

## CHURCH ENTITIES CANON 1999

(Assented to and passed 12 th June 1999, Amended 2004)

### Preamble

Whereas it is expedient to regulate the use of names and descriptions relating to the Anglican Church of Australia in the Diocese of North Queensland BE IT THEREFORE DECLARED AND ESTABLISHED by the Bishop, Clergy and Laity of the Diocese of North Queensland in Synod assembled as follows:

### Interpretation

1. In this Canon or in any regulation made pursuant to this Canon unless the context or subject matter otherwise requires or indicates –

“**Church Entity**” means a Society authorised pursuant to the provisions of this Canon to use the Church Name

“**Church Name**” means –

- (a) each of the names or descriptions “Church of England”, “Church of England in Australia”, “Anglican Church of Australia” or “Anglican”, and
- (b) any name, initials, word, title, addition, symbol or description which, either alone or in conjunction with other matter:

- (i) refers to this Church or an instrumentality of this Church, or
- (ii) implies, or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that is a reference to this Church or an instrumentality of this Church;

(iii)

“**Committee**” means the persons entrusted with the management of a Society whether described as a “Committee” or by any other word or words;

“**Constitution**” means and includes a constitution memorandum and articles of association, rules, by-laws and any like documents relating to the formation, membership and object of a Society;

“**Society**” means and includes any group of people society association company or organisation, whether incorporated or not.

### Authorisations

2. The Bishop-In-Council may in accordance with this Canon authorise a Society to use the Church Name, and in so doing may apply conditions to such use, and until such authorisation is revoked in accordance with this Canon or is relinquished by the Society such Society shall be a Church Entity.
3. No member or group of members of this Church shall use the Church Name nor seek to have any incorporated body with which that member or group of members is in any way associated use the Church Name in connection with an activity carried on in this Diocese unless the authorisation provided for by this Canon has been given provided that no parish shall be required to seek any such authorisation to carry on the activities customarily carried on by parishes in this Diocese.

### Aims and Objects of A Church Institution

4. (1) The aims and objects of a Church Entity shall be compatible with and support the aims, objects or welfare of this Church.
- (2) The means of carrying out the aims and objects of a Church Entity shall be compatible with the aims, objects or welfare of this Church.

**Constitution of A Church Entity**

5. Subject to any law of the Commonwealth of Australia or the State of Queensland relating to incorporation of corporations, there shall be provision in the constitution of a Church Entity for one or more persons to be elected or appointed by the Synod or the Bishop or the Bishop-In-Council to the Committee of the Society, and for the Bishop to be the President of the Society and to exercise in connection therewith the ordinary and recognised powers of a President and (without limiting the generality of the foregoing) especially –

- (a) the right to hold enquiries into the conduct of the Society;
- (b) the right to call for the production and inspection of all accounts and other necessary papers;
- (c) the right to arbitrate and decide on any differences that may have arisen or may at any time arise between the officers or members of the Society.

(Inserted 2004)

5A. There shall be, from 1 January 2006, a provision in the constitution of any Church entity providing that:

- (1) the Church Entity acknowledges that it is a Church Body (as defined in the Professional Standards Canon); and
- (2) the Church Entity will take such steps as the Bishop-in-Council may from time to time prescribe to ensure that any person employed by it or holding a position or performing a function with the actual or apparent authority of the Church entity is bound by and subjected to the provisions of the Professional Standards Canon.

**Information Required**

- 6. (1) A Society shall make application through its Committee to the Bishop-In-Council for authorisation to use the Church Name, and such application shall set forth and include –
  - (a) a copy of the constitution or proposed constitution of the Society certified as correct by the principal officer and the secretary thereof;
  - (b) the names of the persons then constituting the committee;
  - (c) the manner and style in which it is desired to use the Church Name
- (2) the Bishop-In-Council may require the Committee to provide such further and other information and particulars as it may deem necessary.

**Alteration of Constitution**

7. After an application by a Society has been granted pursuant to the provisions of this Canon, no alteration shall be made in the constitution thereof without the consent of the Bishop-In-Council first obtained.

**No Liability Incurred by the Corporation**

8. The Bishop-In-Council shall not by the grant of any authority under this Canon be deemed to have undertaken on behalf of the Corporation any liability incurred or to be incurred by the Society to which the authorisation is granted.

**Report to Synod**

9. Each Society authorised under the provisions of this Canon to use the Church Name shall report to each annual session of Synod in such time as the Registrar may from time to time determine so that the report may be printed and circulated to members of Synod. The report shall contain such information as may be prescribed.

**Other Societies Authorised**

10. Any Society is deemed to be a Church Entity and to be authorised to use the Church Name while it is wholly or partly supported by grants from the funds of the Corporation made or authorised by the Synod, or the Bishop-In-Council, and while it presents a report and statement of accounts to the annual session of Synod.

**Regulations**

11. The Bishop-In-Council may from time to time make, amend or repeal such regulations not inconsistent with this Canon as may be considered necessary or expedient to give effect to this Canon.

**Existing Entities**

12. Any Society which was granted the authority to be a Church Entity pursuant to the provisions of the Canons heretofore in force is deemed to be a Society authorised by the Bishop-In-Council under the provision of this Canon to use the Church Name, and shall henceforth be subject to the provisions of this Canon.

**Revocation of Authority**

13. The Bishop-In-Council may at any time call upon the Committee of any Church Entity to show cause why the authority granted to it to use the Church Name should not be revoked and unless due cause is shown the Bishop-In-Council may revoke such authority.

**Short Title**

14. This Canon may be cited as the "Church Entities Canon 1999".