathedral sees, when necessary;

I) To be responsible for the preparation of the Holy Myrrh and antiminses, when necessary;

J) To give blessings to clergy and laymen for their beneficial services to the Church;

K) To give awards of the rank of archpriest and igumen to clergy directly subject to him;

L) In necessary cases, to give brotherly admonitions to Hierarchs concerning their personal lives, as well as their fulfilment of their archpastoral duties;

M) To administer churches, missions and monasteries, directly subject to him;

N) In the case of a vacant episcopal see, to take upon himself temporary control of it or to assign a bishop before the appointment of a ruling bishop;

O) To receive complaints against bishops, and to give them appropriate consideration;

P) To examine personal misunderstandings between bishops who have voluntarily sought his mediation, without formal proceedings; in which cases, the decision of the First Hierarch is binding on the parties;

Q) In necessary cases, to visit all dioceses, with the consent of the diocesan bishop;

R) To have supreme supervisory control over the correct processing of all matters pertaining to Synod and Synodal institutions, and the putting into force of resolutions of the Sobor and Synod;

S) To grant leave to bishops to be absent from their dioceses from two weeks to two months, without temporary substitution;

T) To distribute Holy Myrrh to the dioceses and churches of the entire Russian Orthodox Church Abroad;

U) To visit theological schools;

V) On his own initiative, to refer questions and other matters for examination and resolution by the Sobor and Synod.

38. The First Hierarch may use his right of protest in those cases when he recognizes that resolutions adopted by Synod are not conducive to the well-being and benefit of the Church. He should give reasons for his protest in writing, and suggest to Synod that they review the matter. If the Synod repeats its former resolution, the First Hierarch may suspend its going into effect after summoning a Sobor or, in writing, request the opinion of all members of the Sobor, on whom depends the final resolution of the question.

39. The First Hierarchy has his personal consistory (office) and secretary. In his domestic chapel he has clergy who serve in succession.

5. DIOCESES AND DIOCESAN BISHOPS

40. The Russian Orthodox Church Abroad is divided into dioceses whose boundaries are established by the Synod with definitive confirmation by the Sobor of Bishops.

41. Every diocese is under the administrative control of its diocesan bishop.

42. Bishops of dioceses that are located in a certain part of the world may periodically gather for meetings, under the chairmanship of the most senior of them, or of the bishop who is representative of the Synod.

43. Every diocese should have a Diocesan Council to assist the diocesan bishop in the administration of the diocese and it should be under his direct control and be subject to him.

44. Diocesan administration as well as the diocesan church court should be conducted according to the principles set out in par. 4 of these Regulations.

45. The diocesan bishop, as the head of a local church (the diocese), enjoys, by divine ordinance, the complete fullness of episcopal power, that is, to teach, to perform divine services, to administer a court and give judgment, within the boundaries of his diocese.

46. To the diocesan bishop belongs the right of initiative and direct leadership in all aspects of diocesan life.

47. The diocesan bishop, having the overall care of his diocese and its prosperity:

- A) opens and closes parishes and defines their boundaries;
- B) appoints, transfers in case of need, when it would be beneficial, and dismisses, rectors of parishes and other clergy;
- C) confirms in their position abbots and abbesses of monasteries and sketes for men and women, and their deputies;
- D) with the blessing of the Synod of Bishops, opens and closes monasteries and sketes in his diocese;
- E) sets up deaneries and appoints and dismisses deans;
- F) ordains clergy and consecrates churches and antimensia;
- G) gives permission for the construction, opening and repair of churches, chapels and

cemeteries;

H) guides the spiritual education of his flock, with missionary and charitable activities;

I) supervises the teaching of catechism;

J) visits parishes, monasteries and theological schools, and in necessary cases, points out defects and omissions to the proper person and gives corresponding instructions, exhortations and orders;

K) gives guiding instructions to diocesan clergy regarding serving, church school and other pastoral and clerical duties;

L) supervises the personal moral purity of life and good conduct of all church servers and the flock;

M) in all necessary cases, brings archpastoral pressure to bear by admonishment, warning, imposition of epitimias, distraint, temporary removal from serving, or complete dismissal;

N) in necessary cases, entrusts bodies under his jurisdiction to conduct closed or public enquiries or formal investigations;

O) confers awards on clergy up to the kamilavka, inclusively, awards the Holy Gospel or holy icons and confers his blessing on clergy and laity in the form of certificates, etc.;

P) permits the establishment of church brotherhoods and sisterhoods, philanthropic, educational and other beneficial institutions and closes them, confirms their rules and controls them;

Q) with the permission of the Synod of Bishops, opens seminaries for the training of candidates for the priesthood and precentors, presenting the regulations and curricula for these schools for the training of chanters and precentors, teachers and preceptors, and, in general, has overall guidance and supervision of schools.

Note: Curricula of seminaries are confirmed by the Synod of Bishops at the representation of a member of the Schools Committee.

R) administers and disposes of diocesan and monastic property and supervises all other church property in the diocese, in accordance with the 41st Apostolic canon: "We command that the Bishop have authority over the property of the church";

S) summons Diocesan Assemblies under his chairmanship;

T) confirms the resolutions of Diocesan Assemblies and Diocesan Councils;

U) confirms the estimate of income and expenditure for the diocese and also apportionment of all kinds of monetary collections in the parishes of the diocese for the maintenance of the diocesan bishop, episcopal residence, journeys of the bishop on church business, and also of

the Diocesan Council, consistory, secretary, etc.;

V) summons pastoral and missionary assemblies;

W) confirms the judgments of the diocesan court in all matters including divorce matters at first instance;

X) increases or decreases punishments imposed by the diocesan court;

Y) confirms the resolutions of parish meetings, elections of church wardens, and other elective office-bearers in the parishes;

Z) is the rector of his cathedral church.

48. The diocesan bishop has the duty of obtaining for his diocese the rights of a legal person in a form corresponding to the local laws and approved by the Synod of Bishops.

49. The episcopal residence should have its own consistory (office) of the bishop, under the control of his personal secretary. The diocesan bishop receives his income and living quarters from his cathedral and diocese.

Note: The diocesan bishop's residence should be in the city where the cathedral see is located.

50. The diocesan bishop should have in his consistory lists of all clergy (higher and lesser) of the diocese; abbots and abbesses of monasteries and sketes; their brotherhoods; heads of missions and their members; heads, helpers, instructors and teachers in seminaries, with information about each of them.

51. The diocesan bishop may not leave the borders of his diocese for longer than one (1) month. In the case of a more protracted absence, he must obtain permission from the chairman of Synod, who may give him leave of absence for a period no longer than two (2) months; or from the Synod of Bishops, who may extend his leave up to six (6) months (see below). In the case of his absence from the diocese or prolonged illness, the deputy of the diocesan bishop is his vicar bishop, or another bishop appointed by the Synod of Bishops.

52. A diocesan bishop has no episcopal rights within the borders of another diocese, otherwise than with the leave and permission of the local diocesan bishop.

53. A diocesan bishop may not accept clergy or monks from another diocese to serve in his diocese, without a canonical release. It is also forbidden, under pain of strict responsibility, to allow people to serve who have been deprived of their clerical rank, or been forbidden to serve by another bishop of another diocese of the Russian Orthodox Church Abroad.

54. The personal property of a ruling bishop (as of any bishop) must be known to the clergy around him, and must not be mixed with church property. In accordance with canonical rules, the bishop has the right, before departing from this life, to make testamentary disposition of his property, or to give it to whomever he wishes, provided only that the person who receives it is of the Orthodox faith.

Note: 1. Holy things that bishops have kept, for example, antiminses, relics, Eucharistic paraphernalia, the Holy Gifts, the Holy Myrrh, and other inviolable objects, are to be given to the cathedral church for safekeeping or for use, unless there is an express directive concerning them by the Supreme Church Authority. 2. Every bishop is obliged to make a will concerning the aforesaid subjects (in Note 1.), and to give a copy of it to the Synod of Bishops.

55. The name of the diocesan bishop is commemorated at services in all churches of his diocese after the name of the First Hierarch.

56. The following office-holders should help the diocesan bishop in the administration of the diocese:

- A) vicar bishops;
- B) Diocesan Assemblies;
- C) Diocesan Council;
- D) deans; and
- E) rectors of churches and monasteries.

57. All auxiliary bodies of diocesan administration come under the direct supervision of the diocesan bishop and are subject to him. Without the agreement of the diocesan bishop, or his deputy, no decision of the bodies of diocesan administration may be carried into effect.

6. DIOCESAN ASSEMBLIES

58. Diocesan Assemblies are of two kinds:

- A) ordinary; and
- B) extraordinary.

59. Diocesan Assemblies are composed of:

- A) all members of the clergy of the diocese, together with laymen, elected by the Parish Meeting, equal in number to the clergy representatives;
- B) members of the Diocesan Council and Diocesan Auditing Committee;
- C) one representative of each of the monasteries, spiritual missions and church schools;
- D) one representative of each of the educational, missionary and philanthropic institutions and Church Brotherhoods, having not parochial but diocesan significance, and coming within the

control of the Diocesan Administration; and

E) experienced people at the invitation of the diocesan bishop.

Notes: 1. Members of the All-Russian Church Sobor have the right of participation in all Diocesan Assemblies; 2. Supernumerary members of the clergy have the right of participation in Diocesan Assemblies, with a deliberative vote.

60. The following people may not be members of the Diocesan Assembly:

A) those who, in the course of the year, do not confess and receive communion;

B) those who are cohabiting illegally and without the Church's blessing;

C) those found blameworthy by a civil or church court; those engaged in immoral occupations or trades.

61. The President of the Diocesan Assembly is, by virtue of his office, the diocesan bishop who declares the meeting open. In dioceses where there are vicar bishops, the latter are the first deputies of the ruling bishop and permanent members of the Diocesan Assembly. Apart from them, the Diocesan Assembly should choose from the members of the Assembly one deputy of the President, of the rank of priest.

62. The Diocesan Assembly:

A) chooses members of the Diocesan Council and Diocesan Auditing Committee for the annual financial auditing of accounts, for a period of three (3) years, and deputies for them off half the number;

B) hears reports on various areas of church life for the period of time from the last Diocesan Assembly till the present, and makes decisions concerning them;

C) examines the financial report submitted by the Diocesan Council in respect of all diocesan institutions, and the reports of the Diocesan Auditing Committee;

D) draws up an estimate of income and expenditure for the maintenance of the diocesan bishop, his residence and consistory and for the maintenance of the personnel and staff of the Diocesan Administration; and for the maintenance of the Consistory, Diocesan Council, and other institutions of diocesan administration as well as seminaries;

E) procures means to cover the expenses of the approved estimates;

F) sets up general and special taxations of income and other monetary collections for the increase of the diocesan fund and for the assistance of various poor parishes;

G) seeks ways for the necessary organization of educational, missionary and philanthropic activities in parishes for the religious and moral strengthening of the flock and to strengthen the religious education of children and youth;

H) considers the diocesan bishop's solutions to questions concerning the acquiring, alienation and use of real property which belongs to diocesan bodies, in accordance with the 41st Apostolic canon;

I) considers all general economic questions of a local diocesan character, connected with the distribution of diocesan funds;

J) The Diocesan Assembly may comment on various important events of world or local significance, affecting the Christian conscience of the Orthodox flock, or directly or indirectly concerning the Russian Orthodox Church Abroad;

K) discusses and resolves all questions submitted to the Diocesan Assembly by the diocesan bishop;

Notes: 1. If, before the Diocesan Assembly meets, it is discovered that there are not enough deputies for the members of the Diocesan Council or Auditing Committee, they shall be appointed by the diocesan bishop with confirmation by the Synod of Bishops; 2. In dioceses where, as a result of certain conditions, annual Diocesan Assemblies cannot be called, the Diocesan Council shall annually draw up an estimate of income and expenditure for the diocese, which shall be confirmed by the diocesan bishop; 3. If a new monastery (or convent) is opened, the immovable (real) property obtained for it shall temporarily be placed in the name of the diocese in which the monastery is founded; but on confirmation of the opening of the monastery (or convent) by the Synod of Bishops, it should be transferred to the name of the monastery, since only the latter has acquired the rights of a legal entity.

63. All questions at Diocesan Assemblies shall be decided by a simple majority of votes, with the exception of questions concerning the purchase and sale of real estate, for which a 2/3 majority shall be required.

64. Decisions of Diocesan Assemblies shall come into force and be implemented only after confirmation by the diocesan bishop.

65. In the case of disagreement of the ruling bishop with the decision of the Diocesan Assembly at which he has presided, the matter may be taken to the Supreme Church Authority for their consideration. If the Assembly was conducted under the presidency of another person, and a resolution of this Assembly is later objected to by the ruling bishop, then the latter, while indicating the basis of his disagreement, may return the matter to this same Assembly for their consideration a second time. If there be still no agreement this time, the matter should be taken to the Supreme Church Authority for their consideration. Urgent decrees on debatable matters should be submitted to the bishop.

66. All expenses connected with the summoning of a Diocesan Assembly are to be met out of local funds, at the direction of the Assembly.

7. DIOCESAN COUNCIL

67. The Diocesan Council is ad body permanently under the presidency and direct guidance of the diocesan bishop.

68. The diocesan bishop shall be the president of the Diocesan Council and his deputy shall be the vicar bishop, where there is one, or a person of the rank of priest, nominated by the diocesan bishop. It shall consist of from four (4) to six (6) elected members, of whom no less than half shall be of the rank of priest.

Note: In those dioceses which have a large number of parishes, monasteries and seminaries, the number of members of the Diocesan Council may be increased.

69. The Diocesan Council shall have a consistory (office) under the immediate control of the Secretary of the Diocesan Council, with personnel who are clerical or lay but whose education is no lower than high school level and sufficiently competent in church affairs.

70. The Secretary of the Diocesan Council shall be appointed by the diocesan bishop with notification of his appointment to the Synod of Bishops. At meetings of the Diocesan Council, the Secretary shall record the minutes and shall certify as to certain matters, but he does not have the right of a deciding vote, if he is not a member of the Sobor.

71. Dioceses which have sufficient means may appoint personnel to assist him, upon the recommendation of the Secretary.

72. The Treasurer is appointed by the diocesan bishop, preferably from among the members of the Diocesan Council, and as such, conducts the financial affairs and makes a report concerning them, pays the monthly salaries to the diocesan personnel, is responsible for the payment of the expenses connected with the running of the bishop's household, the consistory and the premises of the Diocesan Council, the trips of the ruling or vicar bishops and members of the Diocesan Council undertaken for diocesan business, the insurance of the personnel, etc., and makes advance payments against forthcoming unforeseen expenses.

73. All members of the Diocesan Council and their candidate deputies are elected for three (3) years, and are confirmed by the diocesan bishop with notification of their appointment to the Synod of Bishops. They should not be younger than 30 years of age and should possess, as far as possible, sufficient education and be of sufficient piety and devotion to the Church.

74. Members of the Diocesan Council and the deputy of the president should refrain from hearing matters in which they are involved, but in the case of their being investigated or brought to trial, they should withdraw until the matter has been finalized.

75. In the case of illness, death or absence of the diocesan bishop and his deputy president in the Diocesan Council, a person should be expressly appointed by the Supreme Church Authority to carry out the duties of a temporary president; or, if there were no such appointment, the most senior member of the Sobor, of priestly rank, should be temporarily appointed.

76. In order to supply replacements for people who, for various reasons, are no longer members of the Diocesan Council, the Diocesan Assembly should elect deputies for them, or candidates for membership of the Diocesan Council, being half of the active members in proportion to the number of clerical and lay members.

77. The Diocesan Council has control over all matters entrusted to its consideration and resolution by the diocesan bishop, in particular:

- A) safeguarding and spreading of the Orthodox faith;
- B) erection and fitting out of churches;
- C) church economy;
- D) opening and legalization of new parishes;
- E) gathering of information about parishes and the clergy and about pastoral and educational activities in parishes;
- F) organization of church festivals and festive services;
- G) matters concerning the opening of church schools and youth organizations in parishes;
- H) consideration and resolution of parishioners' complaints against the clergy;
- I) various matters concerning subscriptions and monetary collections in diocesan churches for the maintenance of the Synod of Bishops, diocesan establishments, for philanthropic purposes, etc.
- J) compiling of all kinds of reports and financial accounts for presentation to the diocesan bishop or Diocesan Assembly;
- K) all kinds of matters connected with the existence of auxiliary bodies in the diocese;
- L) carrying out resolutions of the Diocesan Assembly after confirmation by the diocesan bishop, and directives of the diocesan bishop on various matters;
- M) in dioceses where there is no church court, its functions shall be exercised by members of the Diocesan Council, of priestly rank;
- N) consideration and resolution of matters of an administrative nature involving disputes between parishes and private individuals, and social and governmental bodies concerning church property; the defense of the rights of the diocese, parishes and clergy.

78. All matters in the Diocesan Council are to be decided by majority vote and go into effect after confirmation by the diocesan bishop.

Note: Lay members of the Diocesan Council should not participate: 1. in the discussion and determination of matters concerning accusations against clergy and their conduct; 2. in divorce trials.

79. In the case of the disagreement of the ruling bishop with the decision of the Diocesan Council, he may either resubmit it for consideration to the Diocesan Council, or make a decision on his own discretion.

80. No resolution or directive of the Diocesan Council, issued during the tenure of office of a lawful diocesan bishop, shall be valid if issued without his knowledge or confirmation.

8. VICARIATES AND VICAR BISHOPS

81. In large dioceses with numerous parishes and communities, vicariates, having a vicar bishop at their head, may be established by the Sobor of Bishops or Synod of Bishops, on the petition of diocesan bishops calling for local relief.

82. On the appointment of a vicar bishop, the diocesan bishop should set up ways and means for his adequate maintenance out of local funds and secure for him a church rectorship in his vicariate, of which he should inform the Synod of Bishops.

83. Vicar bishops are chosen, appointed, transferred and retired by the Sobor of Bishops, but in the period between Sobors, by the Synod with the concurrence of the diocesan bishops by way of requiring the written opinions of all the bishops.

84. A vicar bishop, on his nomination, is usually called by the name of the city to which he has been permanently appointed, in which he will serve and where the cathedral church is located, and of which the vicar bishop is the rector. There should be a sufficient number of faithful parishioners.

85. A vicar bishop can be the superior of a monastery with the title of that city in which the monastery is located.

86. Each vicar bishop, with regard to diocesan affairs, is the closest assistant to his diocesan bishop, and acts at his direction and on his instructions, and presents an account to him of his activity. In the case of the illness, death or protracted absence or leave of the diocesan bishop, the vicar bishop temporarily takes his place in the administration of the diocese.

87. Being the closest assistant and helper of the diocesan bishop, the vicar bishop, on the instructions of the ruling bishop:

- A) visits the parishes of the diocese where divine services are conducted, checks the activities of deans, rectors and other people in parishes and their moral conduct;
- B) points out both good aspects of their activity and positive things in the parishes that he has noticed, as well as defects and omissions, gives necessary directions and explanations, and, in case of need, gives warnings and reprimands in outlying areas;

- C) on the instructions of the diocesan bishop, blesses antimensia and churches and ordains clergy;
- D) on a circuit of the parishes, drops in on classes in church schools;
- E) in case of necessity, summons and conducts pastoral and missionary meetings in outlying areas;
- F) visits church educational institutions;
- G) accepts and hears in outlying areas reports, requests and complaints of deans, rectors and other clergy and laymen, delegates of parishes, individuals, parochial organizations; looks into misunderstandings in outlying areas and takes measures to clear up the misunderstandings and establish peace and concord in the parish;
- H) issues directives in outlying areas concerning urgent and pressing matters which do not have general diocesan significance;
- I) on the completion of his circuit, gives a detailed report to his diocesan bishop on the internal and external condition of the parishes which he visited;
- J) has the right to present to the diocesan bishop his views and suggestions concerning the improvement of various aspects of church life and activities in parishes.

88. Apart from visiting parishes of the diocese on the express instructions of the diocesan bishop, the vicar bishop may perform the divine services in other parochial and monastic churches of the diocese in a specific region, with the general blessing of the diocesan bishop. Similarly, the vicar bishop, in the case when he receives such authority from his ruling bishop, gives permission for marriages in the parishes of the aforesaid district (apart from cases when permission for such marriages lies within the competence of the Synod), and resolves perplexing questions of church life and practice which have been submitted by rectors of this district or even deans.

89. The traveling expenses of a vicar bishop, when serving or in respect of matters involving interested parties, shall be paid by the aforesaid parishes (where he serves) or by those persons. In some cases, namely trips undertaken at the express direction of the ruling bishop, the expenses may be paid out of diocesan funds if the parishes are in no position to cover them fully or partly.

90. Vicar bishops have the right to present to their ruling bishop for his judgment, reports on incorrect actions which they have noticed on the part of various officials, and concerning their behavior and also concerning any kind of improvement in the organization of church life in outlying areas.

91. A vicar bishop does not have the right to present reports on diocesan affairs, and even on affairs concerning his vicariate, direct to the Supreme Church Authority, without the authority and permission of his ruling bishop; with the exception of matters concerning personal relations between the vicar and ruling bishop. In these cases, the vicar bishop may go directly to the First Hierarch who takes action on the matter according to his judgment.

92. If a vicar bishop receives from the Sobor or Synod of Bishops special powers or authority to conduct an investigation of some matter in another diocese; or to conduct a general or particular (for example, of a seminary, or monastery) inspection of this diocese, in these cases the Supreme Church Authority merely advises the respective diocesan bishop of these powers or authority for his information, and the vicar bishop, on the basis of the authority of the Supreme Church Authority, carries out his commission completely independently and makes his report direct to the Supreme Church Authority.

93. Vicar bishops may be appointed by the diocesan bishops President or deputy president of the Diocesan Council and presidents of diocesan legal institutions in respect of all matters of the church court, including divorce matters at first instance.

94. Ruling bishops may also entrust to vicar bishops certain separate branches of diocesan authority, for example, leadership of general religious missions in the diocese and leadership of religious instruction in parish schools or organization and leadership of philanthropic activity in the center of the diocese and in parishes in outlying areas.

95. Vicar bishops who are entrusted with the administration of a group of parishes in a definite territory which is remote from the center of the diocese, enjoy extensive rights within the borders of their vicariates, namely, they act in outlying areas as though they were the diocesan bishop, making appointments, transfers and retirements of parochial rectors, with the authority and confirmation of the diocesan bishop; and they conduct a court in respect of clergy on the basis of article 12-16 of the Regulations on the Church Court (Court of Bishops). Acting independently in church matters, vicar bishops of such vicariates are accountable for their activities to their diocesan bishop from whom they should seek advice and permission in all important matters. In respect of proprietary and financial questions concerning various collections for diocesan and general church needs, and in respect of questions of a canonical nature, for example, the legal protection of church property falling within the confines of the vicariate, vicar bishops act on the directions of the ruling bishop.

96. Vicar bishops are deputies, in order of seniority, for their diocesan bishops in the post of President of the Diocesan Assembly.

97. The First Hierarchy may have a vicar bishop. The Metropolitan's vicar carries out the instructions of the First Hierarchy and permanently resides in the place of his residence, or nearby.

98. Vicar bishops may receive leave from their diocesan bishops for a period not in excess of one month. Periods of greater duration are granted on the same principles as for diocesan bishops.

99. Vicar bishops communicate directly with diocesan bishops.

100. All directives of the diocesan authority to parishes forming part of a vicariate, are carried out through the vicar bishop.

101. Vicar bishops should send copies of their directives to the diocesan administration.

102. Appeals from the decisions of vicar bishops lie to the ruling bishop.

103. For the execution of consistorial work, vicar bishops have their own personal consistories or use the secretary of the parish or monastery of which they are the rector (or superior).

104. Vicar bishops have their own seal.

105. The vicar bishop is commemorated after the ruling bishop in all churches of the vicariate and in churches of the place of residence and service of the vicar bishop.

106. The vicar bishop also has the following duties:

- A) to give notice of the directives of the Diocesan Authority and supervise their execution;
- B) the closest guidance of the clergy of the vicariate in their serving activities and supervision of their good conduct;
- C) examination of matters concerning payment of indisputable promissory notes of the clergy so as to indicate means of recovery and liquidation of these notes;
- D) granting leave to members of the vicariate clergy for a period up to one month with a report concerning this to the ruling bishop;
- E) presentation to the ruling bishop of conclusions concerning the opening of new and the closing of existing parishes and the alteration of their borders;
- F) confirmation of the minutes of Parish Meetings and election of parish officials.

iv. NORMAL PARISH BY-LAWS

(Authorized by Resolution of the Synod of Bishops of the Russian Orthodox Church Outside of Russia on June 30/July 13, 1951, and April 15/28, 1955, and 14/27 September 1971.¹)

BY-LAWS ofParish of the
..... Diocese of the
Russian Orthodox Church Outside of Russia.²

PART I.

(Name and Aims.)

1. The parish shall bear the name
It constitutes a part of the Diocese of the Russian Orthodox Church Outside of Russia and it shall be subject to the canonical rule of its Diocesan Bishop and the immediate supervision of the rector appointed by the latter.

Note: Whereas pursuant to Par. 1 of the Normal Parish By-Laws the parishes are under the canonical jurisdiction of their Diocesan Bishop according to the holy canons by which the Orthodox parishes are directed as by fundamental laws of their existence, the Diocesan Bishop being the Head of the local Church (diocese), has the right to remove the clergymen of the Diocese from their positions in case of their serious crimes or misdeeds and transfer them to other positions for the good of the ministry. The Diocesan Bishop has also the right to remove from their positions any persons in the parish administration and also to exclude from membership of the parish persons who resist the Administration, or those who conduct disruptive work, or who are convicted of crimes or serious misdemeanors harmful to the peaceful life of the parish. The Diocesan Bishop also has the power to suspend clergymen and excommunicate laymen in cases of serious violation of Church order and discipline. Such decisions of the Diocesan Bishop are relayed to the clergymen directly or through deans and to laymen through Rectors according to Par. 14 of the Normal Parish By-Laws (Enacted by the Council of Bishops 23 May/5 June 1967, Protocol No. 15).

2. It shall be the aim of the parish to unite the believers around the parish church on the basis of the teachings, the canons, the traditions and the rules of the Russian Orthodox Church for the satisfaction of the religious needs and moral benefit of its members.

PART II

(General Provisions. Jurisdiction. Clergy.)

3. It shall be the object of the parish to mutually assist the believers, forming part thereof and united in the Faith in Christ our Savior, by means of prayers, Sacraments, Christian teaching and Church

discipline, in attaining salvation through the participation in sacraments and Christian enlightenment, worthy life and Christian charity. Accordingly, the immediate aims of the parish shall embrace:

- (a) the care of the church and its adornment;
- (b) the maintenance of the clergy;
- (c) the economic prosperity of the parish and the care of the needs of the church, the clergy and all parish institutions, the diocesan and social needs;
- (d) charitable work, and
- (e) educational work in the spirit of the Orthodox Church.

4. In conjunction with the parish church there shall be a clergy of not less than two members, the rector and the deacon, or the psalmistprecentor, who shall receive living accommodations and subsistence from the parish. The clergy shall be appointed by the diocesan authorities. The number of the members of the clergy may be increased or reduced by the Ruling Bishop in accordance with the capacity and needs of the parish.

5. The boundaries of the parish may be changed by the diocesan authorities pursuant to the request of the parishioners and subject to the consent of the clergy of that parish where such changes are to be effected.

6. The establishment of a new parish shall be effected pursuant to the request of the faithful with the permission and blessing, or by order of, the diocesan authorities.

7. A priest or a person in the service of the church, or a layman, who secedes from the Russian Orthodox Church Outside of Russia and refuses to recognize the authority of the Synod of Bishops of the Russian Orthodox Church Outside of Russia, shall not be permitted to occupy any office in the parish.

8. Priests and persons in the service of the church shall be considered lawfully appointed if they occupy their said offices by appointment and permission and with the blessing of the Ruling Bishop appointed to this office by the Synod of Bishops of the Russian Orthodox Church Outside of Russia.

9. The rector shall be the immediate supervisor of the parish and he shall be held responsible for its welfare before the diocesan authorities.

10. The Ruling Bishop may, should he deem it necessary, appoint a second priest as assistant to the rector. The question of the maintenance of such an assistant shall be settled by the diocesan authorities acting in agreement with the Parish Council.

PART III

(Parishioners and Parish Members.)

11. All Orthodox Christians of both sexes, regardless of their nationality, who have reached the age of 18 years, who pay the established membership dues, who make their confession and take Holy Communion not less than once a year, and who tend to the moral and economic welfare of the parish may become parish members.

Note 1: By decision of the Church Parish Council for persons of Orthodox faith who have not reached the age of 18, there may be organized, in conjunction with the parish, youth societies for their religious and moral upbringing.

Note 2: Persons who live in concubinage without Church marriage, or who are engaged in ignoble business, or who are convicted of criminal offences shall have no right to participate in the parish meetings or be elected to parish offices. Those convicted of criminal offences may be restored in their rights three years after they have served their term and after absolution by their father-confessor.

Note 3: Those who make confession to a priest outside of their parish must present to their Rector a certificate from that priest.

12. All parish members shall be recorded by the Secretary of the Church Parish Council in a special register. The membership enrollment shall be made by the Church Parish Council pursuant to written application.

13. All parish members, except those mentioned in Note 2 under paragraph 11, who regularly pay the membership dues and other obligatory dues fixed by the diocesan meetings, shall have the right to participate with a decisive vote in all parish meetings, to elect parish officials and to be elected to parish offices.

Note 1: Newly-admitted members of the parish shall acquire the right to vote and to be elected to parish offices upon the expiration of six months after their admission to parish membership. Persons coming from another parish in the jurisdiction of the Russian Orthodox Church Outside of Russia and who present a certificate from it, are accepted into a new parish with no time limit of their voting rights.

Note 2: Parish members who shall have failed to pay their membership dues during three months shall be deprived of their rights to vote and to be elected to parish offices pending the payment of such arrears. Parish members who have failed to pay their membership dues during twelve months shall be excluded from parish membership. However, should a parish member fail to pay his dues because of some valid reason (illness, unemployment, etc.) the question of his right to vote shall be determined by the Church Parish Council.

14. Parish members who shall be found disloyal to the Russian Orthodox Church Outside of Russia and to their parish; or who deliberately neglect Church rules and obstruct lawfully adopted resolutions of the parish meetings and the instructions of the Church Parish Council, as well as those who shall have

violated the good order and decorum in the church or who shall be found engaged in some ignoble occupation may be excluded from parish membership by decision of the Church Parish Council, submitted by the latter for approval of the Ruling Bishop. The said persons may be restored in their rights by decision of the Church Parish Council provided they repent and prove by their ways of living and behavior their moral rectitude.

15. Persons who shall have rendered particularly valuable services to the parish may be elected trustees by the Annual Parish Meetings.

PART IV

(Managing Organs and Officers.)

16. The following shall be the managing organs:

- A. The general meeting of the members of the parish, hereinafter called parish meetings;
- B. The Church Parish Council;
- C. The Auditing Committee.

A. PARISH MEETINGS

17. Parish meetings shall be:

- 1) Annual and
- 2) Extraordinary.

1. Annual Parish Meetings

18. The time for the convening of the Annual Parish Meeting shall be fixed by the Church Parish Council. Not later than three weeks prior to the Annual Parish Meeting, the Church Parish Council shall mail notices on the convening thereof together with the agenda. In addition thereto, the rector, prior to the Annual Parish Meeting, shall announce its convocation from the steps before the altar on three successive Sundays after the divine service.

19. The rector, or in case of his absence or illness, a priest substituting for him, shall preside over the Annual Parish Meeting. The VicePresident shall be elected by the meeting from among the laymen. When a matter is deliberated upon which pertains to the rector personally, and also when candidates to the members of the staff clergy are elected, it shall be obligatory that the dean, or another person appointed by the Ruling Bishop, preside over the meeting.

20. The following shall be within the competency of the Annual Parish Meeting:

- (a) the election of the Warden, the members of the Church Parish Council, the Auditing Committee and the trustees;
- (b) the examination of the report of the Church Parish Council on the activities of the parish during the expired year;
- (c) the examination and ratification of the Warden's and Treasurer's reports;
- (d) the examination and ratification of the report of the Auditing Committee and the budget for the forthcoming year;
- (e) the establishment of the amount of the membership dues and other items of selftaxation;
- (f) amendment of the By-Laws of the parish.

Note 1: Canonical matters as well as jurisdictional matters (Pars. 1-10) shall not be within the competency of either the Annual or Extraordinary Parish Meetings.

- (g) Consideration of other matters, including the agenda of the Annual Parish Meetings.

Note 2: The Annual Parish Meeting may respond to general questions of Christian life and on current affairs which affect the Christian conscience of the faithful.

21. The Annual Parish Meeting shall be considered valid in the presence of a quorum of two thirds of the parish members.

Note 1: If by the time scheduled for the meeting, the parish members present should fail to constitute the required quorum, another Annual Parish Meeting shall be convened one hour later on the same day which meeting shall be considered valid in the presence of any number of attending members. This provision should be included in the text of the notice convening the Annual Parish Meeting.

Note 2: The Parish Meeting checks the voting qualifications of its members. Each member of the Parish Meeting who has for some reason lost his right to participate in the Meeting must of his own accord remove himself from participation in the Meeting.

Note 3: Should the Annual Parish Meeting be called to order in the presence of the required quorum, but subsequently some members should quit the meeting and the number of those attending it should be less than the said quorum, the meeting shall nevertheless be considered valid.

Note 4: Personal attendance of the parish members at the Parish Meeting for voting purposes shall be obligatory. Voting by proxy shall not be permitted.

22. All matters shall be decided by simple and open majority vote. However, should any one of those present demand secret balloting, his request shall be honored. In case of a tie, the vote of the

rector or the person empowered by him to preside over the Annual Parish Meeting shall prevail.

23. The Secretary of the Church Parish Council shall keep the minutes of the Annual Parish Meeting and he shall record all the decisions adopted thereat together with the dissenting opinions, should any be expressed by the participants in the meeting.

24. The minutes of the Annual Parish Meetings, after having been adopted by an editing committee elected by the meeting, shall be submitted not later than seven days thereafter by the rector of the parish to the Ruling Bishop for his ratification.

2. Extraordinary Parish Meetings.

25. Extraordinary Parish Meetings. if necessary, may be convened :

- (a) by order of the Ruling Bishop;
- (b) by the rector of the parish;
- (c) by the Church Parish Council;
- (d) at the request of the Auditing Committee;
- (e) pursuant to a written request of not less than onethird of the parish members submitted to the Church Parish Council.

26. All the provisions of the By-Laws pertaining to the convening of the Annual Parish Meetings (Par. 18) and the keeping of the minutes (Pars. 22 and 24) shall be likewise applicable to the Extraordinary Parish Meetings.

Note: In emergency cases, an Extraordinary Parish Meeting may be convened with eight days advance notice. The rector shall announce such a meeting from ambo after a Sunday divine service, and, in addition, the Church Parish Council shall mail respective notices with a precise indication of the matter in connection with which the said meeting is being convened.

27. Only such matters shall be within the competency of an Extraordinary Parish Meeting as are specified in the notice convening same.

B. THE CHURCH PARISH COUNCIL.

28. The Church Parish Council shall be composed of:

- (a) the Rector of the parish who by virtue of his office shall be the President of the Church Parish Council;

- (b) the Church Warden;
- (c) the President or the Sister Superior of the Sisterhood organized in conjunction with the parish and functioning under the supervision of the Rector pursuant to the Statute on Sisterhoods ratified by the diocesan authorities;
- (d) the Treasurer;
- (e) the Secretary;
- (f) staff members of the clergy;
- (g) from two to five lay members of the parish.

Note: In the United States and in Canada, in parishes incorporated pursuant to the civil laws on religious corporations, the trustees of the parish corporation (parish), elected pursuant to the said laws, shall have the right to participate in the meetings of the Church Parish Council and in the Parish Meetings with the rights of active members.

29. All the officials enumerated in Par. 28, with the exception of the Rector and the staff members of the clergy appointed by the Ruling Bishop, as well as the Senior Sister of the Sisterhood selected by the latter, shall be elected by the Annual Parish Meeting for a term of one year, and, on recommendation of the Rector, shall be approved in the respective offices by the Ruling Bishop. All the said officers, with the exception of the Rector and the staff members of the clergy, shall perform their duties free of pay. The Church Warden shall be elected for a term of three years.

30. The following shall be within the competency of the Church Parish Council:

- (a) The adornment of the parish church and the care of the entire church property;
- (b) The maintenance of the clergy and their provision with living quarters;
- (c) The collection of membership dues and other forms of the members' self-taxation;
- (d) The keeping of the parish books and of the lists of those making confession;
- (e) The care of organizing the church choir under the direction of an experienced director;
- (f) The care of the educational and charitable work of the parish;
- (g) Representing the parish before civil authorities in connection with all matters involving the parish;
- (h) The maintenance of the diocesan and central church administrations in proportion to the parish resources.

PARISH OFFICERS

A. The Rector

31. The Rector of the parish shall:

- (a) Conduct divine services and ceremonies according to the Orthodox rite;
- (b) Instruct the parish members and those attending church on the rules of the Orthodox Faith and devotion;
- (c) Instruct children in catechism;
- (d) Endeavor to uplift the spiritual and moral level of the members of the parish;
- (e) Preside over all parish meetings and all meetings of the Church Parish Council;
- (f) Supervise, with the assistance of the Church Warden, the adornment of the parish church;
- (g) Have general supervision over the work of the Church Parish Council and that of the Church Warden;
- (h) Keep parish registers and issue copies of the records therefrom;
- (i) Communicate on behalf of the parish with the diocesan authorities in connection with all matters involving the parish;
- (j) Be responsible for the welfare of the parish;
- (k) Keep the church seal;
- (l) Supervise the execution of all decisions of the Annual and Extraordinary parish meetings and those of the Church Parish Council;
- (m) Ensure the accuracy of the minutes of the Church Parish Council meetings.

b. Members of the Clergy.

32. The members of the clergy, being the immediate assistants of the Rector in the performance of his religious duties and in his educational work among the parish members and those attending church, shall:

- (a) Participate in all the meetings of the Church Parish Council as well as in the Annual and Extraordinary parish meetings;
- (b) Perform special duties conferred on them by the Rector.

c. The Church Warden.

33. The Church Warden, being the immediate assistant of the parish Rector with respect to economic matters, shall be directly responsible for the safekeeping of the church property. In addition he shall:

- (a) See to it that good order be observed in the church during divine services;
- (b) Oversee the sale of candles;
- (c) Keep track of the monetary receipts and disbursements of the parish;
- (d) Take the duly prescribed oath when he is newly elected.

d. The Treasurer.

34. The duties of the Treasurer shall comprise:

- (a) The keeping of the parish receipt and disbursement ledgers in the form prescribed by the diocesan authorities;
- (b) The keeping of the parish funds in a manner prescribed by the Church Parish Council;
- (c) The disbursement, under the control of the Church Warden, of the parish monetary sums;
- (d) The compilation of the budget and of the annual financial report for their submission to the Church Parish Council and the Annual Parish Meeting;
- (e) The submission of the entire monetary accounting to the Auditing Committee.

e. The Secretary.

35. The duties of the Secretary shall comprise:

- (a) All correspondence on behalf of the Church Parish Council under the direction of the Rector;
- (b) The keeping of the minutes of the Annual and Extraordinary Parish Meetings as well as those of the Church Parish Council;
- (c) The mailing of notices convening all parish meetings and the meetings of the Church Parish Council;
- (d) The keeping of the lists and addresses of the parish members;

(e) The preparation, under the supervision of the Rector, of the reports to the Annual and Extraordinary parish meetings.

Note: All the records and books shall be kept in accordance with the forms devised by the diocesan authorities.

f. Members of the Church Parish Council.

36. The Members of the Church Parish Council shall:

- (a) Participate in all the meetings of the Church Parish Council;
- (b) Assist the Rector and the Church Warden;
- (c) Perform special duties conferred on them by the Rector and by the Church Parish Council;
- (d) In case of illness or temporary absence of some officer, they shall, by order of the Rector, perform the duties of the absent officer.

Meetings of the Church Parish Council.

37. The meetings of the Church Parish Council shall be convened by the order of the Rector not less than once a month.

38. At the meetings of the Church Parish Council all matters shall be decided by simple majority vote while in case of a tie, the vote of the Rector, or the person presiding over the meeting pursuant to his instruction, shall prevail.

39. The Secretary of the Church Parish Council shall keep the minutes of its meetings (Par. 35. [b]) and he shall record them in a special book therefore.

B. THE AUDITING COMMITTEE

40. The Auditing Committee shall be comprised of three members elected by the Annual Parish Meeting (Par. 20 [a]) for a term of one year.

Note: The Members of the Church Parish Council shall not be eligible as members of the Auditing Committee, and the members of the latter cannot be members of the Church Parish Council.

