

## DIOCESE OF ROCKHAMPTON

**BISHOP-IN-COUNCIL CANON 1989 - 2017***Preamble*

Whereas it is expedient to make provision for the Diocesan Council and Bishop-in-Council, BE IT THEREFORE DECLARED AND ESTABLISHED by the Bishop Clergy and Laity of the Diocese of Rockhampton assembled in Synod as follows:

*Short Title*

1. This Canon may be cited as the “Bishop-in-Council Canon 1989 - 2010”.

*Repeal*

2. The "Diocesan Council Canon 1895" together with all amendments thereto shall be and is hereby repealed.

*Interpretation*

- 2A. In this Canon unless the context otherwise requires or indicates: “Council” shall mean the “Bishop-in-Council” or the “Diocesan Council” as the context requires.

*Diocesan Council*

*(Amended 2008)*

3. (a) There shall be a Diocesan Council consisting of the Chancellor, Deputy Chancellor, the Treasurer, the Chairman of Committees, all Archdeacons (provided they are currently licensed as Archdeacons of the Diocese) and certain other members of Synod elected and appointed as hereinafter provided. The Registrar of the Diocese for the time being shall be the executive officer of the Diocesan Council and:
  - (i) shall attend meetings of the Diocesan Council only by invitation of the Diocesan Council;
  - (ii) shall upon request by the person presiding at such a meeting forthwith withdraw from the meeting;
  - (iii) shall take part in the deliberations of the meeting only if invited by the person presiding at such meeting to do so;
  - (iv) shall not be entitled to vote upon any business which is before the meeting.
- (aa) A member of the Diocesan Council or any of its committees who has a material personal interest in an issue to be considered at a meeting of the Diocesan Council, or any of its Committees -
  - (i) Must disclose the interest to the meeting; and
  - (ii) Must not be present at or take part in the meeting while the issue is being considered or voted on unless the person presiding at such meeting in the

exercise of that person's discretion determines that the member may be present at and/or take part in the meeting, and/or to vote on the issue.

A person has a "material personal interest" in an issue if the person has, or should reasonably have, a reasonable expectation that, whether directly or indirectly, the person or an associate stands to gain a benefit or suffer a loss depending on the issue's outcome.

An "associate" is any of the following persons -

- (i) A spouse or other member of the person's household;
  - (ii) An entity (other than a government entity) of which the person or the person's nominee is a member or a director or other office bearer;
  - (iii) A partner of the person;
  - (iv) An employer (other than a government entity) of the person;
  - (v) A parish or other organisation of the Diocese of Rockhampton in respect of which that person is a member of the clergy or an office bearer;
  - (vi) A person prescribed by regulation or by-law.
- (b) If any business under discussion at a meeting of the Diocesan Council or any of its committees concerns allegations of misconduct of any kind of any such member in relation to the performance of the duties of any office or employment in the Diocese by any such member such member shall upon request by the person presiding at such meeting forthwith withdraw from the meeting and take no further part in the discussion of such business and refrain from casting any vote in relation thereto provided that no action adverse to the interests of such member shall be taken without such member being fully informed as to the said allegations and being given a full opportunity to respond to such allegations.

Provided that in the case of any business concerning allegations of misconduct as aforesaid the person who is to preside at such meeting shall immediately before the commencement of such meeting inform such member of the nature of the allegations to be made and such member shall be given an opportunity at a time determined by the Diocesan Council to address the meeting but such member shall not be entitled to cast any vote in relation to such business.

### ***Election of Members by Synod***

*(Amended 2008)*

4. During each annual session of Synod there shall be elected by the Clerical and Lay Members assembled in Synod and voting by ballot six Clerical and six Lay Members to be members of Diocesan Council.

In the event of the number of votes being equal for any two or more Clerical Members the Chairman of the House of Clergy in Synod shall by a casting vote declare which of the Clerical Members voted for shall be elected;

and in the event of the number of votes being equal for any two or more Lay Members the Chairman of the House of Laity in Synod shall by a casting vote declare which of the Lay Members voted for shall be elected.

***Appointment of Members by Bishop****(Amended 2008)*

5. The Bishop may with the consent of Synod and when the Synod is not in session, with that of the Diocesan Council appoint from time to time other Clerical or Lay Members of Synod not exceeding three in all to be members of Diocesan Council.

