

DIOCESAN COUNCIL CANON

(Assented to and passed 4 May 1998, Amended 2001, 2007)

1. Preamble

To provide for the appointment of a Standing Committee of Synod to be known as the Diocesan Council (the Council) and to set out its duties and responsibilities.

2. Composition

2.1. Ex Officio Members

The Bishop, the Assistant Bishops, the Archdeacon, the Chancellor, the Registrar, the Chairman of Committees and the Treasurer.

2.2. Elected Members

One Clerical and one Lay representative from each Region of the Diocese to be elected by Regions at Synod. The Clerical representative shall be elected by the members of the House of Clergy in the Region and the Lay representative shall be elected by the members of the House of Laity in the region.

Inserted 2007

2.3. Special Members

Such additional members (not exceeding 3 in number) appointed on an annual basis by the Diocesan Council to represent a particular area or areas of the Diocese, or by virtue of their special skills or for a special project or purposes.

3. Term of Office

All members of the Council shall continue and remain in office until their successors are elected or appointed.

4. Vacancies

Inserted 2001

4.1. Following the elections at Synod, any vacancies for Regional representatives may be filled by the Bishop in consultation with the Regional Dean of that Region.

4.2. Any member of the Council may, by writing addressed to the Bishop, resign his/her appointment and upon the acceptance of such resignation by the Bishop the office of such member shall become vacant.

Amended 2007

4.3. In the event of any member of the Council being absent for two consecutive meetings without apology to the Bishop, it shall be lawful for the Council to declare the seat of such member vacant and in the case of members appointed under clause 2.3 shall be replaced by the Diocesan Council as the Council considers appropriate.

4.4. Vacancies in the membership of the Council shall be filled by a representative from the same Region as the retiring member and shall be appointed by the Bishop in consultation with the Assistant Bishop or Regional Dean of that Region.

5. Chairperson

The Bishop shall be the Chairman of the Council and in his absence the person next in ecclesiastical rank shall chair meetings of the Council.

6. Quorum

No business shall be conducted at any meeting of the Council unless the Chairman or his representative and twelve members are present including at least five elected members.

7. Meetings of the Council

The Council shall meet at least once every three months.

8. Duties and Responsibilities of the Council

- 8.1. To act as a council of advice to the Bishop in all matters affecting the welfare of the Church.
- 8.2. To be responsible to the Synod for the management and administration of all of the real and personal property held by the Synod or by any person or corporation in trust for the Synod. To that end the Council may
- (a) assess and recover a management and service fee payable to the Corporation from any Council or Board of any body operating under the Constitution of the Diocese for services provided by the Corporation;
 - (b) direct any Council or Board of any body operating under the Constitution of the Diocese or any Parish to provide such reports, audited accounts or information which, in the opinion of the Council, may be necessary for the proper conduct of the business and affairs of the Corporation;
 - (c) direct any Council or Board of any body operating under the Constitution of the Diocese or any Executive Officer thereof on matters of Diocesan policy, management and financial procedures; and
 - (d) dismiss or suspend the operation of any Council or Board of any body operating under the Constitution of the Diocese and assume the responsibility of such Council or Board until such Council or Board shall have been re-instated or a new Council or Board appointed.
- 8.3. To assist the Bishop in the administration of the Parishes of the Diocese, and to this end it may make, amend or repeal regulations and without limiting the generality of the provisions of this section, regulations may be made prescribing
- (a) provisions for stipends, housing and travelling facilities or allowances of rectors and other church ministers;
 - (b) provisions for annual leave of rectors and other stipendiary ministers;
 - (c) the minimum standards for the design of church buildings and buildings for the housing of rectors and other church ministers and for the furnishing thereof, and
 - (d) the form of annual parish statistical returns and other information required from time to time.
- 8.4. To prepare the business for the ensuing session of Synod and as far as practicable to advise details to members of Synod at least fourteen days prior to the first day of that session of Synod.
- 8.5. To deal with all matters referred to it by Synod.
- 8.6. There shall be an Executive of the Diocesan Council to which the Diocesan Council will delegate all of the responsibilities described in clause 08.2(a) to 08.2(d) above.
- The Executive shall comprise the Bishop, the Chairman of Committees, the Treasurer and five members appointed by the Bishop-in-Council. The five appointed members need not be members of the Diocesan Council.
- At the first meeting of Diocesan Council following an ordinary session of Synod the Bishop shall nominate five names to the Council for appointment to the Executive and the appointed members shall hold office until their successors are appointed.
- 8.7. To receive from the Executive a budget statement of estimated receipts and disbursements for Diocesan requirements, together with a list showing the assessment payable by each parish and parochial district for the ensuing year, for consideration by a meeting of the Council in September of each year prior to

its referral to the parishes, parochial districts and other Diocesan bodies who are represented on the Synod for comment.