41. By order of the Rector, the Auditing Committee shall begin its work not later than two weeks prior to the date scheduled for the Annual Parish Meeting.

42. The following shall be the duties of the Auditing Committee:

- (a) The verification of all areas of the Treasurer's accounting and of the report compiled by him on the status thereof to the Annual Parish Meeting and the Church Parish Council (Par. 34 [d]);
- (b) The preparation of a report on the findings accounting audit and of the report referred to in section (a) of this paragraph;
- (c) The submission of the findings referred to in section (b) of this paragraph to the Annual Parish Meeting;
- (d) The recommendation to the Annual Parish Meeting regarding any desirable changes in the method of the keeping of the Treasurer's accounting.

43. In conjunction with the parish, a Sisterhood may be established. Its Chairman or Sister Superior, guided in her work by the instructions of the Rector and by the Statute on Sisterhoods ratified by the diocesan authorities, shall:

- (a) Together with the other sisters, tend to the cleanliness of the church, the vestments and other objects in the sacristy;
- (b) Closely participate in the organization of the charitable work of the parish;
- (c) Manage the luncheons (trapezas) and the refectory and the connected therewith;
- (d) Guide and coordinate the work of the members forming part of the Sisterhood.

PART V

(Church and Parish Property.)

44. The following shall be a part of the property of the church:

- (a) The church building with all its appurtenances as well as churches, oratories and chapels annexed to the parish church;
- (b) Everything that is donated to the church and brought to God's altar, for instance: articles needed for church use;
- (c) Personal and real property donated for the adornment of the church;
- (d) Monies received by the church from different sources, i.e.; candle-sale profits, jug and plate monies, residues of profits, income derived from estate and quit-rent, and from the sale of

plots in parish cemeteries and various sundry incomes;

(e) Personal and real property and capital funds specifically donated or bequeathed to the church for its benefit or to its ownership, even those with a special designation for charitable and educational needs of the parish or the maintenance of the clergy.

45. Parish property shall consist of every kind of personal and real property and capital funds received for the satisfaction of the religious and educational as well as charitable needs of the parish. These shall include:

- (a) Voluntary donations;
- (b) Plate collections within the boundaries of the parish;
- (c) Voluntary collections under subscription lists;
- (d) Voluntary donations in kind by the parishioners;
- (e) Incomes from real estate owned by the parish;
- (f) Incomes from quitrent;
- (g) Collections made by decision of the general Parish Meetings.

46. The management of the church and parish property and capital shall be vested in the Church Parish Council.

47. Church real estate may be purchased or otherwise acquired out of church funds with the permission of the diocesan authorities, by decision adopted either by the Annual Parish Meeting or the Extraordinary Parish Meeting especially convened therefor. The sale of church real estate, its alienation, exchange or cession for building purposes, shall be effected subject to the authorization of the Synod of Bishops.

48. Monetary funds, incomes and receipts belonging to the church shall be disbursed in accordance with the budget adopted by the Annual Church Parish Meeting and ratified by the diocesan authorities.

49. Parish property of every kind may be acquired, sold, alienated, exchanged, mortgaged, leased and ceded for building purposes by the decision of the Annual Church Parish Meeting.

50. Reports on the expenditures of parish property and capital funds shall be submitted in due manner by the Church Parish Council to the diocesan authorities for its information.

PART VI

(Monetary Parish Funds.)

51. All church parish sums, as they are received, shall be deposited by the Treasurer to the current account of the parish with a bank pursuant to the direction of the Church Parish Council.

52. By decision of the Church Parish Council, for meeting current expenses, the Treasurer may be allowed to keep a certain amount of money in the form of an advance subject to accounting, the sum of which shall be determined by the Church Parish Council.

53. All checks shall be signed by at least two persons: the Rector and the Church Warden, or the Treasurer, or in the absence of one of them, by the Secretary. The Church Parish Council shall authorize the signing of the checks by the said persons, and notice to this effect shall be provided to the bank. The church seal shall be affixed to the checks.

PART VII

(Amendment of the Parish By-Laws.)

54. Amendments of these By-Laws may be made, if warranted by local conditions, only with the consent of 2/3 of the parish members at a lawfully convened Annual Meeting, subject to the approval of the Diocesan Bishop, and on condition that such amendment in the By Laws be ratified by the Synod of Bishops.

55. The suggested text of the paragraphs of the By-Laws, which it is proposed to amend, shall be incorporated into the notices convening the respective Annual Meeting.

PART VIII

(Closing of the Parish.)

56. The closing of the parish can take place not otherwise than subject to the method set forth in Par. 54 of these By-Laws, while the entire personal and real estate of the parish shall be turned over to the direct management and disposition of the diocesan authorities as per the direction of the Ruling Bishop.

v. STATUTE CONCERNING MONASTERIES of the RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA

*(Confirmed by the Synod of Bishops of the
Russian Orthodox Church Outside of Russia on October 30/November 12, 1959.)*

1. Within the Russian Orthodox Church Outside of Russia, monasteries and convents may be established for persons of either sex who wish to lead a monastic life. These may be of two kinds:

- a) ordinary ones, for prayer and work, as for example, the Sarov Hermitage; or
- b) those dedicated to missionary and educational work, such as the convent of Lesna. Monastic life in them must be well grounded upon the steadfast foundation of the Word of God complemented by the teachings and examples of the Holy Fathers, since it is only on this foundation that the edifice of spiritual life and salvation can be built solidly and confidently.

2. Among other vows, persons entering monasteries and receiving monastic tonsure take the vows of obedience, chastity, and poverty. Those who take the vow of obedience and renunciation of their own will and reasoning must base it on the Lord's words: "If any man will come after Me, let him deny himself, and take up his cross, and follow Me" (Mat. 12:24). Those taking the vow of chastity must heed Christ's words: "He that is able to receive it, let him receive it" (Mat. 19:12), and the Apostolic words: "He that is unmarried careth for the things that belong to the Lord, how he may please the Lord" (I Cor. 7:32). Those taking the vow of poverty must base it upon Christ's words: "If thou wilt be perfect, go and sell that thou hast, and give to the poor, and thou shalt have treasure in heaven: and come and follow Me" (Mat. 19:21).

3. Those who have entered a monastery or convent must constantly exhort themselves to the faithful and untiring fulfillment of these vows with Christ's words: "No man, having put his hand to the plow, and looking back, is fit for the kingdom of God" (Luke 9:62). Concerning the good of obedience, the need for spiritual guidance and the dangers of the urge to live according to their own will, they must admonish themselves with the words of the wise Solomon: "Where no counsel is, the people fall: but in the multitude of counselors there is safety" (Prov. 11:14), and the Apostolic words: "Obey them that have rule over you, and submit yourselves: for they watch over your souls, as they must give account, that they may do it with joy, and not with grief: for that is unprofitable to you" (Heb. 13:17). From these cornerstones must come all the rules and instructions which must be followed which control the well-being of the monastic brethren as a whole and the behavior of each member of the brotherhood individually, covering both the spiritual-moral life and the conditions of the outer propriety and management.

4. Besides monasteries as such, there may also be opened:

- a) sketes;
- b) stavropigial monastic brotherhoods at episcopal residences;
- c) podvories [branches] belonging to the Synod, the diocese or a monastery; and

d) women's monastic communities.

5. All such monasteries and communities are under the canonical supervision and jurisdiction of the diocesan bishop in whose diocesan territory and with whose knowledge and blessing they are opened, except such communities as are directly under the jurisdiction of the Synod of Bishops of the Russian Orthodox Church Outside of Russia, which are called “stavropigial.”

6. The foundation of each monastery, convent or monastic community may be established only with the blessing of the ruling bishop.

7. All the above monasteries, convents and monastic communities may be fully or semi-coenobitic [communal], depending on various circumstances of their establishment and existence. Coenobitic monasteries and communities provide full keep for their brotherhood or sisterhood: room and board, clothing, medical services, etc. The semi-coenobitic monasteries and convents provide only room and board (in full or in part); the other needs of the members of the community are provided for with a monthly stipend, depending on the means of the monastery or convent, and on the recipient's official standing.

8. All monasteries, convents and monastic communities must be guided in their inner life by the general monastic rules and statutes common to all monastics, by the present Statutes and their own special rules, which must be confirmed by the Synod of Bishops.

9. At the head of each monastic community there must be a father or mother superior, who, at the ruling bishop's discretion, may be elevated to the rank of abbot or abbess, and father superiors of the most important or greatly populated monasteries to the rank of archimandrite. In dioceses where there are vicar bishops residing in monasteries, they may be superiors of these monasteries by decision of the ruling bishop and upon confirmation by the Synod of Bishops.

10. The fathers and mothers superior of monasteries and other monastic communities, in accordance with ancient monastic tradition, are elected by a general assembly of the brothers or sisters and upon recommendation by the diocesan bishop confirmed in their office by the Synod of Bishops. In case of dissent among the brothers or sisters, and in other necessary cases, including in all missionary monasteries, the diocesan bishop himself appoints the superior, for the sake of the good of the Church, which is then confirmed by the Synod of Bishops.

11. Superiors of podvories are appointed directly by the ruling bishop, with a report to the Synod of Bishops.

12. In monasteries, convents and large communities, the superior's helpers in administration are: the prior, the dean, the confessor, the treasurer, the steward and the ecclesiarch [sacristan], who are elected by the assembly of brothers or sisters and confirmed by the diocesan bishop, or are directly appointed by the bishop. In some monasteries and convents the above persons comprise the special Spiritual Council of the monastery, convent or community. The Spiritual Council must assemble regularly, presided by the superior, to decide upon important current affairs. The members of the Spiritual Council are confirmed in their office by the diocesan bishop, upon recommendation of the superior.

13. Decisions of the Spiritual Council are reached by common consent of its members, or in case of dissent, by taking a vote; in case of a tie, the voice of the superior decides. If the superior of a missionary-educational monastery should find himself in the minority of the vote of the Spiritual Council, he may suspend the execution of the decision and refer the matter to the authority of the diocesan bishop.

14. In monasteries and communities in which a bishop is superior, he may, in case of dissent between himself and the Spiritual Council, decide the matter according to his own judgment, for the sake of the good of the Church, upon receiving the blessing and confirmation of the diocesan bishop or of the Synod of Bishops (in the case of a stavropigial monastery).

15. The assets of a monastery, convent or community are its property and registered in its name, for which purpose each monastery, convent and community must obtain the rights of a legal entity. The possessions of Synod, diocese or monastery are, correspondingly, the property of the Synod, diocese or monastery, just as the possessions of the stavropigial monastic brotherhoods are the property of the corresponding hierarchal residences.

16. The articles of incorporation of the monastery, convent or community must make it clear that it will always be in the jurisdiction of the Synod of Bishops of the Russian Orthodox Church Outside of Russia and that, in case of its closing or liquidation, its possessions will be handed over to the diocese submitted to the Synod of Bishops of the Russian Orthodox Church Outside of Russia, or directly to the Synod of Bishops.

17. In all monasteries and convents now in existence and those that may be newly established,, the head of the plenipotentiary administration registered with the civil authorities as a judicial entity possessing the right to own property (called “trustees” in the USA, Canada and Australia), is by regulations the diocesan bishop.

18. Acquisition and liquidation of the real estate of a monastery, convent or community is executed only with the consent and confirmation of the diocesan bishop.

19. All inhabitants of a monastery or convent, beginning with the father or mother superior, must obey the rules confirmed for the monastery or community by the diocesan bishop, and these rules must conform to the present Statutes, which are binding for all monasteries and convents of the Russian Orthodox Church Outside of Russia.

20. No previous lifestyle can prevent a Christian from becoming a monastic (43 Canon of the VI Ecumenical Council), so anyone who desires it may be accepted by a monastery or convent, upon a decision taken jointly by the superior and the Spiritual Council. The person must express the desire to enter either orally or by written petition, describing his life and the circumstances leading him decide to take the monastic vows.

21. It is also permissible to accept into monasteries or communities so-called *trudniki* [laborers], for a time or for life: persons who wish to work for the monastery or community without taking monastic vows. Trudniki, while they are in the monastery, are required to obey the monastery rules together with the rest of the brethren as long as they stay in the monastery or community.

22. All who join a monastery or community, while under the supervision and direction of the superior and of the officials under the latter, in all that pertains to duties and monastery discipline, must also be entrusted to the special spiritual direction of an elder or eldress: a monk or nun who has experienced a sufficient number of years of monastic life in the monastery, to whom they must frequently reveal their spiritual state, occupations, perplexities, difficulties, troubles, temptations, sins, incidental poor relations with others, and receive explanations of doubts, correction of errors, and directions towards perfection of their spiritual life.

23. For some, none other than the superior may be the elder, for others, the confessor of the monastery or community who is carefully chosen for this duty based on his moral qualities and spiritual experience; for others, other members of the brethren who are able to edify by word and through the example of their personal life.

24. Brothers or sisters should not undertake anything from their own thought and will, but do everything with the blessing of the superior, confessor or elder, so that no self-indulgence, conceit or vanity should intrude upon a deed conceived by their own will.

25. All brothers or sisters of a monastery or community must observe absolute obedience to their superior and others in authority and must submit to their orders. Only such orders as are manifestly contrary to faith and morality may not be obeyed, but this must be immediately reported to the next higher authority in the hierarchy. All must carefully and zealously fulfill their monastic obediences, remembering that they work for God and not for men.

26. Every monastery or community must have a permanent common confessor, to whom all the brethren absolutely must go to confession no less than four times a year, in all fast seasons, and hieromonks more often, preferably every time they take their turn of officiating.

27. Except for those appointed confessors of the monastery or community, no hieromonk may receive for confession any members of the brethren, much less any laymen who visit the monastery, without the superior's blessing.

28. No one may be tonsured into monasticism without a due preliminary novitiate period to make certain of his reliability concerning a worthy monastic life. The novitiate, according to canon law (5th Canon of the Double Council) must last at minimum three years, and only in special cases may it be shortened to a six-month period.

29. No brother or sister may leave the monastery or community without the blessing of the superior.

30. All monastics and novices are unconditionally forbidden, in or out of the monastery, to smoke, eat meat and use hard liquor.

31. Women are forbidden to enter the cells in monasteries, and men to enter the cells of the sisters in convents.

32. Being the head and representative of the monastery, the superior has a special need to receive

visitors, pilgrims and benefactors of the monastery, and is guided in this by his own good judgment. As for other brothers and sisters, they must not receive laymen often, and in no way without the knowledge and blessing of the superior or his prior, and at that receive in their cells only men in monasteries and women in convents.

33. Brothers and sisters may visit one another in their cells, the former in monasteries, the latter in contents, but not for wasting time in idle talk, but only for mutual help in cell chores, especially to visit and serve the sick and the elderly, and for mutual edification and teaching. The superior or his prior has the right and the duty to inspect all cells at any time, visiting them in the presence or absence of the brothers.

34. The superior of the monastery or convent has the right and the duty to be informed of all the interactions of the brothers with laymen. It must not be concealed from him who of the brothers writes to whom or from whom he receives letters. Depending on the circumstances, he may require that all letters be presented to him for reading, and should he find the correspondence superfluous or useless, he may order it to cease.

35. The superior must be well disposed to, and take good care of, all members of the brotherhood; but those of especially good conduct, who are faithful in the discharge of prescribed rules and endeavor to progress in spiritual life should naturally enjoy his good favor, care, trust and respect. This must be a means of strengthening them in their good ways, and as a means of setting a useful and edifying example for others.

36. Since those who falter in good conduct need corrective measures, the superior has the right and the duty to apply such without anger, after careful consideration of the guilt, with true justice and in meekness, without irritation. For various offenses, the superior and, with his knowledge and permission, other persons in authority may impose penances upon the offenders: prostrations in the cell or in church, removal from the common meals (while standing during them) for one or several days, temporary prohibition of wearing the cassock, rassa or mantle. For especially flagrant offenses, the superior may forbid the offender Holy Communion for no more than six months. In monasteries, the superior may forbid a hieromonk to celebrate services, immediately reporting this to the diocesan bishop, who pronounces the final ruling. The ultimate penalty is removal from the monastery or convent, which is only used in case of frequent breaches of monastery rules, stubborn refusal to obey one's superiors in spite of admonition, and for great, mortal and unrepented sins.

37. Novices are removed from the monastery or community by the superior's authority after unsuccessful admonitions to amend their conduct. Rassophore monks are removed by decision of the Spiritual Council (where there is no Spiritual Council, by decision of the Superior), after having been thrice admonished by the confessor, superior and the whole Council to no avail. Action concerning the removal of a rassophore or mantle monk is presented for consideration to the diocesan bishop, who transfers the offender to a stricter monastery, or gives orders to defrock him. In the case of a mantled monk, the Spiritual Council may petition the diocesan bishop to impose suitable sanctions upon him.

38. Trudniki and novices, as well as rassophore monks, preserve the right to own and dispose of real estate and movable property. If they should leave the monastery or community, they may receive back their monetary donations to the monastery or community, provided such an agreement was specifically made in writing when the donation was made. If not, the donation remains with the

monastery or community. Trudniki, novices or rassophore monks who leave a monastery or community have no right to claim any compensation for the work performed at that monastery. This paragraph must be read to everyone entering a monastery, and be signed by that person.

39. Before tonsure into mantle, the tonsured brother or sister must transfer to the monastery or community in which they accept tonsure, or to whomever they wish, all real and movable property, (6th Canon of the Double Council), for as they take the monastic vow of poverty they lose the right to own and dispose of property. Donations they have made earlier to the monastery or community cannot be taken back and given to other persons. However, a monk or nun tonsured into the mantle may own and dispose of such necessities for cell life as clothes, icons, books, and, in the case of hieromonks, vestments and sacred vessels, either received as gifts or acquired with the blessing of the superior and the confessor.

40. All those entering the monastic path must know and remember that the main occupation of a true monk or nun is prayer, both in the cell and in church. Church service must therefore be the main focus of the monastery administration, and the object of zeal of the brothers and sisters.

41. Daily services must be held in all monasteries and communities, and the complete cycle as far as is possible. Certain abridgments are permissible only in small communities, in case of a limited number of hieromonks. Thus, lacking a sufficient number of hieromonks, the Typica, instead of the full liturgy, may be said on weekdays. Attendance at Divine Liturgy and all other services is compulsory for all brothers and sisters, except those occupied with urgent obediences with the blessing of the superior.

42. Services in monasteries and communities must be held with proper decorum and according to rules. Everything in it must edify, and not to scandalize participants and worshipers. The church, vessels and vestments must be clean and in proper order, as required by the sanctity of a place dedicated to God. The clergy must prepare for approaching services zealously and celebrate with complete attention and reverence. The altar must have a sexton for assistance. Reading and singing on the kliros must be clear and precise, without any special effects and artificial theatrics, but intelligible, so as to reach the mind and conscience of the congregation.

43. Ancient chanting must be especially preserved in monasteries and communities, to the exclusion of all innovations, which are incompatible with the simplicity and penetration which are especially proper for monastic services. The use of compositions by lay composers which imbue the service with a worldly spirit is inadmissible. It is desirable to reestablish, as far as possible, the ancient tradition of antiphonal chanting by two kliroses, with canonarchs.

44. Half an hour before the beginning of the morning service, a specially appointed brother makes the round of all cells, with prayer, in order to wake the brothers in sufficient time. No one may miss the services without asking the superior's blessing, in case of good cause. No one may leave the church before the end of the service, except in case of urgent need, with account to be made before one's superiors.

45. At the end of the morning and evening services, after venerating the holy icons, all brothers approach the superior, who stands at his place, to receive his blessing.

46. After the Divine Service, the communal meal is usually served, of which all must partake. Except

for the sick and the very elderly, no one may avoid communal meals and eat separately, much less in one's own cell. Reverent silence should be observed in the refectory as if in church, and the meal itself, according to ancient monastic tradition, is considered to be the continuation of the Divine Service, which is why the refectory is furnished in the likeness of a church, with many icons and burning oil lamps. Idle conversation is not allowed in the refectory. The brothers partake of food while listening to the reading of Lives of Saints or teachings of the Holy Fathers, a common prayer being said or sung at the beginning and the end of the meal, with the blessing of the superior or of his prior.

47. Late arrival to, or departure from the meal before its end, without a special, valid excuse is considered disorderly and an account must be given for it.

48. No one must bring or keep food in their cell except those who receive the superior's special permission, as being unable to attend common meals because of sickness, extreme old age or some other good reason.

49. Such time as remains free from church and community obediences must be spent by the brothers in their cells and be used according to the Apostolic admonition: "redeeming the time" (Eph. 5:16), endeavoring to obtain spiritual benefit from their stay in the cell. Cell occupations that "redeem the time" include:

- a) the cell prayer according to the rule, with the disposition and the blessing of the elder;
- b) reading of edifying books, under the guidance of the elder or of the superior;
- c) exercises in church reading and simple chanting, in preparation to church services;
- d) such occupations as are assigned by the superior and carried out as a matter of obedience;
- e) handiwork to the benefit of the monastery or for one's own needs.

50. Required cell reading is, firstly, the Holy Scriptures, secondly, the writings of the Holy Fathers and the Lives of Saints. It is not forbidden to read such books of human wisdom as history or scientific works on nature, since they help us to see God's Wisdom, Providence and Judgment in God's creation and in world events. Any other books or documents may be read only with the superior's blessing.

51. One very suitable occupation for monastic brotherhoods is iconography, which must follow ancient examples. Should conditions be favorable, it is desirable to establish at the monastery or community an iconographic workshop or school in support of the ancient iconographic traditions.

52. Within cells and among cell items, cleanliness, order and decency combined with simplicity should be observed. Unnecessary things, refined ornaments and luxury items should not be allowed.

53. The brethren should keep their clothing clean and simple, avoiding both luxury and sloppiness. In general, the brothers' clothing should be as uniform as possible. Manual work may be done in specially designed short cassocks, but not in civil clothes.

54. All brothers must take care of monastery property, preserving it from waste or damage. All

property must be listed in inventory books. Any income or expense must be immediately recorded with due receipts made for all transactions. Monastery funds must be kept in a safe place, and large sums must be deposited in a bank account, whence they may be withdrawn, in case of need, against the signature of only two persons: the superior and the treasurer. All large expenses, building or alterations, may be undertaken only upon decision of the Spiritual Council, approved and confirmed by the diocesan bishop.

55. All household in a monastery or community must be managed only according to the decisions of the Spiritual Council, which considers its prudence and usefulness for the monastery. Stores of provisions should be laid up in a timely manner and with prudence by the treasurer and the steward, under the supervision of the superior, or of his substitute, with the help of knowledgeable brothers.

56. If possible, and under favorable circumstances, monasteries and communities may found charitable and educational establishments, such as old people's homes, orphanages, theological schools; also, hospitals and clinics, upon decision of the Spiritual Council and with the approval and confirmation of the diocesan bishop and of the Synod of Bishops.

57. These Statutes should be known not only to the monastery administration but to everyone joining the monastic brotherhood or sisterhood, who signs the pledge to carefully keep the rules of monastic life it prescribes. At the superior's discretion, it is to be periodically read aloud during meals for everyone to hear.

58. Depending on their importance, any matters that may arise and are unforeseen in this Statute are resolved according to Church canons and general monastic rules by the superiors of monasteries and communities, by the diocesan bishops and, in the final instance, by the Synod of Bishops.

59. In monasteries possessing print shops, the publication of church service books and prayers books is subject to the preliminary blessing of the Synod of Bishops. Other religious and apologetic books and pamphlets, as well as religious periodicals, are published with the blessing of the diocesan bishop.

Note: The following was used as a basis for these Statutes: "Regulations for Monastic Brotherhoods," compiled by His Eminence Metropolitan Philaret of Moscow, approved by the decision of the Holy Synod, February 13-18, 1853, No. 183, and also "Instructions to the Dean of Monasteries," an addendum to Article 643 of the "Compendium of Enacted and Guiding Ecclesiastical and Ecclesio-Civil Decrees of the Department of the Orthodox Faith."

vi. GUIDELINES FOR CLERGY of the Russian Orthodox Church Outside of Russia

(Established by the Decision of the Council of Bishops of the Russian Orthodox Church Abroad, dated 9/22 October 1956.)

I. Introduction.

1. The clergyman of the Russian Orthodox Church Abroad must always be mindful that the priesthood was established by the Lord Jesus Christ Himself, Who is the Head and Chief Shepherd of His Church. The holy apostles were given the duty to perform priestly actions, to teach and to govern the Church, directly from the Lord Jesus Christ; and they have transmitted their pastoral responsibilities through ordination to their successors, the bishops, and through them to the priests. There does not exist on earth a ministry more exalted than that of the priest; yet the pastor's responsibility before God and the Holy Church, for the salvation of the souls entrusted to his pastoral guidance, is also great.

2. The sublimity of the pastoral ministry is apparent from the Savior's words to Apostle Peter, as he was repenting for his threefold denial and confessing his love for the Lord: "Feed My flock." St. John Chrysostom shows that to act as a pastor is to fulfill the commandment to love God and man by the highest possible means. It is impossible to define the boundaries of pastoral activity. For this reason, the degrees of pastoral duty cannot be fully established in these Guidelines. When these Guidelines speak of duty and struggle, what they have in mind is not only the struggles themselves, but first and foremost the manifestation through them of the obligation of love for our Creator and Savior and of pastoral zeal, since for the pastor the most precious calling on earth is to participate in the salvation of men's souls. The more assiduous the pastor is in fulfilling this responsibility for the salvation of souls, the closer the pastor approaches Christ, the Chief Shepherd, ultimately receiving a crown in His heavenly kingdom.

3. The lawfully-ordained bishop or priest proclaims and continues the most sublime work of the salvation and redemption of man which was accomplished by Christ the Savior. "We are laborers together with God" (I Cor. 3:9), as Apostle Paul says. The priest appears as a mediator between God and men and the means of the distribution of the Holy Spirit's gifts of grace. Through the priest, through the grace of the Holy Spirit called down by him, and by the good Christian struggle, the unity of human nature, which was created according to the image of the eternal being of God, but was marred by sin, is restored within the Church of Christ.

4. A condition of fruitful pastorship is the pastor's certainty that what is tended and protected by him is the flock of Christ. This flock has its protection in Christ the Savior and His Father, and this gives the earthly pastor confidence and hope in a victorious outcome for his spiritual struggle for the souls of those he is shepherding.

5. The ultimate purpose of the Church of Christ lies in the formation of the kingdom of God through the regeneration of souls; and the ultimate purpose of a true pastor is to transmit to the flock the gifts of the grace of the Holy Spirit through the Holy Mysteries, and to be a guide of conscience for his spiritual children, becoming the voice of God in man's soul.

6. For the successful attainment of the goal of the life of the Church (the spiritual perfecting of the

children of the Church of Christ) the pastor must himself continually strive for perfection, working on himself through a relentless inner struggle against self-love, and for a peaceful and patient acceptance of temporary privations for the sake of life everlasting. The priest must first of all make real within himself what he is obliged to teach others: self-reproach, self-denial, self-possession, attention to the world beyond the grave, control of his senses, resistance to evil thoughts, and other such spiritual struggles. Such a spiritual life is the essential condition for a gradual self-perfection.

7. What is necessary for the spiritual perfecting of the faithful is a Christian upbringing in family and school, strengthening in faith, hope and love, prayer at home, participation in the divine services, preparation for the receiving of Holy Communion, and the observance of the holy fasts and the entire structure of Church life, which is full of spiritual struggle. The ultimate purpose of Church life is attained by uprooting from within the children of Christ's Church any form of sinful feelings and self-seeking aspirations and carnal desires which arise, at times in the soul, at times in the body of man. It is particularly essential to take care to eradicate pride, avarice, fornication, envy, gluttony, remembrance of wrongs, carelessness, and the other deadly sins, and to fill one's soul with humblemindedness, loving-kindness, chastity, patience, meekness, abstinence, love and zeal for the struggles for the Christian virtues.

8. The ministry of the priest and his way of life are a struggle which he can successfully wage only on condition that he not weaken in his prayer, which is the well-spring of the restoration of his spiritual powers, beginning with the indispensable regimen of morning and evening prayers, and continuing with the further perfecting in spiritual struggle according to the rules of the Holy Church throughout the course of his whole life. This is all the more necessary for the pastor, since it is a duty not only for the priest, but also for every Christian.

I. The Moral Qualities of the Orthodox Pastor

9. It is essential that the pastor have a proper knowledge of the Holy Scriptures, Holy Tradition, the canons of the Holy Church and those areas of knowledge necessary for pastoral ministry. He must have a clear and sound knowledge of the doctrine of the Holy Orthodox Church; and furthermore, he must cleanse and develop within himself a pastoral conscience, and fuse his life with the life of his flock, so as to uplift it spiritually as far as possible and guide it to the path of salvation.

10. The pastor must concern himself with the moral state of his flock just as he concerns himself with his own personal conscience. For his flock he must be filled with that compassionate love which brings about the spiritual rebirth of their souls, being mindful that "he who abideth in love abideth in God" (1 Jn. 4:16). The gift of priesthood is revealed in the heart of the pastor as a co-crucifixion with his flock. A pastor is given a special gift by God: a grace-filled, compassionate love for his flock which results in the ability to endure the tribulations of conflicts and the joy of the moral perfecting of those whom he tends, the ability to "feel deeply for them in his inner being" them, as did the Apostle Paul and the Apostle John. This quality of pastoral spirit also expresses the very essence of the pastoral ministry. St. John Chrysostom says: "Nothing earthly generates spiritual love; it comes from above, from heaven, and is imparted in the mystery of the priesthood. Yet the assimilation and maintenance of this gift of grace also depends upon the aspiration of a man's spirit" (Homilies on the Epistle to the Colossians). It is important for the pastor to be able to approach a soul in a practical way, and to apply divine doctrine as if it were a spiritual medicine. For this, the pastor must know the human soul in its

battle between good and evil, and must be zealous for men's salvation.

11. According to the teaching of the Savior, a good shepherd is bound to his flock with tight bonds. (Jn. 10). He knows his sheep by name, and the sheep know him and hear his voice. He himself goes before them, and they follow him; i.e., by the example of his own good Christian life, the good shepherd directs his flock toward the path of true Christian life, which they ought to follow. A pastor can acquire trust and authority from his flock not by obsequiousness, not by ingratiating himself or making concessions to the passions of the times, but by an honest, unhypocritical fulfillment of his pastoral duty, by treating all the members of his flock with patience and kindness, in a manner foreign to partiality, with sincere sympathy and as much help as possible amid the moral needs of life. The pastor must also pay attention to the outward needs of his flock, for, in the words of St. Gregory the Theologian: "If the flock does not perceive in the pastor a compassion for their outward needs, they will for their part remain indifferent to him and ignore his spiritual instructions."

12. Throughout the course of his whole life, the priest ought to apply himself to the reading of the divine Scriptures and not interpret them in any other way than how the holy fathers and teachers did; and for this he must be familiar with their works. It is very important for a priest to have and to read the book of the Canons of the Holy Apostles, the Ecumenical Councils, the Local Councils and the Holy Fathers, and also the Lives of the Saints, and the Instructive Information usually found at the rear of the Liturgicon.

13. The Apostle informs us that a priest must be sober, chaste, reverent, honest, hospitable, able to teach, not a drunkard or a murderer, not quarrelsome or avaricious. He must refrain from all excesses, concerning himself with his own salvation and taking care not to be a stumbling-block for others. He must be meek, not envious, not greedy; he must govern his own household well and have his children in obedience with all purity.

14. Fasting is an obligatory condition for the spiritual life. According to Canon 69 of the Holy Apostles: "He who is bishop, priest, deacon, subdeacon, reader or chanter and does not fast during the Forty-day Lent before Pascha, or on Wednesdays or Fridays, is, save in the case of bodily sickness, to be deposed. In the case of a layman, let him be excommunicated." This is why the sacred minister must observe all the periods of fasting. This is essential both for one's personal perfection and to provide an example for the flock.

15. During each of the four fasting periods, the priest must make his confession to his spiritual father. And the spiritual father, in the reports he submits to the diocesan bishop, provides information on the times the priest confesses and his manner of life.

16. The priest who is provided by his parish with sufficient support to allow him to live without taking on secular employment is duty-bound to maintain the outward appearance of an Orthodox priest; in other words, he must have long hair, a beard and a riassa, and wear over his riassa a cross of the approved form, and not one of arbitrary design; and by his outward appearance he will show himself to be the model of a true pastor.

17. Priests must serve the divine liturgy every Sunday and feastday. Before serving divine liturgy, the priest must carefully prepare himself to celebrate it worthily. He must attentively and reverently serve or listen to vespers, matins and the hours. It is likewise obligatory that he read the Rule of Prayer

before Communion, i.e., the night before he must read the canons: to the Savior, to the Mother of God and to the Guardian Angel, and on the day itself the Canon before Communion and the Prayers before Communion.

18. The priest must maintain a spiritual bond with the monasteries of the diocese, since they are the spiritual preservers of the spiritual life. The priest must try, at appropriate times, without detriment to the life of his parish, to visit monasteries for prayer, and incline his parishioners to do the same, trying in every way to take part in general church festivities within the diocese.

19. The priest must lead a strictly chaste life. Priests, especially single priests, must have particularly careful attention in their relations with women, mindful that their whole life is the subject of strict observation within the parishes. If a single priest lives in an apartment, a woman cannot live there, according to the Canon 3 of the First Ecumenical Council, Canon 5 of the Council in Trullo, and Canon 27 of St. Basil the Great. A priest, in taking care for his own salvation and that he not become a cause of temptation or a stumbling-block for his flock, must avoid all excesses. Thus, e.g., he must not smoke, he must not have a weakness for intoxicating beverages or indulge in gambling; the priest cannot engage in trade for profit or in usury; he is not to attend stage spectacles or other immodest entertainments (Canons 24 and 51 of the Sixth Ecumenical Council); he is not to issue personal promissory notes or to undertake obligations which are improper for a pastor. He must always be truthful, never allowing himself to lie, thus fulfilling the Gospel precept and maintaining his pastoral authority.

20. No clergymen should participate as regular members of social and political organizations. They can only participate in the work of such organizations in the capacity of representatives of the Church, or as a spiritual advisors appointed by the diocesan bishop.

21. A priest who does not receive sufficient support from his churchly ministry may procure honest and decent earnings through his personal labor or employment in the world; but such employment must not leave him open to criticism.

22. For the success of his pastoral ministry, the priest must strive to enrich himself with essential knowledge, viz.: he must learn the language of the country in which he is living and be familiar with the questions that occupy the minds of his flock so as to provide them with an Orthodox Christian enlightenment. He must also be familiar with the errors of society and false scholarship.

23. The wife of a priest must be chaste, honest, not given to slander, sober and faithful in all things. She must be intelligent and morally brought up. She must share the burdens of the priest's life with mind and heart, and never meddle in parish affairs and the priest's churchly responsibilities. She must be an exemplary mother to her children and must be able to guide their domestic upbringing. She must be well acquainted with household economics and, loving her family, must avoid vain social diversions and entertainments of various sorts. Modesty coupled with goodness and hospitality must comprise the moral traits of the wife of a priest. It is good if the wife of a priest knows the workings of the kliros and can teach in a school in the case that she might need to provide help in such a case. The priest must raise his family to fear God and to observe the precepts of the Holy Church and Orthodox customs.

24. If the priest labors diligently in fulfilling these and the other sacred canons relating to his high calling, he will win for himself a rich and generous reward not only from the Chief Shepherd, our Lord

Jesus Christ, in His Church triumphant, but he will also receive grateful recognition from his faithful children, who will love him more than their own fathers and will surround him with care and love; and in their pious souls he will find peace and comfort. But it may also happen that the priest may encounter fierce resistance in response to his labors, and his lot will be bitter sorrows. In this case, he must be aware that these pastoral tribulations will have a purifying affect upon his soul and, if he endures these sorrows with patience and meekness, he will receive even greater consolation in the witness of his own conscience, whereby a sweet foretaste of eternal blessedness in the Church triumphant in the heavens will be revealed even during this sorrowful life.

II. The Liturgical and Ecclesio-Social Activity of the Orthodox Pastor.

25. While serving divine liturgies on Sundays and feastdays, the priest must accompany them with edifying instructions, as Canon 19 of the Sixth Ecumenical Council commands. During the Great Fast, he must celebrate the Liturgy of the Presanctified Gifts, as well as the other lenten services. On great feasts which fall on weekdays, he is obligated to celebrate the divine services even if there is only a small number of faithful in attendance; for the number of faithful will grow in accordance with the dedication of the priest, especially if the priest strives to make an effort so that the service is intelligible to those who pray with him. Those entrusted to him he must teach the right Faith, the commandments of God and all the Christian virtues.

26. Mindful that teaching is one of the primary duties of a priest, he must, in addition to regular preaching during the divine services, tend to the enlightenment of his flock with the help of outside, extra-liturgical talks on spiritual topics for the spiritual perfecting of his parishioners.

27. With the aim of increasing the ecclesio-religious enlightenment of his parishioners, the priest must compose and deliver lectures, if he is properly trained for this, or read to his parishioners excerpts from the works of the holy fathers and from other suitable spiritual literature. He ought to organize in his parish talks by lecturers recommended for this by the diocesan leadership, or by neighboring priests well-known for homiletic or educational activity. A St. Vladimir's Circle for young Russians should be organized within the parish under the spiritual guidance of the parish priest. The church should have a library of religious and educational books, the oversight of which is entrusted to someone with a talent for religious education. There must also be established a kiosk for the sale of magazines and books published by the Church. Oversight of this endeavor must be entrusted to parishioners suitable for this task. It is desirable, if possible, to publish a "parish bulletin", especially in parishes that are far away from the Church centers and which serve extensive territories.

28. The charitable activity of the parish must also be of vital concern of the priest. He must explain to the parishioners and the church officers that charity is an integral concern of an Orthodox parish, and has been required of the Church and its children since apostolic times as an obligatory expression of Christian love. Charity is the moral duty of every Orthodox Christian.

29. The educational, charitable, administrative and economic activity of all parish organizations must proceed under the direct supervision of, and be answerable to, the priest.

30. The priest must work to uproot within his flock superstitions and social customs contrary to church piety, such as the organization of social entertainment on the eve of Sundays or holidays, or

while the divine services are being served, the staging on [church] school feast-days of ballet recitals or other inappropriate entertainments, which are morally deleterious. He must prevent his parishioners from falling into other faiths, heresies, sects or schisms, pointing out to them the obvious harm this causes their souls and the necessity of their returning to the bosom of the Orthodox Church. The priest must see that his parishioners lead a sober life, not permitting them indulge to excess in the consumption of alcohol, especially on church feast-days and at communal meals provided by the parish.

31. The priest must devote particular care to the religious education of the youth. To this end, he must draw young men and boys to serve in the sanctuary during the divine services, and all the young people to read and sing on the kliros. He must strive to teach them reading, singing, the order of the Church services, and to attract them to the charitable activity of the parish. He must establish a church school in the parish and concern himself with the teaching of the catechism, church singing, and Church Slavonic and Russian. He must attract children to the school, persuading their parents to enroll them and explaining to them their parental duty in this respect. For older boys and girls, the priest must organize a St. Vladimir's Circle for the Russian youth, taking care that its activities proceed in complete consonance with the aims of the Holy Church and the life of the parish.

32. The priest must take care that a Church Sisterhood be organized within the parish, and, if possible, a Brotherhood; and he should also watch over their activities, directing them to work for the support and adornment of the holy church, for the education and charitable activities of the Church, and for full cooperation with the parish in the fulfillment of its objectives.

33. A priest must have oversight over the exterior and interior adornment of the church. In the building of a new church, the priest must see to it that it is designed in an architectural style befitting a Russian Orthodox temple and in agreement with the requirements of the Church's canons.

34. The priest must devote particular care to the interior adornment of the church. The priest must take care that the holy altar-table and the holy antimimension are clean and in good repair, carefully examining and cleaning them after each divine service. All the holy vessels and appurtenances of the holy altar-table and the table of oblation, as well as the vestments, must be kept clean and in good repair. It is essential that the holy chalice, or at least its outer surface, be made of silver or some other such precious non-oxidizing and stainless metal, and should, if possible, be gold-plated. The reserved Holy Gifts must always be kept in meticulous condition and in sufficient quantity. Likewise, all church utensils must be in good repair and excellent condition. Vestments must be of standard design and of good quality material, and, if possible, should be in the established colors. The priest must make sure that all icons are of excellent workmanship, and that when acquiring or ordering new icons they be made of materials appropriate to the ancient, established iconographic style. The priest must also ensure that there are icons of all the great feasts in the church, and, if possible, that the walls of the church be frescoed with holy images. He must convince the parishioners to donate the holy articles and icons needed for the church and the divine services, in memory of one or another event in their personal family life. He should also take care to provide the church with sacred items of a general Christian nature, such as: relics of saints, copies of miraculous icons, and sacred items from the Holy Land. He ought also to ensure that the parish be visited by miraculous icons or holy objects enshrined in the central ecclesial establishments or churches.

