

# ANGLICAN CHURCH OF AUSTRALIA - DIOCESE OF TASMANIA

## DIOCESAN COUNCIL ORDINANCE 1947

(Amended 1948, 1951, 1956, 1959, 1966, 1991, 1993, 1995, 1997, 1998, 2000, 2007, 2008)

AN ORDINANCE to provide for and regulate the powers and authorities of the Diocesan Council of the Diocese of Tasmania.

BE IT ENACTED by the Bishop, Clergy, and Laity of the Anglican Church of Australia in Tasmania in Synod assembled, as follows: -

1. This Ordinance may be cited as the Diocesan Council Ordinance 1947.
2. The Diocesan Council Act, 1907, the Diocesan Council Amendment Act, 1910, the Act No. 2 of 1914, and the Act No. 1 of 1942 are hereby repealed.
3. [1] The Diocesan Council (hereinafter called "the Council") shall be constituted of the following persons, namely -
  - i. The Bishop:
  - ii. The Assistant Bishop (if any):
  - (Amended 2000) iii. The Vicar-General and up to four members of the clergy appointed by the Bishop.
  - iv. The Dean:
  - v. The Church Advocate:
  - vi. An appointee of the Church Trustees:
  - vii. The Diocesan Treasurer:
  - viii. A lay person appointed by the Bishop:
  - ix. Three lay persons appointed by the Council of whom at least one shall be a member of Synod:
  - (Amended 1997) x. Members of the House of Clergy and members of the House of Laity as hereinafter provided.
  - (Amended 1997) xi. A member of Youth Synod as hereinafter provided.
  - (Amended 1997) xii. The Registrar as a non voting member.
- (Amended 2000) [2] The elective members of the Council in accordance with sub-section 3 (1) (x) shall comprise two members of the clergy and two lay persons resident in each mission region.
- [3] At the first session of every new Synod elections shall be held and Synod members representative of each mission region shall then elect for their respective mission regions clerical and lay representatives in accordance with the provisions of sub-section [2] of this section.
- (Amended 1997) [3A] At the first session of every new Synod an election shall be held for an elective member of the Council in accordance with sub-section 3 (xi) at which Synod members shall elect one of the Youth Synod representatives to Synod as a member of the Council.
- [4] The Bishop may appoint one lay person as a member of the Council. Any such appointee shall have like tenure of office as the elective members of Council.
- (Amended 1998) [5] A lay person elected or appointed in accordance with the provisions of this Section shall only be eligible for such an election or appointment if that person is an elector of a parish of this Diocese.
4. [1] A vacancy shall arise in the office of a member of the Council if that person -
  - i. Dies;
  - ii. Is absent from Tasmania for twelve months;
  - (Amended 2000) iii. Goes to reside permanently out of Tasmania;

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- (Amended 1998, 2008)*      iv.    If a lay person ceases to be an elector of a parish in this Diocese;
- (Amended 2008)*            v.    Becomes incapacitated through age or infirmity;
- vi.    Resigns office; or
- (Amended 2008)*            vii.   Fails to attend fifty percent of meetings of the Council in any calendar year without the leave of the Council.
- [2]    The Council shall be the sole judge as to whether or not a vacancy has arisen.
- [3]    If a vacancy arises in the office of an elective member of the Council it shall be filled by the appointment by the Council of a qualified member of Synod, clerical or lay, as the case may require; and every such appointment shall be reported to Synod at its next session.
- [4]    Any member so appointed by the Council shall hold office for the remainder of the term for which his predecessor in office was elected unless Synod at its next session decides to fill the vacancy by the election, as hereinbefore provided, of some other person.
5.    No informality or irregularity in the election of any member and no omission to elect any member of the Council shall annul, vitiate, or prejudicially affect the powers of the Council or invalidate any act, resolution, matter, or thing passed, made, or done by the Council.
6.    *(Amended 1997)*      [1]    At all meetings of the Council twelve members shall constitute a quorum.
- [2]    The Council may function notwithstanding there is any vacancy in its membership as long as a quorum is present.
7.    [1]    The Council shall have power, subject to this Ordinance, to manage, direct, and regulate all financial, administrative, and other secular business of the Anglican Church of Australia in Tasmania.
- [2]    All acts done, resolutions passed, and decisions made by the Council, shall be subject to review by Synod, except where otherwise expressly provided, but shall be valid and effectual until annulled or altered by Synod.
- [3]    The Council may by instrument in writing and with the approval of the Bishop delegate to those persons or to the holder for the time being of those positions named in the instrument the performance or exercise of such of the Council's functions and powers (other than this power of delegation) as are specified in the instrument, and may, by a similar instrument, revoke wholly or in part of any such delegation.
- [4]    A function or power so delegated may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.
- [5]    A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstances as are specified in the instrument.
- [6]    Notwithstanding any delegation under this section, the Council may continue to perform or exercise all or any of the functions and powers delegated.
- [7]    Any act or thing done by or to delegates while acting under this section shall have the same force and effect as if the act or thing had been done by or to the Council and shall be deemed to have been done by or to the Council.
- 7B.   *(Amended 2007)*      [1]    The Council may appoint Committees to perform such of its functions and with such of its powers as the Council may from time to time determine, including a Standing Committee to act as an executive committee of the Council.