A meeting of the Council in November will adopt the budget and assessment statement taking due note of any comments received from parishes, parochial districts and other Diocesan bodies who are represented on the Synod.

- 8.8. To receive regular reports from the Executive, Diocesan Boards, Committees, Schools, Colleges, Institutions and Regional Conferences and to take action where required and appropriate.
- 8.9. The Council may make by-laws or appoint committees appropriate to the perceived needs of the Diocese.
- 8.10. The Council shall minute all proceedings from its meetings and prepare a report for each ordinary session of Synod.

Inserted 2001

8A. Management of Property

8A.1 Disposal of income etc.

All property now vested in or hereafter to become vested in the Synod or in Trustees on behalf of the Church or any person holding office therein shall, so far as the same is not subject to any express trust, and so far as any such trust shall not extend, be held, managed, mortgaged, charged, alienated, or otherwise dealt with and disposed of in such manner that any income or revenue derived therefrom and all moneys raised or received by or from any sale, mortgage, or lease shall be applied in accordance with the provisions set out hereunder.

8A.2 Priorities in the disposal of income etc.

Income, revenue and moneys derived from the property referred to in the previous section shall, subject to any statutory requirements, be applied in the following manner and priority:

- (a) the payment of all arrears in contributions required pursuant to the Canons to be made to the Corporation, being contributions of the Parish, if any, which has last had the use of the property;
- (b) satisfying any local wants or requirements of the Parish or institution which has last used the property, if the Synod, Diocesan Council or Diocesan Executive considers that appropriate after taking into account:
 - (i) those local wants or requirements, and
 - a. in the case of a Parish, any relevant Parish strategy as expressed by resolution of the Parish Council,
 - b. in the case of an institution, any relevant strategy as expressed by resolution of its governing body; and
 - (ii) any strategy in the mission of the Church in this Diocese as expressed from time to time by resolution of the Synod;
- (c) such general Diocesan purposes as shall from time to time be set out by resolution of the Synod."

8A.3 Definition of 'Property'

For the purpose of this Section 'property' means real estate and personality other than chattels and choses in action.

9. Diocesan Executive

- 9.1. The Executive is responsible to the Diocesan Council for the management and administration within the overall policies as determined by the Synod and the Diocesan Council of all of the real and personal property held by the Synod or by any person or corporation in trust for the Synod. To that end the Executive may
- (a) assess and recover a management and service fee payable to the Corporation from any Council or Board of any body operating under the Constitution of the Diocese for services provided by the Corporation;
 - (b) direct any Council or Board of any body operating under the Constitution of the Diocese or any Parish to provide such reports, audited accounts or information which, in the opinion of the Executive, may be necessary for the proper conduct of the business and affairs of the Corporation;
 - (c) direct any Council or Board of any body operating under the Constitution of the Diocese or any executive officer thereof on matters of management and financial procedures; and
 - (d) dismiss or suspend the operation of any Council or Board of any body operating under the Constitution of the Diocese other than the Diocesan Council and assume the responsibility of such Council or Board until such Council or Board shall have been reinstated or a new Council or Board appointed.
- 9.2. The Executive may establish a Commission or Commissions from time to time to carry out the tasks appointed by the Executive and the Executive may by resolution delegate such powers and authority to such Commission or Commissions as it considers necessary to enable such tasks to be carried out.
- 9.3. The Executive shall minute all proceedings from its meetings and report to each meeting of the Council.

10. Repeal and Commencement

- 10.1. "The Diocesan Council Canon 1896-1985" is repealed from the First day of July 1998.
- 10.2. "The Board of Management Canon 1992" is repealed from the First day of July 1998.
- 10.3. "The Assessment Canon 1902-1975" is repealed from the First day of July 1998.
- 10.4. This Canon shall commence upon the First day of July 1998.

11. Short Title

Amended 2001

"Diocesan Council Canon 1998-2001".