35. A priest must see that his church is provided with liturgical books. If the parish cannot a full set of Church liturgical books, the church should at least have a set of books that fulfills most needs: for

example, the Great Anthology published abroad, at Holy Trinity Monastery; and other liturgical books essential for the celebration of the divine services, such as: the Holy Gospel, Epistle, Psalter, Liturgicon, Euchologion, et al. There should be a sufficient supply of the above-mentioned liturgical books in the church for the unimpeded celebration of the divine services. Under no circumstances should there ever be any religious books in the church printed by non-Orthodox publishers or not approved by the ecclesiastical authorities.

36. In addition to choral singing in church under the direction of a conductor, a priest must attract pious parishioners to read and sing on kliros, and teach them correct church reading and singing, and likewise familiarize them with the order of the divine services [typicon/ustav]. The priest must himself have achieved a mastery of church reading and singing. If he does not have an aptitude for church singing, and cannot develop it in himself, he must at least read the Church Slavonic texts without committing errors, and must have a firm knowledge of the order of the divine services. He must not allow reading with misplaced accents, or reading in which the text is distorted; nor must he permit readers to commit blatant errors which can later be corrected only with great difficulty. The priest must dispose and fittingly prepare worthy readers and singers to receive ordination to the ranks of the clergy. When bishops visit the parish, the priest should present to him those worthy to receive priestly ordination, who have been prepared for it.

III. The Relationship between the Pastor & the Ecclesiastical Authorities.

37. A priest must remember Canon 39 of the Holy Apostles, which says: "Let the priests and deacons not do anything without the bishop's consent; for it is to him that the people of the Lord are entrusted, and he will give answer for their souls." According to the meaning of this canon, all the actions which the priest performs in church according to the duty of his calling he accomplishes with the general authorization of his bishop, even though without prior indication of this for each individual action. For this reason, he must always be ready to give an account to his bishop for all of his actions. One must also remember Canon 36 of the Holy Apostles, according to which, if a bishop is not accepted due to the antipathy of the people, "let the clergy of that city be excommunicated for not teaching such unruly people." The priest must take care to support on a high level, in the eyes of his parishioners, the authority of their archpastor as one who not only preserves the apostolic succession in the Church, but as one who also possesses all the fullness of authority within the Church. During a hierarchal visitation, the priest must take care that the hierarchal service be performed with greater splendor, and that more favorable conditions for the hierarch's edification of the parish be formed. The priest is obliged to attend all the Diocesan Assemblies and Pastoral Conferences convened by the diocese authority. He can only absent himself from these meetings and conferences with the specific permission of the diocesan bishop for reason of sickness or because of some other particularly important circumstances which impede the performance of his duty.

IV. The Relationship of the Orthodox Pastor with His Parishioners and Parish Organizations.

38. Under the general authorization of his hierarchy, the rector of the parish is the head of the parish. He presides over all the meetings of all the parish organizations and directs their activities. Without his participation, agreement and authorization no undertaking or activity which concerns the

life of the parish can be adopted or carried out. In fulfilling his duties, the priest acts on the general basis of the sacred canons, the laws of the Church and the traditions of the Russian Orthodox Church, and is guided by the Normal Parish By-laws adopted by the Russian Orthodox Church Abroad.

39. Members of the clergy and all co-workers of the priest must hold themselves in appropriate submission to him and do everything possible to maintain the spirit of mutual Christian love among themselves. They must fulfill their duties with exactitude, and by their reverent attitude toward the holiness of the church provide a worthy example to the parishioners. They must confess their sins at the established time and receive communion of the Holy Mysteries of Christ, punctually attend the divine services, refrain from engaging in conversations in church, not make noise in the sanctuary, and in all conduct themselves reverently for the edification of the parishioners.

40. An inattentive, sometimes even arrogant or negligent attitude toward certain members of his flock, primarily simple believers, has a particularly destructive affect upon relations between the flock and their pastor. This is one of the main sources of the misunderstandings which arise with a parish, and sometimes lead to a profound crisis. This is why the pastor should be attentive and careful, lest some careless word push someone away from the Church or give occasion for disturbances and divisions. For the uprooting of malice or other negative phenomena in the parish the pastor must be guided by the instructions of the Apostle Paul: "Rebuke not an elder, but entreat him as a father; and the younger men as brethren; the elder women as mothers; the younger as sisters, with all purity," patience and love (I Tim. 6:2). As the head of the parish, the priest must not, however, insist that his judgment prevail always and in everything. If he makes some error in dealing with or resolving the affairs of the parish, or when one of his parishioners or co-workers suggests a wise resolution of a matter, the priest must not insist upon his own judgment, ostensibly for the sake of maintaining his own authority, but must act prudently and paternally, for only thus can he establish a real authority within the parish.

V. The Administrative Responsibilities of the Rector.

41. The rector is responsible for the state of the parish in all respects: for the orderly and correct performance of the divine services, for order in the church's economy and bookkeeping, for peace and goodly order among the clergy, and for the religious and moral state of his parish. In relation to the members of the lower clergy and to other persons dependent upon the church, he is their spiritual father and closest and direct authority; and in relation to subordinate and attached clergymen, to the widows and orphan under the church's oversight, he is their helper and guardian.

42. During all divine services concelebrated in his parish, the rector presides over the other priests; and if he is an archpriest by rank, he then he stands ahead of the other archpriests, except in the case of a mitred archpriests or protopresbyters.

43. During the illness or absence of the rector, his duties are carried out by the rector of one of the neighboring parishes, as directed and appointed by the bishop. If there are two or more priests in the parish, the duties of the absent rector are carried out by the priest next to the rector in order of seniority.

44. The rector takes care that the service is performed in an orderly and decorous manner,

meaning that the divine services are performed according to the typicon, carefully, reverently and at the established times.

45. The priest sees to the maintaining of fitting order in the sanctuary, in which no one is allowed to be present except the clergy and acolytes needed for the divine services. Clergymen who are not taking part in the divine services, as well as all readers, are to stand on the kliros and help perform the divine services by their reading and chanting. No one except the higher clergy may touch the holy altar-table and walk in between the altar-table and the royal doors.

46. It is forbidden to bring into the sanctuary anything except the items needed for sacraments, candles, oil and incense. It is absolutely forbidden to bring into the sanctuary any firearms, clubs, umbrellas and ordinary headwear (hats, caps, etc.).

47. The rector sees to it that the church warden and his assistants make sure that the parishioners maintain silence and order during the performance of the divine services.

48. All dealings between the parish and the clergy regarding church matters are conducted through the rector. He is the one who receives from the diocesan authority orders and directives, and either carries them out himself, or through the proper channels assigns them to be carried out by other members of the clergy, or of the parish council, or by parishioners.

49. The church seal is to be kept by the priest. In the event of his prolonged absence or illness, he entrusts the seal to his replacement, or to another member of the clergy, or to the church warden.

50. The rector sees to it that each member of the clergy unfailingly fulfills his duties to the Church and the parish. The rector likewise ensures:

- a) that during the divine services every member of the clergy occupies the proper place corresponding to his seniority according to ordination;
- b) that the members of the clergy not absent themselves from the parish without his knowledge;
- c) that the clergymen of lower rank arrive earlier for the divine services than the priest and prepare everything necessary for the divine service, each person doing his own part;
- d) that the serving clergy members have properly prepared for the service,
- e) that deacons filling precentor [psalomshchik] vacancies are not excused from the fulfillment of any of the duties intendant upon the vocation of precentor and, as far as possible, also exercise the diaconal ministry, standing in for permanent deacons in cases of need;
- f) that the precentors fulfill their obligations punctiliously; and
- g) that the prosphora-baker prepare prophoras of fitting quality, size, appearance and taste, and in sufficient quantity, and that they be made available to the parishioners at a set price.

51. When some member of the clergy refuses to be corrected with regard to his service, or exhibits bad conduct, the rector must admonish him in private; and if this measure proves insufficient, he reports the guilty party to the dean or the diocesan bishop for reprimand. The rector can criticize and reprimand a deacon or junior clergyman in private or in the presence of others; furthermore, he can assign the junior clergy to do prostrations in church.

52. When personal disputes arise among members of the clergy, they bring their complaints before the rector, who tries to resolve the matter by peaceful agreement. If this proves unsuccessful, he must bring the matter up with the diocesan authority.

53. In regards to attached and supernumerary clergy, and church servers and their children, and widows or orphans, who have been living in a church-owned residence, the rector retains the right to superintend their conduct and investigate any domestic disorder.

54. The church custodians and, in general, employees of the church and church-owned residences, are selected, hired and discharged by the parish wardens, but always with the knowledge and consent of the rector.

55. The rector bears responsibility for the principal supervision of the order and correct conduct of the church office, especially the metrical books, and the keeping of all church documents. The oversight of the church archive may be entrusted by the rector to one of the members of the clergy who is employed in clerical work.

56. All church documents and regulation parish books the rector of the church can keep himself, or he can assign a deacon or one of the clergy to take care of them; but in any case, the responsibility for the correct maintenance of the books lies upon him.

57. The rector of the church assures that there is a proper distribution to members of the clergy of funds received from the parishioners for the performance of services of need. Division of the funds are made among the members of the clergy in the following parts: If two members of clergy serve, the priest receives two-thirds and the precentor receives one-third; if three members of clergy serve, the priest receives half of the whole, the deacon receives one and three-quarter's part, and the precentor receives one and one-quarter part. The rector makes sure that none of the clergy extorts from parishioners payment for the performance of divine services and services of need, but that the clergy be satisfied with the voluntary stipendia provided by the parishioners.

58. A priest must not perform any service of need in a parish which is not his own. This is permissible only in case the local priest is ill or absent, and then only at the invitation of the local priest or on orders from the diocesan authority.

59. The rectors must see to it that parish meetings are convoked in accordance with the rules, and that only those who, according to the Parish By-laws, have the right to participate in them do so. After the conclusion of assemblies, the rectors must submit the minutes of parish meetings to the diocese bishop for approval. Annual accounts of the state of the parish must be presented at the time established by the diocesan authorities, and in the established form.

60. The rectors must perform marriages with particular circumspection, after those who wish to be

married present a corresponding license from the civil authorities, where this has been instituted by civil law, and after the conducting of a marital examination wherein it is established that no impediment exists to the marriage under Church law. The mystery of matrimony is to be performed only on days when such is permitted by the Holy Church.

61. The rector sees to it that all responsible persons of the parish administration act on grounds envisioned by the Normal Parish By-laws, and that the rights of the parish, in countries where this is needed, are defined on the basis of civil laws.

62. The rector must take particular care of the sick among his parishioners, visit them at home or in the hospital, and see to it that none of his parishioners dies without a final confession and the Holy Mysteries of Christ. When sick parishioners have to be moved for treatment to another, more distant place, the rector must make arrangements with the priest of a nearby parish for the spiritual care of such sick persons, while remaining in contact with them as far as possible. It is essential that the priest be particularly sensitive to his parishioner's needs during a general catastrophe. Equally, the pastor must not leave unattended those of his flock who, visited with misfortune for one or another reason, are homeless, and especially young orphans, widows, and the elderly.

63. The rector must make sure that at the baptism of Orthodox infants their sponsors be adherents of the Orthodox Faith. He must explain to the sponsors their duties.

64. He may not baptize infants born not resembling a human being or who are stillborn.

65. The Orthodox rite of the Mystery of Baptism is only performed through the triple immersion of the one being baptized, in water sanctified during the baptismal service, and by the utterance of the words which accomplish the Mystery: "The servant of God, N., is baptized in the name of the Father, Amen, and of the Son, Amen, and of the Holy Spirit, Amen." For this reason, baptism through pouring or sprinkling is in no way permissible except in the case when the person to be baptized is gravely ill. Baptism must be performed with care, with the reading of all the prayers of exorcism.

66. A baptism, performed by an Orthodox layman by reason of dire necessity (when the person to be baptized is in danger of dying, and there is no priest available), is considered a lawful baptism; but a priest must fulfill it by means of chrismation and the reading of the prayers found in the Rite of Baptism in the Euchologion [Trebnik], with the exception of the sanctification of the water and the baptism itself. This he also must do if the parents, out of ignorance or perceived necessity, have had their child baptized by a non-Orthodox clergyman or by a clergyman of a Christian denomination which practices baptism by water in the name of the Holy Trinity.

67. The Orthodox Church forbids the burial of a suicides using the Church's ritual; however, one must also heed Canon 14 of St. Timothy, Patriarch of Alexandria, which states that the clergyman must with all care ascertain whether the suicide killed himself while out of his mind, or because he harbored a grievance against men, or some other reason, out of cowardice. In the former case, the suicide is not denied the Church's prayers for him; in the latter case and all other cases, the Church cannot offer up in his behalf either prayers or offerings (the unbloody Sacrifice). As a general rule, the priest must refuse to bury suicides, explaining to their relatives that the serving of a funeral contrary to the Church canons will not bring any benefit to the soul of the deceased, but that personal prayers and good works done in their memory can help them. In unclear cases the priest must contact the bishop, in nowise daring to

bury suicides at his own discretion.

68. Children of the Russian Orthodox Church Outside of Russia are forbidden to burn the bodies of their dead in crematoria. The priest regards it as his duty to explain to his flock the non-Christian character of such a burial, and will not serve a church funeral for those whose bodies are destined for cremation. Their names can be commemorated only outside proskomedia, and memorial services [pannikhidas] can be served for them no earlier than forty days after their death. If any dying person is insistent that he undergo cremation, despite the admonition of the spiritual father who attends his deathbed, then, for such opposition to the Church, he must not be given Holy Communion by the priest. An exception to this, in the form of a funeral in absentia, can be permitted only in the most exceptional cases, when it can be proven with total assurance that the cremation of the body was performed contrary to the will of the deceased, as an instance of violence done to him. But even in such a case, it cannot take place without a specific decision by the diocesan bishop, which is issued after careful consideration of the circumstances. The reverend rectors of the parishes must explain to their flock the sinfulness of violating our Tradition of committing the bodies of the dead to the earth, which has been established by the Church following the example of the burial of our Savior Himself, and likewise the unacceptability of adapting for Christian use what was practiced by the worst pagans of antiquity and those contemporary opponents of the principles of the Christian Faith. If anyone, being a believing Orthodox Christian, out of ignorance orders those close to him to commit his body to cremation, and dies before he can receive admonition and repent of his intention, his will, since it contradicts the canons and doctrine of the Holy Church, is not morally binding upon those close to him, just as every sinful promise is unenforceable, for the Church says in one of the stichera for the feast of the Beheading of St. John the Forerunner of the Lord, addressing Herod: "Better would it have been to be proved false, than to cut off the head of the Forerunner, who spake the truth." If those close to the deceased made a promise to him to cremate his body, they can be released by the Church from this irrational promise by having read over them the prayers established for such a circumstance. After death, the soul of the departed, realizing the foolishness of his desire to have his body cremated, will be thankful to those close to him for such a decision.

69. Individuals baptized within the Orthodox Church, who by their own convictions and lifestyle did not answer to the calling of true Christians and did not manage to confess in their sins before dying, must nevertheless not be denied Christian burial and commemoration if during their lifetime they were not excommunicated from the Church by the lawful authorities and were not openly active blasphemers of the name of God and persecutors of the believers. After their death, they will be answerable before the judgment of God.

70. Funeral and memorial services are not to be served for people belonging to other faiths. If it happens that a deceased member of another faith, whose respect for the Orthodox Faith and Church are definitely known, who is not in close proximity to a priest or pastor of his own religion, and whose family are insistently pleading that he be given a Christian burial for their own consolation, a priest may escort the deceased to his resting place with the chanting of "Holy God..." without celebrating the funeral rite, on condition that this not cause a disturbance or temptation among the Orthodox flock. By way of an exception, one may perform a funeral prayer service consisting of the reading or chanting of the 17th kathisma (Psalm 118: "Blessed are the blameless"), with the intoning of "Eternal memory," and at the interment with the reading of the Epistle and Gospel for the departed.

71. When uniting those of other religious confessions to the Orthodox Church, the rector must

require of those desiring to convert a corresponding petition or declaration that is personally signed; moreover, children seven years old or younger are converted only with the consent of their parents. The actual conversion rite must be performed in the presence of at least two witnesses. The certificate of conversion must contain the given name, patronymic and surname of the convert and his father, the given name and maiden name of his mother, his date of birth, date of marriage, age, place of residence, the religion from which he has converted, and the method used to receive him. The certificate of conversion must be signed by the convert, the witnesses and the members of clergy who performed the conversion.

72. Persons converting to the Orthodox Church from non-Christian religions (such as Judaism, Islam, Buddhism, Lamaism and other pagan religions) as well as those who call themselves Christians but do not have baptism by water in the name of the Father, Son and Holy Spirit, must be baptized by triple immersion after instruction and testing in the Orthodox Faith. Those converting from Christian confessions and have had full baptism in the name of the Holy Trinity may, after sufficient instruction in the Orthodox Faith, make their confession, be chrismated and commune of the Holy Mysteries. In all cases, those who convert to the Holy Orthodox Church must publicly repudiate their previous beliefs and promise to be faithful sons or daughters of the Holy Orthodox Church. For the seriously ill it is sufficient that they make a personal declaration of this to their spiritual father.

73. The diocesan bishop must without fail be informed in writing concerning those who are being united to the Orthodox Church from other religions.

74. A priest must pay particular attention to fulfilling the mysteries of confession and Holy Communion of the parishioners. He must instruct them and approach them several times a year and especially during the Great Fast.

75. Before conducting the Mystery of Confession, the priest must without fail read the prescribed prayers in the presence of those present for confession; and when there is a large number of people present for Confession, especially during the Great Fast, the priest must deliver a suitable instruction before Confession, to awaken within them a profound awareness of their sinfulness, to invoke a disdain for sins and love for and inclination toward good deeds, to calm the conscience of the penitent, to strengthen faith and hope in the lovingkindness and help of God, in the case of a sincere desire to correct their sinful life. In performing confession the priest must be attentive and sensitive to each person confessing. He must impart instruction to correct one's sinful life appropriate to the age, development and condition of the penitent and the degree and nature of his sins. In certain cases the priest must impose a penance, the aim of which is the correction of sinners. This penance must be such that, on the one hand, it will not lead a person into despair, and on the other hand, will not result in the paralysis of his life. In the case of those confessing especially heavy sins, the priest ought to be guided by the directives contained in the books of the canons, but only with prudent consideration. In the case of any serious complications, the priest should consult his bishop, remembering that the authority to loose and to bind was given to the holy apostles and to their successors, the bishops, and only by their authorization to the priests. The priest should devote particular attention to the children and the young, caring for their instruction and upbringing in the Orthodox Faith in every way possible. The pastor must see to it that little children are brought more frequently to Holy Communion, and that from their earliest years children learn to cross themselves and pray correctly, gradually learning the principal prayers by heart. Children of school age must be given lessons in the catechism, beginning with basic understanding of God and gradually broadening their knowledge. Without limiting himself to

formal lessons alone, he must avail himself of every opportunity to instill in the children a sense of faith and love for God. It is particularly gratifying to draw children, from their earliest years, to serve in church and to participate in the reading and chanting. Older children, boys and girls, must be strengthened in faith and morality, and careful watch must be kept over their development, averting their every doubt and temptation early on. The pastor must try to win their complete trust, and they must be able to find spiritual support in him.

76. Parishioners and co-workers of the priest must treat their pastor with Christian love, as their own father, who exercises the most difficult care for the salvation of their souls and intercedes for them before the throne of the Most High. They must take all measures possible to ensure his material support and prosperity, just as faithful children do for their own father. They must see to it that the priest has a decent place to live near their church. They must follow the instructions and directions of their pastor, and avoid arguments and misunderstandings with him and among themselves, remembering that mutual love between pastor and flock is a guarantee for the flourishing of the parish.

77. In all cases not addressed by these rules, the priest must be guided by the general laws and customs accepted in the Russian Orthodox Church; and should any difficulties or misunderstandings arise, he must turn for advice to the dean or to more experienced neighboring pastors, or in important cases to his diocesan bishop, and act in conformity to his directives.

Translated from the Russian by the reader Isaac E. Lambertsen. Translation made in the year 2001. Reference has been made to an earlier translation done by the Rev. Fr. Andrei Sommer, the helpfulness of which the present translator gratefully acknowledges.

vii. REGULATIONS FOR DEANERIES AND DEANS

(Approved by the Sobor [Council] of Bishops of the Russian Orthodox Church Outside of Russia on 29 October/11 November 1959.)

When the breadth of a diocese makes constant and direct contact between a diocesan bishop and his parishes difficult, he may establish deaneries, consisting of several parishes, and appoint in each deanery one of the rectors of the local parishes as dean.

When appointing deans, the diocesan bishop may ask the rectors and members of the clergy for recommendations as to their desired candidates for dean. But such recommendations may be taken by the diocesan bishop only as evidence of the degree of one or another candidate's authority, but not as an election, for the appointment of a dean requires only the bishop's approval. Appointment to this position of responsibility belongs exclusively to the discretion of the diocesan bishop.

A DEAN MUST:

I. Be the regular transmitter of the Bishop's concern for the good order of the parish churches in his deanery, which is accomplished by:

A. supervising the condition of the churches themselves and of all church buildings. Where the renovation of existing structures or the erection of new buildings is called for, the dean must urge the parishioners to collect the funds necessary for this objective;

B. taking care that the church not be established in close proximity to business concerns which might serve as stumbling-blocks or threats to church members, such as taverns and liquor stores, theaters and movie houses, dance halls, chemical factories, boxing and wrestling arenas and gambling casinos.

II. Be the regular conduit of the Bishop's concern for the correctness and good order of the divine services celebrated in the parish churches and for proper respect for the holy things, which consists of:

A. supervising the celebration of the divine services and the performance of services of need. In case a priest has little experience, the dean gives him brotherly instruction and advice, in particular with regard to the performance of the proskomedia and the observance of the Church's typicon;

B. supervising the celebration of the divine services on all Sundays and feast-days, preceded invariably by evening divine services the night before, ascertaining that deacons serve the liturgy on Sundays and feast-days with preparation;

C. seeing that priests do not allow any who remain at enmity with one another to receive Communion without first reconciling;

D. taking care that capable parishioners are drawn to take part in the reading and chanting during the divine services and for the establishment of a left-hand choir (kliros);

- E. seeing to the introduction of congregational singing (of certain hymns: "Having beheld the Resurrection of Christ...", the Creed, the Lord's Prayer, etc.);
 - F. seeing that the parishioners have an rational grasp of the content of the divine services (this is accomplished by teaching the liturgical language of the divine services and by explaining the hymns of the Church from the ambo and in school);
 - G. seeing that the music chanted in church is performed correctly, and from musical scores approved by the Supreme Ecclesiastical Authority, and excluding classical compositions and arrangements;
 - H. inspecting the condition of the reserved Holy Gifts (so that no harm whatever may befall them), seeing that they are maintained properly on the Holy Table in the church, and not in a residence; seeing that the Holy Myrrh is kept on the Holy Table; checking on the condition of the Holy Antimension and that of the holy vessels (especially the condition of the gold-plating on the chalice);
 - I. ascertaining that a church's iconography is properly executed, preferably in the ancient Byzantine or ancient Russian style. Each icon must have a corresponding inscription. Without the inscription of the name of the individual depicted upon the icon, the icon cannot be blessed;
 - J. seeing that the depiction of the Cross is properly located and that the cross is not permitted to form part of the pattern of floors, rugs and the seats of chairs, so that it not be even involuntarily trampled underfoot or otherwise subjected to maltreatment, in that it is the sign of the victory of our salvation;
 - K. vouching for the content and condition of the liturgical books;
 - L. caring for the condition of the vestry;
 - M. seeing that lists of sins for use at confession be introduced;
 - N. caring for the accuracy of entries in the metrical books and seeing that the church seal is properly maintained.
- III. Being the regular transmitter of the Bishop's care for educational activity in the parishes:
- A. through the organization of schools for children, with courses in the fundamentals of the Faith, Church history, and various cultural and language courses;
 - B. by delivering sermons from the ambo;
 - C. by reports delivered at social gatherings;
 - D. by the establishment of church libraries;

E. by carrying over religious principles into social life and bringing social organizations into closer harmony with the Church by taking measures to combat sectarians.

IV. Be the regular transmitter of the Bishop's concern for the correct development of parish life and activity undertaken by the rector, the parish meetings and the parish council, and observed:

A. in the mutual relations between the rector and parish organizations. In cases of disagreement and strained relations between them, the dean takes all measures to reconcile the conflicts;

B. in the resolutions recorded in the minutes of meetings of the parish membership and the parish council, do they correspond to the true aims of the parish and the fixed powers given them?

C. in the entries in the parish financial books, are they verified by an auditing commission, and do the expenditures correspond to confirmed figures of the annual budget?

D. in the method of keeping church funds (all moneys must be kept in a bank, in an account bearing the parish's name [only a small sum, determined by the council, may remain in the hands of the Warden or the Treasurer]);

E. in the correctness and prompt determination and forwarding of all assessments and collections to the Synod of Bishops and to the Diocesan Administration.

V. Be the transmitter of the Bishop's concern for the better arrangement of the legal and material condition of the reverend rectors and members of the clergy:

A. by seeing to the indispensable registration of them in medical insurance plans and that all members of the clergy old age pensions and the necessary advice in this regard;

B. in the case of insufficient support of members of the clergy, by mediating between the clergy and the parish council with the objective of possibly bettering the salary of the clergy.

VI. By special directives of the Diocesan Bishop, the following may be assigned to the dean:

A. in cases of conflicts between a rector and his parishioners, the task of presiding at a general parish meeting;

B. the investigation of matters which arise between members of the clergy;

C. in cases of the arrest or investigation of a rector, his relieving of all official documents, the metrical books and the church seal, and the presenting of all thus removed to the Diocesan Administration;

D. in cases of the death or transfer of a rector, the verification of all church property according to the inventory and the parish funds according to the financial records, and their transmission

to the newly appointed priest or until his arrival, to the clergy on hand and to church warden.

VII. The dean must preserve all written directives received from the bishop and all copies of his outgoing papers: reports sent to the bishop concerning his parish visitations and the carrying out of the directives he has received.

VIII. Expenses entailed by the chancery work and by official travel of the dean are paid in part by the parishes of the Deanery and part by the Diocesan Administration.

viii. REGULATIONS ON THE RIGHTS AND DUTIES OF PARISH RECTORS

*(Established by the Council of Bishops of the Russian Orthodox Church Outside of Russia
on 23 October/5 November 1959, Protocol No. 15.)*

1. The parish rector is responsible before the Diocesan authorities as the direct head of the parish.
2. The rector is responsible for the proper organization of the church and the parish.
3. The rector supervises the order and correctness of divine services.
4. The rector has special care that the holy temple with all its possessions, such as sacramental items, icons, vestments and service books are maintained in proper cleanliness and order.
5. The rector keeps the church seal.
6. The rector keeps the metrical books and issues extracts from the metrical books.
7. The rector is the President of the Parish Council and President at all parish meetings.
8. The rector sees to the execution of all decisions of the Annual and Extraordinary Parish Meetings and of the Church Parish Council.
9. The rector is responsible for the general supervision over the order and correctness of church correspondence, and also for the preservation of church documents.
10. The rector represents the parish in communications with the Diocesan Authorities in all matters pertaining to the parish.
11. The rector sees to the development of charity work in the parish.
12. The rector directs the religious-moral education and rearing of youth.
13. The rector organizes missionary circles.
14. The rector assists in the opening of a school and directs the same.
15. The rector has care over the development of good morals in the parish, and for this reason as often as possible discusses matters of Christian faith and morals with his parishioners.
16. The rector unfailingly battles all influences which may corrupt Orthodox people from the true path, trying not to allow the possibility that they fall away from the Orthodox faith and Church.
17. The rector sees to the establishment of a parish library.

ix. INSTRUCTIONS TO CHURCH WARDENS

***(Confirmed by the Council of Bishops of the Russian Orthodox Church Outside of Russia
on 23 October/5 November 19596 Council Protocol #15.)***

1. The Church Warden is a trusted member of the parish, elected for each parish church for the acquisition and utilization, in collaboration with the Rector and Parish Council, of church funds and the maintenance of all church property, under the oversight and with the guidance of the Rector and the Diocesan Bishop.

2. Church Wardens for churches which do not constitute part of a formal parish are appointed in the order determined in each individual case by the Diocesan Authority, according to the institution within which the given church exists, and are confirmed in their position by the Diocesan Bishop.

3. The Church Warden, in the exercise of his duties under the direct supervision of the Rector, is guided by the Parish By-Laws, and the rules of this Instruction, submitting in all his acts to the orders of the Diocesan Bishop.

4. Persons are elected to the position of Church Warden who are well-known to the parish for their Christian piety and loyalty to the Russian Orthodox Church Outside of Russia, who are zealous for the moral and material well-being of the parish, and who are conscientious in paying their parish membership dues.

5. The following *may not* be elected to the position of Church Warden:

- a. Those less than twenty-five years of age;
- b. Those who do not come to Confession and Holy Communion at least once a year;
- c. Those who have lost their employment because of being convicted of malfeasance by a court of law, or who have been deposed from any of the ranks of the clergy;
- d. Those whose goods and property are in receivership because they have declared bankruptcy;
- e. Insolvent debtors;
- f. Those with questionable or reprehensible means of employment;
- g. Those who live in cohabitation outside the bounds of ecclesiastical matrimony;
- h. Those who are not conscientious in paying their [parish] membership dues;
- i. Those who have not lived at least six months in the parish and have not been enrolled in the register of parish members.

6. The Church Warden is elected by the General Parish Assembly for a three-year term of office.

7. The name of the newly-elected Church warden is submitted by the Rector to the Diocesan Bishop for confirmation, and after confirmation the oath is administered to him, the text of which is signed in duplicate. The form of the oath before assuming the duties of Church Warden is as follows:

"I, the undersigned, do promise upon the Holy Gospel and the life-creating Cross of the Lord to fulfill the duties of Warden of the Church of [name of church] with exactitude, being guided by the Canons of the Church and the "Instructions for Church Wardens" with the contents of which I am acquainted, zealously, honorably, with the fear of God, for the good of the Holy Church and for the salvation of my soul, being mindful that therein I will be responsible before the law and before the Lord God at His dread judgment. As an assurance of this my promise, I kiss the Word and Cross of my Savior. Amen. (Signature of the Warden). Oath administered by: (signature of the priest)."

8. Upon assuming his responsibilities, the Church Warden, in the presence of one of the members of the clergy and a representative of the Parish Council, verifies all church property according to the inventory, and all of the church's account books. There is set down, over the signatures of all present thereat, a special act concerning the results of the verification. This is kept with the church's documents. If something cannot be accounted for during the verification, or if something is discovered to be damaged, the Diocesan Bishop must be informed of it immediately.

9. The Church Warden is a member of the Parish Council by virtue of his position.

10. When the three-year term of the Church Warden's office elapses, the Church Warden may be reelected to other successive three-year terms continually. In such a case the oath is not administered again.

11. The following duties are the responsibility of the Church Warden:

- a. The taking up of plate collections for monetary donations to the church;
- b. The reception of all funds, endowments and offerings made to the church;
- c. The collection of special collections;
- d. The collection of revenues from the rental of church property;
- e. The sale of church candles and candle-stubs;
- f. The purchase of all that is necessary for the divine services (as directed by the Rector): candles, ecclesiastical wine, prosphoras, incense, oil, liturgical books, etc.
- g. The maintenance in good condition, the repair and acquisition of the vestments and ecclesiastical utensils;
- h. The most meticulous care that the iconostasis, hanging lamps candle-stands, etc., are kept in

good condition;

i. The supervision of the proper care and maintenance of the church, church-related structures, grounds, cemeteries, grave markers, and other properties belonging to the church;

j. Care that the congregation maintain order and silence during the divine services in church;

k. The recording of all moneys received and disbursements made by him for proper accounting;

1. The entering in the inventory of the church's possessions of all articles acquired and donated to the church.

12. In those dioceses where there are diocesan candle works for the provision of church candles, incense and oil, it is obligatory that Church Wardens acquire the designated articles only from such suppliers.

13. Moneys collected during plate collections, as well as those taken in from the sale of candles and received as donations, are counted by two persons and, over their signatures, are given to the church's treasurer.

14. Every month, the Church Warden reports to the Parish Council on the state of the church's finances. The Rector of the church may make inquiry of the parish's financial state at any time.

15. Sums of money which exceed those determined for current expenses are submitted by the Warden to the Church Treasurer and are deposited by the latter in the bank in the church account, from which they may be withdrawn over no fewer than two signatures, one of which must be that of the Rector or his proxy.

16. Candles and candle stubs are kept in separate storage, the keys to which are kept by the Warden.

17. Moneys, documents and non-liturgical articles belonging personally to the Church Warden, to members of the clergy or other persons, are not to be stored in the church.

18. Obligatory collections established by the Diocesan Authority and the Synod of Bishops are to be sent in without delay, in accordance with the instructions concerning such collections.

19. Intermittent sums received from collections in benefit of various institutions are sent to those places and within such time periods as are indicated in the instructions concerning such collections.

20. As regards the recording of income and disbursements in the principal bound parish financial record book and the setting forth of the annual financial report, the Warden and the Treasurer are guided by the existing rules and forms established by the Diocesan Authority.

21. Church property and church finances are audited by the Auditing Committee, which is elected by the General Parish Assembly, as well as by the Dean, where such exists. The Diocesan Bishop has the

right, to conduct an audit at any time, either personally or through a person empowered by him to do so.

22. The Church Warden who fails in good conscience to fulfill his duties is relieved of his position by decision of the Diocesan Bishop, after proper verification thereof, if admonition is unsuccessful. For conduct resulting in the loss of or damage to church property, the Church Warden is liable under the law.

23. In case of the death or resignation of the Church Warden before his term of office is fulfilled, the Diocesan Bishop entrusts the administration of the duties of the Warden to one of the members of the Parish Council, on the recommendation of the local clergy, until a new election is held.

24. In the case of necessity, the Parish Council can elect an Assistant Warden from its membership who will act in his place when he is absent, and may likewise fulfill a portion of his duties by mutual consent.

x. STATUTE FOR SISTERHOODS

(Approved by Resolution of the Synod of Bishops on 15/28 April 1955.)

I. ORGANIZATION & OBJECTIVES OF THE SISTERHOOD.

1. At Church in the city of..... a church sisterhood has been established which bears the name
2. The sisterhood celebrates its annual feast on the day commemorating and has an icon appropriate to this feast which is kept in the church.
3. The sisterhood comprises a component and integral part of the parish and exists in accordance with the parish's charter as a parish organization.
4. It is the sisterhood's objectives on the one hand that those who enter its membership may perfect themselves morally in Christian virtue, in accordance with the teaching of the Russian Orthodox Church under the pastoral guidance of their pastor and in close contact with the life of the Church; and on the other hand, the object of the sisterhood is, on the whole, to render active aid to its church and to carry out, in a practical manner, the duties of the parish in accordance with Par. #2 of the Parish By-Laws accepted by the Local Pan-Russian Council [1918].
5. The duties of the sisterhood are:
 - a) Maintenance of the Church building, both during the divine services and apart from them; care for the vestry; and the adornment of the church.
 - b) Visitation of the sick; inquiry into the cases of those in need and aid thereto; visitation of prisons and aid for the imprisoned.
 - c) Visitation of the dying and informing the priest of such cases; reading the services over the dying; moral support for the families of the dying and care for them.
 - d) Concern for the un-baptized and the unwed; bringing them to the church, that the Holy Mysteries may be performed over them;
 - e) To aid, with all the means at their disposal, schools for children within the parish.
 - f) Collection of materials and funds, in accordance with subscription lists distributed by the parish council, signed by the pastor: for the needs of the church (this is done outside the times appointed for the divine services), for the sick, the poor, invalids, etc.
 - g) To help the church's Warden (starosta) in acquiring and distributing religious and liturgical literature, etc.

Note 1: For a greater degree of success in the fulfillment of these duties, a rotating schedule of sisters may be established.

Note 2: During the fulfillment of their duties in church during the divine services, the sisters should be appropriately attired in the prescribed form of head covering.

II. GOVERNMENT & MEMBERSHIP.

6. With the priest's blessing, and on the recommendation of the sisterhood's Council, widows, maidens and married women who are members of the parish and who have attained the age of twenty-one may be admitted to membership.

7. In its activity, the sisterhood is subject to and is under the guidance of the parish priest.

8. The sisterhood is governed by the Council of the Sisterhood, which is composed of the Senior Sister, her assistant and deputy, the treasurer and the secretary, all of whom are elected for a one-year term of office by the General Assembly of the Sisterhood. The Senior Sister is a member of the parish council.

9. The General Assembly of the Sisterhood is convoked no less than twice annually. Notification of such meetings is sent out two weeks prior to the event and the proposed date of the meeting is indicated. Additional meetings of the sisterhood may be convoked by the pastor, or by the Senior Sister with the pastor's blessing. The General Assembly is considered valid when a majority of the sisterhood's membership is present. Members of the sisterhood have the right to an advisory voice at the General Assemblies. Elections of the members of the Council of the Sisterhood which are conducted at the General Assemblies are subject to confirmation by the pastor, who submits the name of the Senior Sister to the diocesan bishop, since she is an integral member of the parish council.

10. The Council of the Sisterhood manages the sisterhood's funds. The treasurer keeps a record of receipts and expenditures which is countersigned by the parish priest and is sealed with the parish seal, as prescribed by the priest. The sisterhood's monetary resources and accounts are reviewed by the parish's Auditing Committee. The yearly accounts, along with the decision of the Auditing Committee, should be submitted to the General Assembly of the parish for confirmation.

11. A book of the minutes of all the meetings of the sisterhood and of the sessions of the Council is kept by the secretary and is signed by the Senior Sister and the secretary. A sister may be expelled from the sisterhood by the parish priest, and also at the recommendation of the sisterhood's Council or of its General Assembly.

12. The membership dues are fixed by the General Assembly of the sisterhood.

13. The sisterhood cannot establish titles of honor.

III. DISBANDING.

14. The disbanding of the sisterhood is carried out by the parish priest with the blessing of the diocesan bishop, by resolution of a meeting of the General Assembly of the sisterhood especially convoked for that purpose and which is attended by two-thirds of the actual membership of the sisterhood.

15. In case of disbanding, all the property of the sisterhood is transferred to the parish to which the sisterhood belonged.

IV. ALTERATION & AMENDMENT OF THIS STATUTE.

16. If local conditions require, alterations and amendments of this statute may be made at the General Assembly of the sisterhood by resolution of a two-thirds majority vote of those present at the Assembly. No less than two-thirds of the actual membership of the sisterhood should be present at such an Assembly. The proposed text of alterations or amendments should be cited in full in notices distributed two weeks prior to the General Assembly.

17. Alterations and amendments of this statute which are accepted at the General Assembly of the sisterhood take effect only after they are confirmed by the diocesan bishop.

D. UNDERSTANDING THE ADMINISTRATION OF PARISHES OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE RUSSIA

Introduction

In parishes of the Russian Orthodox Church outside Russia one often finds that parish members and those involved in the administration of the parish are insufficiently aware of the rules governing parish membership and decision-making. Poor administration and unlawful decision-making is frequently the result.

The rules governing parish membership and decision-making are set down in three important documents of the Russian Orthodox Church outside Russia: the 'Normal Parish By-Laws', the 'Instructions to Church Wardens', and the 'Statutes for Sisterhoods'. This booklet, 'Understanding the administration of parishes of the Russian Orthodox Church outside Russia', aims to present the content of those documents in a clear, simple and logical question-and-answer format. This has been done with the hope that it will assist all those involved in parish decision-making – parish officers and members alike – to better understand and participate in the decision-making process.

Why do parishes of the Russian Orthodox Church exist?

Russian Orthodox parishes exist to unite believers around a local church on the basis of the teachings, rules, and traditions of the Russian Orthodox Church. Believers unite in this way for to help them live as Orthodox Christians should, and so as to satisfy their religious needs.
(Paragraph 2)

Under what authority does a parish exist?

A parish exists under the authority of the ruling bishop of the Russian Orthodox diocese that it belongs to.
(Paragraph 1)

What do Russian Orthodox parishes do?

They support and help Russian Orthodox Christians by making available Orthodox Christian prayers, sacraments, teaching and discipline, and by facilitating worthy activity
(Paragraph 3)

How are these things made possible in Russian Orthodox parishes?

The Ruling Bishop and Diocesan authorities make these things possible by appointing such clergy (priests, deacons, and readers) as are necessary for the parish.

Parishes make these things possible by

- Caring for the church building and its material needs
- Providing for the clergy
- Supporting the higher church authorities
- Working to help others in need
- Undertaking Orthodox Christian educational work

(Paragraphs 3, 4 & 10)

How are parishes of the Russian Orthodox Church outside Russia formed?