***Term of Office***

6. The clerical and lay members of Diocesan Council elected or appointed as aforesaid shall continue and remain in office except as hereinafter provided until their successors are elected or appointed.

***Resignation***

7. Any member of Diocesan Council may by writing under his or her hand addressed to the Bishop resign and upon the acceptance of such resignation by the Bishop the office of such member shall become vacant.

***Declaring of Vacancy***

8. In the event of any member of Council being absent for two consecutive meetings without permission or so acting as to interfere seriously with the conduct of business it shall be lawful for the Bishop-in-Council to declare that member's office vacant.

***Filling of Vacancy***

9.
  - (a) When the office of any member of Diocesan Council elected by the Synod shall become vacant it shall be the duty of the Bishop to give notice of at least seven days of such vacancy to the remaining members of Diocesan Council who shall thereupon elect some other member of Synod to fill the vacant office and the person so elected shall continue and remain in office until the next Diocesan Council be elected by Synod provided that the person so elected shall be a member of the same House of Synod (Clergy or Laity) as the member whose office has become vacant.
  - (b) When the office of any member of Diocesan Council appointed by the Bishop shall become vacant the Bishop may appoint some other member of Synod to fill the vacant office in the manner prescribed in this Canon.

***Powers and Duties of Diocesan Council***

10. Notwithstanding anything contained in this Canon the Diocesan Council is empowered to make such resolutions or decisions in connection with the election and appointment of a Bishop as are not inconsistent with the Constitution and other Canons of the Diocese.
11. It shall be the duty of the Diocesan Council to act as a council of advice to the Bishop in regard to matters in which the Bishop is empowered by the Constitution and Canons of the Diocese to act alone.

***Bishop-in-Council***

12. The Diocesan Council together with the Bishop shall constitute the Bishop-in-Council provided that any person may by leave of the Bishop-in-Council be present and address the Council but may not vote therein.

***Specific Powers and Duties of the Council***

13. It shall be the duty of the Bishop-in-Council when Synod is not in session and it is hereby authorised and empowered subject to any general or specific direction of Synod to do all or any of the following:
- (a) To manage and administer all the real and personal property held by the Synod or by any person or corporation in trust for the Synod.
  - (b) To purchase or otherwise acquire such real or personal property as it may think fit for the purpose of the Church or of the Diocese.
  - (c) To sell mortgage lease or otherwise deal with any real or personal property held by the Synod or any person or corporation in trust for the Synod.
  - (d) To manage and administer any funds raised or received for the purposes of the Diocese including any special grants entrusted to its disposal by the Synod or by any person.
  - (e) To prepare for presentation to each annual session of Synod a report of the proceedings of the Council during the past year together with a full account of the receipts and disbursements of all funds under the control and management of the Council duly audited by an auditor or auditors appointed at each annual session of Synod for the purpose and the account shall be printed and sent to every member of Synod at least fourteen days before its annual session.
  - (f) To prepare the business for the ensuing session of Synod and as far as practicable make known the same to every member of Synod at least fourteen days before such session and when the Synod is in session to take the conduct of any business which it has so prepared.
  - (g) And generally to take such action in all matters in which it is empowered to act by the Constitution and Canons of the Diocese and matters which may from time to time be referred to it by Synod as appears necessary or expedient.

***Meetings***

14. The Council shall meet for the transaction of business at least four times during the period between the election of its members at a session of Synod and the election of its members at the next session of Synod. Special meetings may be convened by the Bishop as may be required or upon the request of any five members.

***Quorum***

*(Amended 2008)*

15. i. No business shall be transacted at any meeting of the Bishop-in-Council unless the Bishop or a nominee of the Bishop and three clerical and three lay members are present.
- ii. No business shall be transacted at any meeting of the Diocesan Council unless three clerical and three lay members are present.