Parishes of the Russian Orthodox Church outside Russia are formed at the request of believers with the permission and blessing of the Ruling Bishop. The Diocesan authorities set the boundaries of a parish.

(Paragraphs 5 & 6)

What powers does the Ruling Bishop of the diocese have in relation to a parish?

The Ruling Bishop of the Diocese has the power to

- Remove clergymen from their position in the event of serious wrongdoing or crime, or for the good of the ministry
- Remove Parish Council members from their positions, and exclude parish members from parish membership, should they resist the parish priest and Parish Council, conduct disruptive work, or be convicted of crimes or misdemeanors harmful to the parish
- Suspend clergymen or refuse Holy Communion to lay men and women in the event of serious violations of church order and discipline

(Paragraph 7, Annotation to Paragraph 1)

Of whom does a parish of the Russian Orthodox Church outside Russia legally consist?

A parish of the Russian Orthodox Church outside Russia legally consists of the clergy appointed by the Ruling Bishop and those of the faithful who become members of the parish.

(Paragraphs 6, 8, 11)

Who can become a member of a parish of the Russian Orthodox Church outside Russia?

A person may apply to become a parish member if he or she is

- an Orthodox Christian
- at least 18 years of age
- someone who has confessed their sins and received Holy Communion within the previous 12 months
- someone who cares for the moral and material benefit of the parish

(Paragraph 11)

How does a person apply to become a parish member?

A written application must be made to the **parish council** to become a member of the parish.

(Paragraph 12)

In many parishes, membership application forms exist. The Parish Council may refuse an application for parish membership.

What must parish members do?

Parish members must

- Confess their sins and receive Holy Communion at least once a year
- Pay agreed membership fees if able
- Tend to the moral and economic welfare of the parish
- Remain loyal to the Russian Orthodox Church outside Russia
- Remain loyal to their parish and cooperate with the parish priest and Parish Council

- Act in a way that promotes peace and unity within the parish
(Paragraphs 13, 14)

What may parish members do?

Parish members may after 6 months' membership

- Participate in parish meetings
- Elect parish officials
- Be elected to parish offices

(Paragraph 13, Annotation 1 to Paragraph 13)

What must parish members not do?

Parish members must not

- Obstruct lawfully made decisions of the Parish Council
- Violate good order and decorum in the church
- Engage in ignoble business
- Live in partnership without church marriage
- Commit criminal offences

(Paragraphs 1 and 14, Annotation 2 to paragraph 11)

Can a parish member be deprived of membership or membership rights?

Yes. A parish member may be deprived of membership if he or she

- Obstructs lawfully made decisions of the parish council
- Violates good order and decorum in the church
- Engages in ignoble business
- Lives in partnership without church marriage
- Commits a criminal offence
- Fails to pay the agreed membership fees unless unable

(Annotation 2 to Paragraph 13, Paragraph 14)

Who makes decisions in or manages a parish of the Russian Orthodox Church outside Russia?

The decision-making or managing bodies of the parish are

- Annual General Meetings of the parish
- Extraordinary General Meetings of the parish
- The Parish Council and
- The Auditing Committee

(Paragraphs 16 and 17)

When are Annual General Meetings of the parish held?

Annual General Meetings of the parish are held each year on a date fixed by the Parish Council.

(Paragraph 18)

Why are Annual General Meetings of the parish held?

Annual General Meetings of the parish are held to

- Elect the warden, Parish Council and auditing committee

- Consider the Parish Council's report on the year's activities
 - Consider the warden's and the treasurer's reports
 - Consider the auditing committee's report
 - Consider the budget for the coming year
 - Consider other items placed on the agenda, including general questions of Christian life and current affairs that affect the Christian conscience of the faithful
- (Paragraph 20, Annotation 2 to Paragraph 20)*

What may an Annual General Meeting of a parish not consider?

An Annual General Meeting of a parish may not consider canonical or jurisdictional matters.
(Annotation 1 to Paragraph 20)

What conditions are necessary for an Annual General Meeting to be lawful?

An Annual General Meeting is lawful if

- Parish members receive notice of the meeting and the agenda at least 3 weeks before the meeting.
- The meeting is announced in church on three successive Sundays
- Two-thirds of parish members are present at the beginning of the meeting. This does not apply if the meeting is reconvened after an hour.

(Paragraphs 18, 21, Annotations 1 and 3 to Paragraph 21)

Who presides over Annual General Meetings of a parish?

The parish priest generally presides over Annual General Meetings. Another person appointed by the Ruling Bishop must preside if a matter discussed concerns the parish priest.
(Paragraph 19)

How do Annual General Meetings of a parish make decisions?

Annual General Meetings of a parish make decisions by simple and open majority vote of members. Secret balloting may be used if requested. In the case of a tie, the parish priest has the deciding vote. Proxy votes are not allowed. The Parish Council confirms the voting qualifications of members prior to the meeting.
(Annotation 2 and 4 to Paragraph 21, Paragraph 22)

Are records kept of parish Annual General Meetings?

Yes. The secretary of the Parish Council is obliged to keep a record of what happens at each meeting, including decisions taken and dissenting opinions voiced. These minutes must be confirmed by an editing committee and submitted by the parish priest to the Ruling Bishop within 7 days. The meeting elects the editing committee.
(Paragraphs 23, 24)

What is the Parish Council?

The parish council is a decision-making body that includes the clergy assigned to the parish by the Ruling Bishop and members elected by the Annual General Meeting, recommended by the parish priest, and confirmed in office by the Ruling Bishop.
(Paragraphs 16, 28, 29)

How is the Parish Council formed?

All parish officers other than those on the Auditing Committee form the Parish Council. Parish officers are elected by simple and open majority vote. Secret balloting may be used if requested. In the case of a tie, the pastor has the deciding vote.

(Paragraphs 22, 29)

Who are the parish officers?

The parish officers are

- The parish priest;
- The warden;
- The treasurer;
- The secretary;
- The Head of the Parish Sisterhood;
- The lay members of the church parish council. There may be between 2 and 5 lay members; and
- The members of the Auditing Committee.

(Paragraphs 28, 31 to 43)

What are the responsibilities and powers of the Parish Council as a whole?

The responsibilities and powers of the parish council include

- The decoration of the church
- Care for the entire church property
- Provision for the clergy
- Maintaining a register of parish members
- Collection of membership dues
- Record-keeping
- Organisation of a church choir under an experienced director
- Care for the educational and charitable work of the parish
- Representing the parish before the civil authorities
- Ensuring the support of the diocesan and central church administration

(Paragraphs 12, 30)

What are the responsibilities and powers of each parish officer?

The responsibilities of the **parish priest** are to:

- Conduct services and ceremonies
- Teach parishioners about the Orthodox Christian faith
- Try to uplift the spiritual & moral level of the parish
- Preside at parish meetings and meetings of the Parish Council
- Supervise, with the warden's assistance, the decoration of the church
- Supervise the work of the Parish Council and the warden
- Keep parish registers of baptisms, marriages and funerals
- Represent the parish in dealings with the Diocese
- Take responsibility for the welfare of the parish
- Keep the parish seal
- Supervise the putting into practice of all decisions made by the parish and Parish Council
- Make sure that Parish Council minutes are accurate

(Paragraphs 9, 31)

The responsibilities of the **warden** are to:

- Assist the parish priest in economic matters
- Take responsibility for the safekeeping of church property
- See that good order is maintained amongst the people during church services
- Supervise the sale of candles
- Keep track of the parish income and expenses

(Paragraph 33)

Church Wardens

The warden serves in that office for a period of 3 years. The warden, alone of the lay members of the Parish Council, takes an oath when elected. Such is the importance of the position of Warden that the Council of Bishops in 1959 confirmed 24 specific 'Instructions to Church Wardens'. These instructions set out in greater detail than the Normal Parish By-Laws the duties and powers of Wardens.

The responsibilities of the **treasurer** are to:

- Keep the parish records of income and expenses in the way set down by the Diocese
- The keeping of parish funds in the way decided upon by the Parish Council
- Pay parish expenses under the supervision of the warden
- Compile the budget and annual financial reports
- Submit these reports to the auditing committee

(Paragraph 34)

The responsibilities of the **secretary** are to:

- Write letters on behalf of the Parish Council, under the supervision of the parish priest
- Keep the minutes of all parish and Parish Council meetings
- Send out notification of all parish and Parish Council meetings
- Keep lists and addresses of parish members
- Prepare the reports to be given to parish meetings, under the supervision of the parish priest

(Paragraph 35)

The responsibilities of the remaining **members of the Parish Council** are to:

- Attend all Parish Council meetings
- Assist the parish priest and warden
- Do any special jobs given to them by the parish priest and parish council
- Do any of the jobs of the warden, secretary or treasurer that the parish priest asks them to do, should the warden, secretary or treasurer be absent or sick

(Paragraph 36)

When does the Parish Council meet?

The Parish Council must meet at least once a month.

(Paragraph 37)

How does the Parish Council make decisions?

All decisions are made by simple and open majority vote. In the case of a tie, the parish priest has the

deciding vote.
(Paragraph 38)

Are records kept of Parish Council decisions?

Yes. The parish secretary must keep a record of what happens at each meeting.
(Paragraphs 35, 39)

When are Extraordinary Parish Meetings held?

Extraordinary Parish Meetings may be held

- By order of the Ruling Bishop
 - At the request of the parish priest
 - At the request of the Parish Council
 - At the request of the Auditing Committee
 - At the request in writing of at least one-third of parish members
- (Paragraph 25)*

Why are Extraordinary Parish Meetings held?

Extraordinary Parish Meetings are held to consider only the issue or issues that prompted the calling of such a meeting.
(Paragraph 27)

What conditions are necessary for an Extraordinary Parish Meeting to be lawful?

An Extraordinary Parish Meeting is lawful if

- Parish members receive notice of the meeting and the agenda at least 3 weeks before the meeting or, in the case of an emergency, at least 8 days before the meeting
- The meeting is announced in church on three successive Sundays or, in the case of an emergency, on at least one Sunday
- Two-thirds of parish members are present at the beginning of the meeting. This does not apply if the meeting is reconvened after an hour.

(Paragraphs 18, 21, 26)

How do Extraordinary Parish Meetings make decisions?

Extraordinary Parish Meetings make decisions by simple and open majority vote. In the case of a tie, the parish priest has the deciding vote.
(Paragraphs 22, 26)

What is the Auditing Committee?

The Auditing Committee is a body of 3 parish members elected by the Annual General Meeting for a period of one year.
(Paragraph 40)

What are the duties of the Auditing Committee?

The duties of the Auditing Committee are to

- Verify the Treasurer's accounting
- Verify the Treasurer's report to the Parish Council and to the Annual General Meeting
- Report to the Annual General Meeting on the state of the parish finances
- Recommend to the Annual General Meeting any changes that should be made to the Treasurer's management of parish finances

(Paragraph 42)

When should the Auditing Committee undertake its duties?

The Auditing Committee should begin to undertake its duties at least two weeks before the Annual General Meeting.

(Paragraph 41)

What is the property of the parish church?

The property of the parish church is

- The church building together with all furnishings and fittings
- All articles necessary for church use, whether donated or purchased
- Income from different sources, including candle sales, collections, rent and so on

(Paragraphs 44 and 45)

Who manages parish property?

The Parish Council manages parish property.

(Paragraph 46)

In respect of the management of Parish Property, to whom is the parish council accountable?

The parish council is accountable to

- The Annual General Meeting of the parish; and
- The Ruling Bishop of the Diocese.

(Paragraphs 48 and 50)

Can the Parish Council make decisions to buy or sell real estate?

No. Decisions to buy or sell real estate must be made by the Annual General Meeting or an Extraordinary Parish Meeting. Decisions to buy real estate must be endorsed by the Ruling Bishop of the Diocese. Decisions to sell real estate must be endorsed by the Synod of Bishops of the Russian Orthodox Church outside Russia.

(Paragraph 47)

How are parish funds to be kept?

Parish funds are to be kept in a bank account. The parish priest, the warden, the treasurer, and the secretary should have the authority to operate this account, with at least two signatories being necessary. Some parish funds may be kept in cash to meet current expenses.

(Paragraphs 51, 52 and 53)

Can the Normal Parish By-Laws be changed?

Yes. If local conditions warrant it, the Normal Parish By-Laws can be changed. This requires

- The consent of two-thirds of the members at a lawfully convened Annual General Meeting of a parish
- The approval of the Ruling Bishop
- Ratification by the Synod of Bishops of the Russian Orthodox Church outside Russia

(Paragraphs 54, 55)

What is a parish sisterhood?

A parish sisterhood is a voluntary association of female parish members with responsibility for

- Cleanliness of the church and vestments
- Participation in the charitable work of the parish
- Coordination of lunches and other parish meals and all related matters

(Paragraph 43)

Do any rules govern the operation of parish sisterhoods?

Yes. Parish sisterhoods are governed by the 'Statute for Sisterhoods' endorsed by the Synod of Bishops of the Russian Orthodox Church outside Russia in 1955.

(Paragraph 43)

Who guides the activities of the parish sisterhood?

The parish priest guides the activities of the sisterhood.

(Paragraph 7 of the 'Statute for Sisterhoods')

References

'Normal Parish By-Laws', authorized by Resolution of the Synod of Bishops of the Russian Orthodox Church Outside of Russia on June 30/July 13, 1951; April 15/28, 1955; and 14/27 September 1971. Available online at:
<http://www.russianorthodoxchurch.ws/english/pages/regulations/parishlaws.html>

'Instructions to Church Wardens', confirmed by the Council of Bishops of the Russian Orthodox Church Outside of Russia on 23 October/5 November 1959 (Council Protocol #15). Available online at:
<http://www.russianorthodoxchurch.ws/english/pages/regulations/wardens.html>

'Statute for Sisterhoods in North America', approved by Resolution of the Synod of Bishops of the Russian Orthodox Church outside Russia on 15/28 April 1955. Available online at: <http://www.russianorthodoxchurch.ws/english/pages/regulations/sisterhoods.html>

Each of these documents is available online in Russian at: <http://www.russianorthodoxchurch.ws/Rules%20%26%20Guidelines.html>

Attached:
Russian Orthodox Church Property Trust Act 1991 No 91



Russian Orthodox Church (NSW) Property Trust Act 1991 No 91



Status Information

Currency of version

Current version for 26 October 2001 to date (accessed 4 June 2012 at 11:57).
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Formerly known as:

Russian Orthodox Church Property Trust Act 1991

Responsible Minister

Attorney General

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 26 October 2001.

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An Act to constitute as a corporation the Russian Orthodox Church (NSW) Property Trust, to specify the Trust's functions, and to provide for the vesting of certain property in the Trust.

Part 1 Preliminary

1 Name of Act

This Act is the *Russian Orthodox Church (NSW) Property Trust Act 1991*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

(1) In this Act:

Board means the Board referred to in section 4.

Church or **Russian Orthodox Church** means the Russian Orthodox Church Outside of Russia.

conveyance includes transfer, assignment and assurance.

Diocesan Council means the Diocesan Council of the Diocese established in accordance with the Statute.

Diocese means the Australian and New Zealand Diocese of the Church. The Diocese is an inseparable part of the Church governed in accordance with the Statute.

Parish means a Parish within the Diocese, established in accordance with the Statute.

Parish By-laws means the by-laws governing a Parish in accordance with the Statute.

property means property in New South Wales.

Ruling Bishop means the Ruling Bishop for the time being of the Diocese appointed in accordance with the Statute.

the Association means the association incorporated in New South Wales under the name "The Trustees of the Russian Orthodox Church Outside of Russia in Australia".

the Statute means the document entitled "Diocesan Statute of the Australian and New Zealand Diocese of the Russian Orthodox Church Abroad (in Exile) approved by the Bishops' Synod of this Church at New York now known as the Russian Orthodox Church Outside of Russia by the decisions of 27th February 1957, 22nd August 1957 and 24th March 1959", as that document may from time to time be

amended, and includes any document that may replace that document in accordance with the laws of the Church.

Trust means the Russian Orthodox Church (NSW) Property Trust constituted by this Act.

trust property means property held by the Trust.

(2) In this Act:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) This Act applies, and is taken always to have applied, only to property in New South Wales.

Part 2 Constitution and functions of the Trust

4 Constitution of the Trust as a corporation

- (1) There is constituted by this Act a corporation under the corporate name of the Russian Orthodox Church (NSW) Property Trust.
- (2) The Trust is to have a Board comprising the members for the time being of the Diocesan Council. The Board is to conduct the affairs of the Trust, and anything done in the name of or on behalf of the Trust by or with the authority of the Board is taken to have been done by the Trust.
- (3) The secretary for the time being of the Diocesan Council is to be the secretary of the Trust.
- (4) The quorum for a meeting of the Board is 7 members including the Ruling Bishop.
- (5) A decision supported by a majority of the votes (one of that majority being the vote of the Ruling Bishop) cast at a meeting of the Board at which a quorum is present is the decision of the Board.
- (6) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members. A member who participates in a meeting in that way is taken to be present at the meeting.

5 Functions of the Trust

- (1) The functions of the Trust are as follows:
 - (a) to purchase, exchange, take on lease, hold, dispose of and otherwise deal with property as trustee for, or for the purposes of, the Diocese in the case of property that is vested in the Trust in trust for the Diocese,

- (a1) to purchase, exchange, take on lease, hold, dispose of and otherwise deal with property as trustee for, or for the purposes of, a Parish in the case of property that is vested in the Trust in trust for the Parish,
 - (b) to acquire property by gift or by devise or bequest and to agree to and carry out the conditions of the gift, devise or bequest,
 - (c) to borrow or lend money for the purposes of the Diocese or for the purposes of a Parish,
 - (d) to mortgage, charge or otherwise encumber trust property,
 - (e) to do and suffer all other things that bodies corporate may, by law, do and suffer and that are necessary for or incidental to the exercise of its functions under this Act.
- (1A) In exercising its functions under this Act, the Trust must at all times act in a manner consistent with the Statute and (to the extent that the exercise of a function relates to property held in trust for a Parish) in a manner consistent with the Parish By-laws of the Parish.
- (2) The Trust has such other functions as are conferred or imposed on it by this Act.
- (3) This section does not limit section 50 of the *Interpretation Act 1987*.

6 Trust may make by-laws

- (1) The Trust may make by-laws, not inconsistent with this Act or with the Statute, with respect to trust property and with respect to the procedure of the Board for conducting the affairs of the Trust.
- (2) A certificate under the seal of the Trust to the effect that a by-law specified in the certificate, or in an annexure to the certificate, was in force on a day specified in the certificate is, until the contrary is proved, evidence that the by-law was in force on that day.
- (3) A by-law may be amended or repealed by a subsequent by-law made under this section.
- (4) A by-law is not binding on any person who is not a member of the Church.

7 Trust may delegate its functions

The Trust may, by resolution, delegate any of its functions (other than this power of delegation and the power to make by-laws) to:

- (a) any member of the Board, or
- (b) any other person or body prescribed by the by-laws.

8 Trust may hold property jointly

The Trust may hold or acquire property either alone or jointly as a joint tenant or tenant-in-common.

9 Trust may invest trust funds

- (1) The Trust:
 - (a) may invest or lend any funds that it holds on trust in accordance with the terms of any trust to which the funds are subject, and
 - (b) may also invest or lend any such funds in accordance with the *Trustee Act 1925*, unless the investment or loan is expressly forbidden by the instrument (if any) creating the trust to which the funds are subject.
- (2) The Trust may invest any such funds for different purposes or activities, or any part of those funds, as one fund.
- (3) Income arising from an investment of funds in accordance with subsection (2) is to be apportioned ratably among the several purposes or activities for which the funds are held on trust.
- (4) Any loss arising from an investment of funds in accordance with subsection (2) is to be apportioned ratably among the several purposes or activities for which the funds are held on trust.

10 Trust may make advances

- (1) The Trust may make advances out of its trust funds for any activity, service, institution or interest of the Diocese or of a Parish.
- (2) Any such advance is taken to be an investment of the funds concerned and is to bear interest at a rate fixed by the Trust.
- (3) If the terms of any such advance so provide, the advance and any interest on the advance are a charge on those assets (if any) that the Trust holds for the activity, service, institution or interest of the Diocese or of a Parish for which the advance was made.

11 (Repealed)

12 Trusts may be varied

- (1) The Trust may by resolution declare that, in its opinion, it has become impossible or inexpedient to carry out or observe the terms of a trust of property vested in it, whether as to its purpose or any other of its terms.
- (2) The Trust may, by the same or a later resolution, declare that the property is subject to another trust and, on the making of such a declaration:
 - (a) the trust that is to be replaced ceases, and
 - (b) the property is to be held subject to the other trust.
- (3) In making such a declaration, the Trust must ensure that the property is dealt with as nearly as is possible for the purposes for which the property was held immediately before the resolution.

- (4) However, the Trust may by resolution declare that, in its opinion, it is impossible or inexpedient to deal with the property in accordance with subsection (3) because of circumstances arising after the creation of the trust that is to be replaced.
- (5) On making a resolution under subsection (4), the Trust may hold, dispose of or otherwise deal with and apply the property for such purposes for the use and benefit of the Diocese or of a Parish as the Trust declares by resolution.

13 Trust may act as executor etc

- (1) The Trust:
 - (a) may apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration for the estate, of a deceased person if the Diocese or a Parish has a beneficial interest (vested or contingent) in the estate of that person, and
 - (b) may accept appointment and act as trustee or co-trustee under a trust if the trust property is not already vested in the Trust by or in accordance with this Act and the trust was created wholly or partly for the benefit of the Diocese or of a Parish, and
 - (c) may do all things necessary for the exercise of its functions as executor, administrator or trustee.
- (2) If authorised by the Trust to do so, a member of the Board or a person employed by the Trust may, on behalf of the Trust:
 - (a) swear an affidavit, or
 - (b) make a declaration or statement, or
 - (c) give security and do any other act or thing,

that is, by any charter, enactment or rule of court, required to be done by a person who is applying for or granted probate or letters of administration, or who is administering a trust.
- (3) The Trust may:
 - (a) renounce executorship, or
 - (b) decline to act as administrator of an estate, or
 - (c) retire, or decline to act, as trustee of property (other than property vested in it by or in accordance with Part 3).
- (4) Any commission or other remuneration earned by the Trust as an executor, administrator or trustee appointed under the authority of this section belongs to the Trust and the Trust may use or apply the commission or remuneration only for an object or purpose specified or approved by the Trust.

14 Trust may make claims for compensation on compulsory acquisition etc

In relation to the exchange, dedication or compulsory acquisition of any trust property, the Trust may:

- (a) act on behalf of the Diocese or of a Parish and make claims for compensation, and
- (b) agree to and settle any such claims for such amount, and on such terms and conditions, as it thinks fit.

Part 3 Vesting of property in the Trust

15 Vesting of property in the Trust

- (1) Any property that was, immediately before the commencement of the 2001 amendment, vested in the association or in any other person in trust for the Diocese or for a Parish is, on that commencement, divested from the Association or that person and is, to the extent that it was so vested, vested (without conveyance) in the Trust:
 - (a) in trust for the Diocese (in the case of property that was so vested in trust for the Diocese), or
 - (b) in trust for the Parish concerned (in the case of property that was so vested in trust for a Parish).
- (1A) In subsection (1), *the 2001 amendment* means the substitution of that subsection by the Russian Orthodox Church Property Trust Amendment Act 2001.
- (2) The vesting of the property in the Trust does not affect:
 - (a) any reservation, mortgage, charge, encumbrance, lien or lease that affected the property, or
 - (b) any trust on which the property was held, immediately before the vesting of the property.
- (3) No attornment to the Trust by a lessee of land vested in the Trust by this section is necessary.
- (4) An instrument executed only for:
 - (a) the purpose of giving effect to this section, or
 - (b) a purpose ancillary to, or consequential on, the operation of this section,
 is exempt from New South Wales stamp duty.

16 Vesting of other property in the Trust

- (1) To the extent to which an instrument (including a will) provides for any property (other than property to which section 15 applies):

- (a) to be given to the Church, to the Diocese or to a Parish, or to a person (other than the Trust) for the benefit of the Church, of the Diocese or of a Parish, or
- (b) to be payable to, or receivable by, the Church, the Diocese or a Parish, or any person (other than the Trust) on behalf of the Church, of the Diocese or of a Parish, or
- (c) to be recoverable by the Church, by the Diocese or by a Parish, or by any person (other than the Trust) for the Church, for the Diocese or for a Parish,

a reference in the instrument to the Church, to the Diocese, to a Parish, or to that person, is taken to be a reference to the Trust.

- (2) To the extent to which an instrument referred to in subsection (1) refers to the Church, the Trust may, for the purpose of determining whether the property concerned is held by the Trust in trust for the Diocese or for a Parish, determine whether that reference should be read as a reference to the Diocese or to a particular Parish or Parishes. Such a determination has effect accordingly.

Part 4 Miscellaneous matters

17 Custody and use of the seal of the Trust

- (1) The secretary of the Trust is required to keep the Trust's seal in safe custody.
- (2) The seal of the Trust may be affixed to a document only:
 - (a) in accordance with a resolution of the Trust, and
 - (b) in the presence of not fewer than 2 members of the Board, and
 - (c) with an attestation by the signatures of those members of the fact of the affixing of the seal.
- (3) An instrument purporting to have been sealed with the seal of the Trust and to have been signed by not fewer than 2 members of the Board is taken to have been executed in accordance with this section.

18 How the Trust may execute certain documents

- (1) Any instrument relating to any property or matter which, if made or executed by an individual, would by law be required to be in writing under seal may be made on behalf of the Trust in writing under the seal of the Trust.
- (2) Any instrument relating to any property or matter which, if made by or between individuals, would by law be required to be in writing signed by the parties to be bound by it may be made on behalf of the Trust in writing by any person acting under its authority, express or implied.
- (3) (Repealed)

19 Trust may appoint agents

- (1) The Trust may, by writing under its seal, expressly empower any person, in respect of any specific matter, to execute any deed or other document on its behalf as its agent or attorney.
- (2) Any deed signed by such an agent or attorney under his or her seal on behalf of the Trust binds the Trust and has the same effect as if it were under the seal of the Trust.

20 Evidence of certain matters relating to the Trust

- (1) A certificate under the seal of the Trust to the effect that property specified in the certificate is held by it on trust for the Diocese or for a Parish is, in any legal proceedings, evidence that the property is so held.
- (2) A certificate under the seal of the Trust to the effect that the estate or interest of a person specified in the certificate in land so specified is an estate or interest vested in the Trust by this Act is, for the purposes of any application by the Trust to be registered under the Real Property Act 1900 as the proprietor of that estate or interest, conclusive evidence of its contents.

21 Persons exonerated from liability on receiving receipt for money paid to the Trust

A receipt for money paid to the Trust which:

- (a) is executed under the seal of the Trust, or
- (b) is in writing signed by not fewer than 2 members of the Board, or
- (c) is in writing signed by a person or persons purporting to be duly authorised for the purpose by the Trust or by not fewer than 2 members of the Board,

exonerates the person by whom or on whose behalf the money is paid from any liability for the loss, misapplication or non-application of the money.

22 Inquiries relating to dealings with trust property unnecessary in certain cases

Whenever the Trust acquires, disposes of or otherwise deals with property, it is not necessary for:

- (a) the other party or parties to the transaction, or
- (b) the Registrar-General or any other person registering or certifying title to the property,

to inquire whether the Trust has power to acquire, dispose of or otherwise deal with the property and none of those persons is affected by notice that the Trust has no such power.

23 Certain persons to be indemnified out of trust property

A member of the Board, and any other person, exercising in good faith a function in relation to trust property in accordance with this Act or any by-law of the Trust, and the executor or administrator of any such member or person, are entitled to be indemnified out of trust property against all expenses and liabilities that they have incurred in connection with the exercise of the function.

24 How documents may be served on the Trust

Any document may be served on the Trust by delivering it to, or sending it by post to, the secretary of the Trust or any person apparently authorised by the Trust to accept service.

25 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 25)

Part 1 Provisions consequent on enactment of Act

1 Definitions

In this Schedule:

former trustee means the association or any other person in whom, immediately before the vesting day, property was vested in trust for the Church, for the Diocese or for a Parish.

the 2001 amending Act means the Russian Orthodox Church Property Trust Amendment Act 2001.

vesting day means the day on which property vests in the Trust in accordance with section 15, being:

- (a) in the case of property that vested in accordance with that section as originally enacted—the appointed day under this Act as originally enacted, or
- (b) in the case of property that vests in accordance with that section as amended by the 2001 amending Act—the day on which that amendment commences.

2 Provisions relating to property vested in the Trust under section 15

On and from the vesting day, the following provisions have effect in relation to property vested in the Trust in accordance with section 15:

- (a) the rights and liabilities of a former trustee become rights and liabilities of the Trust to be exercised and discharged in accordance with this Act,
- (b) the obligations of a former trustee become obligations of the Trust to be performed in accordance with this Act,

- (c) proceedings before a court or tribunal by or against a former trustee that, immediately before the vesting day, were pending or in the course of being heard become proceedings by or against the Trust,
- (d) to the extent to which an act, matter or thing done or omitted to be done on behalf of a former trustee had any force or effect immediately before the vesting day, it becomes an act, matter or thing done or omitted to be done by the Trust,
- (e) a reference in any document to a former trustee becomes a reference to the Trust,
- (f) time that had commenced to run in relation to a former trustee becomes time that had commenced to run in relation to the Trust.

Part 2 Provisions consequent on enactment of Russian Orthodox Church Property Trust Amendment Act 2001

3 Change of name of Trust

- (1) The Russian Orthodox Church (NSW) Property Trust is a continuation of and the same legal entity as the Russian Orthodox Church Outside of Russia in Australia and New Zealand Property Trust as constituted by this Act immediately before the commencement of this clause.
- (2) Subclause (1) does not affect the operation of section 53 (Alterations of names and constitutions) of the Interpretation Act 1987.

4 Previous operation of section 15

The amendment of section 15 by the 2001 amending Act does not affect the previous operation of that section.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Russian Orthodox Church (NSW) Property Trust Act 1991 No 91 (formerly Russian Orthodox Church Property Trust Act 1991). Assented to 17.12.1991. Date of commencement, 24.1.1992, sec 2 and GG No 12 of 24.1.1992, p 393. This Act has been amended as follows:

2001 No 12 Russian Orthodox Church Property Trust Amendment Act 2001. Assented to 18.4.2001. Date of commencement, 26.10.2001, sec 2 and GG No 156 of 12.10.2001, p 8502.

Table of amendments

Long title	Am 2001 No 12, Sch 1 [1].
Sec 1	Subst 2001 No 12, Sch 1 [2].
Sec 3	Am 2001 No 12, Sch 1 [3] [4].
Sec 4	Subst 2001 No 12, Sch 1 [5].
Sec 5	Am 2001 No 12, Sch 1 [6]–[8].
Sec 6	Am 2001 No 12, Sch 1 [9].
Sec 10	Am 2001 No 12, Sch 1 [10] [11].
Sec 11	Rep 2001 No 12, Sch 1 [12].
Sec 12	Am 2001 No 12, Sch 1 [13].
Sec 13	Am 2001 No 12, Sch 1 [14] [15].
Sec 14	Am 2001 No 12, Sch 1 [16].
Sec 15	Am 2001 No 12, Sch 1 [17].
Sec 16	Subst 2001 No 12, Sch 1 [18].
Sec 18	Am 2001 No 12, Sch 1 [19].
Sec 20	Am 2001 No 12, Sch 1 [20].
Sch 1	Am 2001 No 12, Sch 1 [21]–[24].

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A: Normal Parish by-laws: An Introduction

Archpriest Nicholas Karipoff

The Normal parish by-laws used by all parishes of ROCOR incorporate principles of Church canon law in a format that is instantly recognisable as a constitution. This document has been useful to our Church not only as a guide to regulate our internal life, but also as a means to communicate to the secular world about the norms of our internal relationships. For this reason, the Normal parish by-laws together with the Diocesan Statutes are permanently included in the Diocesan Property Trust Act of NSW.

Church law rests on three footings: On the concept of law in general, on the Gospel teaching and on the Church as a structured body. Law is defined as “a normal and just order in the social life of people, which is established in defined forms, i.e. by means of laws, customs and rules for the purpose of attaining the aspirations and goals of the people” (quote from “The Full Orthodox Encyclopaedia, Vol. II, p. 2325, in Russian). Clearly, the normal parish by-laws are a body of Church law because they are founded on the earlier mentioned three footings. Consequently, we need to first of all know the law and secondly, to respect and obey the law.

A superficial acquaintance with the Normal parish by-laws may give one the impression that the predominant intention of this document is to provide a framework for good governance within the Church. Good governance is certainly worth striving for in order to overcome the innate tendency of fallen humanity toward chaos. We are gathered here essentially for the purpose of understanding the principles of good governance. Much will be said later about this by Fr Michael Protopopov and other presenters. The purpose of my introductory comments is to remind us all about the inner spiritual direction of Church law and governance which finds its inspiration in the Gospel and the mystical life of the Church.

Normal parish by-laws speak of rights and responsibilities of the ruling bishop, the rector, the parish council, the parish general meeting, etc. It is important for us to understand the parameters of Church law that govern these relationships. However, the Church is not a secular, worldly corporation. Its laws aim not only to define and to regulate, but also to instruct and ultimately to **transform** both the individual and the community within the context of catholic Church life (catholic = soborny).

Today I would like to mention only one spiritual principle that may not be so apparent but nevertheless fundamental to the expression of Church life in the Normal parish by-laws. This is the principle of obedience. The word itself, especially in some cultures, brings to

mind a picture of militaristic boot camp behaviour or even worse, the training of dogs. Nothing could be further from the Christian understanding of obedience. For us the image, the icon of obedience is the Son accepting the Cup from the Father as expressed, for instance in Rublyov's "Trinity". Obedience is an expression of humility and love, not coercion and grovelling. We need be aware of this, living as we do surrounded by a culture of individualism that is continually gaining strength. It cannot but adversely affect the life of the Church. We cannot afford to descend into a tug of war of power and authority based on a clamouring for "rights". That process leads to the door of the enemy. It is not by accident that the "church of Satan" in San Francisco had (and probably still has) the inscription above its entrance: "Do your own will".

On reading patristic works, one quickly becomes aware of a maxim that stems from the Gospel and is common to all of the holy fathers. They write that there is nothing more harmful than to do one's own will. Why? Our will is the product of our fallen nature. St Paul explains that this is the law of sin, like the force of gravity, which affects our thoughts, words and deeds. What does Church law, including the Normal parish by-laws, contribute to counteract this? It incorporates the principle of obedience in a structured manner within the dynamics of parish life. Thus, the warden, the treasurer, the secretary, other members of the parish council and all parishioners are in a relationship of obedience to the parish rector who is a representative of the bishop and who himself is obedient to the bishop. Canon law says that a priest cannot do anything without the bishop. There are various paragraphs within the by-laws that express these relationships. I cannot go into great detail here. All I can do is stress that Church life is governed neither by dictatorship nor by democracy. Both of those worldly behaviours stem from the principle "let my will be done". The Church on the other hand is given the Lord's Prayer which says: "Thy will be done". The Lord has established His Church to be His presence in the world. Its life does have outward points of contact with the world but its inner spirit is completely different. Normal parish by-laws are there for us not only for superficial guidance but for a practical "change of mind" and life, in a communal, catholic (soborny) sense.

Session 3: Risk Management

A. Key aspects

- i. The Diocesan Council has passed a resolution that every Parish and Church Community should implement a risk management plan.
- ii. Risk management is a component of good governance.
- iii. The Diocese and each parish council has a duty of care and social responsibility to every person who enters the church premises.
- iv. Effective Risk Management is seeking to either prevent or, at least, reduce our risk levels.
- v. Risk management needs to be an ongoing process, applied to all aspects of our activities and facilities (within the church building, kitchens, toilets, any other ancillary buildings, walkways, ramps, etc.).
- vi. Failure to manage risks effectively could lead to many adverse consequences, eg, personal injury, claims of damages, criminal charges, financial loss, etc. It is possible, in a worst case situation that individual office bearers could be held personally liable for claims of damages.
- vii. The three basic elements of risk are: an event, the likelihood of an event and the consequences of an event.
- viii. The attachment (Church Health and Safety Management Plan) compiled and used Saints Peter and Paul Cathedral is recommended for your adoption. It is very comprehensive and includes
 1. Processes and procedures,
 2. Best practices,
 3. Inspection checklist,
 4. Guidelines,
 5. Risk control procedures
 6. The Diocese thanks the Cathedral for permission to use this document.
- ix. Every Parish and community in the Diocese is required to implement a risk management plan.
- x. The process is to identify what risks are currently present, determine how serious the risks are and then decide what can be done about them.
- xi. Due diligence is required to ensure that all risks have been assessed.
- xii. The Diocese is asking for Risk Management plans and actions, if any, to be forwarded to its office by 30 September 2012, even if they are only in draft form.
- xiii. Parishes may consider extending the scope of their Audit Committees to include risk management.
- xiv. Please be aware that:
- xv. On 1 January 2012, the *Work Health and Safety Act 2011 (Cth)* and the Work Health and Safety Regulations 2011 (Cth) take effect and will replace:
- xvi. the *Occupational Health and Safety Act 1991*
- xvii. the Occupational Health and Safety (Safety Standards) Regulations 1994
- xviii. the Occupational Health and Safety (Safety Arrangements) Regulations 1991

Australian and New Zealand Diocese
Russian Orthodox Church Abroad
(ROCOR)



CHURCH
HEALTH & SAFETY
Management Plan.



**Russian Orthodox S'ts Peter & Paul Cathedral
Risk Mgt Assessment of 3-7 Vernon St, Strathfield**

OHS Committee Members:

Victor Sheslow

Victor Alalikin

Alexander Vassilieff

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ПРЕДИСЛОВИЕ

Здравоохранение и безопасность рабочего места - *Occupation Health & Safety in the Workplace (OHS)*

(OHS) покрывает широкий диапазон здоровья рабочего места и вопросов безопасности. **Храм расценен как рабочее место под государственным законом OHS** – во всех штатах и всей стране – Федеральным законодательством в Австралии.

Обязанности заботы (чтобы обеспечить здоровье и безопасность) являются должным каждому человеку, который входит в церковное помещение или кто вовлечен в церковную деятельность, локальную или вне места.

1. INTRODUCTION

OCCUPATIONAL HEALTH & SAFETY

Occupational health and safety (OHS) covers a broad range of workplace health and safety issues. A place of worship is regarded as a workplace under OHS legislation.

A duty of care (to ensure the health and safety) is owed to every person who enters a church premises or who is involved in church activities on-site or off-site.

What Does The Law Say?

Occupational health and safety law in Australia has two sources – common law (the body of law developed in the courts) and statute law (acts of parliament).

Common Law Negligence

The common law establishes duties that one person or group owes to another. If a person fails to fulfil that duty and the failure results in an injury to another person, that other person can sue for damages. The person suing has to prove that the injury occurred due to the other person's negligence. The law acknowledges that "accidents do happen" and not every accident and consequent injury is the fault of another person.

Civil Actions

A civil action is where a private individual takes another individual to court because they have done something, which has adversely affected them. They can claim damages (a monetary sum designed to compensate for the loss sustained) or a court order forcing the other individual to do or not do something. There are three types of civil action in OHS:

1. common law negligence actions
2. statutory duty actions
3. worker's compensation actions.

Types of Liability:

1. **Vicarious liability** - where one person and/or organisation can be held legally responsible for the actions of another person.

2. **Joint liability** - where more than one person is held responsible for an incident which gives rise to legal action. For example, a third party (such as a manufacturer of equipment) may be legally responsible, if a failure (which can be traced back to the manufacturer) of a part of the equipment is implicated in an injury.
3. **Occupier's liability** - an occupier of a premise may be sued by a person who is injured there. The occupier has a duty to protect people entering the premises from injury.
4. **Workers compensation** - legislation provides compensation to injured employees regardless of who is responsible for the injury.

Occupational Health and Safety Legislation

Based on common law principles, OHS legislation imposes a broad duty of care on different classes of individuals, including: employers; self-employed persons; employees; manufacturers and suppliers; and controllers of work premises, plant or substances.

In general terms, the employer has an obligation to ensure, as far as is reasonably practicable, the health and safety of his or her employees and that of others that may be exposed to health and safety risks by the employer's activities. Without limiting the employer's broad duty of care, this duty extends to matters such as:

- the safety of the work premises, including the means of access and egress;
- the safety of plant and substances when properly used;
- systems of work; and
- Information, instruction, training and supervision.

Prosecution under OHS legislation is not dependent upon an individual being injured. The law is breached when the duty holder – employer, controller of work premises – has failed to take reasonably practicable action to remove an unsafe condition (hazard).

Workplace

While definitions vary in the various OHS Acts, a workplace is basically any place where employed persons or self-employed persons work. A workplace can be a building, such as a church, an open field, a motor vehicle, or any other place.

Practicable

The definition of "practicable" contained in some OHS Acts is based on that found in common law and is therefore useful in understanding the standard required in all jurisdictions. In the Victorian legislation "practicable" has regards to:

- (a) the severity of the hazard or risk in question;
- (b) the state of knowledge about that hazard or risk and any ways of removing or mitigating that hazard or risk;

- (c) the availability and suitability of ways to remove or mitigate that hazard or risk; and
- (d) the cost of removing or mitigating that hazard or risk. (OHSA 1985 (Vic) Sect. 4)

OHS Regulations

Regulations established under OHS legislation prescribe mandatory standards that duty holders must achieve and maintain. These address a range of common workplace hazards and require a risk management approach. In the majority of jurisdictions the regulations mandate OHS risk management across the entire spectrum of activities conducted by the duty holder – not just those addressed by specific regulations. In the absence of specific regulatory requirements courts have ruled that systematic risk management is required to ensure legal compliance.

Australian governments have committed to a uniform approach to OHS regulation. While differences remain between the jurisdictions in some areas of regulation, this common approach allows for cross-jurisdictional sharing of information, including solution to common OHS problems.

Codes Of Practice

Approved codes of practice, or advisory standards in Queensland, provide “practical guidance” to help duty holders fulfil their statutory obligations. While these are not mandatory they can be used by a prosecutor to demonstrate that a reasonably practicable way of achieving the regulatory standard was available. Compliance with codes of practice is recommended unless there is another means of achieving the regulatory standard.

Australian And/Or New Zealand Standards

Relevant Australian, New Zealand, or joint Australian and New Zealand standards provide “advice on best practice” in OHS. Unless they are incorporated into regulations as mandatory requirements compliance with standards is voluntary. However, they do “carry particular weight” in the courts. The current trend is to refer to these Standards in codes of practice rather than regulations.

Authority Guidance Material

In addition to the above, OHS authorities produce a range of guidance material to assist employers and others fulfil their duty of care. It is recommended churches avail themselves of relevant information from this source.

2. PURPOSE AND SCOPE.

LOCAL RESPONSIBILITY

The responsibility for ensuring the health and safety of those using church facilities or attending church organised or sanctioned activities rests with the local Church Board. Boards are encouraged to identify relevant regulatory requirements and to implement and maintain procedures to ensure compliance.

REASONS FOR HEALTH & SAFETY

Economic, Legal and Humanitarian.

In addition to the legal requirements, there is also the economic and not least the humanitarian (Christian) reason to ensure the health and safety of people.

1. **The economic reason.** Some of the direct costs of accidents can be readily calculated, eg injury compensation (or, alternatively, rehabilitation expenses), property damage, possibly an increased insurance premium, legal expenses, time lost by the injured person, time spent in investigating and reporting the accident, etc.
2. **The legal reason.** Breach of a statute or regulation may expose the offender to prosecution and the payment of penalties. An injured person may also pursue a civil claim and seek financial compensation against the church or other negligent party.
3. **The humanitarian reason.** Failure to manage health and safety can result in injury, pain and suffering, and hardship to the injured person's family.

THE ORTHODOX CHURCH

As Russian Orthodox Christians, we believe God looks after us physically, emotionally and above all spiritually. However this belief stems only from the fact that we must ourselves be conscious and committed to our own physical, emotional and spiritual states.

RISK CONTROL

The objective of Risk Control is to identify, evaluate and control risks, which threaten the health, safety and welfare of people as well as assets and legal liability.

It is important to document identified hazards, and the corrective action taken to control those risks.

POLICY AND OBJECTIVES

OCCUPATIONAL HEALTH AND SAFETY POLICY

1. Aim

The Russian Orthodox Church in all its activities and workplaces, requires that the health and safety of all clergy, parishioners, visitors, children, contractors and the general public that may arise to be a main consideration in all its community based activities, workplaces and within the Church and Church grounds. In this regard the Russian Orthodox Church will ensure that:

- It complies with all health and safety laws, regulations and statutory obligations,
- It develops and maintains a health and safety management system appropriate to the natures of it's activities and seeks to improve those systems at all times,
- Health and Safety Performance indicator are maintained and monitored.
- The target for the Church is ZERO INCIDENTS at all locations and activities.

2. Senior Administrators (OH&S Committee Members)

To achieve this aim, senior administrators will implement and maintain a consultative process that includes all levels of the organisational structure within their areas of responsibility. They are to ensure the following objectives are achieved:

- a. All workplaces and activities are subject to a systematic process of hazard identification and risk control.
- b. Compliance with all relevant statutory requirements.
- c. Benchmarking against recognised best practice.
- d. Development of policies and procedures to support an occupational health and safety management system.
- e. Provision of all relevant information, training and supervision to ensure health and safety.

3. Managers and Supervisors (Parish Council Members)

Managers and supervisors will foster a positive approach to health and safety by implementing corporate occupational health and safety goals and objectives.

4. Parishioners, Contractors, Volunteers and the General Public

All parishioners, contractors, volunteers and others are to care for their own health and safety and that of other persons by following all health and safety instructions. All unsafe equipment, conditions, acts, accidents and reportable incidents such as those categorised as "near misses", are to be reported as soon as practical to the relevant supervisor or manager.

3. IMPLEMENTATION.

LOCAL CHURCH SAFETY OFFICER

Job Description

Appointment and Qualifications

In recognition of being proactive in safety awareness, identifying hazards and controlling those safety hazards, it is recommended the local church appoint a Parish Committee Member or another qualified person as the Church Safety Officer.

The safety officer should possess knowledge of the church buildings, facilities and equipment. The safety officer should also be aware of the types of safety risks on the church premises as well as various church activities.

General Duties

1. Conduct regular (at least every two months) safety inspections of the church premises.
2. Report identified hazards and suggest corrective action.
3. If a hazard presents an immediate risk, implement temporary controls.
4. Promote the use of safety protective equipment such as ear muffs, safety goggles, gloves etc. for maintenance and busy bee activities.
5. Investigate accidents to determine the cause and prevent similar incidents:
 - A. What was the injured person doing?
 - B. How were they injured?
 - C. What unsafe act did the person commit?
 - D. Was there a hazardous condition?
6. Investigate property damage to determine the cause and prevent similar incidents:
 - A. Description of the property?
 - B. How was the property damaged?
 - C. Was there an unsafe act? Was there an unsafe condition?
7. Work closely with other board members on planning emergency evacuation procedures.
8. Ensure board members are aware of the legal safe work on roof requirements.

Available Resources

- 1 Sample monthly safety checklist.
- 2 Risk Management Service – Detailed Church Inspection Checklist.
- 3 Sample corrective action form.
- 4 Sample church building evacuation guidelines.
- 5 Roof safety checklist and guidelines.
- 6 Ladder safety guidelines.

RISK CONTROL INFORMATION

❖ Church Safety Checklist

A sample *monthly checklist* is included following this page. The checklist is generic in nature and can be used as a guide to the type of safety issues facing your church. You may identify issues, which are not included on the checklist.

Although 'No' indicates a deficiency, the deficiency may not warrant corrective action. For example, question D1 asks if the church has a security system. If the church has a history of break-ins a security system should be considered. ***Refer to Church Security sheet.***

If the church is ever used at night, the importance of illuminated exit signs, and may be emergency lighting for hallways, is increased. (Refer to checklist questions E2 and E3).

The church should assess each item in the checklist, to determine the corrective action required.

❖ Emergency Evacuation Plan

Have a written plan and practise the emergency evacuation plan. Those nominated to be part of an evacuation team (eg Parish Council Members & deacons) should be trained. This could take place at the commencement of each church year after the appointment of church officers. ***Refer to the Church Evacuation sheet.***

Those organising seminars for the public should ensure they know how to relate to an emergency. Ushers should be trained in evacuation procedure. If emergency lighting is not installed, ushers should have ready access to torches with fresh batteries.

❖ Electrical Equipment

Portable electrical equipment, including extension cords, should be checked regularly. Unsafe equipment should be tagged (label stating reason it is unsafe to use) and secured to ensure it can not be used until repaired. We recommend an annual inspection by a licensed electrician. Ensure any electrical equipment associated with the baptismal font is included. Radio/cordless microphones are preferred for use near baptismal fonts.

❖ Cable Management

Electrical leads and cables associated with audio/visual equipment often are a problem in churches. Ideally cables should not be placed in or across walkways.

❖ Fire Extinguishers

Each church and hall building should be equipped with fire extinguishes suitable to the fire risk. In most cases, water fire extinguishers for combustibles and CO₂ extinguishers for electrical risks should be available. Extinguishers should be located beside an exit doorway, with an identification sign. Extinguishers are to be serviced by a contractor every 6 months.

Refer to the Fire Extinguisher sheet.

❖ Stewardship in Action

Checklists cannot foresee every situation. The church should be diligent in identifying

conditions likely to cause injury and in taking action to reduce the risk of injury (stewardship in action).

Regularly using the Inspection Checklists and a Corrective Action Form will provide documentation of your safety system for identifying and controlling hazards, which may be required in the event of litigation. ***Refer to the Checklist & Corrective Action Form.***

MONTHLY INSPECTION CHECKLIST

_____ Church & Hall

Date of Inspection: ____/____/____

Inspected By: _____

FIRE EQUIPMENT		FLOORS	
Extinguishers in place and properly charged	Y/N	Free of trip/slip hazards	Y/N
Clear access to all fire fighting equipment	Y/N	Carpets free of tears, separation and wrinkles	Y/N
Location of all fire fighting equipment clearly visible	Y/N	Surface in good repair	Y/N
ELECTRICAL		SURROUNDS	
No broken plugs, sockets or switches	Y/N	Pathways and walkways in good condition	Y/N
No frayed or defective leads	Y/N	Pathways and walkways free of overgrowth	Y/N
All Electrical Equipment tagged with current inspection tags	Y/N	Property clear of unused equipment and material	Y/N
No temporary leads on floors	Y/N	Steps provide firm footing	Y/N
		Combustible material stored no less - than 10m from buildings	Y/N
LIGHTING		STEPS & STAIRS	
Fittings in good order		Handrails provided for stairs & ramps	Y/N
External lighting operational		Handrails securely fastened	Y/N
HOUSEKEEPING		AMENITIES	
Storage areas neat & orderly	Y/N	Toilet areas clean and tidy	Y/N
Combustible waste disposed of promptly	Y/N	Kitchen areas clean & tidy	Y/N
Flammables stored in sealed metal containers	Y/N		
Flammable liquids, including paint kept to a minimum	Y/N		
Flammable & combustible material stored and clear of ignition sources, including electrical switches	Y/N		
Combustible refuse in covered metal containers	Y/N		
EXITS		SECURITY	
Exit lights operational	Y/N	Doors and windows locked	Y/N
Exits free of obstructions	Y/N	Locks, hinges etc in good condition	Y/N
Doors open readily	Y/N	Attractive equipment out of sight	Y/N

Include any additional items specific to your church:

ITEMS MARKED 'N' TRANSFERRED TO THE **CORRECTIVE ACTION FORM** Y/N

To be used in conjunction with Church Inspection Checklists

_____ Church

Page: _____

Item Inspected	Hazard/Condition/ or Fault	Action Recommended, and Date	Signed when Completed, and Date

WORKING ON ROOFS

PURPOSE

Falls from roofs are a significant cause of workplace death and injury. This guide is provided to assist employers safeguard employees and others required to work on roofs.

POLICY

All work on roofs will be subject to the process of hazard identification and risk assessment before work is commenced. Appropriate controls will be used to safeguard the health and safety of employees.

GUIDELINES

Different jurisdictions have regulations, codes of practice or other guidelines for safe work on roofs. While there is some variation in specified heights and other detail, the requirement to provide fall protection is a common element. The following guidelines are taken from the NSW code of practice -- Safe Work on Roofs, Part 2 "Residential Buildings." This provides a good benchmark as it makes allowance for different roof styles. Some other codes, including the NSW code for "Commercial and Industrial Buildings" fail to address the issue of sloping roofs.

The guideline "Ladder Safety" should be referred to for all roofing work involving ladders.

Work systems and control measures

Control measures to prevent injury to persons working at heights should be established as part of a safe system of work.

The systems of work and control measures selected are generally determined by individual job factors discussed in consultation and other factors identified by the risk management process.

Prevention of falls

A system to control risks should be provided for persons exposed to a risk of falling:

- (a) from the perimeter, including the gable end, of a new or existing roof, or
- (b) through the roof where the spacing between rafters exceeds 600mm, or
- (c) through the roof where the following material covers the roof or is being used to cover the roof: asbestos cement sheets, fibreglass skylights, other brittle or fragile material.

It should be noted that the Construction Safety Regulations (NSW) require that; safeguards or accident prevention measures be taken where necessary or advisable, and where persons are exposed to a risk of falling 1.8 metres or more, fencing or other safeguards be provided.

Accordingly, a risk assessment should be conducted for all work, irrespective of height, and appropriate control measures implemented.

A system of edge protection should be provided, irrespective of height, if the risk assessment identifies the following: an increased risk of falling eg. where slippery roofing

materials such as highly glazed tiles may cause slips and falls, or where the pitch of the roof exceeds 25 degrees, or where the pitch of the roof exceeds 15 degrees and the roofing material is asbestos cement sheets or fibreglass, or a hazardous situation such as where the surface condition below the roof, onto which a person may fall, would cause injury; eg a fall onto reinforcing steel starter bars, building materials (bricks, timber, tiles etc.) or a concrete surface or a trench.

In addition, where a person is exposed to a risk of falling 3 metres or more from the roof perimeter, a system of edge protection should always be provided to prevent falls.

The edge protection system, as discussed above, should include guardrails or scaffolding or a combination of these safeguards.

Other safeguards, including fall arrest systems, may be used to arrest falls through the roof but should only be used to arrest falls from the roof perimeter where the risk assessment or the provisions of this code do not require edge protection. Systems of fall protection should also be provided for persons installing and removing safeguards.

Access

- (a) Access to the work area and to the roof should be safe and without risks to health.
- (b) Access requirements should take into account any tools and equipment the person may be required to carry to and from the roof.
- (c) If ladders are used for access:

the ladder should have non-slip feet and be secured against displacement.

persons should have a safe landing place when stepping off the ladder.

the stiles of the ladder should extend at least one metre above the landing place.

the clearance between metal or wire reinforced ladders and any electrical conductor wires (powerlines) should be at least 4 metres. Otherwise non-conducting ladders should be used.

For further information on the safe use of ladders, reference should be made to AS 1892 Portable Ladders- Part 4: Selection, safe use and care.

Mechanical lifting equipment

Mechanical lifting equipment such as elevators and hoists should be provided where appropriate. Where elevators and hoists are used the following should be considered:

the risk of manual handling injuries during installation and removal.

the risk of injury during use such as the drive mechanisms and nip points on elevator belts should be guarded.

the area around the equipment should be barricaded to prevent access and risk of injury to persons below from falling objects.

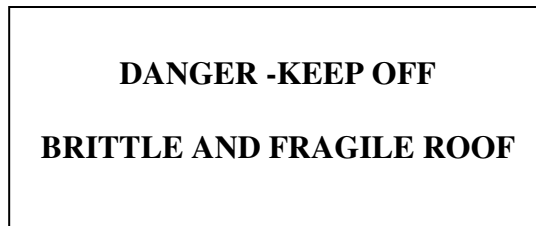
a method of installation that maintains the effectiveness of any edge protection that is in place

edge protection should be restored immediately after removal of lifting equipment.

Brittle and fragile roofs

If a roof or part of a roof covering is comprised of fragile or brittle material, the owner or occupier of any building must maintain a warning sign at any place provided as an access to the roof.

The sign should be at least 375mm by 330mm and made of a strong and rigid material. It should be securely fixed in an upright position where it can be seen clearly by persons wanting to gain access to the roof. The warning sign should incorporate the required symbol; and display the following words:



Other Issues

Before roofing work commences all hazards associated with the task should be assessed and suitable controls established. Other hazards may include but not be limited to:

- manual handling;
- noise;
- power lines;
- electrical leads and cables;
- electrical power tools and plant;
- plant;
- exposure to elements, including ultraviolet radiation from the sun;
- hazardous substances;
- pipes conveying hazardous substances, dangerous goods, or hot substances such as water;
- energised or pressurised equipment, including pipelines; and
- falling objects.

Risk Assessment Checklist

A risk assessment checklist is attached. This is based on the NSW code of practice for Residential Buildings. It is designed to assist with the risk assessment of roof work. All hazards should be controlled as required by relevant regulations and/or codes of practice. If such regulations and/or codes of practice do not exist in a local jurisdiction, relevant regulations and/or codes from other jurisdictions should be used as to provide guidance on safe work practices.

WORK ON ROOFS RISK ASSESSMENT CHECKLIST

All Roofs	Yes or No
Could a person fall 1.8 metres or more?	
Is the roof, or part of it, constructed of brittle or fragile material, such as asbestos cement sheeting, fibreglass or similar material?	
Suitable signs conforming to regulatory requirements are required on all brittle roofs? Are these in place?	
Is fragile or brittle material used to cover any opening in the roof eg. fibreglass skylights?	
Where a person could fall through the roof, does the space between rafters exceed 600 mm?	
Are there any holes in the roof that a person could fall through or are large enough that a person's leg could go through?	
Is there an increased risk of falling because of slippery roofing materials such as highly glazed tiles?	
Does the area into which a person could fall contain any hazards that could cause injury, eg. reinforcing steel starter bars, building materials, a concrete surface or a trench?	
Sloping Roofs	
Does the pitch of the roof exceed 25 degrees?	
Or	
Where the roofing material is asbestos cement, fibreglass or similar fragile/brittle material, does the pitch of the roof exceed 15 degrees?	
Flat Roofs	
Will the work be carried out within 2 metres of the edge?	
And	
Could a person fall 1.8 metres or more?	
Or	
Is the potential fall height 3 metres or more?	
(Fall protection is required on a flat roof if the potential fall height is 1.8 meters or more and work is done within 2 meters of the edge, OR there is a potential fall height of 3 metres or more regardless of the distance from the edge of the roof the work is being done.	
Access	
Is a safe means of access provided?	
If a ladder is used:	
Does the ladder have non-slip feet?	
Is the ladder secured against displacement?	
Do persons have a safe landing place when stepping off the ladder?	
Do the stiles on the ladder extend at least one metre above the landing place?	
Is the clearance between metal or wire reinforced ladders and any electrical conductor wires (powerlines) at least 4 metres?	
Can persons using the ladder use both hands to climb? (tools etc. should not be carried by hand)	
Other Hazards	
Indicate other hazards that are involved in the task:	
Falling objects?	
Manual handling?	
Noise?	
Exposure to elements, including ultraviolet radiation from the sun?	
Risk from falling objects?	
Power lines?	
Electrical leads and cables?	
Electrical power tools and plant?	
Plant?	
Hazardous substances?	
Pipes conveying hazardous substances, dangerous goods, or hot substances such as hot water?	
Energised or pressurised equipment, including pipelines?	
Other? (Specify– attach details if necessary)	
<p>A 'Yes' indicates a control is required to safeguard health and safety. Hazards associated with working on roofs should be controlled according to the requirements of the relevant regulation and code of practice for safe work on roofs. Other hazards should be controlled as required by relevant regulation and code of practice.</p>	

CHURCH SECURITY

The Basics

- 1 Solid core perimeter doors should be fitted to the church building.
- 2 Tamper-proof locks should be fitted to the perimeter doors and windows.
- 3 Key control. An up-to-date register should be maintained. Only members who have authority to hold keys should have church keys in their possession.
- 4 Ensure all perimeter doors and windows are properly secured each time the church is vacated.
- 5 Exterior security lighting operated by a timer or dusk detector may be beneficial for secluded areas of the building where street lighting does not illuminate. Ensure the lighting does not disturb the neighbours.
- 6 Window security. Security bars may be suitable for the side or rear of the building.
- 7 Valuable audio-visual electronic equipment should be stored/located in a secure room, which has (preferably) a solid core door with a tamper-proof dead lock and restricted security key access. If this room has any windows they should be protected by security bars and key operated window locks.

Intruder Detection Alarm System – The most effective system to deter burglary.

Components of a basic intruder alarm system may include:

- A control panel operated by a keypad or number pad.
- Battery backup if power fails.
- Passive infrared / microwave detectors, break-glass detectors, reed switches for doors and windows.
- Local alarms. (Can cause problems with the neighbours if false alarms are not managed)

Alternatives to the local alarm:

- 1). A digital dialler. When activated calls several pre-programmed phone numbers, eg. the Pastor, Elders, security company, etc. The dialler requires a telephone line; or
- 2). A designated radio link to a security company monitoring station. A security company contacts your nominated phone numbers, or sends a security patrol and contacts police.

Best Practice

Risk Management Service recommends that burglary high risk items (such as audio-visual electronic equipment) areas be protected by an intruder alarm system.

It is generally considered good practice to mix active security protection (security system) with passive security measures (solid doors, dead locks for storage room, security bars etc).

Consideration should be given to obtaining quotations from 3 registered professional security companies for an appropriate intruder alarm system, which will meet your security needs and financial constraints.

When a security company installs a system they provide their company window signs indicating the premises is under constant electronic surveillance. These signs act as a major deterrent for the would-be intruder.

CHURCH SECURITY CHECKLIST

		No	Yes
1	Solid core perimeter doors fitted to the church building?		
2	Tamper-proof locks fitted to the perimeter doors and windows?		
3	Key control. An up-to-date register maintained? (Only members who have authority to hold keys should have church keys in their possession).		
4	Are all perimeter doors and windows properly secured each time the church building is vacated?		
5	Exterior security lighting operated by a timer or dusk detector provided where street lighting is inadequate? (Ensure the lighting does not disturb the neighbours)		
6	Window security. Are security bars suitable for the side or rear of the building? Timber doweling placed in the slide tracks of sliding windows?		
7	Valuable audio/visual equipment stored/located in a secure room out of sight, with a solid core door and a tamper-proof dead lock? Restricted security key access? Windows protected by security bars and key operated window locks?		
8	Intruder Detection Alarm System installed & operational? The system is equipped with battery back-up? Back to base (security company) silent alarm? Local alarm? Digital dialler system? Calls church personnel? Calls security company? Designated radio link to a security company monitoring station? CCTV – Video surveillance? Appropriate church members trained to operate the security system?		
9	Effective security signage displayed around the building?		
10	Security Patrol protection?		

Remember intruders may not only steal, but also vandalise and commit acts of arson.

CHURCH EVACUATION GUIDELINES

- 1 A person should have the responsibility of calling the fire brigade and/or other emergency services. Identify which telephones may be used in an emergency.
 - 2 Parish Council Members to ensure no person is left in any part of the church building, including toilets, church office, or School rooms, etc.
 - 3 Evacuees should be directed to safe areas away from the church building. They should not cross roads or remain on any driveways which may be used by the emergency vehicles.
 - 4 A responsible person should be allocated the responsibility to meet the emergency service on their arrival and brief them on the status of the emergency, ie aware no person remaining within the building, location of the fire and information on access routes.
 - 5 Persons nearest smoke or fire should be evacuated first if it is not practical to evacuate the whole congregation at once.
- Note:** Only those trained in the use of fire fighting equipment should fight fires – and then only if safe to do so.

Church Fire Extinguishers



Churches are required to have fire extinguishers:

- Building Code of Australia(BCA), Part E1 Fire Fighting Equipment
- Australian Standards, AS 2444-1995 Portable Fire Extinguishers/Blankets - Selection and Location
- Local Government Authority, and
- Fire Brigade.

The main classes of fire risk in a church are:

Class A Fires involving carbonaceous solids, such as wood, cloth, paper, rubber and many plastics.

Class E Fires involving energised electrical equipment.

Class F Fires involving cooking oil and fats. (If the church has a kitchen with cooking facilities)

COMBUSTIBLES – CLASS A

WATER fire extinguisher

AS 2444 TABLE 4.1

MINIMUM CLASSIFICATION AND RATING OF EXTINGUISHERS FOR **CLASS A FIRES**
AGAINST FLOOR AREA

Hazard	Minimum classification and rating of extinguishers	Maximum floor area m.
Church, Light Hazard	1A	100
	2A	300
	3A	450
	4A	675

COMBUSTIBLES – CLASS A

FIRE HOSE REELS



ELECTRICAL – CLASS E

CARBON DIOXIDE (CO₂) FIRE EXTINGUISHER

CARBON DIOXIDE (CO₂) fire extinguisher is most often used for fires involving electrical equipment. CO₂ extinguisher to be located so the maximum distance of travel to the extinguisher from any location within the building should be less than 40m.



CARBON DIOXIDE (CO₂)

COOKING OIL – CLASS F**DRY CHEMICAL B(E) Extinguisher and a FIRE BLANKET**

B(E) DRY CHEMICAL Powder Extinguisher and a FIRE BLANKET are used to control cooking oils and fat fires. The fire blanket and Dry Chemical Extinguisher should be located within the kitchen, close to an exit doorway.



Fire Blanket

GENERAL LOCATION

- Fire extinguishers and fire blankets should be wall mounted with an identification sign.
- The extinguisher should be wall mounted no less than 100mm above the floor, and maximum height should be less than 1200mm above the floor level.
- Fire blankets and extinguishers shall be located in a conspicuous and readily accessible position along normal paths of travel and near exits.

OBJECTIVE (Building Code of Australia)

- Safeguard occupants from illness or injury while evacuating during a fire; and
- Provide facilities for occupants and the fire brigade to undertake fire-fighting operations; and
- Prevent the spread of fire between buildings.

E1.6 PORTABLE FIRE EXTINGUISHERS (Building Code of Australia)

Portable fire extinguishers must be provided.....and must be selected, located and distributed in accordance with AS2444.

SERVICE REQUIREMENT

Fire extinguishers require six monthly service inspection by a contractor in compliance with AS1851.1

Electrical Safety Inspection - Guide

This is an audit checklist developed from AS/NZ 3760:1996 - In-service safety inspection and testing of electrical equipment.

Warning: This checklist is not exhaustive.
You should add extra questions to suit your own workplace.

- ❖ Do you carry out 12 monthly testing of:-
 - Protectively earthed?
 - Double insulated?
 - Cord extension sets?
 - Power boards?
- ❖ For residual current devices (RCD's) do you push-button test (by user) every 3 months or before every use, whichever is longer?
- ❖ Is inspection and testing carried out by a competent person?
- ❖ For non-compliant equipment, do you:-
 - Immediately withdraw from service?
 - Label warning against further use?
 - Repair, dispose or destroy equipment by competent person?
- ❖ Is compliant equipment tagged with a durable, non-reusable, non-metallic tag including:-
 - Name of person/company performing test?
 - Test or retest date?
- ❖ Do you perform the following checks on all equipment:
 - All equipment is free from obvious external damage?
 - No damage or component defects in the accessories, connections, plugs or outlet sockets?
 - All low voltage equipment and cord extensions sets equipped with clear backs?
 - Inner cores of flexible supply cords are not exposed?
 - External sheaths are not cut, abraded or damaged to such an extent that the insulation of the inner cores is visible?
 - Flexible cords are effectively anchored?
 - Unprotected conductors or insulation tape are not in evidence?
 - Covers, guards and suchlike are secured in the manner intended by the manufacturer/supplier?
 - Mechanical safety facilities and devices are in good working order?
 - Ventilation inlets and exhausts are unobstructed?
 - All controls and alarms are in good working order?

EQUIPMENT
REGISTER

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Register of Equipment

Page _____

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PREVENTATIVE MAINTENANCE PROGRAM

Preventative Maintenance Program

ITEM	SERVICE or MAINTENANCE REQUIRED	SCHEDULE DATE	DATE COMPLETED	SIGNED OFF
Fire fighting equipment: Extinguishers, fire blankets	6 monthly service by contractor:	February & August	Feb. 2001	
Hot Water System	6 monthly operate pressure relief valve			
Electric Fan Heaters	Annual clean, remove any dust & lint	April		
Lawn Mower	Monthly during summer: Check blades, wheels, handles etc	Nov – April		

SAMPLE

Preventative Maintenance Program

ITEM	SERVICE or MAINTENANCE REQUIRED	SCHEDULE DATE	DATE COMPLETED	SIGNED OFF

CHURCH RISK CONTROL SURVEY: DRAFT DOCUMENT -

Church:
Address
Parish Priest:
Average Attendance:
Address for Correspondence
Date:
Contact:
Inspected by:

SURVEY ITEM

COMMENTS ON BUILDINGS & GROUNDS

Answer Y/N and/or
Comment in respective column
Comment in respective column

Church



A: ADMINISTRATION

A.1) Does the church appoints someone, e.g. Senior Deacon, to care for fire and other safety issues?	NO: no hazard controller appointed to care for fire and other safety issues. Emergency control personnel to be appointed and trained
A.2.1) Does the church have a written emergency evacuation procedure?	YES: document to be distributed to key personnel and signed off.
A.2.2) - If possible, practice emergency	NO, not implemented. Practical application of a practice emergency procedure would be difficult to carry out. Due to the nature of attendees of oldies with wheel chairs and walking frames to make themselves available on a day for a practice. However it is possible to have a sample of regular churchgoers to be available for such a practice. Alternatively to train the parish council, choir & sister hood to be trained how to manage a general emergency response.
A.3) Are regular safety inspections of the buildings and grounds carried out?	NO: We have identified by dividing the church property into separate areas. It is in our safety management plan to be implemented and delegated out for implementation.
A.4) Does the church review regularly the cover provided for contents and extra risks to ensure it are adequate? Date last reviewed: __12__/_11__	NO: We need to see the insurance policy contract and understand the cover and risks associated with the insurance policy currently in force.
A.5) Does the church have a procedure to ensure compliance with copyright law?	NO: Check with the Diocese for any copyright law application currently issued to the parishes. If none issued, then we need to investigate an appropriate level of compliance. It would mainly apply for the Saturday Russian School. Understand if copyright law applies for not for profit school, i.e.: training purposes. Need to check.

B: FIRE PROTECTION

B.1) Does the church have a fire detection and warning system?	NO: Smoke detectors impractical for the church. The Fire detection is appropriate. The fire detection system will only be used when the church is locked up. Needs to be back to base system. Implementation, Church first instance then other areas in order of priority of fire risk. Sequence of installation to be determined by RAOHS committee.
B.2) Is it serviced on a regular basis?	NO
B.3) Have sufficient fire extinguishers or fire hose reels been provided?	YES: We have identified the requirements for fire extinguishers as per the Emergency Procedures Document (EPD). It includes fire blankets and variety of other extinguishers : for correct applications, e.g.: OIL, Water, Paper...

CHURCH RISK CONTROL SURVEY: DRAFT DOCUMENT -

Church:
Address
Parish Priest:
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Contact:
Inspected by:

SURVEY ITEM

COMMENTS ON BUILDINGS & GROUNDS

Answer Y/N and/or
 Comment in respective column
 Comment in respective column

Church



For churches: Class A - 1A rating max area 100m², 2A - 300 m², 3A - 450 m², 4A - 675 m².
 Max distance to ext. 15m. Check for other risks such as electricity and flammable liquids.
No. & Type of appliances:

Hydrant: ____ Hose Reel: ____
 Water: ____ Dry Chem: ____ CO²: ____
 Foam: ____ Wet Chem: ____ Fire Blanket: ____

IMPLEMENTED prior to Easter 2012

B.4 Are all fire extinguishers properly charged?

YES

B.5) Are extinguishers, hose reels and hydrants (as applicable) checked 6 monthly in accordance with AS1851.
 Last serviced: ____ d/m/y ____

YES: as per point B4

B.6) Are fire extinguishers mounted and identified in accordance with AS2444?

YES: as per point B4

C: BAPTISM

C.1) What provisions are provided for Baptism – child/adult?

YES: Provisions for the two “containers” exist, including a suitable ladder for the adult tank christening. Including a baby nappy table.

C.2) Does the area around the tank provides adequate traction and is not slippery when wet?

NO: Require purchasing a carpet/mat sufficient size to be placed under the christening container to provide adequate traction and remove the risk of slip around the “containers”.

C.3) How is the tank filled & emptied?

NO: A procedural manual (R&English) how to setup and full, empty and move the “containers”(pump to be considered) in a safe manner. To be developed (check list) by the RAOHS Committee, to be signed off by the parish council.

Are adequate Manual Handling procedures observed?

C.4) Is there an appropriate area for drying the child/adult?

YES/NO: A foldable change table is available for infants. For adults consider (discuss with head priest) acquire a Chinese dressing screen to be setup for changing clothes, wet to dry.

CHURCH RISK CONTROL SURVEY: DRAFT DOCUMENT -

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COMMENTS ON BUILDINGS & GROUNDS

Answer Y/N and/or
Comment in respective column
Comment in respective column

Church



D: EQUIPMENT

Security	
D.1) Is the building protected by a security system?	<p>YES/NO: The church does have a security system. Not back to base system. Other buildings do not have security systems installed. Require revisiting the state of the Church security system and determining it is it adequate for today's level of security.</p> <p>Consider camera and back to base monitoring?</p> <p>Cost up a suitable surveillance system with adequate coverage across the church property.</p> <p>Action RAOHS Committee to arrange at least two quotes for equipment and installation.</p> <p>The spin-off is that some of the surveillance cameras can be upgraded to HD, to be used for major services to broadcast the service to external flat screens for parishioners.</p>
D.2) Are suitable security measures taken to secure doors and windows from unauthorised entry?	<p>YES: Manual checking of all doors and windows are performed at the conclusion of each service before the church building is put into lockup mode. The School also is checked before lockup mode. All other buildings are opened on demand, the culture that the one that opens any of the other buildings is responsible to check all windows and doors are closed before lockup mode.</p>
D.3) Is valuable equipment (e.g. audio-visual equipment) stored in a locked area, out of sight, when not in use?	<p>Times where valuable "equipment" is not securely stored away in the lockable safe (i.e. usually Saturday night to Sunday morning). All other times the church service valuable "equipment" is locked away.</p> <p>Committee needs to assess the equipment for the application of use. IE: missing Chalice or a missing speaker box?</p>
D.4) Is a register of valuable equipment, detailing make, model and serial number, maintained?	<p>NO: No assets register in place. We need to implement an asset register, including asset numbers, locations. Where inappropriate to adhere asset numbers, picture would suffice.</p> <p>Setup a suitable database to record all the assets including attachment of pictures of each asset.</p> <p>VS volunteered to write up a Data Base to manage the assets of the parish.</p>

CHURCH RISK CONTROL SURVEY: DRAFT DOCUMENT -

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COMMENTS ON BUILDINGS & GROUNDS

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Comment in respective column

Church



Including descriptions, locations, pictures to be attached.

D.5) Is valuable equipment identified by etching or some other means of permanent marking?

NO: as per D4

Hot Water System

D.6) Is the area surrounding hot water heaters free of combustible material?

Location of HWS:

1. Church – None - NA
2. **School – Yes:** under the stairs leading upper floor, need to check for any clutter.
3. **Hall – Yes:** location unknown. Need to identify location and serviceability
4. **Store and Preparation Block: Yes,** probably two HSW units: location unknown. Need to identify location and serviceability
5. **Toilets: Yes:** location unknown. Need to identify location and serviceability

Electrical Safety

D.8) Is the electrical equipment and fittings checked regularly (e.g. annually) by an electrician to ensure its safety?

YES on an adhoc basis: A recent check, the Church building sometime 2011 (check invoice (Tonia) for exact date check and what was actually checked?)
Need to implement a subcontractor who will perform regular electrical checks with report.

First Aid

D.9) Is a first aid kit available?

YES: Outstanding First Aid kit, to be installed in the Hall & Storage area (old scouts hall)
The Kits to be upgraded with anti-burns cream/bandages.

D.10) Someone designated to be responsible for providing first aid & maintaining the kit?

YES: *name to be added*

E: EXITS

E.1) Are all exits maintained in a good, safe, usable condition?

YES & NO: new doors quote accepted. Including fire exit push bar for all exterior doors, **installation by December 2012. Installation of Exit Signs in Au & Ru to be adhered to the EXIT BAR on the external doors, to be considered.** Existing doors are in good condition, but the egress requires a key to open (unless already unlocked).

E.2) Are all exit paths shown by illuminated exit signs?

NO: not required as they are clearly visible.

E.3) Is emergency lighting installed to facilitate discharge in an emergency?

NO: to be considered by the Parish Council. At night time during power outage to have emergency lights to switch on for egress. Choir stairs to / two way switch top & bottom of the stairs & include emergency lighting. & setup a maintenance program for the Exit/Emergency lights.

CHURCH RISK CONTROL SURVEY: DRAFT DOCUMENT -

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SURVEY ITEM

COMMENTS ON BUILDINGS & GROUNDS

Answer Y/N and/or
Comment in respective column
Comment in respective column

Church



E.4) Are emergency lighting and exit signs serviced regularly?
Last serviced _____

NO: There are no Exit Signs for the church.

E.5) Are required exit paths clear and free of obstruction?

YES:

E.6) Do exit doors swing in the direction of egress?

YES: except for the initial entry doors, they swing inwards. Must ensure that the new doors swing outwards, Parish Council to check that Ordinance 70 is complied with the new doors currently under construction.

E.7) Can exit doors be opened from the inside with a single hand action on a single device?

NO: but the new doors will have the facility, by December 2012 will be fitted.

E.8) Where necessary, are suitable barriers erected to prevent vehicles blocking the exit, or access to it?

NO: the existing design doors not facilitate blocking by cars.

E.9) Are spaces below non-fire isolated required stairways or ramps free of cupboards or other enclosures? (Exemptions apply where the structure has the necessary fire ratings.)

NO:

E.10) Are suitable handrails provided on all stairways?

YES: existing handrails to the Holy Altar are satisfactory. All other handrail requirements not satisfactory. Rear access to the Holy Altar, no hand rails. Require fitting new hand rails to the rear access to the Altar - satisfactory space for fitting hand rails. CHOIR handrail, from the ground floor to the choir floor, height not satisfactory, hand railing not satisfactory. Needs to be updated in accordance with the Australian standards. Bell tower stair case, hand rail and GAP between the hand rail to the bottom of the stairs not satisfactory. Also needs to be in accordance with the Australian standards.

E.11) Are handrails securely fastened?

****:** to be physically checked by inspection by the OH&S subcommittee.

E.12) Do stairs have anti-slip surfaces?

NO: being addressed with the pending installation of the new doors. All existing tiled walk ways will be renewed and fitted with anti-slip properties. The stairs leading to the upper Choir require anti-slip properties. Including hi-vis / luminous strips. Action Parish Council.

E.13) Are full-length glass doors and windows clearly marked?

N/A

E.14) Is safety glass installed where required?

N/A

Required in framed doors if glass area exceeds 0.5m².

N/A

E.15) Is access to the building and toilet facilities provided for people with disabilities?

YES:

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SURVEY ITEM

COMMENTS ON BUILDINGS & GROUNDS

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Comment in respective column
Comment in respective column

Church



F: FURNISHINGS

F.1) Are all carpets free of tears, separations and tripping hazards?	NO: Require rubber backed safety mats to be fitted. YES: Existing rug runner secured. Need to check the Choir carpets by the O&S committee.
F.2) Are tile floors free of chips, holes and missing pieces?	NO: Plans are in place to renew all tiled floored areas, timing to be advised by Parish Council.
F.3) Are all drapes clear of heaters and electrical sources?	N/A:
F.4) Are all benches & chairs in good order?	YES:

G: HOUSEKEEPING

G.1) Is the building maintained in a clean and tidy condition?	YES: regular twice weekly scheduled cleaning, and additional cleaning for large feast days during the week.
G.2) Are storage and supply rooms neat, orderly and free of all unnecessary items?	CHECK: need to visually inspect and report on condition of the storage room(s) status, then make recommendations.
G.3) Are floors free of cables, electrical leads and other potential trip hazards?	Main floor of the Church is OK. The upper Klerious right hand side has cables that need reviewing. On times, an extension cable is run from the Klerious under the door into the altar for power supply for fan. Need separate PPoint in Altar RHS. Upper Choir needs reviewing, noting that there are cables under foot in the upper choir. GENERAL review, of all strategic PPoints and sound system cabling to be made: Recommendation for the Parish Council to make the strategic review of all PP and Sound system cables.
G.4) Are under floor areas secured to prevent unauthorised access?	NO: External entry door under the Church has no key. Needs to be replaced ASAP. Parish Council to make good as a matter of urgency.
G.5) Is the area under the building and in the immediate vicinity clear of stored combustible material?	UNKNOWN: Parish Council to appoint two responsible people to do an excursion and review the contents under the church. There are no other combustible materials known around the Church building.

H: KITCHEN

H.1) Is the cooking range installed at a safe distance from combustible material and the floor below protected?	NO: Kitchen in Church.
H.2) Is a proper type fire extinguisher provided and is it in good order? (Wet Chemical, Dry Powder rated B(E), <u>Fire Blanket</u> , Foam, CO ₂)	YES: Already Effected, installed and signed off.