***Voting***

16. The Bishop or a nominee of the Bishop shall preside at meetings of the Bishop-in-Council and all resolutions and decisions thereof shall be made with the assent of the Bishop and a

majority of the clerical and lay members assembled and such assent shall be deemed to have been given when the resolution or decision shall have been passed by the Bishop-in-Council in one of the following ways:

- (a) The votes of the clerical and lay members shall unless required to be taken separately as hereinafter provided be taken collectively and any resolution or decision passed by a majority of the votes of the clerical and lay members taken together shall when assented to by the Bishop be deemed to have been duly passed by the Bishop-in-Council; or
- (b) On the request of the Bishop or any three members the votes of the clerical members and lay members shall be taken separately and in that case a majority of the votes of the clerical members and a majority of the votes of the lay members and the assent of the Bishop shall be required for the passing of any such resolution or decision.

For the purposes of this section the votes of the Chancellor, Deputy Chancellor, Treasurer and Chairman of Committees shall be counted as votes of lay members unless any such officer is a member of the clergy in which case the vote of such member shall be counted as the vote of a clerical member of the Council.

### ***Standing Committee***

*(Amended 2008)*

- 16A. (a) The Council shall appoint from its members a Committee to be known as the “Standing Committee” which shall consist of the Bishop, the Chancellor, deputy Chancellor, the Treasurer and two other clerical and two other lay members of the Council. The Registrar of the Diocese shall be the Executive Officer of the Standing Committee and:
- (i) shall attend meetings of the Standing Committee only by invitation of the Committee;
  - (ii) shall upon request by the person presiding at such a meeting forthwith withdraw from the meeting;
  - (iii) shall take part in the deliberations of the meeting only if invited by the person presiding at such meeting to do so;
  - (iv) shall not be entitled to vote upon any business which is before the meeting.
- (b) The Standing Committee is hereby empowered to do all things which the Council is empowered by this Canon to do except the power to delegate.
- (c) The Standing Committee may exercise its powers only in the following circumstances-
- (i) Where it is expressly requested to do so by the Council; or
  - (ii) Where, in the opinion of the Bishop (which shall not be subject to challenge in any way) there has arisen or there is about to arise a matter which is of such importance and/or urgency (having regard to the order and good government of the Diocese) that some decision or action is or may be required to be taken on behalf of the Diocese and it is impossible or impracticable to convene a meeting of the Council to consider such matter.

- (d) (i) A meeting of the Standing Committee shall be convened by the Bishop and no particular period or form of notice is required;
- (d) (ii) Any such meeting of the Standing Committee may be conducted in person or by telephone or video or by flying minute or in any other manner as the Bishop may think expedient in all of the circumstances.
- (e) A quorum for any meeting of the Standing Committee shall consist of the Bishop and four of its members.
- (f) Decisions of the Standing Committee shall be made by a simple majority of all members present and subject to the assent of the Bishop.
- (g) All decisions of the Standing Committee shall be reported in writing to the next meeting of the Council or, in the event that the Synod shall be in session before any meeting of the Council is convened to that session of Synod.

### ***Other Committees***

17. The Council may at any time appoint from its members or other members of Synod or other persons any committee which it considers necessary or expedient and may delegate any portion of its powers except the power of delegation to such committee either with or without an obligation to report on its activities to the Council provided that the powers so delegated shall be strictly defined and shall be revocable by the Council at pleasure.

The Bishop or a nominee of the Bishop shall be an ex officio member of any such committee and shall preside at its meetings.

A quorum for a meeting of any such committee shall consist of the Bishop or a nominee of the Bishop and either four members or half the members of such committee whichever is the lesser.

### ***By-laws***

18. The Council may from time to time make such by-laws as shall not in any way alter or be inconsistent with the provisions of this Canon for the due and orderly conduct of business.

### ***Duties of Auditors***

19. It shall be the duty of the auditor or auditors appointed in accordance with the provisions of this Canon to certify the accounts to be presented to Synod and for this purpose they are authorised and empowered to inspect examine check and verify all or any records in connection with such accounts at any reasonable time or times.

### ***Minutes***

20. A minute of every resolution or decision and all business transacted at any meeting of the Council shall be recorded and such record or a certified copy thereof shall be laid before Synod on the first day of each annual session of Synod.

*1*

***Indemnity***

21. The Synod indemnifies each of the members of Bishop-in-Council Diocesan or Council and Standing Committee for any act or omission of the member in good faith in the exercise of the powers or functions, or in the discharge of the duties under this Canon.