CHURCH RISK CONTROL SURVEY: **DRAFT DOCUMENT -**

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SURVEY ITEM

COMMENTS ON BUILDINGS & GROUNDS

Answer Y/N and/or
Comment in respective column
Comment in respective column

Church



H.3) Is there a special fire extinguisher available for the deep fat fryer?

N/A

I: LIGHT, POWER, HEAT AND APPLIANCES

I.1) Is heating/cooling equipment cleaned and serviced regularly by a suitably qualified person?

Last serviced _____

NO: No heaters in the body of the church, nor Altar. However the upper Choir does have heaters. Fans exist in the Kliros and upper choir. They need to be checked. Action Parish Council.

I.2) Is gas heating properly vented?

N/A

I.3) Does the church ban the use of bar radiators?

Bar radiator heaters are an unacceptable fire risk to both people and property.

There is no policy, but there are times when the bar radiator heaters are used in the candle box and upper choir. Recommendation to ban the use of bar radiator heaters. Suggest to follow-up the use of infrared heaters in place? Used to keep feet warm? Parish council to make good.

I.4) Are electrical appliances:

- Free of cut, frayed or taped cords or plugs?
- In safe operating condition?
- Properly maintained?
- Properly earthed?

Require a qualified electrical to check and tag each electrical equipment as a priority. Parish Council to make good.

I.5) All unused power points are protected with power outlet safety plugs?

NO: Need to check all Power Points (Ppoints) and make good safety plugs in all Ppoints in the church. Parish Council to make good.

I.6) Exposed wiring permanently installed in conduit, not draped over pipes, nails, equipment, or pulled through wall openings?

Not to our knowledge. However recommendation for an experienced electrician to run a full check across all electrical connections, cables and any potential wiring and cables under rugs. Lastly to check condition of switches for cracking and arcing. To report of any risks. Parish Council to action as a matter of **priority**.

I: LIGHT, POWER, HEAT AND APPLIANCES

I.7) Are electrical cords kept clear of aisles and walkways and not placed under rugs?

to be managed by I.6

I.8) Are switches free of cracking and other signs of damage?

to be managed by I.6

CHURCH RISK CONTROL SURVEY: DRAFT DOCUMENT -

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Comment in respective column
Comment in respective column

Church



I.9) Is electrical equipment and fittings checked annually by an electrician to ensure safety.

- Electrical testing and inspections conducted in compliance with AS/NZ3760
- tagging electrical leads and cords

Recommendation after I.6, that all electrical checking completed and make good fixes as required. That the Parish council to manage an annual inspection of the said work.

MUST adhere to standards! Parish council responsibility.

per I.6 and I.9 above.

J: GROUNDS

J.1) Are the grounds, including the car park, maintained in a neat and tidy condition?

The grassed areas are mowed on a regular basis. The "car park" concrete has lifted from tree roots. That area needs selected grinding down to make a level surface. Parish Council to action and make good.

J.2) Are pathways and walkways clear of slip/trip hazards?

Generally yes, neat and tidy. On the odd time when a child's toy is left on the walkways.

J.3) Is adequate lighting provided for night use?

NO: Expedite the installation of new external lighting plan (for security, safety and ascetics), include power efficient lighting products. In addition to run a secondary conduit for sound and audio visual cabling connectivity. Areas away from the immediate Church building to have motion sensors installed in order to save power expenses. Action Parish Council.

J.4) Are the grounds free of hazards to safety.

K: MAINTENANCE & CONTRACTORS

J.1) Are the grounds, including the car park, maintained in a neat and tidy condition?

All under review, existing maintenance crew (1) will be retiring and the **Parish Council needs to find suitable replacement to manage the maintenance of the grounds and gardens.** Otherwise to date the grounds are in good condition.

J.2) Are pathways and walkways clear of slip/trip hazards?

See point J2.

J.3) Is adequate lighting provided for night use?

See point J3.

RISK CONTROL OBSERVATIONS:

Pot holes on the grassed areas.

Fill in pot holes on the grounds, especially between the pussy willow trees.

naked light bulbs

Secure stand-a-lone light bulbs into a holder or replace the light bulbs with alternative light, LED? IE: stop them from falling out.

XB lighting.

Existing XB lightings are old. Need replacing with secured lights enclosed behind plastic "box" or LED's. Redesign the fittings housing units for safety and mounting setups. Revisit the installation and removal procedures for OH&S.

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SURVEY ITEM

COMMENTS ON BUILDINGS & GROUNDS

Answer Y/N and/or
Comment in respective column
Comment in respective column

Church



Other points for consideration








ROC community forums for discussion, safety, evacuation, etc.

End of draft working document.

Risk Management Assessment of 3-7 Vernon St, Strathfield

Оценка Риска и Здоровохранение

Russian Orthodox S'ts Peter & Paul Cathedral








Cathedral	School	Garden	Com Hall	Sct Hall	Toilet Blk	G/Flat
						
1	2	3	4	5	6	7

1	Slips						
	скольжение						
2	Trips						
	споткнуться						
3	Falls						
	падение						
4	Air Con						
	охлаждение						
5	Lift' - МН						
	поднятие						
6	Scalding						
	обвар						
7	Burns						
	ожоги						
8	Electrical						
	Power Pts						
	Light Fittings						
	Chandelier						
	Electr' Apl'						
9	Fire						
	пожар						
10	Ladders/Scaf						
	лесницы и						
	подмостики						
11	Access/Stairs						
	Bell Tower						

Risk Management Assessment of 3-7 Vernon St, Strathfield

Оценка Риска и Здоровохранение

Russian Orthodox S'ts Peter & Paul Cathedral

Cathedral	School	Garden	Com Hall	Sct Hall	Toilet Blk	G/Flat
						
1	2	3	4	5	6	7

	колокольная						
	Choir/хор						
	Porch						
	крыльцо						
12	Traff-CarPark						

Section 4: Insurances

A. Key aspects

- i. The Diocesan Council is conscious of the need for every Parish and Community to have adequate insurance cover.
- ii. If not insured under the Diocesan Cover please complete the insurance survey form as attached and forward to the Diocesan Office.
- iii. It is the responsibility of each Parish and Community to have professional valuation of their fixed assets (buildings)
- iv. It is strongly recommended for Parishes and Communities to have an Assets Register and have this reviewed on an annual basis. The Insurance policy must reflect this Register.
- v. The contents component of the assets register needs to include all items deemed to be the responsibility of the parish, the sisterhood, the parish school if applicable, etc. Contents include Icons, Vestments, etc.

B. Insurance for Parishes, Monasteries and Communities

1. The Diocesan Council is concerned that there are many parishes in our Diocese that do not have adequate insurance cover for Church property and other areas of potential risk.
2. Should some catastrophe occur, for which we had inadequate or no insurance cover, we would all be remiss and possibly negligent if we ignore these issues.
3. We do not have a record of what insurance cover our Parishes do have. In theory, every parish should have all the “basic” insurance coverage (see below), but it would be most surprising if it turned out that way.

Adequate Insurance Cover

4. We trust we do not need to convince anyone about the importance of having proper insurance cover.
5. Parishes should have cover for the following “basic” types of risk:
 - i. Building (all buildings).
 - ii. Contents (what’s in the building e.g. icons, vestments etc).
 - iii. Public liability (insurance if someone slips on a loose mat, injures themselves and sues the Parish).
 - iv. Workers compensation (for employees injured in connection with their employment).
 - v. Voluntary Workers (for volunteers injured in connection with their voluntary work).
 - vi. Officers liability.
 - vii. Motor vehicle insurance (in respect of church-owned vehicles or in which the parish has an interest).
6. The right scope and level of cover needs to be determined. There is no point in under-insuring, by accident or by trying to save on premiums. What’s the point of having your Church insured for \$500,000 only to find that it has been almost destroyed in a storm and repairs cost \$750,000! (or, worse still, that your policy excluded storm damage!)

Reduce Insurance Costs

7. At present, where there is insurance cover in place, it most likely has been organised separately by the parish. There is an opportunity ultimately to negotiate lower premiums when we have thirty buildings to insure instead of just one.
8. Also different types of cover can be combined on the one policy, thus adding to the buying power of the Diocese as one whole unit.

Reduce Burden on Parishes

9. Insurance is an extremely complex area, requiring special skills and knowledge or access to those skills. Most Parishes probably do not have such a person in their midst. The Diocese believes that if we approach it as an exercise for all insurance cover for the whole Diocese we believe we will be in a better position to hire the best advisers and brokers, have better policies through better insurers and at a lower cost to all. We believe this would be a help to Parish Councils.

Section 5: Financials

Contents:

- A. Key aspects
- B. Accounting Procedures
- C. Levies and Collection
- D. GST – A Guide for Parish Treasurers
- E. PAYG Withholding
- F. Superannuation
- G. Remuneration for ANZ Diocese Clergy
- H. Auditing

Section 5: Financials

A. Key aspects

- i. Parishes, communities and all sub-entities are expected to conduct all their financial affairs in a totally transparent manner and in full compliance with tax and related legislation.
- ii. All Parishes are required to follow guidelines and procedures provided by the Diocesan Council described in this handbook.
- iii. Sub-entities, such as Sisterhood, bookstore, etc., need to have separate maintained financial books and bank accounts.
- iv. Parishes have an obligation to conduct four (4) mandatory collections each calendar year, namely, Orthodox Action, Holy Trinity Orthodox Seminary, Russian Ecclesiastical Mission in Jerusalem and Charitable Fund of the Synod of Bishops.
- v. All Parish financial records must be audited at least once a year.
- vi. Parish AGM minutes require a Balance Sheet and Income and Expenditure statement for ratification by the Ruling Bishop.
- vii. Levies and mandatory collections must be made according to the Ukase 14th March 2011, a copy of which is attached. Please take special note Ukase 14th November 2011 which states obligation to pay appropriate levies.
- viii. The Diocese has recommended a transition process to external auditing.
- ix. Parishes are encouraged to pay their clergy in a fair and reasonable manner taking into account the priest's personal circumstances. Parishes are also encouraged to take advantage of the generous tax concessions available to clergy.
- x. Plate collections (taken during Church services)
 - a. It is traditional in our Diocese that the first plate is for the Needs of the Church and the second plate is for the Adornment of the Church, if a parish wishes to have a third or subsequent plate collection (regular or ad-hoc) it must have approval and blessing from the ruling bishop.
 - b. Parish records must reflect accurately the amount collected on each plate without any adjustments or prior deducting of expenses.

B. Accounting procedures

The Diocesan Council has provided the following guidelines that the following cash, accounting and administration procedures be used by Parish Treasurers in the ANZ Diocese of ROCOR:

1. PLATE COLLECTIONS

- All money received must be recorded.
- Two unrelated persons should take charge of the collection plates immediately after each service and count, record and sign the details on a form similar to the attached sample collection count worksheet (sample attachment 1) which is then retained and made available to the auditor.
- The collections should be held in a safe and secure place until banking without deductions for expenses.
- All collections should be banked promptly.

2. OTHER RECEIPTS

- All monies received, other than plate collections should have a receipt issued.
- All money received should be banked promptly without deducting any amount.
- A report showing collections by service, other receipts banked, direct credit and donations for the month should be prepared and reported to the parish council.

3. PAYMENTS

- Any bank accounts that are opened or signatories added or changed must be done with the authority of the Rector and parish council. Arrangements with banks and other financial institutions should require 2 signatories for all transactions.
- The people appointed as signatories for payments should be unrelated persons. (Typically the Rector, warden, treasurer and secretary are given this responsibility.)
- All payments, whether by cheque, direct debit authority, periodic payment or other electronic form should be effected by 2 signatories.
- There should supporting documentation such as a supplier's tax invoice for every payment. If not a Payment Requestion Form (see sample attachment 2) should be authorised for payment by two authorised persons to indicate that any goods or services have been supplied as ordered.

- Before effecting a payment, both signatories should review and initial/sign the supporting Payment Requestion Form and ensure that there is evidence of prior authorisation, including evidence of approval by parish council for any significant payments of an unusual nature. The cheque or other reference number should be written on every Payment Requestion Form and supporting invoice. All Payment Requestion Forms with accompanying invoices must be retained and made available for the auditor.
- Cheques should be pre-numbered and crossed and stored in a safe place. Blank cheques should not be signed. Cancelled cheques should be mutilated to prevent re-use and made available for inspection by the auditor.
- Petty cash payments should be supported by Petty Cash Reimbursement Form (see sample attachment 3)

4. GENERAL ADMINISTRATION

- Bank accounts should be reconciled monthly to the cash book or accounting system and any variation investigated and where appropriate an adjustment recorded after comparing with the source document.
- PAYG withholding instalments need to be completed and lodged with the Australian Tax Office at least quarterly. (Appendix 1)
- Superannuation contributions for employees (currently 9%) must be paid for each quarter within 28 days of the end of each quarter. (Appendix 2)
- Activity Statements (known as BAS) summarising the parish's income and expenses needs to be completed and sent to the ANZ Diocese at least quarterly, no later than the end of the month following the end of the quarter i.e. 30th April, 31st July, 31st October and 28th February.
- It is recommended that from time to time the warden and/or parish council ask their treasurer to complete the Parish Taxes check list (attachment 4) to assist them in 'self assessing' their parish's compliance with the Tax System legislation.
- Collection count worksheets, receipt books, vouchers, cheque books, bank statements and other accounting records should be retained for 7 years.

5. MONTHLY AND ANNUAL REPORTING

- Monthly reports should be prepared for the warden and parish council (with appropriate detail according to the categories specified in the annual prescribed financial statement covering –
 - receipts/income (actual v. budget, month and year to date),
 - payments/expenditure (actual v. budget, month and year to date), and
 - balance sheet (or cash balance and outstanding commitments).
- Careful planning and preparation for the financial year end is recommended.
- A Balance Sheet and a Profit and Loss report must be made available at the Annual General Meeting of the parish and sent to the Diocesan office together with the AGM minutes for ratification.

C. Levies and collections

Levies and mandatory collections must be made according to the Ukase 14th March 2011, a copy of which is attached.

**THE AUSTRALIAN AND NEW ZEALAND DIOCESE
OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA**
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P.O. BOX 38, CROYDON

14 March 2011

Resolution

This is to remind the Reverend Fathers and Church Wardens of the financial obligations of parishes, communities and monasteries to the Diocese and Synod and of the need to fulfil these obligations with regard to levies and collections in a regular and timely manner.

1. Levies:

- a. To the Diocese 15% of the first plate collections and 15% of the profit on candle sales. (Note that the levies on candle sales is collected by the Diocese when candles are shipped and paid for as the levies amount is included in the box price charged to parishes.)
- b. To the Synod 4 ½% total parish income (except for building fund collections for which an exemption has been granted by the Diocese.)

Levies should be paid every half year in August and February annually with the accompanying form as ratified by the Diocesan Council.

An end of year Financial Statement is to be presented to the Diocesan office every February, with a Profit and Loss statement, Balance Sheet and a signed letter by the Auditor and/or Auditing Committee.


2. Mandatory collections:

During the course of each year the following plate collections (instituted either by the Synod of Bishops or by the ANZ Diocese) should be made in all churches of our diocese.

- a. On the 1st Sunday of February, **Orthodox Action** in Sydney and Melbourne. For assistance to needy persons, destitute children, orphanages in Russia.
- b. On 1st Sunday of Great Lent, Triumph of Orthodoxy, **Holy Trinity Orthodox Seminary** in Jordansville, New York. For financial assistance to students of our diocese, covering tuition, room and board.
- c. On Palm Sunday (at the All-night Vigil and the Divine Liturgy), **Russian Ecclesiastical Mission in Jerusalem**. For financial support of the mission clergy and holy places guarded by our Church in the Holy Land.
- d. In November, **Charitable Fund of the Synod of Bishops** of the Russian Orthodox Church Outside Russia. For financial assistance to needy parishes and churches in the Diaspora.

3. Fund for assistance to needy parishes of the Diocese:

Parishes and monasteries participating in this fund are to make payments with their levies.


Archbishop of Sydney, Australia & New Zealand

**THE AUSTRALIAN AND NEW ZEALAND DIOCESE OF THE
RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA**

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P.O. BOX 38, CROYDON

14-го ноября 2011 г.

№ 11 - 14 - 11

ЦИРКУЛЯР

**Настоятелям и казначеям храмов и монастырей
Австралийско-Новозеландской епархии**

По постановлению Епархиального Совета Австралийско-Новозеландской епархии, отменяются все прежние льготы освобождения приходов и монастырей от отчисления на Синод и епархию. Всем приходам и монастырям надлежит вносить положенные отчисления.

Приходы и монастыри, которым временно затруднительно вносить отчисления, имеют право письменно обращаться в епархию, указывая на условия и причины финансовых затруднений, препятствующих исполнению указа об отчислении.



+ *Митрополит Меларий*
Архиепископ Сиднейский и Австралийско-Новозеландский

14 November 2011

№ 11 - 14 - 11

CIRCULAR NOTICE

**to the Rectors and Treasurers of Churches and Monasteries
of the Australian & New Zealand Diocese**

By the decision of the Diocesan Council of the Australian & New Zealand Diocese, all previous exemptions of parishes and monasteries from Diocesan and Synodal levies are hereby annulled. All parishes and monasteries are obliged to pay the appropriate levies.

Parishes and monasteries that have temporary difficulties in paying levies may petition the Diocese, in writing, if they have financial difficulties in fulfilling their obligations.

+ *Metropolitan Hilariion*
Archbishop of Sydney, Australia & New Zealand

D. GST – A guide for Parish Treasurers

1. Introduction

This handbook provides general guidance about the Goods and Services Tax and related issues as they apply to parishes. Parish treasurers will be the chief users of the handbook but church wardens and parish councils should be familiar with its contents. It is issued in the light of knowledge, tax rulings and advice currently available to the ANZ Diocese of the ROCOR and is subject to change which may arise by further legislation, ATO rulings and further advice received. It is not possible in this handbook to refer to every type of transaction which a particular parish may experience. In case where you believe that you have an unusual transaction, you should obtain your own professional advice on the treatment of it.

References are made to a number of sources in this handbook and in some cases they are abbreviated. These sources are –

- *A New Tax System (Goods and Services) Act 1999* - abbreviated to *GST Act* or a simple reference to a Section or a Division.
- *Charities Consultative Committee Resolved Issues* - abbreviated to *CCC*.
- *Tax basics for non-profit organisations* issued by the ATO - abbreviated to *ATO Tax Basics Booklet*.
- *Private Tax Ruling* (referring to ministry residences).
- *ATO Tax Rulings* - abbreviated to *TR 2000/X* (Year/Number in Year).

Common abbreviations used throughout this document are -

ABN	Australian Business Number
ATO	Australian Taxation Office
BAS	Business Activity Statement
CCC	Charities Consultative Committee
GST	Goods and Services Tax
ITEC	Income Tax Exempt Charity

2. General Principles of GST

Generally speaking, GST is a tax payable on taxable supplies (*GST Act section 7-1*) e.g. the sale of goods or services. Supplies made for consideration (usually money) in the course of an enterprise (which includes parishes) are taxable supplies except to the extent that the supply is GST-free or input taxed (*GST Act section 9-5*). Only registered enterprises make taxable supplies (*GST Act section 9-5*). An enterprise must pay to the ATO the GST on any taxable supply it makes at the rate of 10% of the “value” of the taxable supply or 1/11th of the price received for the supply (*GST Act sections 9-40, 9-70, 9-75*). Generally, a registered enterprise that purchases a taxable supply is entitled to claim an input tax credit of 1/11th of the consideration paid if it holds a tax invoice for the supply or the price paid is less than \$82.50. The taxable supply purchased by the enterprise is known as a “creditable acquisition” because the enterprise can claim input tax credits in respect of the expense.

If a supply made by an enterprise (e.g. the sale of goods and services made by parish) is GST-free then the enterprise does not pay GST to the ATO in respect of the supply. However, the supplies purchased by the enterprise which are used to make the GST-free supplies are creditable acquisitions where the price paid for the supplies includes GST. This means that the enterprise can claim input tax credits for GST included in the price paid for things acquired to make the supply (*GST Act section 11-15*)- e.g., insurance or repairs on a rental property contain GST. However, as this is an Input Taxed Supply you cannot claim the GST back on any expenses related to rental property. If a supply made by an enterprise (e.g. parish) is input taxed then the enterprise does not pay GST to the ATO. However, supplies purchased to make input taxed supplies are not creditable acquisitions. This means the enterprise is not entitled to claim input tax credits for anything acquired to make the input taxed supply (*GST Act section 11-15*).

Supplies between members of the same Religious Group are treated as “out of scope” supplies (e.g. when the Diocese supplies a parish with candles) then GST does not apply. Members of the Religious Group cannot claim input tax credits in respect of supplies acquired from other members of the Group as they are not creditable acquisitions.

Where a supply is made by an unregistered enterprise or if no consideration is received then the requirements for a taxable supply mentioned above are not met then GST does not apply. e.g. you may be provided with supplies by a small enterprise that is not registered for GST. This can happen if that particular enterprise earns less than \$75,000 per annum. There is no GST in the supply and there will be no input tax credit to claim back. An unregistered enterprise cannot issue a Tax Invoice but it can and should issue a parish with an invoice. If in doubt, check the paperwork provided. Alternatively, you can confirm an entity’s GST registration status by accessing the Australian Business Register (ABR) website.

The above is a brief description of GST (which is covered by over 500 pages of legislation) and is not to be read as a full description or relied upon in determining policies and procedures of the parish in this matter. The remainder of this handbook gives more specific guidance on subjects of relevance to all parishes.

3. Parishes are Treated Differently for GST

The application of GST and other tax reform measures to ROCOR parishes is different to other enterprises in a number of significant ways. These differences include –

- the consequences of the endorsement and registration of the parish for ABN, GST and ITEC and
- the tax implications of being a member of the ANZ Diocese of the ROCOR GST Group.

These are discussed in more detail below.

4. ABN, GST and ITEC

The registration of parishes for the ABN and GST and the endorsement of parishes as Income Tax Exempt Charities (ITEC) have a number of important tax implications –

- if parishes quote their ABN in relation to supplies made, commercial customers do not need to withhold tax from any payments made to the parish under the “No ABN” withholding requirements;
- parishes will need to pay GST on their taxable supplies and be able to claim input tax credits for their creditable acquisitions; and
- as ITECs, parishes will be exempt from income tax and will be able to treat certain supplies that would normally be taxable as GST-free supplies under rules applicable to the non-commercial “nominal consideration” activities of charities.

The principal requirement for being entitled to an ABN is to be carrying on an enterprise in Australia and our parishes fulfil this requirement. The government uses the ABN as the single identifier of an organisation.

In addition to registration for GST it is recommended that all parishes also seek endorsement for the charity tax concessions applicable to ITEC and GST. The details of the endorsement process are explained in the *ATO Tax Basics Booklet*.

Endorsement for income tax exemption means a parish –

- (a) is exempt from paying income tax,
- (b) is not required to lodge income tax returns,
- (c) is able to claim refunds of excess imputation credits if it holds investments from which these may be derived, and
- (d) is entitled to join the ANZ Diocese of the ROCOR GST Group (see heading below in this section of the Handbook).

Endorsement for the GST concessions entitles a parish to –

- (a) choose cash accounting,
- (b) treat supplies made on a non-commercial basis as GST-free, and
- (c) declare some fundraising events input taxed.

5. The ANZ Diocese of the ROCOR GST Group

Division 49 of the GST Act makes provision for the approval and establishment of GST Religious Groups. An ANZ Diocese parish is entitled to be a member of this Group if –

- (a) it is registered for GST;
- (b) it is endorsed as exempt from income tax charity (ITEC); and
- (c) it is not a member of any other GST Group.

Whenever there is any change to these details (such as when new parishes are formed or existing parishes are renamed or amalgamated) the Diocese should be advised in writing so that the membership of the ANZ Diocese of the ROCOR GST Religious Group can be updated.

The consequence of being a member of the ANZ Diocese of the ROCOR GST Religious Group is that supplies of goods and services between members of the same GST Religious Group, which would normally have GST implications, are treated as if they are not taxable supplies. In effect, transactions between members of a GST Religious Group are regarded as being internal transactions within the one entity and so do not have GST implications and are not recorded on the BAS that is submitted by the Diocese.

The Diocese manages the GST affairs of the group and lodges the BAS on behalf of its members. It is important for each parish to be aware that they are responsible for the information they provide the Diocese. The Diocese cannot be held responsible for inaccurate reporting or inadequate bookkeeping practices if the parish doesn't comply with the recommended policies and procedures.

6. Non-commercial Activities - “Nominal Consideration” Rule

The GST law provides that where charities (such as ITEC endorsed parishes) make a non-commercial supply these supplies will be GST-free if the price charged for the supply by the charity is for “nominal consideration” (*GST Act section 38-250*).

Under this rule, a supply made by a charity is GST-free if the price charged and received is -

- less than 50% of the market value of the supply made; or
- less than 75% of the cost of making the supply.

It is important that, if a parish intends to rely on this provision so that supplies it makes that would otherwise be taxable are treated as GST-free, the parish must undertake a proper analysis of appropriate market values and/or its costs to support the GST-free treatment. Any analysis of this nature should also be fully documented so that the GST free treatment can be sustained in the event of ATO inquiry or audit.

The “nominal consideration” rule may be relevant to a number of different types of supplies made by parishes; for example, lease or hire of parish hall, seminars and conferences or houses provided to clergy.

7. Fundraising Activities

Subdivision 40-F of the GST Act makes special provision for the conduct of fundraising events by charitable institutions including parishes.

A fundraising event is an event conducted for the purpose of fundraising and which does not form any part of a series or regular run of like or similar events. The GST Act gives several examples of fundraising events - fetes, balls, gala shows, dinners, performances.

An event comprising sale of goods, provided each sale is for a consideration that does not exceed \$20 and selling such goods is not a normal part of the supplier's business, also falls within the definition. The sale of alcoholic beverages is not allowed to be classified as a fundraising event. The Tax Commissioner has indicated that up to fifteen of each particular type of fund raising events (i.e. 15 fetes, 15 dinners, etc) may be held in any financial year without forming part of a series or regular run of like or similar events for the purposes of *subsection 40-165(4) of the GST Act*. If you plan to hold a fundraising event which does not fit any of the above categories you may apply to the Tax Commissioner to have it declared as a fundraising event.

If an event is for fundraising then your parish can elect to treat the supplies your parish makes to parishioners or the general public as input taxed. This means that your parish does not have to incorporate the GST into the charges you make to the public for your tickets, sales or any other supplies and there is no amount to be paid to the ATO as GST. Supplies that the parish has to buy to conduct its fundraising event may include GST depending on the nature of the supply and who supplied it. However, input tax credits cannot be claimed for the GST included in the price of these expenses as they relate to the input taxed supplies made as part of the fundraising event. Therefore the GST paid for these expenses will be a cost to the parish.

Generally it will be beneficial to the parish to declare a fundraising event to be input taxed. In normal circumstances the amount of sales will be significantly higher than the cost of supplies needed to make those sales possible so that if the event were not input taxed then a substantial amount of GST on the sales would have to be remitted to the ATO. There is also a substantial saving in work through not having to issue tax invoices and not having to calculate GST on each sale. The total amount of the sales and the supplies required to enable the sales have to be reported on your BAS in the lines referring to input taxed items.

Subdivision 40-F of the GST Act requires that the parish that conducts a fundraising event must record in its minutes a description of the event and a resolution that it is to be treated as input taxed. It is recommended that a separate account be maintained in the books of the parish to demonstrate that not only the sales but also the costs of supplies received to enable the event to proceed have been treated as input taxed.

8. Missionary Activities

Some missionary activities (such as books or the supply of recordings of the church service on CD) may be designed to provide a service to members or the wider community at substantially less than the market value or cost to the parish. Where this is the case the supply may be GST-free if the parish can demonstrate that the price it receives is either –

- less than 50% of the market value, or
- less than 75% of the cost to the parish.

Where the parish is satisfied that the particular supply it is making satisfies the 'non-commercial' test described in section 6 above, no GST will be payable on that supply.

9. Baptisms, Weddings and Funerals

Subdivision 38-F provides that supplies of religious services are GST-free if supplied by a religious institution (parish) and the service is integral to the practice of that religion.

The ATO has advised the CCC that supplies such as the priest's services, choir services, and candles provided for a baptism, wedding or funeral are considered to be integral to the practice of the faith and so are GST-free.

Other additional services that may be charged for by the parish and provided specifically for weddings or other special events for consideration such as special flowers, decorations to the church or hall, are taxable supplies. The parish may need to issue a tax invoice for these additional services and include GST in the price of these services. The parish will need to pay GST to the ATO in respect of these supplies in the next BAS and should consider increasing the price of these services to recover the GST liability. GST included in the price of purchases of flowers and decorations in the hall, etc can be claimed as input tax credits in the GST Report.

Any unsolicited donation received by the parish or the clergy for an occasional service will not be subject to GST.

10. Lease or Hire of Parish Halls

The lease, licence or hire of a parish hall for consideration to persons external to the parish is a taxable supply. This means that the parish is obliged to pay GST to the ATO in respect of the supply, report the GST on the next BAS and comply with the other GST Act requirements such as issuing tax invoices for the supply. Parishes should also consider increasing the cost of the hire to recover the cost of the GST liability on the supply.

The parish is entitled to claim input tax credits for any expenses which relate to the lease, licence or hire of the hall. Such expenses may commonly include repairs, cleaning, electricity, construction of an extension, conversion or other substantial building work required to make the hall suitable for the purposes for which it is going to be hired.

There are 2 scenarios where the lease, licence or hire of the parish hall will not be subject to the GST –

- (a) where the hall is made available to another member of the ANZ Diocese of the ROCOR GST Religious Group then this becomes an internal transaction within the Group and GST is not applicable, and
- (b) where the parish council resolves to provide the hall for "nominal consideration" (e.g. a funeral or baptism function)
Nominal consideration is either –
 - (i) less than 50% of the market value of the supply or

(ii) less than 75% of the cost of making the supply.

Note: It is likely that the market value will be the figure that will be easiest to ascertain.

The ATO requires that any analysis of this nature must be properly documented.

Therefore, the parish council should make sure to minute any resolution on this matter and be able to produce that minute and substantiate the market value in case of ATO audit. If the nominal consideration test can be met then the supply is GST-free as provided by *subsections 38-250(1)(b)(ii), 38-250(2)(b)(ii) of the GST Act*.

Parishes should note that licenses (which grant limited times and conditions of use) may be granted by a parish council. In some cases, these will be supplied at a nominal value, and may be GST-free, if the above criteria are met.

However, leases must be signed and approved by the Parish Council and should comply with the policies of the parish, one of which is that the lease must be supplied on a commercial basis at a market rent. Accordingly, where a lease has been supplied at a market value, it will not be GST-free. The supply will be a taxable supply and the nominal consideration provisions will not be applicable. In limited circumstances where leases are granted for less than market value the nominal consideration test may be applicable.

11. Grants from Non - ANZ Diocese of the ROCOR Bodies

Payments made by way of grants can be regarded as consideration for a taxable supply. Therefore, where a parish receives a grant payment to provide goods or services to the community it is seen to be providing supplies to the entity providing the grant payment for GST purposes. The parish will therefore be obliged to pay GST in respect of the grant payment. The *ATO Charities booklet* provides examples of grants that will be subject to GST, including –

- (a) a parish may receive a grant from the local council to provide community services; or
- (b) A religious institution operates a bookshop selling religious books and devotional items.

In these examples, the entity which is receiving the grant (the parish) is obliged to pay 1/11th of the amount of the grant to the ATO as the GST and may be required to issue a tax invoice to the granting entity in respect of the supplies made for the grant payment.

The entity which has made the grant to the parish is entitled to an input tax credit equal to 1/11th of the grant amount. This means that if the granting body wishes to make a payment of \$10,000 to a parish then it should pay \$11,000 and collect an input tax credit of \$1,000 so the net cost to the granting body will be \$10,000. The parish receiving the \$11,000 grant will have to pay \$1,000 to the ATO as GST and therefore will receive a net grant of \$10,000. State and Federal Government authorities have generally decided to gross up their grants by 10% in the manner described above so that there would be no net reduction in grants made to grant recipients.

While the parish should in most cases receive the same net amount of grant that it would have received prior to the implementation of GST, it is important to correctly account for the GST. In no circumstances should the parish neglect to pay 1/11th of the grant received. Upon discovery by ATO audit, then not only will the amount not paid be charged to the parish but also a penalty of up

to 200% of the unpaid amount plus interest from the date of the failure to pay until the amount is paid. *ATO ruling TR 2000/11* deals with this subject.

In accordance with the principles explained in section 3 of this Handbook, any grant received from a body which is a member of the ANZ Diocese of the ROCOR GST Religious Group is classified as an internal transaction by *Division 49 of the GST Act* and is excluded from GST.

12. Gifts, Donations and Bequests

True and unconditional gifts, donations and bequests are not subject to GST because they are a supply of money for no benefit (i.e. consideration) in return. However, where a donor requires or expects to receive a benefit for the payment, there will often be GST implications.

As an example, requiring one's name to be recorded as a donor would not give rise to a GST liability because there has been no material benefit flowing to the donor for the fulfilment of this condition. Gifts made for specific purposes such as a building fund will not be subject to GST. If the parish or other recipient were to give naming rights to the donor in ordinary circumstances that should not affect the nature of the payment being a gift.

However, where a donor is expecting certain rights, such as access to a hall or other building, the payment would tend to have the character of rent. Likewise, where a business donates money and expects publicity for that donation that could have the character of advertising and therefore have GST implications.

13. Seminars, Conferences, Talks and Spiritual Retreats

The supply of a seminar or spiritual retreat by a parish may be covered by *Sub-division 38-F of the GST Act* which provides that a supply is GST free if it is a supply of service that –

- (a) is supplied by a religious institution; and
- (b) is integral to the practice of that religion.

Part 12 of the CCC Resolved Issues gives answers to specific questions which clarify the application of this principle. The key consideration must be that the **major** purpose of a seminar, retreat, etc. must be spiritual and for the purposes of religious devotion and instruction so that a claim that the activity is integral to the practice of the ANZ Diocese of the ROCOR faith can be maintained to support GST-free treatment. Support for the GST-free treatment of the supply of the seminar, talk or retreat as a supply of religious services should be documented in parish council minutes. However, *CCC Resolved Issues* states that accommodation and food (being examples of components that have a commercial equivalent) provided at a religious retreat, seminar or talk and charged to the individual attendees by the parish will not be GST-free. Parishes should be careful to distinguish the charges made for food so that the appropriate GST can be identified and paid to the ATO in respect of these supplies. Parishes should also consider increasing the cost of the food at retreats to recover the cost of the GST liability.

14. Houses Provided to Clergy

The supply of residential housing is generally input taxed. This means that no GST is payable on the supply of housing but no input tax credits can be claimed in respect of the expenses incurred to provide that supply.

However, the churches have received a *private tax ruling* from the ATO confirming that in most cases the supply of accommodation to ministers of religion is GST-free.

Other equipment

Telephones and other equipment that may be owned by the parish but placed in a priest's residence such as photocopier, computer and printer are not a part of the residence and may be used for both private and parish business. Input tax credits can be claimed for the proportion of the expense relating to parish business but cannot be claimed in respect of the proportion of private usage, unless the private portion is paid as part of a benefit provided to the priest.

A minuted parish resolution on what portion of each of the items of equipment in the priest's residence is agreed to be for parish business will provide sufficient evidence of the appropriate apportionment between parish and private usage, provided any such apportionment is determined on a reasonable basis.

15. Input Tax Credits for Payments for Clergy Expense Accounts

A parish is entitled to claim input tax credits in respect of payments made for the benefit of clergy where the payments are for 'ministry related' expenses.

For the purposes of the *GST Act* an activity of a religious practitioner done in the pursuit of his vocation as a member of a religious institution will be treated as though it were an activity of the religious institution (*section 50-5*). Furthermore, it may be argued that providing a benefit to a priest is part of the 'enterprise' of the parish. If this is the case where a payment or reimbursing clergy, or paying a third party direct is supported by a tax invoice or is for a price less than \$85 the parish may be entitled to an input tax credit in respect of that payment, regardless of the nature of that payment.

16. Tax invoices

The information required for a valid tax invoice is set out in (attachment 5). One of the requirements of a valid tax invoice where the amount is over \$1,000 is that the recipient's name is to be stated on the tax invoice. As a parish may trade under various names, the lists of trading names need to be updated regularly with the ATO to avoid denial of input tax credits.

Also, suppliers need to state their ABN when they issue a tax invoice; therefore in cases where the supplier has issued a tax invoice without stating its ABN, parishes will not be entitled to input tax credits on the tax invoice. Further, if the invoice was for an amount exceeding \$85, parishes are

required to retain 46.5% of the amount stated on the invoice for the purposes of ABN withholding. The 46.5% will be required to be reported under the PAYG section at W4 and the amount remitted to the ATO in the month of reporting.

17. Completion of the GST Report

The ANZ Diocese is registered to manage the GST affairs of the group and lodges the Business Activity Statement (BAS) on behalf of all members. Parishes are required to prepare the GST report on a quarterly basis.

It is important for each parish to note that the Diocese cannot be held responsible for inaccurate reporting or bookkeeping practices.

Regardless of how your parish is maintaining its books, that is, handwritten, Excel or MYOB - the presentation of our group figures in a standardized manner is essential. If the ATO decides to audit our uniform records we hope that they will not have to go to the specific parish/s. Any inconsistencies from a parish may draw unneeded attention from the ATO. However, if we are subject to an audit, parishes may need to substantiate every entry on each of their GST reports. The ATO can review transactions over a 5 year period. The safest way for parishes to ensure they can substantiate their GST Report is to retain a file containing copies of all tax invoices which the parish has issued or paid for the period covered by and reported on each GST report. Parishes that are using MYOB are to code accounts (i.e. SN0 to SN8) and email a copy of the GST (detail-cash), Cash Disbursements and Cash Receipts Form to the Diocese. Parishes that prepare an Excel spreadsheet should code all income and expense transactions (i.e. SN0 to SN8). An Excel reporting layout is available on request by emailing diocese@rocor.org.au.

18. Documenting Transactions

The ATO may conduct audits of parish accounting records within a 5 year period to ensure that GST has been correctly calculated and paid. Interest will be charged on GST not paid and penalties may also be charged. It is vital to have accounting records whether handbook or computerised that are adequate to demonstrate the GST has been properly accounted for. It is recommended that accounting transactions should be cross referenced and reconciled to the GST report.

Reference is made throughout this Handbook to the need to have parish council minutes to record the authority and reason for some transactions or policies. It is essential that these minutes be readily cross-referenced and accessible to demonstrate to the ATO auditor that transactions were properly dealt with according to the GST legislation.

E. PAYG Withholding

An entity is required to withhold an amount from salary, wages, commission, bonuses and allowances it pays to an individual as an employee, including payment to a religious practitioner.

A distinction must be made between a payment to a contractor and whether a payment is subject to PAYG Withholding. A Contractor's relationship with an entity is a "contract for services", while a payment to an Employee is that of a "contract of service". This can be a difficult to distinguish, but there are a number of indicators that need to be looked at together, in order to determine if the person performing the work is an Employee or Contractor.

1. The Control Test – Does a Master-Servant relationship exist? Does the payer control how, where, when and who is to carry out the work? The greater the obligation on the person performing the work to obey the orders of the payer on how work is to be done, the more likely the person is an employee.
2. Integration Test – Is the relationship a continuing one? Are the worker's activities restricted to providing service to one entity?
3. Results Test – Is the work performed to achieve a specified result? If so, it is likely that the worker is a contractor. An example of this is when payment is made for a negotiated price (quote), rather than an hourly rate.
4. Delegation – A contractor is likely to delegate or subcontract work and is responsible for paying the replacement worker.
5. Risk – Contractors bear more risk compared to an employee.
6. Tools & Equipment – A contractor is likely to own their own tools and equipment.
7. Rights to hire or fire, rights to exclusive services and benefits such as annual leave, sick leave or long service leave point to an employee.

If it is established that the worker is an independent contractor from the above tests, then you have to ensure that the contractor provides the necessary invoices. The contractor should have an ABN and provide a Tax Invoice in the correct format.

If the worker appears to be an employee from the above tests, then PAYG Withholding rules apply. The employer must register for PAYG Withholding. You can register at the same time as applying for an ABN or if the payer already has an ABN, they can register in an approved form – internet, telephone or paper form.

- a. TFN Declarations – An employee who commences work with a new employer must complete a TFN Declaration before receiving payments. Those who choose not to provide one are subject to PAYG withholding at 46.5% tax on their payments.
- b. Tax Rates – PAYG tax is withheld on payments to the worker at the rates published by the ATO, unless the employee applies to the Commissioner to reduce the regular withholding rate. This can happen if the normal tax rate will result in a large tax refund due to large tax deductions.
- c. Payer's Obligations – The employer (the parish) must withhold tax at the published rates or other rate approved by the ATO on a personal basis. The amount withheld must be

reported on Activity Statements and remitted to the ATO monthly or quarterly depending on the payer's registration.

- d. Remitting PAYG – Generally most employers remit their PAYG quarterly. This occurs if total withholding tax for the year is less than \$25,000. If the amount of PAYG per year is greater than \$25,000, then the frequency of remittance is monthly.
- e. Payment Summaries – Within 14 days of the end of the financial year, the payer must provide a payment summary to the employee. The Payment Summary includes information such as Gross Payments made, Reportable Fringe Benefits, Reportable Employee Superannuation, Tax Withheld, etc. Employees use the information contained in the Payment Summary to lodge their income tax return.
- f. Annual Reports – An annual report must be provided to the ATO by 31 October after the end of the financial year. This report summarises the Payment Summaries issued to individual employees for the financial year.
- g. Penalties – There are penalties for not notifying the ATO of amounts withheld by the due dates. A warning letter is issued the first time you are late. If it happens again, the penalty is \$110 per 28 day period (or part thereof) the form is outstanding.

Additional information can be obtained from the ATO website or you may need to seek professional assistance.

F. Superannuation

Employers must pay a minimum level of superannuation (currently 9%) for each quarter within 28 days of the end of each quarter or incur the superannuation guarantee charge (SGC), which also includes penalties and interest. For example, contributions for January to March quarter must be paid by 28 April, April to June quarter by 28 July and so on.

Superannuation is calculated at 9% of ordinary time earnings. This is basically all earnings by employees other than overtime or bonuses that do not relate to specific performance criteria (for example Christmas bonuses or fringe benefits).

Although superannuation normally applies to employees, a Contractor can be deemed an employee for Superannuation Guarantee purposes. Where a payment is made to a contractor and the labour content is greater than 50% of the contract price, superannuation may apply. However, this won't apply to contractors that are a Pty Ltd Company, Trust or Partnership. It will apply to Sole-Traders.

There are exceptions to when superannuation must be paid:

- employees paid less than \$450 in a particular month
- employees aged over 70
- employees under 18 working not more than 30 hours per week
- employees paid for domestic work (nannies or housekeepers) by a non-business employer
- payments made to Sole-Trader contractors where another person performs the work

If superannuation is not paid by the due dates the employee must pay the Superannuation Guarantee Charge (SGC) and lodge a Superannuation Guarantee Statement. Penalties and interest are included in the amount to pay. To avoid additional reporting, it is recommended that superannuation is paid to employee's superannuation funds each quarter by the due date.

From 1 July 2009 additional superannuation contributions (those in addition to compulsory 9% contributions), are to be reported on PAYG Payment Summaries. These are called Reportable Employer Superannuation Contributions. For example, if an employee requests the employer to salary sacrifice into superannuation, the extra amount paid is called Reportable Employer Superannuation Contributions.

Although you must include all reportable employer superannuation contributions you make for an employee on their payment summary, you do not include these contributions in your employee's gross income. Reportable employer superannuation contributions are not included in your employee's assessable income. In other words they do not pay extra tax. However, these contributions are included in the income tests for the following benefits and obligations administered by the ATO:

- Medicare levy surcharge threshold calculation
- Medicare levy surcharge (lump sum payment in arrears) tax offset
- all dependant tax offsets
- senior Australians tax offset
- pensioner tax offset
- mature age worker tax offset
- spouse super contributions tax offset
- entrepreneurs' tax offset
- super co-contributions
- deduction for personal super contributions
- Higher Education Loan Program (HELP) and Student Financial Supplement Scheme (SFSS) repayments
- tax concessions for certain employee share schemes
- deductions for non-commercial losses.

This law also affects a range of Centrelink and Child Support benefits and obligations.

G. Remuneration and related benefits for Australian Clergy

Important Note: *The following information includes matters dealing with taxation laws. The purpose of the information is to provide a guide regarding the tax laws that need to be followed and some tax concessions that are available to clergy in Australia. (New Zealand tax laws are not covered in this document). Please note that the Diocese and any of its officers or employees are NOT in a position to provide taxation advice. Parishes should seek their own tax advice where necessary.*

A. Elements of remuneration:

- i. The remuneration paid or provided by a parish to their clergy for their pastoral or related duties normally includes the following elements –
 - a. the payment of a wage or salary;
 - b. payments to a superannuation fund;
 - c. the provision of salary sacrifice and fringe benefits e.g. housing, travel benefit, or travelling allowance, utilities such as telephone (including mobiles), internet charges, electricity and gas, professional development costs, and other expenses

B. Indexation

- i. Clergy are entitled to have their remuneration reviewed at least annually. It is Diocesan policy that clergy remuneration should be indexed annually in line with increases in the Consumer Price Index (CPI).

C. Leave

- i. In addition to payment of remuneration, clergy are entitled to sick leave, annual leave, long service leave and other forms of leave, in certain circumstances.

D. “Total remuneration cost”

- i. Before considering issues of taxation of wages and fringe benefits, it may be useful to consider the concept of total remuneration costing. This approach has become widespread in the commercial world and has merit and application in our parishes.
- ii. The concept is quite simple. A parish council decides how much it will pay a priest in total. The priest then decides and advises the parish council as to how that total remuneration is to be received or “packaged”. This is where the term “salary packaging” originated. A priest can choose to divide his total remuneration between the items shown above in section 1.a. i to iii. to best suit his requirements.

E. Tax treatment of wages

- i. Wages are treated as assessable income. The parish has to make “Pay As You Go” (PAYG) tax deductions from wages at the required rate, and forward them to the Australian Taxation Office (ATO). The parish will issue clergy receiving a wage a PAYG payment summary soon after the end of each tax year (that is, soon after 30 June) which specifies the total of gross wages, allowances, reportable fringe benefits, reportable employer superannuation contributions and tax deductions forwarded to the ATO.

F. Salary sacrifice arrangements

- i. A “salary sacrifice” arrangement is an agreement between the priest and the parish council where the priest foregoes a portion of his total remuneration and, in return, the parish makes payments to third parties on his behalf, or provides other non-cash benefits. Salary sacrifice arrangements are beneficial because the tax rules for the payment of wages are different from those for the provision of non-cash benefits. Taking fringe benefits or superannuation contributions instead of normal salary usually results in a lesser amount of tax paid by the priest, but this may not always be the case and will depend on each person’s particular circumstances.
- ii. Superannuation is a form of savings that are meant to provide income in retirement. The prima facie rule regarding superannuation is that an employer is obliged to pay 9% of salary into a superannuation fund on behalf of the employee. (Note that the definition of “salary” can be quite complicated. For our purposes we will regard salary as “cash salary” from which PAYG deductions are withheld by the employer, the parish, and remitted to the ATO.) An employee may elect, under a salary sacrifice arrangement, to contribute more than the statutory 9% of “salary”. The normal tax rate on superannuation contributions is 15% of the contribution, which is deducted not by the employer but by the superannuation fund administrator.
- iii. While the employee’s wage is taxable, fringe benefits that are provided to Australian clergy are usually not taxable. Therefore if non-cash benefits are provided in lieu of a portion of normal salary, the effective value of a priest’s remuneration is increased, without additional cost to the parish.
- iv. **Note:** While non-cash benefits are usually tax-free (in the case of a priest or deacon in Australia), the value of many of those benefits is taken into account when assessing your eligibility for various social security payments. You should seek independent advice about this. As far as priests and deacons in Australia are concerned, there is a broad range of fringe benefits that can be paid instead of salary. The important thing is that these benefits form part of a priest’s total remuneration, replacing what otherwise could have been paid as salary.

G. Rulings from the Australian Taxation Office (ATO)

- i. The Diocese has sought and received further advice from the ATO regarding payment of fringe benefits to clergy. This includes priests and deacons. An important point to keep in mind is that if a priest is paid for duties other than pastoral e.g. parish administrative activities then the guidelines in this document may not all apply. For the purposes of this document it will be assumed that a parish pays their priest for purely pastoral duties.

H. Examples of Fringe Benefits that can be taken in Salary Packages

- a. A parish may provide an accommodation benefit by, making rent payments directly to a landlord for the property in which a clergy resides, or making loan payments directly to the lending authority from which a clergy took out the loan to acquire the property, or reimbursing for any payments a clergy made to a lending authority for a loan taken out to acquire the property.
- b. The provision of a residence or accommodation benefit is in effect tax-free.
- c. The purchase, financing and operation of a motor vehicle used for ministry purposes.
- d. Local, domestic or international travel related to your pastoral duties and professional development.
- e. Education and professional development, including, but not limited to books, CD's, conference fees etc.
- f. Ministry related expenses including, but not limited to telephone, fax, internet, subscriptions, periodicals, newspapers, computer software and hardware, home office furniture, equipment and supplies, clerical vestments, and gifts made for ministry purposes.
- g. Education expenses of your dependant children.
- h. Private health insurance premiums for clergy and his family.
- i. Other expenses of clergy that may be approved by the parish council.

I. Fringe benefits exempt from reporting

- a. Fringe benefits provided to a priest for pastoral duties and directly related religious activities that are not shown on the PAYG summary:
 - i. Rent for clergy's place of residence
 - ii. Mortgage payment
 - iii. Property repairs and maintenance
 - iv. Rates and taxes

- v. Property insurances
- vi. Telephone
- vii. Electricity and gas
- viii. The clergy's motor vehicle expenses including registration, insurance, driver's licence, auto club membership, repairs, petrol, oil, and tyres, loan repayments or lease payments
- ix. Purchase of vehicle
- x. Parking fees
- xi. Life insurance and other insurance premiums such as income protection insurance
- xii. Work related stationery, postal costs and computer hardware and software expenses
- xiii. Professional development including, but not limited to; conference and seminar attendance, study leave, professional subscriptions, reference books, education related expenses, travel, and accommodation.
- xiv. Other fringe benefits

J. Examples of reportable fringe benefits

- a. Expenses that are not directly related to religious activities and will be shown as a grossed-up figure in the PAYG Summary
 - i. Repayment of personal loans (other than those related to motor vehicles or housing costs) Purchases of food supplies for clergy and his family
 - ii. Expenses for personal entertainment
 - iii. Travel fares for the clergy's family
 - iv. Payment of fines, i.e. parking or speeding fines
 - v. Payment of Centrelink or ATO debts
 - vi. Purchases of personal items of clothing or gifts.
 - vii. Child's school fees
 - viii. Private health insurance

K. Reimbursement of payments from a dedicated credit card

- a. Clergy can use a dedicated credit card for expenses and be reimbursed by the parish for approved purchases as set by the parish council. The Credit Card Statement is to be presented along with accompanying documentation for payment to the credit card provider.

L. Annual leave entitlement

- a. As approved by the Diocesan Council, employees are entitled to 4 weeks full pay of annual leave for each year of work. When a clergy takes Annual leave, they are to be provided with normal remuneration for that period of leave, in a single payment at the time leave is taken, or at the times wages would ordinarily be paid. Other fixed allowances and benefits will be received as normal. Parishes are required to keep accurate records of annual leave accrued and taken by clergy.

M. Personal leave (includes personal sick leave, carer's leave and compassionate leave)

- a. As approved by the Diocesan Council, an employee is entitled to 14 days paid personal leave.

N. Long service leave entitlement

- a. As approved by the Diocesan Council, an employee is entitled to 2 months (i.e. 8.67 weeks) long service leave for the first 10 years service, then 5 weeks for each subsequent 5 years service. These are the basic entitlements in New South Wales, Victoria and Queensland. There are however differences from state to state and the parish should obtain their appropriate rules from their state government sources.
- b. When taking long service leave, normal wages are provided for the period of the leave in a single payment at the time leave is to be taken, or at the times the wages would ordinarily be paid. Other fixed allowances and benefits will be received as normal.

O. Pay Slips

- a. With each payment of salary and/or allowances clergy should receive a pay slip within one week of a wage payment being made detailing:
 - ix. The church's full legal name and ABN,
 - x. The clergy's full name,
 - xi. Date of payment,
 - xii. Period of payment (e.g. 11/3/2010 – 25/03/2010),
 - xiii. The number of hours worked by the clergy for the period concerned,
 - xiv. The clergy's wage rate,
 - xv. The gross (before tax) and net (after tax) wages paid to the clergy,
 - xvi. Details of any deductions made,
 - xvii. Details of any additional payments made to the clergy,
 - xviii. Details of any additional payments made to other parties (e.g. compulsory super payments made to a super fund on behalf of the clergy)
 - xix. Year to date earnings, tax deducted etc.

P. Allowances

- i. Allowances are generally payments by the employer to the employee for expected expenses. In light of the generous fringe benefit regime available to our clergy there should be no need for a parish to pay allowances.

Q. Expense reimbursements

- i. An expense reimbursement is a situation where a clergy pays for something on behalf of the parish and seeks reimbursement e.g. the parish needed a lawnmower, the priest purchased it and seeks reimbursement for the amount spent.

- ii. Such expenses are expenses of the parish and not of the clergy. They have nothing to do with the priest's remuneration.
- iii. It should be born in mind that if a clergy incurs such an expense and is reimbursed, he is not entitled to claim that expense as a deduction in his tax return.

R. Salary packaging examples

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Sample salary package 1

NAME:	Rev. Fr.		
PERIOD OF REMUNERATION:	1/07/2012	to	30/06/2013
	\$		\$
STEP 1			Comments:
<u>Enter GROSS stipend to be paid for the year</u>	45,000	45,000	Total remuneration or "salary package"
STEP 2			(Equals total cost to parish)
<u>Enter amounts proposed for each major packaging component:</u>			
Normal (cash) Salary	41,284		
Superannuation Contributions	3,716		
Fringe Benefits	0		
STEP 3		45,000	Correct, total of components equals total remuneration amount
<u>Check amount of tax payable:</u>			
Approximate tax on Normal (cash) Salary of:	41,284	-5,139	
Estimated tax on Superannuation Contributions of:	3,716	-557	
Estimated tax on Fringe Benefits of:	0	0	
Net Stipend after estimated tax		39,304	Clergy's estimated after-tax remuneration after "salary packaging".
<u>Note: The parish is responsible for:</u>			
1. Deducting the right amount of tax from normal (cash) salary and remitting to the ATO			
2. Paying the correct amount to the appropriate superannuation fund			

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Sample salary package 2

NAME:	Rev. Fr.		
PERIOD OF REMUNERATION:	1/07/2012	to	30/06/2013
	\$		\$
STEP 1			
<u>Enter GROSS stipend to be paid for the year</u>	45,000	45,000	Comments:
			Total remuneration or "salary package"
			(Equals total cost to parish)
STEP 2			
<u>Enter amounts proposed for each major packaging component:</u>			
Normal (cash) Salary	19,000		
Superannuation Contributions	1,710		
Fringe Benefits	24,290		
		45,000	Correct, total of components equals total remuneration amount
STEP 3			
<u>Check amount of tax payable:</u>			
Approximate tax on Normal (cash) Salary of:	19,000	0	
Estimated tax on Superannuation Contributions of:	1,710	-257	
Estimated tax on Fringe Benefits of:	24,290	0	
		44,744	Clergy's estimated after-tax remuneration after "salary packaging".
Net Stipend after estimated tax			
<u>Note: The parish is responsible for:</u>			
1. Deducting the right amount of tax from normal (cash) salary and remitting to the ATO			
2. Paying the correct amount to the appropriate superannuation fund			

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Sample salary package 3

NAME:	Rev. Fr.		
PERIOD OF REMUNERATION:	1/07/2012	to	30/06/2013
	\$		\$
STEP 1			Comments:
<u>Enter GROSS stipend to be paid for the year</u>	75,000		75,000
			Total remuneration or "salary package"
STEP 2			(Equals total cost to parish)
<u>Enter amounts proposed for each major packaging component:</u>			
Normal (cash) Salary	19,000		
Superannuation Contributions	4,000		
Fringe Benefits	52,000		
STEP 3			
<u>Check amount of tax payable:</u>			
Approximate tax on Normal (cash) Salary of:	19,000		0
Estimated tax on Superannuation Contributions of:	4,000		-600
Estimated tax on Fringe Benefits of:	52,000		0
			75,000
			Correct, total of components equals total remuneration amount
Net Stipend after estimated tax			74,400
			Clergy's estimated after-tax remuneration after "salary packaging".
<u>Note: The parish is responsible for:</u>			
1. Deducting the right amount of tax from normal (cash) salary and remitting to the ATO			
2. Paying the correct amount to the appropriate superannuation fund			

Attachments:

- Sample collection count worksheet (sample attachment 1)
- Payment Requestion Form (sample attachment 2)
- Petty Cash Reimbursement Form (sample attachment 3)
- Parish Taxes check list (attachment 4)
- Tax Invoice (attachment 5)
- Resolution and Official Levy Reporting Form (attachment 6)

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Worksheet for income and expenses on:									
First Plate			Second Plate			Candles			
	qty	sub-total		qty	sub-total		qty	sub-total	
Notes	\$100		Notes	\$100		Notes	\$100		
	\$50			\$50			\$50		
	\$20			\$20			\$20		
	\$10			\$10			\$10		
	\$5			\$5			\$5		
Coins	\$2		Coins	\$2		Coins	\$2		
	\$1			\$1			\$1		
	50c			50c			50c		
	20c			20c			20c		
	10c			10c			10c		
	5c			5c			5c		
Total:			Total:			Total:			
A		B		C					
Miscellaneous Income									
	Receipt No.	Amount	TOTAL INCOME:						
						(A+B+C+D+E) = F			
			TOTAL TO BANK:						
	Total:					F - X			
		E							
This worksheet is an accurate record of income and expenses on the date noted above.									
Signed:			Signed:						
Name:			Name:						
<p>1. Two unrelated persons must be present to count and record the collections</p> <p>2. All specific purpose giving is recorded in Miscellaneous income</p>									

(parish name)

Payment Requisition Form

Payee Name

Invoice Number

Payment method (please circle)

Cheque EFT
(complete details below)

EFT Details of payee (if applicable)			
ABN	<input style="width: 95%;" type="text"/>	Date to be paid/frequency	<input style="width: 95%;" type="text"/>
BSB no.	<input style="width: 95%;" type="text"/>	Start date	<input style="width: 95%;" type="text"/>
Account No.	<input style="width: 95%;" type="text"/>	EFT Reference	<input style="width: 95%;" type="text"/>

Cheque Number

Expense type	Description of expense	GL Account No.	Gross Amount	GST Component
	Total Invoice Amount		\$ -	\$ -

First Cheque/Authoriser Signature _____

Date

Second Cheque/Authoriser Signature _____

Date

Parish Taxes Check List

ABN	Australian Business Number	BAS	Business Activity Statement
GST	Goods and Services Tax	PAYG	Pay As You Go
ITC	Input Tax Credit Amount which a parish may claim from the ATO as a result of paying GST on goods or services acquired		
ITEC	Income Tax Exempt Charity is a charity that has been endorsed by the Tax Office as exempt from income tax		

GST	YES	NO
1. Has the parish – (a) been allocated an ABN and registered for GST? (b) received endorsement as an ITEC (with additional endorsements for GST concessions and FBT rebate)? (c) notified the Diocese of the parish ABN for inclusion in the ANZ Diocese of the Russian Orthodox Church Outside of Russia GST Religious Group?		
2. Was the BAS for the most recent quarter lodged on time?		
3. Have you undertaken a review of GST compliance in relation to – (a) nature of payments for which ITCs can be claimed? (b) retention of tax invoices for all ITC claims? (c) nature of receipts on which GST is payable? (d) recording of GST in relation to all receipts and payments? (e) completion of the quarterly BAS?		
4. Are there any transactions on which the parish – (a) has not accounted for GST? (b) is unsure how to account for any GST?		
PAYG		
<ul style="list-style-type: none"> Employers who make a withholding payment are required to withhold and pay an amount to the Commissioner of Taxation. Withholding payments include the payment of salary/stipend and wages to an employee (including a priest, assistant priest or deacon). The definition of employee (as distinct from independent contractor) is based on the common law test for the existence of a “master/servant” relationship (i.e. whether the person performing the work is substantially subject to the control and direction of the payer in the manner in which the work is done). Under this definition care takers, cleaners, office and admin assistants, etc could all be classified as employees. 		
1. Does the parish make payments to any of the following and are each of these payments subject to PAYG withholding? (a) Priests (b) Deacons (c) Choir Conductors		

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(d) Cleaners (e) Gardeners (f) Visiting ministers or “locum tenens”?		
3. Are all the amounts withheld remitted to the ATO quarterly?		
4. Are there any payments made to individuals for which the parish – (a) has not withheld PAYG? (b) is unsure how to calculate the amount to be withheld? (c) is unsure how to account for any amount withheld		
5. Does the parish maintain the following records for all employees – (a) Tax File Number? (b) Employment declaration form? (c) Superannuation contributions?		

Tax Invoice

What is the difference between an invoice and a tax invoice?

An invoice notifies a recipient of an obligation to pay. The effect of an invoice is to allow you to attribute the GST payable and input tax credits to the correct tax period. A tax invoice will enable you to claim input tax credits on your GST return. You cannot claim an input tax credit unless you hold a tax invoice. You do not have to hold a tax invoice when the GST exclusive value of the taxable supply is \$75 or less.

GST Regulation 29-70.01 of the GST Act specifies the information that must be contained in a tax invoice. The requirements of an invoice and a tax invoice are:

ATTRIBUTES	INVOICE (GST)	TAX INVOICE (Supplies less than \$1000)	TAX INVOICE (Supplies more than \$1000)
'Tax Invoice' stated prominently		✓	✓
Date of issue	✓ *	✓	✓
Name of supplier	✓	✓	✓
ABN of supplier		✓	✓
Name of recipient	✓ *		✓
Address or ABN of recipient			✓
Brief description of each thing supplied		✓	✓
For each description the quantity of the goods or the extent of the services supplied			✓
The GST-inclusive price of the taxable supply	✓	✓	✓
If GST payable = 1/11th of total price, either: a statement like 'the total price includes GST', or the total amount of GST		✓	✓
If GST payable is less than 1/11th of total price the amount payable		✓	✓

(excluding GST) and the total amount of GST			
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* Recommended for attribution purposes.

A tax invoice may be an invoice for the purposes of sections 29-5 and 29-10 of the GST Act. An invoice will only be a tax invoice if it satisfies the requirements as listed in the table above or if the Commissioner uses the discretion under section 29-70 to treat a document as if it were a tax invoice.

If a tax invoice is issued after payment, it cannot be an invoice as the obligation to make a payment has been satisfied by the earlier payment.

For attribution purposes, if more than one tax invoice issues in relation to a supply, it is the first tax invoice which establishes the entitlement to claim input tax credits. An input tax credit entitlement in relation to a supply arises only once, even if more than one tax invoices issues.

Example

Ross operates a panel beating business and accounts on a basis other than cash. He lodges his Business Activity Statement ('BAS') quarterly. On 28 September 2000, Ross receives an invoice for paint supplied to him by Aussie Paints for an amount of \$ 2 200. The invoice has the date of issue , the name of the supplier , the name of the recipient and the GST inclusive price of the taxable supply but does not include the ABN of the supplier or the word ' tax invoice' stated prominently . Therefore, it is not a tax invoice.

As Ross does not hold a tax invoice at the date of lodgement, he cannot claim an input tax credit of \$ 200 in his quarterly BAS which he lodges on 21 October 2000.

On 25 October 2000, Ross contacts Aussie Paints and requests a tax invoice which he receives on 1 November 2000. Ross can claim an input tax credit of \$ 200 in his BAS for the December quarter.

OFFICIAL LEVY REPORTING FORM

PARISH _____

FOR THE PERIOD FROM _____ TO _____ 20 _____

15% LEVY TO THE ANZ DIOCESE OF ROCOR

FIRST PLATE _____ **15% LEVY** _____

(NOTE: LEVIES ON CANDLE SALES IS COLLECTED BY THE DIOCESE WHEN CANDLES ARE SHIPPED AND PAID FOR AS THE LEVIES AMOUNT IS INCLUDED IN THE BOX PRICE CHARGED TO PARISHES)

4.5% LEVY TO THE SYNOD OF ROCOR

FIRST PLATE _____

PLEASE NOTE: ALL AMOUNTS REPORTED AS GROSS.

SALE OF CANDLES _____

PROSFORAS _____

DONATIONS _____

CHURCH "NEEDS" _____

EG. BAPTISMS, WEDDINGS, FUNERALS ETC

MEMBERSHIP TITHES _____

BANK INTEREST _____

RENTAL INCOME _____

RENT OF HALL, _____

TABLES, CHAIRS ETC

OTHER INCOME _____

EG. BEQUESTS. ETC.

TOTAL INCOME _____ **4 ½% LEVY** _____

4 ½% LEVY + 15 % LEVY \$ _____

NEEDY PARISH FUND \$ _____

TOTAL \$ _____

H. Auditing / Review committee

All parish financial records must be audited at least once a year at the end of the normal year as adopted by the Parish.

The current situation in the Diocese is:

- Some parishes rely entirely on an external audit, with the auditor reporting to the parish council.
- Majority of parishes rely on an internal audit by an auditing committee elected by and reporting to, the parish members.

The Diocese is recommending a transition to external auditing .

In the transition period:

- A parish is expected to have an audit committee.
- The audit committee is responsible for conducting an annual audit with the results reported to the parish members.
- As a matter of best practice in financial management these parishes should, as soon as possible, also institute an external audit. Details of such a process appear below.

External audit

The external audit should be conducted by a qualified accountant. He or she does not have to be a registered auditor.

The external audit should provide the following that serves to further reduce financial risks (risk management!):

1. Even though we may be doing something to the best of our endeavours, it may not be quite correct. Having a qualified accountant look over the books, processes, record keeping etc., etc. will help to ensure that all these things are done properly and improve processes.
2. An external audit may pick up things overlooked by persons maintaining financial records. It may also pick up on things that may be overlooked by the Audit Committee, who would normally not be expert in this area.
3. An external audit provides added transparency in that a totally external and expert person has reviewed the books etc.
4. The external audit can serve as important input into the Parish Audit Committee's annual review.

The Diocesan Council has agreed that an external audit is required as follows:

- For large parishes – mandatory, to commence from the first completed parish year from the date of this conference e.g. for a parish that runs to a calendar year, the first external audit is required for the 2011 year, which would be done some time in the first quarter of 2012.
- For medium-sized parishes – strongly recommended now and will soon become mandatory.
- For small-sized parishes/communities – highly preferred, will eventually become mandatory.

Medium and small-sized parishes - Please note: Whilst we are making a concession and giving you some more time to commence working with an external audit person it should not stop you starting early.

Hopefully, there is someone in your parish who is an accountant and can **do it** for their parish gratis or for a small fee. Alternatively, surely people in your parish know or use an accountant they could approach.

Audit by the Parish Audit Committee

Why have an Auditing Committee?

The Normal Parish By-Laws ("the By-Laws") require each parish Annual General Meeting (AGM) to elect an Auditing Committee.

The By-Laws indicate that the Auditing Committee should have three members and that it will serve for a period of one year. To ensure the independence of the Auditing Committee, the By-Laws state that members of the Parish Council cannot serve concurrently on the Auditing Committee, and vice versa.

The By-Laws set out the following duties of the Auditing Committee:

- The audit - or review and verification - of all areas of the Treasurer's accounting and of the financial reports compiled by the Treasurer for presentation to the AGM and Parish Council; and
- The (preparation of a) report summarising the findings of the audit, including any recommendations concerning desirable changes in the Treasurer's method of accounting, and the submission of that report to the AGM.

The By-Laws also state that the Auditing Committee will commence its review when given notice to do so by the parish priest and at least two weeks prior to the date scheduled for the AGM.

Are there any other reasons to have an audit?

Yes. These are:

- To protect parish office-bearers from unwarranted charges of careless or improper use of church funds;
- To build the trust and confidence of parish members and benefactors in the way that parish funds and donations are being accounted for;
- To develop a culture of fiscal responsibility to ensure continuity of accountability despite changes in parish clergy and office-bearers;
- To ensure that restricted and designated funds are used for the purpose intended; and
- To better identify and respond to risk in the management of income and expenditure.

The auditing process is not an expression of distrust in the warden, treasurer or other parish officers. It demonstrates care for the things entrusted to us.

Competence

The By-Laws do not require audit by a Certified Practising Accountant. This means that it is not necessary to have an audit signed off by a professional who states that the audit was performed in accordance with

professional standards for the conduct of audits, such as those issued by the (AUSAB). A degree of financial and legal literacy is nevertheless essential.

Competence to undertake these tasks may be demonstrated by

- Experience with or training in accounting principles; and
- Time and initiative to devote to planning, undertaking, and reporting on the audit.

Independence

The Auditing Committee should be independent. This means that no-one on the committee should be subject to control or influence – or even appear to be open to influence - by anyone who has responsibility for the financial control or records of the parish.

The By-Laws make this clear in precluding parish councillors from membership of the Auditing Committee. When electing an Auditing Committee, the parish should give effect to this principle. To the extent possible, members of the Auditing Committee should not be relatives of parish councillors with financial responsibilities, or connected with them by marriage, employment or regular social contact.

Definitions

Restricted funds are those given to the parish for specific purposes. These include contributions to collections and charitable funds, and donations for specific projects. The use of these funds is restricted to the purpose for which it was collected. The Parish Council has a responsibility to ensure that all restricted funds are used only for the purpose the donor intended.

Designated funds are those set aside by the Parish Council for a specific purpose. The parish council can change the designation of such funds if it wishes.

The work of the Auditing Committee

Scope

To properly review and verify the Treasurer's accounting and financial reports, the Auditing Committee must track the flow of money through the parish and check how it is treated at each step.

As it does so, the Auditing Committee should evaluate

- accounting controls, or systems that reduce the risk of loss or error;
- the segregation of duties, or assurances that more than one person is involved in handling money at critical points;
- the reasonableness of systems and procedures;
- the adequacy of insurance coverage;
- record-keeping; and
- decision-making.

The Auditing Committee should also ensure that restricted funds have been used for their specific purpose.

The By-Laws require the submission of all the financial records of the parish to the Auditing Committee. This includes records relating to:

- any bank account operated by the parish;
- any loan obtained by the parish; the work of the Ladies' Auxiliary;
- the activities of the bookstore;
- the activities of the parish school;
- any ad hoc fundraising activities undertaken during the period under review, such as the parish fishing competition and concerts; and
- any other funds under the control of the parish.

To properly undertake its work the Auditing Committee should have access to a copy of the By-Laws and of all parish policies and procedures relating to financial management. To assist the Auditing Committee, the Parish Council should maintain a file compiling all such documents. Together with each policy or procedure, there should be a copy of the minutes of the Parish Council meeting that approved it.

The Auditing Committee should also have access to the minutes of any Parish Council or sub-committee meeting that have made financial decisions. To assist the Auditing Committee, the Parish Council will provide the Auditing Committee with:

- Details of all accounts held by the parish with financial institutions, together with details of the signatories on each account;
- All financial statements for each month of the year under review and for that year as a whole, and the 'Statement of Financial Position' from the previous year;
- All bank statements for all accounts;
- The original income and expense ledgers, and all service worksheets for the year under review;
- Copies of schedules of services held during the year under review;
- All paid invoices, receipts, deposit books and other income and expenditure records for the year under review;
- All cash in hand;
- All other financial records held by the Treasurer; and
- Any information that the Auditing Committee believes relevant to the audit.

It is the responsibility of the Secretary and the Treasurer to make this information available to the auditing committee. Care should be taken to ensure that the information is provided in good order and in accordance with any audit plan prepared by the Auditing Committee.

The working papers of the auditing committee should be retained securely for at least 7 years.

It has been suggested (and practiced by at least one parish) that the Auditing Committee should meet at least four times a year. This provides an opportunity to regularly review the finances of the parish and to have the Parish Council respond to recommendations in the course of the year.

Should a Parish Council fail to respond to any important recommendations, the Auditing Committee is authorised by the By-Laws to call an Extraordinary Parish Meeting.

Undertaking the audit

The big picture

One task of the Auditing Committee is to ensure that the financial reports presented to the Parish Council and the AGM are true and accurate.

- As a first step, the ledgers and monthly financial reports should be checked against one another. The reconciliation of these with bank statements and cash accounts should also be checked. The opening and closing balances should agree with the statements for the months before and after, and the reconciliations should account for all funds;
- One month should be analysed in detail. The Auditing Committee should perform the bank reconciliation itself using the information available. If an error is found, a further month should be analysed;
- All unbanked cash and petty cash holdings should be independently counted (float, bookstore account). The cash should agree with the books. Consideration should be given to the arrangements for cash accounts.

The fine detail

Attention should then be given to the detail of the financial records.

Income

- Check at random the worksheets for 5 services held in the course of the year under review. Examine the documentation for consistency with the parish policy. Identify any anomalies or risks. Reconcile the worksheet total with deposit slips and the actual deposits on the bank statements;
- For *all* donations and collections, check that the amounts receipted (either on the worksheets or in the donation receipt book) and the amounts entered in the ledger match. Identify any discrepancies and seek an explanation;
- Review the ledger to ensure that all income has been recorded accurately. Choose one month. Look at addition and attribution to a category of income, and ensure consistency with financial statements and bank statements. If errors are noted, check a second month;

Expenditure

- Review the minutes of the Parish Council and identify any decisions concerning expenditure. Carefully read the By-Laws and the parish expenditure policy;
- Check all expenditure in one calendar month to ensure consistency with the By-Laws and the Expenditure policy. Check that expenditure agreed upon by the Parish Council was made as decided. Look at addition and attribution to a category of expenditure, and ensure consistency with financial statements and bank statements. If errors are noted, check a second month;
- In the same calendar month, check that there are appropriate receipts for all expenditure. If the only receipt is the bank statement, ascertain the need for further receipts. Identify and report any anomalies or concerns.

Assets

- The audit process should verify that the assets of the Parish exist. In the case of a building this may be relatively simple. However, if a Parish has say investments in term deposits or in managed investments, then there should be evidence by way of statements from the respective financial institutions to verify that the quantity of assets actually exist. Also the name shown as the owner of the assets, say units in a managed investment, should be checked. Such Parish assets should not be held in the name of an individual but in the name of the Parish.
- The value of all assets of the Parish should be reviewed to ensure that they have been stated at correct values.

Liabilities

Liabilities are generally amounts owed by the Parish to someone else that have not yet been paid. If the Parish owes any money to anyone at the end of its reporting year, it should be shown under Liabilities in the Balance Sheet. As an example, if someone has provided services to the Parish but has not been paid as at the end of the reporting year, the cost of this service should be shown under Liabilities in the Balance Sheet.

Control systems

Check to ensure that there is appropriate segregation of duties. Check to ensure that at least two people have counted monies.

Authority

Is all expenditure authorised by appropriate policies or persons? Do resolutions of the Parish Council match with expenditure? Are the minutes kept in such a way as to clearly authorise expenditure?

Do the people authorised to sign cheques appropriately hold that authority?

Financial Reports

Monthly, Quarterly and Annual financial reports and statements of position should agree with the ledgers. Balances on the first day of each month should be the same as the last day of the previous month.

Compliance

- Do all expenditure decisions comply with the By-Laws and parish policies?
- Are account signatories up-to-date?
- Are cheques and cash stored appropriately?
- Are donations passed on in a timely fashion?
- Are restricted funds kept separately?

- Are records stored appropriately? Are there back-up systems? Does everyone who needs to understand the records do so?
- Are reports timely, useful, accurate, and complete? Does the Parish Council have enough information?
- Are loan requirements complied with?
- Is there an inventory of fixed assets? Is it complete and up to date?
- Is the records policy being complied with?

Writing the report

When the auditing committee has completed the audit, a written report should be prepared. The report should include:

- the date of the audit, those participating, and those present;
- acknowledgement of any improvements in policy, procedure and record-keeping since the last audit;
- A summary of steps taken by the Auditing Committee;
- A signed 'statement of financial position' that shows income and expenditure for the year under review, the position at year's end, and reconciles this information with the available funds; and
- Comments, if any, on
 - systems in place
 - the Treasurer's reporting

The primary reporting responsibility of the Auditing Committee is to the AGM. The initial report should nevertheless be made available to the Parish Council in order for a response to be made. If possible, the final report should comment on the appropriateness of corrective action.

A short form of the final report should be prepared for incorporation in the parish Annual Report.

This shorter report will simply say that an audit has been undertaken in accordance with the By-Laws and church policies, and when it was undertaken. It should ideally confirm that the financial statements are true and accurate, and that the parish has adequate funds to meet financial responsibilities in coming year. It should include comments and recommendations for corrective action.

Should the auditing committee suspect financial misconduct, this should not be stated in the written report. Discrepancies should simply be identified for the Parish Council to address. Evidence of misconduct should be presented by the Auditing Committee in a closed meeting with the rector or, if evident misconduct involves the clergy, in a closed meeting with the diocesan bishop.

Appendix 1 Documents to be provided to the Audit Committee

Appendix 2 Audit Committee Checklist

DOCUMENTS TO BE PROVIDED TO THE AUDITING COMMITTEE

To properly undertake its work the Auditing Committee should have access to a copy of the By-Laws and of all parish policies and procedures relating to financial management. To assist the Auditing Committee, the Parish Council will maintain a file compiling all such documents. Together with each policy or procedure, there should be a copy of the minutes of the Parish Council meeting that approved it.

The Auditing Committee should also have access to the minutes of any Parish Council or sub-committee meeting that has made financial decisions. Ideally, relevant minutes should be copied and held with expenditure records, or at least identified.

To assist the Auditing Committee, the Parish Council will provide the Auditing Committee with:

- A list of all accounts held by the parish with financial institutions, together with details of the signatories on each account;
- Statements from financial institutions showing quantity of assets held at the end of the reporting period and preferably any movements in the quantity of assets during the period. The statement should also show the valuation of the asset(s).
- All financial statements for each month of the year under review, and the 'Statement of Financial Position' from the previous year;
- Bank statements for all accounts;
- The original income and expense ledgers, and all worksheets for the year under review;
- Copies of schedules of services held during the year under review;
- All paid invoices, receipts, deposit books and other income and expenditure records for the year under review;
- Any unpaid invoices as at the end of the reporting year.
- All cash in hand;
- All other financial records held by the Treasurer; and
- Any information that the Auditing Committee believes relevant to the audit.

It is the responsibility of the Secretary and the Treasurer to make this information available to the auditing committee. Care should be taken to ensure that the information is provided in good order and in accordance with the audit plan prepared by the auditing committee.

AUDITING COMMITTEE CHECKLIST

1. DOCUMENTATION

The Auditing Committee was provided with

- ☐ Details of all accounts held by the parish with financial institutions and statements for all accounts, including quantities and valuation of assets;
- ☐ All financial statements for each month of the year under review and for that year as a whole, and the 'Statement of Financial Position' from the previous year;
- ☐ The original income and expense ledgers, and all service-day worksheets for the year under review;
- ☐ Copies of schedules of services held during the year under review;
- ☐ All paid invoices, receipts, deposit books and other income and expenditure records for the year under review and invoices unpaid as at the end of the year;
- ☐ All cash in hand; and
- ☐ All other financial records held by the Treasurer.

The Auditing Committee was/was not satisfied that it had all the necessary information to properly conduct the audit.

2. THE OVERALL PICTURE

The Auditing Committee found that

- ☐ The statements of financial position and ledger entries matched;
- ☐ The opening and closing entries in the statements of financial position and the ledgers corresponded with those preceding and succeeding; and
- ☐ The reconciliations at the end of each month corresponded with the bank statements.

Furthermore

- ☐ For the parish accounts, the month of was checked in detail by the Auditing Committee and the reconciliation confirmed.
- ☐ There was no need to check another month.
- ☐ Cash accounts were checked and found to be consistent with written records.

3. THE DETAIL

INCOME

The following service-day worksheets were checked:

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- ☐ The totals corresponded with the deposit slips and the bank statements.

Comments, if any:

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- ☐ For the parish accounts, the month of was checked in detail by the Auditing Committee and the addition and attribution were confirmed.
- ☐ There was no need to check another month.
- ☐ Income records for the Ladies' Auxiliary were checked and found to be accurate.

EXPENDITURE

- ☐ For the parish accounts, the month of was checked in detail by the Auditing Committee and the addition and attribution were confirmed;
- ☐ There were appropriate receipts for all expenditure in that calendar month;
- ☐ All expenditure was appropriately authorised;
- ☐ There was no need to check another month;
- ☐ Expenditure records for Ladies' Auxiliary were checked and found to be supported by receipts.

Comments, if any:

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CONTROL SYSTEMS

Were there any instances noted of insufficient controls in place?

Were there any instances noted of unauthorised expenditure, or insufficient evidence of authorisation?

COMPLIANCE

- Do all expenditure decisions comply with the By-Laws and parish policies?

- Are account signatories up-to-date?

- Are cheques and cash stored appropriately?

- Are donations passed on in a timely fashion?

- Are restricted funds kept separately? If not, are arrangements sufficient?

- Are records stored appropriately? Are there back-up systems? Does everyone who needs to understand the records do so?

- Are reports timely, useful, accurate, and complete? Does the Parish Council have enough information?

- Are loan requirements complied with?

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Is there an inventory of fixed assets? Is it complete and up to date?

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Are there any other concerns or comments?

**Briefing on
Australian Charities and Not for profit Commission
known as the ACNC Implementation Taskforce**

The Australian Commonwealth government, as part of its overhaul of human services - aged care, disability and community services has established the Australian Charities and Not for Profit Commission. In order to establish the Commission a taskforce named the ACNC Implementation Taskforce was set up in 2011.

Background Information

The Commonwealth Government has allocated \$53.6 million over a 4 year period to establish the Commission. It will allocate the Commission certain regulatory powers and responsibilities including;

- To act as the government regulator for the not for profit and charitable sector across Australia;
- To implement new rules for charities and Not for Profit's;
- To investigate complaints about charities and Not for Profit's;
- Investigating and acting on non compliance of entities;
- To act as a one stop shop for charities to seek out charitable status, decipher tax responsibilities, and maintain charitable status through annual reporting;
- To approve applications for charitable status;
- Monitoring the "genuineness" of charities; annually;
- To inform the sector on governance responsibilities and changes to tax status and associated tax obligations; (the area where change is suspected to play a significant role)
- To implement change across the sector and monitor compliance with change by the individual entities;
- Providing a national database of information on charities and NFP's accessible by the public.

The Commission will oversee the financial and governance practices of charities and require them to provide annual statements regarding business activities and revenue and expenses.

THE CHARITABLE AND NOT FOR PROFIT LANDSCAPE

At present it is expected that all incorporated and unincorporated entities will be required to report annually to the ACNC on their activities in a predefined format.

The taskforce has identified the sector is comprised of the following entities:

- 60,000 charities with 21,000 being granted DGR status – allowed to offer receipts for gifts or donations which allows the donor to use the receipt for purposes of a tax deduction;
- 5,000 as company limited by guarantee;
- 136,000 not for profit incorporated associations;
- 440,000 small unincorporated not for profits.

It is the Commonwealth's plan that all of these entities will, within the next 12 months, have clearly defined obligations for annual reporting to the ACNC.

Significant consultations have been held in the community regarding the 4 key topics being considered by the Commonwealth government in developing the Commission's role. These include:

- what financial reporting will be implemented for entities;
- what governance obligations should be placed on entities;
- implementation of a public information portal - on line information service for the public;
- best prospects for delivering initial and then ongoing education and advice to the sector.

REPORTING

Reporting will be based on three tiers (see attached)

- Small - revenue up to \$250,000 & not a DGR
- Medium - revenue of up to \$1 million if a DGR; or
between \$250,000 & \$1 million if not a DGR
- Large registered entity - revenue greater than \$1 million

CHANGES EXPECTED FOR 1ST JULY 2012

New obligations on the sector due to commence 1st July 2012 have been delayed and will not be announced until September or October to commence on 1st July 2013. At present the Commission taskforce has draft entity annual reporting templates available for industry review. These are based on revenue and are attached.

As of 1st June 2012 it was announced that there are no new obligations on entities at this point in time. The Taskforce is yet to announce any obligations or changes to the sector. It has been unsuccessful in meeting the original timetable for reform implementation.

The taskforce will notify entities in writing of any changes pending and new obligations. As the initial date for reporting obligations of 1st July 2012 is to pass without any clear direction from government it appears now that 1st July 2013 will be the commencement date for new obligations. Announcements regarding the detail of these obligations are now due in October 2012.

The taskforce has established its website so that information on implementation for entities can be disseminated quickly to the sector. The greatest areas of change will be for small unincorporated entities who are unfamiliar with annual reporting obligations at present.

Information about revenue, expenditure and activities will be published on the public information portal based on our annual information statement. As part of the process all charities will have their charitable tax status reviewed. The basis of this review is yet to be determined and advised to the sector. Industry commentators expect the charitable status of many entities to be withdrawn, to increase government tax revenue from our sector. A test for charities with DGR status will be applied annually.

Entities are advised to register to receive information at the taskforce website at www.acnctaskforce.treasury.gov.au.

Section 6: Compliance Policies & Procedures

A. Key aspects

- i. To date, three significant policies, with accompanying procedures, have been enacted within the Diocese. They are:
- ii. "Working With Children Checks",
- iii. "National Criminal History Checks", and
- iv. "Addressing Inappropriate Behaviour".
- v. Whilst the Diocese is not an organisation which imposes a need for such policies and procedures to survive and prosper, it must be recognised that it lives and functions in two different environments. One is spiritual, the world of the Church, where we attempt to live by the Gospels, the other is secular, the world with its civil laws and expectations.
- vi. The reality of life requires us to be aware of the laws of the country, as well as of community expectations and to respond to them where necessary.
- vii. Whether we like it or not, vigilance is required to ensure good governance of Diocesan and Parish affairs.
- viii. Not knowing laws and regulations is not a valid excuse in law if something goes wrong.
- ix. Failure to check/audit on significant aspects of an organisation's activities can result in serious misdeeds and subsequent claims of incompetence in the organisation.

The Diocese believes that these policies are necessary and that with time and a little effort, they will become normal parts of our Church life.

B: Policy and Procedures concerning Working with Children Checks

1. What are *Working with Children Checks*?

Working with Children Checks are checks of the databases of law enforcement agencies, mandatory in the majority of Australian states and territories, the purpose of which is to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

A list of the *Working with Children Checks* that apply in each state and territory is set out at Appendix A.

2. Why do you need a *Working with Children Check*?

It is a legal requirement.

3. In the Australian & New Zealand Diocese of the ROCOR, who requires a *Working with Children Check*?

In accordance with Ukase №1-23-11, all of the following people require a *Working with Children Check*:

- Priests (married, celibate and monastic)
- Deacons (married, celibate and monastic)
- Monastics (who are in contact or working with children)
- School teachers

These checks are required by law, irrespective of the extent of the contact that any individual priest or deacon might have with children.

People in positions such as Diocesan Employees, Parish officials and Volunteers, may have varying degrees of contact with children. Any person who is in regular contact with children will require a Working with Children Check. A decision that an individual requires a Working with Children Check will be made by the Diocesan or Parish Council [or by the Ruling Bishop, Vicar General, Diocesan secretary or Treasurer, Superior or Rector] with reference to the law of the particular state or territory.

4. Who are Diocesan employees, parish officials, and volunteers?

Diocesan employees are those men and women contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive payment for that work, whether from the Diocese, a parish, or a church organisation.

Parish officials are all those men and women elected to Parish Councils, Sisterhood Councils, and Auditing Committees.

Volunteers are those men and women contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive no payment for that work. Included in this definition are altar-servers aged 15 years and over.

5. How will the Working with Children check be undertaken?

The *Working with Children Check* will be undertaken in accordance with the relevant state and territory procedures.

These procedures are set out at Appendix B.

6. Which positions in the Diocesan administration will liaise with state and territory authorities in relation to the Working with Children Check?

The following positions will liaise with relevant state and territory authorities concerning the *Working with Children Check (the Liaison Officers)*:

- the Ruling Bishop
- the Vicar General
- the Diocesan Treasurer/Secretary
- the Diocesan Office Manager

7. When will the Working with Children Check usually be undertaken for new positions?

For candidates for ordination to the priesthood or the diaconate, the *Working with Children Check* should be undertaken as the initial preparatory step and before any arrangements for ordination are made.

For all new Diocesan employees, volunteers, and school teachers, the *Working with Children Check* should be undertaken before employment, volunteering or teaching commences.

To avoid confusion, embarrassment or misunderstanding, the need for a *Working with Children Check* should be made clear at the earliest possible opportunity when ordination, employment, volunteering, teaching or service in an official capacity is being considered.

8. **When will the *Working with Children Check* be undertaken for those already in positions requiring it?**
- Immediately. If persons listed above are working with children, they should already have a *Working with Children Check* otherwise they are breaking the law.
9. **How frequently will the *Working with Children Check* be undertaken?**
- The requirements of each state and territory must be complied with. These are set out at Appendix B.
10. **What steps will be taken to ensure that the *Working with Children Check* is in fact undertaken for those in positions requiring it?**
- With effect from 1 July 2011, the Diocesan Auditing Committee and each parish Auditing Committee will report on the compliance of the Diocese or parish, as the case may be, with legal and Diocesan requirements for the *Working with Children Check*.
11. **How will the privacy of individuals be protected?**
- The Diocesan Auditing Committee and parish Auditing Committees will also be required to confirm that the relevant documentation is appropriately and securely stored.
12. **What action will be undertaken upon completion of the *Working with Children Check*?**
- In NSW, SA, Tasmania, and the ACT, the Liaison Officers should contact the applicant and the relevant Rector, Superior, or Diocesan Official in writing within seven (7) days of completion of the *Working with Children Check*.
- In Queensland, NT, Victoria, and WA, the employee will provide the Liaison Officer with a certified copy of their *Working with Children Check* card within seven (7) days of completion of the *Working with Children Check*.
- If the check reveals no impediment to ordination, employment, service in an official capacity, volunteering, or teaching, the Liaison Officer will advise the applicant and the relevant Rector,

Superior, or Diocesan Official.

A person who has been convicted or found guilty of a listed serious offence against children is prohibited by law from child-related employment, and will be deemed unsuitable for the position under consideration. The Diocese has no discretion in this matter.

13. Is there a cost associated with the *Working with Children Check*?

In NSW there is no cost.

In SA, Tasmania, and the ACT, the cost is that of the National Criminal History Check. In accordance with Diocesan policy, the cost of that check is to be shared between the Diocese and the relevant parish.

In Queensland, NT, Victoria, and WA the cost for employees ranges from \$50.00 to \$77.80. The cost for volunteers in Queensland is \$5.00.

Costs should be shared equally by the Diocese and the relevant parish or Diocesan organisation or institution.

14. What if an individual declines to have the *Working with Children Check*?

If a candidate for ordination, an applicant for employment, a prospective volunteer or school teacher declines to have a *Working with Children Check*, the individual concerned is prohibited from child-related employment and will be deemed unsuitable for ordination, employment, or appointment.

In the majority of Australian states and territories, any clergyman who declines to have a *Working with Children Check* is in breach of the law. Such a clergyman cannot continue to undertake his duties without exposing the Diocese to legal action.

Appendix A: State and Territory Legal Requirements

State/Territory	Who will undertake the Check	Legal Requirements
Australian Capital Territory	No legal requirement, Police Check will cover Working with Children.	<p>There are currently no legal requirements for people working with children to undertake a <i>Working with Children Check</i> in the Australian Capital Territory.</p> <p>For the purposes of this policy, a person in the ACT who has obtained the <i>National Criminal History Check (Police Check)</i> will be considered to have complied with the requirement for a <i>Working with Children Check</i>.</p>
New South Wales	Diocese	<p>The NSW Commission for Children and Young People is responsible for the <i>Working with Children Check</i>, which helps determine whether or not people are suitable to work in child related employment.</p> <p>In NSW, all work in any religious organisation is considered to be work in a “child-related” setting. A child is any person aged under 18.</p> <p>More information is available at www.kids.nsw.gov.au/check.</p>
Northern Territory	Apply in person	<p>As of 1 March 2011 it is mandatory in the NT for people who have contact or potential contact with children to hold a <i>Working with Children Clearance Notice</i> and an <i>Ochre Card</i>.</p> <p>In the NT, work in a religious organisation or vocation that usually involves contact with children is “child-related”.</p> <p>More information is available at www.workingwithchildren.nt.gov.au.</p>

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Queensland	Apply in person	<p>In Queensland people working or volunteering with children need to hold a <i>Blue Card</i>. The <i>Blue Card</i> is issued by the Commission for Children and Young People and Child Guardian.</p> <p>More information is available from: http://www.ccyprg.qld.gov.au/employment/index.html.</p>
State/Territory	Who will undertake the Check	Legal Requirements
South Australia	Police Check will cover Working with Children.	<p>Under the <i>Children's Protection Act</i> (Section 8B) people in SA who work in jobs which require regular contact with children are required to obtain police clearance before they commence employment.</p> <p>For the purposes of this policy, a person in SA who has obtained the <i>National Criminal History Check</i> will be considered to have complied with the requirement for a <i>Working with Children Check</i>.</p>
Tasmania	No legal requirement as yet, Police Check will cover Working with Children.	<p>Although the Commissioner for Children Tasmania released a consultation paper in 2005 discussing proposals for the Government to introduce screening procedures for Tasmanian organisations who want to employ people to work with children, there are currently no legal requirements for people working with children to undertake a police check in Tasmania.</p> <p>For the purposes of this policy, a person in Tasmania who has obtained the <i>National Criminal History Check</i> will be considered to have complied with the requirement for a <i>Working with Children Check</i>.</p>

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Victoria	Apply in person.	<p>In Victoria the <i>Working with Children Check</i> is compulsory for people who wish to work with or volunteer with children.</p> <p>More information is available from www.justice.vic.gov.au/workingwithchildren.</p>
Western Australia	Apply in Person.	<p>In Western Australia a <i>Working with Children Check</i> is compulsory for people who carry out child-related work in Western Australia.</p> <p>More information is available from www.checkwwc.wa.gov.au.</p>

Appendix B: Procedures for obtaining the Working with Children Check

State/Territory	Procedure
Australian Capital Territory	The Procedures for obtaining the <i>National Criminal History Check</i> apply.
New South Wales	<p>In NSW the <i>Working with Children Check</i> is obtained by the employer. In all cases the employer is the Diocese of the Russian Orthodox Church in Australia and New Zealand.</p> <p>All that it is necessary for the employee to do is complete and print the <i>Applicant Declaration and Consent Form</i> available online at https://check.kids.nsw.gov.au/background-check-consent.php.</p> <p>The completed <i>Applicant Declaration and Consent Form</i> should then be provided to the Diocesan Office. The Diocesan Office will do an identity check that involves sighting either a Driver's Licence or a Passport.</p> <p>No card is issued. The employer is provided with a document that sets out the findings of the <i>Working with Children Check</i>. The Diocese will advise the employee and the parish of the findings of the <i>Working with Children Check</i>.</p> <p>The <i>Working with Children Check</i> is only done once, upon engagement, unless the duties and degree of contact with children change.</p> <p>There is no cost.</p>
Northern Territory	<p>In the NT it is the responsibility of the employee to obtain the <i>Working with Children Check</i>. Employees obtain the check by completing and lodging the form available online at http://www.workingwithchildren.nt.gov.au/forms.html.</p> <p>The employee must provide a passport photograph with the completed form. The form and a copy of photographic ID must be validated by a Qualified Person such as a JP or legal practitioner. It is important to read the Applications Guidelines: http://www.workingwithchildren.nt.gov.au/docs/Application%20Guidelines.pdf</p> <p>The employee is issued with the <i>Ochre Card</i> that certifies suitability for employment. Upon receipt of the <i>Ochre Card</i>, a certified copy should be provided within seven days to the Diocese and the relevant parish.</p> <p>The <i>Ochre Card</i> is valid for two years.</p> <p>The cost is \$50.00 for employees and \$5.00 for volunteers.</p>

State/Territory	Procedure
Queensland	<p>In Queensland it is the responsibility of the employee to obtain the <i>Working with Children Check</i>. Paid employees obtain the check by completing and lodging the form available online at http://www.ccypcg.qld.gov.au/pdf/bluecard/forms/04-139-Paid-Employee-JUN10.pdf. volunteers obtain the check by completing and lodging the form available online at http://www.ccypcg.qld.gov.au/pdf/bluecard/forms/04-138-Volunteer-Form-JUN10.pdf.</p> <p>Part of the form must be completed by the employer. The applicant's identity must be verified by the employee or a Prescribed Person such as a JP or legal practitioner.</p> <p>The employee is issued with the <i>Blue Card</i> that certifies suitability for employment. Upon receipt of the <i>Blue Card</i>, a certified copy should be provided within seven days to the Diocese and the relevant parish.</p> <p>The <i>Blue Card</i> is valid for three years.</p> <p>The cost is \$70.00 for employees. There is no fee for volunteers.</p>
South Australia	The Procedures for obtaining the <i>National Criminal History Check</i> apply.
Tasmania	The Procedures for obtaining the <i>National Criminal History Check</i> apply.
Victoria	<p>In Victoria it is the responsibility of the employee to obtain the <i>Working with Children Check</i>. Employees obtain the check by completing and lodging the relevant form at a participating Australia Post outlet. The form is available from participating Australia Post outlets or by making an online request at https://submit.justice.vic.gov.au/CA25691800094F30/WWCCAppRequest?OpenForm.</p> <p>The employee must submit a passport photograph with the application.</p> <p>The employee is issued with the <i>Working with Children Check Card</i> that certifies suitability for employment. Upon receipt of the <i>Working with Children Check Card</i>, a certified copy should be provided within seven days to the Diocese and the relevant parish.</p> <p>The <i>Working with Children Check Card</i> is valid for five years.</p> <p>The cost is \$77.80 for employees. There is no fee for volunteers.</p>
Western Australia	In WA it is the responsibility of the employee to obtain the <i>Working with Children Check</i> . Employees obtain the check by completing and lodging the

	<p>relevant form at a participating Australia Post outlet. The form is available from participating Australia Post outlets.</p> <p>The employee must submit a passport photograph with the application.</p> <p>The employee is issued with the <i>Working with Children Check Card</i> that certifies suitability for employment. Upon receipt of the <i>Working with Children Check Card</i>, a certified copy should be provided within seven days to the Diocese and the relevant parish.</p> <p>The <i>Working with Children Check Card</i> is valid for three years.</p> <p>The cost is \$50.00 for employees. There is no fee for volunteers.</p>
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C: Policy and Procedures concerning the National Criminal History Check

1. What is the *National Criminal History Check*?

The *National Criminal History Check* is a check of the databases of law enforcement agencies across Australia that discloses whether or not a person:

- has been convicted of an offence;
- has been charged with and found guilty of an offence but discharged without conviction; or
- is the subject of any criminal charge still pending before a Court.

The findings of the *National Criminal History Check* are set out in a *National Police Certificate*.

2. In the Australian & New Zealand Diocese of the ROCOR, who requires a *National Criminal History Check*?

In accordance with Ukase №1-23-11, the following people require a *National Criminal History Check*:

- Priests (married, celibate and monastic)
- Deacons (married, celibate and monastic)
- Diocesan employees
- Parish officials
- Volunteers
- School teachers

3. Who are Diocesan employees, parish officials, and volunteers?

Diocesan employees are those men and women contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive payment for that work, whether from the Diocese, a parish, or a church organisation.

Parish officials are all those men and women elected to Parish Councils, Sisterhood Councils, and Auditing Committees.

Volunteers are those men and women contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive no payment for that work. Included in this definition are altar-servers aged 15 years and over, choir conductors, care-takers, and any persons on a regular or formally appointed basis.

4. Why is the *National Criminal History Check* required?

The *National Criminal History Check* is required by the Diocesan authorities to assist in ensuring that all persons holding positions of responsibility in the Diocese are suitable to do so.

Check required?

An assessment of the suitability of persons holding positions of authority is necessary because of the level of risk arising from:

- The handling of money and sensitive information; and
- Work with the vulnerable - children, the elderly, and the sick.

In addition, undertaking the *National Criminal History Check* demonstrates that the Diocese authorities are committed to the protection of the faithful, the resources of the Diocese, and of charitable funds entrusted to the Church.

5. Is the *National Criminal History Check* the only thing that will be taken into account when assessing suitability?

No. The National Criminal History Check is only one part of the process to assess the suitability of a candidate for ordination, an applicant for employment, a prospective volunteer or school teacher, or newly elected parish official. However, for the reasons set out above, it is an essential part of that process.

6. Who will undertake the *National Criminal History Check*?

The *National Criminal History Record Check* will be undertaken by a private company contracted by the Diocese for the purpose, fit2work.

Fit2work is part of the Mercury Group of Companies. In operation for over 13 years Mercury, offers Human Resource consulting to the Australian Local Government, Health and Community Services sectors.

More information can be obtained from www.fit2work.com.au.

A private company has been engaged to ensure access to the necessary expertise and to reduce the administrative burden on the Diocese and costs.

7. How will the privacy of individuals be protected?

Fit2work.com.au has significant obligations to CrimTrac, the Australian Government agency from which it sources information for the *National Criminal History Check*. As a client of fit2work, the Diocese must also meet these obligations.

Our obligations, which are contained within the Diocesan contract with fit2work, include:

- The nomination of Authorised Officers within the Diocesan administration who will access and handle all Criminal History Information; and
- The completion of a signed and dated consent form before any *National Criminal History Check* is undertaken.

There are additional procedural safeguards. The fit2work database will delete all national criminal history information that contains a criminal record three months after it is received. If the Authorised Officer prints off any of this information they are required to securely destroy the printed material within the same timeframe. Clear results may be kept on file.

To ensure compliance with these security measures, fit2work will audit Diocesan records once or twice a year.

8. For the purposes of the *National Criminal History Check*, who will be the Authorised Officer?

The Authorised Officer/s will be:
Ruling Bishop
Vicar General
Diocesan Treasurer/Secretary
Diocesan Office Manager

9. How will the *National Criminal History Check* be undertaken?

The applicant will complete the fit2work.com.au *Application Consent Form* for the *National Criminal History Check*. A copy of the *Application Consent Form* is at Appendix A. The completed Application Consent Form will be provided to the Authorised Officer.

Note: attach sample as appendix of consent form.

Original completed *Application Consent Forms* are to be held by the Diocese in a secure location for legal and audit purposes. Copies should also be held by the parish or Diocesan organisation or institution.

The Authorised Officer will verify the true identity of the applicant prior to conducting the criminal history check. This will be done by undertaking a “100 point” ID check.

10. When will the *National Criminal History*

For candidates for ordination to the priesthood or the diaconate, the *National Criminal History Check* should be undertaken as the initial preparatory step and before any arrangements for

Check usually be undertaken?

ordination are made.

For all new Diocesan employees, volunteers, and school teachers, the *National Criminal History Check* should be undertaken before employment, volunteering or teaching commences.

For all new parish officials, the *National Criminal History Check* should be undertaken before appointment to that office which is ratified by the Ruling Bishop of the Diocese.

To avoid confusion, embarrassment or misunderstanding, the need for a *National Criminal History Check* should be made clear at the earliest possible opportunity when ordination, employment, volunteering, teaching or service in an official capacity is being considered.

The nomination of a parish or sisterhood member to a parish or sisterhood office should only be considered valid by a meeting of parish or sisterhood members if the nominated member indicates a willingness to have the *National Criminal History Check*.

11. When will the *National Criminal History Check* be undertaken for those already in positions requiring it?

For all existing priests, deacons, Diocesan employees, parish officials, volunteers, and school teachers, National Criminal History Checks must be undertaken by 30 June 2011

To this end, the Diocesan Council will compile a register of all such persons by 31st May 2011. Parish Rectors and the Superiors of all monasteries will be asked to assist in this process by providing a list of all ordained monastics, employees, parish officials, volunteers, and school teachers by 30th April 2011

12. How frequently will the *National Criminal History Check* be undertaken?

It is Diocesan policy that the National Criminal History Check be repeated every three years. Therefore there is an obligation during that period between police checks to disclose any criminal charges or convictions that would disqualify a person contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive no payment for that work.

13. What steps will be taken to ensure that the *National Criminal History Check* is in fact

With effect from 1st July 2011, the Diocesan Auditing Committee and each parish Auditing Committee will report on the compliance of the Diocese or parish, as the case may be, with Diocesan requirements for the *National Criminal History Check*.

The Diocesan Auditing Committee and parish Auditing

undertaken for those in positions requiring it?	Committees will also be required to confirm that the relevant documentation is appropriately and securely stored.
14. What action will be undertaken upon completion of the <i>National Criminal History Check</i>?	<p>The Authorised Officer should contact the applicant and the relevant Rector, Superior, or Diocesan Official in writing within seven (7) days of completion of the <i>National Criminal History Check</i>.</p> <p>If the check reveals no impediment to ordination, employment, service in an official capacity, volunteering, or teaching, the Authorised Officer will advise the applicant and the relevant Rector, Superior, or Diocesan Official.</p> <p>If, in the opinion of the Authorised Officer, the <i>National Criminal History Check</i> suggests unsuitability for ordination, employment, service in an official capacity, volunteering, or teaching, the applicant will be given an opportunity to discuss any conviction before a final decision is made. Such a discussion would usually be with the relevant Rector, Superior, or Diocesan Official.</p> <p>Before making a final decision concerning suitability, the relevant Rector, Superior, or Diocesan Official should consider a number of factors, including the age of the conviction, the age of the person at the time, the number of convictions, the sentence imposed by the court, any extenuating circumstances, and the life and conduct of the person since. Most importantly, it should be considered whether or not the criminal record is relevant to the role envisioned for the applicant.</p>
15. Is there a cost associated with the <i>National Criminal History Check</i>?	Yes. For employees, each check costs \$39.90 to \$69.90, the price is determined on quantity of checks. For volunteers, each check costs \$19.90. This cost should be shared equally by the Diocese and the relevant parish or Diocesan organisation or institution.
16. What if an individual declines to have the <i>National Criminal History Check</i>?	If a candidate for ordination, an applicant for employment, a prospective volunteer or school teacher, or newly elected parish official declines to have a National Criminal History Check, the individual concerned will be deemed unsuitable for ordination, employment, or appointment.

D: Policy and Procedure for Addressing Inappropriate Behaviour

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Preface

Humanity has never lived without laws and guidelines. Even the simplicity of Adams life in paradise required a commandment from God, albeit only one. The simplicity of life in Grace, experienced by the first Church community in Jerusalem, also required few guidelines. The Christian conscience was sufficient, in most cases, with reference to the spirit of the Gospel. However, as history progressed, the Church found it necessary to clarify certain positions and to provide guidelines to help make Christians live more harmoniously. This became especially relevant when the numbers of Christians grew and it took time to educate them in the proper understanding and acceptance of Gospel ethics in the context of structured Church life. As a result, we now have a body of Church legislation that runs into many hundreds of pages, beginning with the apostolic canons. Look at the ample tome of 'The Rudder', a collection of Church canons and rules. The Russian Church Abroad, and our ANZ Diocese in particular, have collections of Church By-Laws and regulations, some of which are now reflected in NSW civil legislation.

One may be forgiven for certain apprehension upon seeing the appearance of more rules and regulations (namely, this Policy on Inappropriate Behaviour), which seems, on the surface, to have little relevance to the established patterns in our Church life in Australia and New Zealand. Another criticism of the Policy on Inappropriate Behaviour may be that this document introduces secular principles and practices which may distort the spirit of the Church and lead to an increased worldliness in our norms of behaviour. This is not an initiative in the life of the Diocese. It is, in part, a response to a policy of the Synod of Bishops, viz., **"The Policy and Procedures of the Synod of the Russian Orthodox Church Outside of Russia Regarding Sexual Misconduct by Clergy"** (September 2005).

The risk of erosion of the Gospel spirit has always been present in the historical path of the Church, and no amount of Church-generated legislation can prevent it. Our challenge now is to understand that there is a hierarchy of values within which God is first and Caesar second. In this instance, we are responding to the accepted worldly norms, by providing a Diocesan policy and a set of guidelines titled "Policy & Procedures For Addressing Inappropriate Behaviour". The things of God and the things of Caesar are different, but they are not of necessity in opposition to each other. The Church acknowledges secular rule as God given, when it does not consciously oppose the primacy of God. Thus, we need to educate ourselves to understand that the demands of secular law are always minimalistic, while Christ points to perfection as the direction of our efforts. In terms of ethical and behavioural norms, worldly expectations are always minimalistic, i.e., "don't do unto others ...", "don't do evil", whereas Christ expects us to be initiators and conductors of Divine love, even toward our enemies.

The value of the present policy on Inappropriate Behaviour is that it provides a structure for conflict resolution when references to the Gospel are met with scepticism or indifference. Not many Archpastors or Pastors would dare to follow the example of St. Isaac the Syrian, who went into the desert after hearing such a response from a member of his flock. Instead, we are obliged to stay with the flock in order to raise it to the understanding of the mind of Christ. Of course, the existence of these guidelines is not an invitation to sink to the lowest common denominator in behaviour and ethics. It is part of the challenge of preserving the true spirit of the Church in the world.

DEFINITIONS

- ANZ- Australian & New Zealand.
- Child - means a person who has not attained the age of 18 years.
- Church - ANZ Diocese.
- Clergy – all bishops, priests, deacons, sub-deacons, readers.
- Dean – A senior cleric appointed by the Ruling Bishop to have administrative oversight of all clergy in his Deanery.
- Diocesan Employees – men and/or women contributing labour and expertise and who receive payment for their work, whether from the Diocese, a parish or church organisation.
- Diocesan Officials - men and/or women elected or appointed to Diocesan positions.
- Inappropriate behaviour - bullying, harassment, intimidation, sexual impropriety, aggression, humiliation or any other behaviour deemed to be demeaning or unacceptable in the light of the Gospel.
- Monastics - men and/or women who have entered into a life of prayer and obedience to a monastic rule.
- Parish Officials – men and/or women elected to Parish Councils, Sisterhood Councils, and Auditing Committees.
- Parish workers - men and/or women elected or appointed by parishes to assigned duties without payment.
- Parishioners - individuals who attend divine services at an ANZ Diocesan church, or other gatherings, including social occasions, associated with the life of the parish.
- Rector - priest, abbot or abbess appointed by the Ruling Bishop to oversee a Parish, Monastery or Convent.
- ROCOR - Russian Orthodox Church Outside of Russia.
- Ruling Bishop - Bishop or Archbishop appointed by the Synod of Bishops of ROCOR with responsibility for all the parishes and church communities within his Diocese. He has authority over all the orders of clergy in the Diocese.
- Volunteers – individuals contributing labour and expertise who receive no payment for that work, including altar servers, members of church choirs, youth leaders and Parish school teachers.
- Vulnerable people - individuals who are at greater than normal risk of abuse. They may be receiving or may need community care services because of a disability, age or illness, and who may be unable to protect themselves against significant harm or exploitation.

POLICY

- To encourage respectful and courteous behaviour, free from any bullying, harassment, sexual impropriety, intimidation or any other unacceptable or inappropriate behaviour, throughout the Church community.
- All complaints will be treated seriously with compassion and will be dealt with promptly, confidentially and with a transparent process.

POLICY PRINCIPLES

- This policy, and its procedures, is intended to recognise the potential damage to the Church and its members from inappropriate behaviour and to prevent such damage through a process of awareness and education.
- The Church also recognises the need to work with and be supportive of those who have been adversely affected, the alleged perpetrators and the affected families, consistent with the principles of natural justice.
- This policy, and its procedures, is intended to be a confidential, supportive, non-litigious means for resolving problems of unacceptable behaviour, where all parties agree to terms of confidentiality and willingness to follow these procedures.
- Situations arising should be dealt with in a manner that is consistent with Orthodox Christian principles, in the spirit of Christian love and with willingness to enter into fair discussion, co-operation and the common goal of resolving the situation satisfactorily for all concerned, without any subsequent victimisation of any party.
- Anyone who experiences or witnesses bullying or aggressive behaviours should raise their concerns as early as possible, seeking confidential advice from a trusted person in the first instance if preferred.
- As outlined in the procedure, it is preferable that the person against whom the allegations are being made, be approached in the first instance, whether by the complainant or by their nominated representative.
- Allegations should be treated with sensitivity and respect to all parties concerned, with all parties receiving assistance and support as required to resolve the matter.
- Where a complaint proceeds to the Rector, Dean or the Ruling Bishop, the parties must express willingness to negotiate in good faith to resolve the matter.
- In case of a perceived criminal offence, the police **must** be informed immediately, without any delay.
- Nothing in this document mitigates the necessity to maintain the sacredness of the Confessional.

PURPOSE OF POLICY

Aggressive or dominating behaviours by any members of the Church community can have a detrimental effect on the purpose and unity of the Church. The purpose of this policy is to acknowledge that inappropriate behaviours, particularly involving bullying and harassment, can occur, and to provide a clear, transparent process for dealing with this problem. The effects of inappropriate behaviour can include, but are not limited to, the following:

- high stress levels and resentment among members,
- ill-health, tiredness, anxiety, sleep disturbances,
- incapacity to work, loss of self-confidence and self-esteem,
- feelings of social isolation,
- dysfunctional behaviour within church Councils and Committees,
- growth of factions or separate groups within the community ,
- loss of quality of spiritual life,
- spiritual and/or emotional dysfunction,
- diminishing of goodwill and Christian love, and
- decisions to leave the Church community .

The ANZ Diocese of ROCOR is committed to caring for the salvation and well-being of souls, ensuring a Church environment that is nurturing, sustaining, faithful to Orthodoxy and expressing the love that we have been asked to reflect by our Lord Jesus Christ. To this end, the Church considers inappropriate behaviour unacceptable.

The Church seeks to provide an environment that is free from bullying, harassment or aggressive behaviours.

All clergy and Parish Officials have the added responsibility of taking action to stop all inappropriate behaviours immediately such behaviours are brought to their attention.

APPLICATION AND SCOPE OF THE POLICY

This policy applies to all members of the Church community throughout the Australian and New Zealand Diocese - including clergy, Parish Officials, Diocesan employees, volunteers, parishioners and visitors.

WHAT IS INAPPROPRIATE BEHAVIOUR

Inappropriate behaviour can be intentional or unintentional. It can include, but is not limited to:

- harassment, intimidation, humiliation, sexual impropriety or any other actions that may degrade a member of the Church community either in a one-on-one situation or in front of other people,
- treating people unfairly, giving orders without authority, causing them to be isolated or ignored, making unfavourable comments about them to others, making judgmental statements about them, speaking rudely and malicious gossiping,
- making others feel vulnerable and/or threatened, and
- aggressive behaviour.

Inappropriate Behaviour can take place between any person to whom this policy applies.

EXAMPLES OF INAPPROPRIATE BEHAVIOUR

Such behaviours may include, but are not limited to:

- yelling, abusive or offensive language, one-on-one or in front of others,
- any form of physical force, whether directed at people or objects (e.g., pushing people, thumping tables, inappropriate gestures),
- inappropriate comments about a person's race, nationality, culture, language, appearance, personal life, or defamation/slander of people and/or their families,
- inappropriate sexual comments, advances or physical contact,
- constant belittling or unreasonable criticism of others,
- inappropriate teasing and/or joking at the expense of others, distressing others,
- isolating people from the Church community or discouraging them from participating in community life,
- making unreasonable demands on Clergy, Church officers and volunteer workers
- minimisation or non-acknowledgement of people's contributions, any
- abusive oral or written communications or any other form of abusive, aggressive or offensive behaviour via any electronic medium (including social media).

WHAT IS NOT INAPPROPRIATE BEHAVIOUR

It is not inappropriate behaviour

- To express differences of opinion, disagree with one another about something or having a conflict with someone in the Church community. These are a part of normal life, and not every conflict has inappropriate features. Every effort should be made in such cases, drawing on Christian principles, to resolve the situation with love, respect and courtesy for one another. In many such cases, the assistance of a third party in a mediating role can help to resolve the situation,
- In situations where members of the Clergy instruct parishioners in aspects of their Christian life or when members of the Clergy instruct one another on aspects of spiritual life,
- In situations where Clergy and Church officials express their concerns and discuss matters pertaining to the smooth running of the parishes, or Church discipline, when such discussions are undertaken with due love, respect and courtesy.

PROCEDURE FOR DEALING WITH ALLEGED INAPPROPRIATE BEHAVIOUR

Step 1 – The complainant may approach the alleged perpetrator of inappropriate behaviour either in person or in writing, describing the behaviour that is causing him/her distress and ask that the offending behaviour stop.

However, if this is not deemed possible, and, in the case of all allegations involving sexual impropriety or any impropriety involving children, the relevant Rector shall become involved in the investigation of the case in question.

Should the Rector be a party to any such allegations, the matter should be referred to the Dean and the Ruling Bishop.

Step 2 - If Step 1 does not lead to a satisfactory conclusion, the complainant may approach the relevant Rector and then the Dean directly who will investigate the matter and will attempt to resolve the issue.

Step 3 – If Step 2 is not successful, the complainant may

- approach the Ruling Bishop directly,
- approach a mediator, or
- refer the matter to civil authorities.

CHILDREN EXPERIENCING INAPPROPRIATE BEHAVIOUR

Children (minors) in such situations should speak to their parents in the first instance and the parents should follow the procedure outlined above on behalf of them.

Families in the Church community will be made aware that their children will be helped and protected if they experience inappropriate behaviour.

It is the Christian responsibility of all members of the Church community to report any form of inappropriate behaviour they may see towards children.

Under Australian law, suspected cases of physical and/or sexual abuse of children must be reported to the relevant statutory child protection authorities.

VULNERABLE PEOPLE EXPERIENCING INAPPROPRIATE BEHAVIOUR

All vulnerable people subject to abuse in its various forms will be protected by the Church and guided through the above Steps 1, 2 & 3 by the Rector or a priest of their choice.

COUNSELLING AND PERSONAL DEVELOPMENT

If requested, the Diocese will organise counselling for any person experiencing distress from inappropriate behaviour.

The Church will, as far as possible, ensure that all people involved in dealing with a complaint will be qualified to undertake the role required. Training will be provided by qualified professionals. It will include professional development for Clergy and Diocesan/Parish officials as required.

SUPPORTING DOCUMENTATION

1. THE POLICY AND PROCEDURES OF THE SYNOD OF BISHOPS OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA REGARDING SEXUAL MISCONDUCT BY CLERGY

http://www.russianorthodoxchurch.ws/synod/engdocuments/enov_smisconduct.html

Federal laws

- [Australian Human Rights Commission Act 1986](#)
- [Age Discrimination Act 2004 \(Cth\)](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)

State and Territory laws

- [Australian Capital Territory Discrimination Act 1991 \(ACT\)](#)
- [New South Wales Anti-Discrimination Act 1977 \(NSW\)](#)
- [Northern Territory Anti-Discrimination Act 1996 \(NT\)](#)
- [Queensland Anti-Discrimination Act 1991 \(QLD\)](#)
- [South Australia Equal Opportunity Act 1984 \(SA\)](#)
- [Tasmania Anti-Discrimination Act 1998 \(TAS\)](#)
- [Victoria Equal Opportunity Act 1995 \(VIC\)](#)
- [Western Australia Equal Opportunity Act 1984 \(WA\)](#)

Section 7: Statutes for Sisterhoods

A. Key aspects

- i. Sisterhood is an integral part of the Parish Council.
- ii. Head Sister is a member, ex officio, of the Parish Council.
- iii. The Sisterhood works for the good of the Parish, under the guidance of the Parish Rector.
- iv. The Parish Rector is required to be a signatory of the Sisterhood Financial Accounts and its bank Account.

NSW Food Authority

Charities, community groups and volunteers

Regulatory Requirements

Overview

The NSW Food Authority regulates and oversees food safety laws applicable to retail food outlets, catering and restaurant businesses, food manufacturers, and services that provide food to vulnerable persons unable to make independent food choices such as child care centres and aged care facilities.

Recognition of community and charitable operations

The NSW Food Authority recognises the value of charity and community events held by small organisations where food is provided by community members and volunteers.

Therefore there is no obligation for charities and small community groups to meet particular food laws. At this point the status of small community based groups is recognised as exempt in food legislation. However, community organisations have a social responsibility to uphold and maintain regulations set by the Food Authority standards.

Selling food for a fundraising event

Anyone who sells food for, or at a fund raising event for community or charitable reasons is not required to notify the food authority, provided there is no risk to health, or the food is eaten immediately after being thoroughly cooked. Examples include:

- church fete where proceeds are donated to a charity
- A sausage sizzle to raise funds for a community school

Training

People who are preparing food that is sold to raise money for charitable purposes do not need to undergo any formal education or training, provided the food does not pose a health risk and is sold immediately after being cooked thoroughly.

Food or food practices the NSW Food Authority indicates could be potentially hazardous

- Cooking a large amount of meat based foods that will be stored and transported prior to reheating and serving;
- Ready to eat foods that would normally be refrigerated to keep them safe such as raw shellfish, cooked meat or cooked rice;
- Dairy or egg based desserts that require heat control or refrigeration to keep them safe such as custards

Food products with dairy, egg and meat have a higher risk of health problems. There are significant issues around food handling and temperature control of these types of foods.

What do volunteers need to know?

A volunteer who is making food which is not included in the list of potentially hazardous food in the point above does not need to have any specific knowledge to volunteer to prepare or provide food.

It is recommended that written guidelines on safe preparation and transportation of food items are adopted in every parish.