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- [2] A Standing Committee of the Council can exercise any power or function of the Council, subject to any direction/reservation by the Council.
- [3] All actions or decisions taken by the Standing Committee will be reported to the Council at its next meeting and shall be valid and effectual until annulled or altered by the Council.
- [4] The Standing Committee will be chaired by the Bishop or his delegate and will consist of:  
  
The Bishop  
The Vicar-General  
The Deputy Vicar-General  
The Treasurer  
The Advocate  
Plus three members elected by the Council from the members of the Council, with the Registrar acting as secretary to the Standing Committee.
- [5] The Standing Committee and any other Committee appointed by the Council will regulate its own procedure, subject to any direction by the Council.
- [6] The Bishop or his delegate will be a member of all Committees appointed by the Council.
- [7] No member of the Council or of a Committee of a Council shall take part in the discussion or the decision of any question in which he/she or his/her parish or organisation is interested, unless he/she be specially requested to do so by the Council or the Committee of Council.

8. [1] The Council with the approval in writing of -
- i. The Bishop:
  - ii. *Deleted 2000.*
  - iii. The Incumbent of the Parish and Parish Council; and
  - iv. The Churchwardens of the Church in the Parish where the property is situated.
- may with the concurrence of the Trustees of the Diocese
- a. sell; or
  - b. mortgage; or
  - c. exchange
- any property vested in the said Trustees or may
- d. purchase; or
  - e. contract in the name of the said Trustees to build or otherwise develop any real estate vested in the said Trustees on such terms and conditions as the Council with such approval and such concurrence may think advisable in the interests of the Church, and the approval of Synod for any such transaction shall not be necessary.
- [2] *(Deleted 2000)*
- [3] If the said Trustees concur with the proposed transaction they shall give effect to any decision of the Council made under this section with the prescribed approval.
- [4] If the Trustees do not concur with the proposed transaction they shall inform the Council accordingly stating their reasons and reservations.
- (Amended 1997)* [5] If the Council having considered the reasons and reservations given by the said Trustees again decides that the transaction shall be implemented there shall be a conference between representatives of the Council as appointed by the Council and the said Trustees.

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- (Amended 1997) [5A] At such conference the opinions, reasons and reservations of the said Trustees and the opinion of the Council shall be considered with a view to a resolution of the non concurrence of the Trustees with the proposed transaction.
- (Amended 1997) [5B] The Council representatives at such conference shall report to the next meeting of the Council. If the Council then decides that the transaction shall be implemented the said Trustees shall give effect to the transaction.
- [6] The Council shall report to Synod at its next session all transactions under this section.
- [7] "Incumbent" means a person appointed by the Bishop to be in charge of a Parish.
9. [1] The Council may appoint a Registrar and such other officers as the Council may think necessary, and may pay to all such officers such remuneration as the Council may determine.
- [2] *(Deleted 1998)*
- [3] All such officers as aforesaid shall be under the direction and control of the Council.
10. *(Deleted 1998)*
11. [1] The Council shall prepare annually two months before the end of the Diocesan Financial Year an estimate of its proposed expenditure for the forthcoming financial year.
- [2] Every such estimate shall be submitted to the Bishop not less than one month before the day appointed for the meeting of Synod.
- [3] The Bishop within fourteen days after the receipt by him of such estimate shall return the same to the Council with such remarks as he may think fit.
- [4] Upon the return to it of such estimate the Council shall reconsider the same and make such alterations, if any, therein as it may think necessary and shall lay such estimate before Synod on the first day of its meeting.
12. The Council shall pay the grants to parishes from the first day of July each year until the session of Synod in that year, taking the estimates of the preceding financial year as their basis or at such reduced rates as the funds at their disposal may render necessary.
13. [1] If in any financial year between two sessions of Synod the Council receives any surplus moneys available for current expenditure in excess of the amount of receipts set forth in the estimates of receipts and expenditure for that year the Council may -
- i. Apply the whole or any part of such surplus for or towards providing ministrations and services of the Church in such parts of the Diocese as the Council, with the approval of the Bishop, may think desirable:
  - ii. Apply the whole or any part of such surplus to a General Church Fund Reserve Account: or
  - iii. Transfer the whole or any part of such surplus to the capital account of the General Church Fund.
- [2] Any expenditure under subsection (1) hereof shall be duly audited and reported to Synod at its next session.
14. *(Deleted 1998)*
15. *(Deleted 1998)*

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16. [1] Before any application for a new or increased grant to any parish is entertained by Synod, not less than one month's notice, in writing, of such application shall be given to the Council, and shall be accompanied by full particulars of the evidence by which such application is to be supported.
- [2] Before reducing the grant to any parish the Council shall give one month's notice, in writing, to the Rector or Vicar and vestry of such parish of its intention to make such reduction.
17. [1] If at any time between the Sessions of Synod the number of Church Trustees falls below five, the Council may appoint sufficient persons as Trustees to make up their numbers to five until the next Session of Synod when any vacancies that have occurred shall be filled for the remainder of the term of office of the vacating member.
- [2] Any person so appointed shall hold office until the session of Synod next after his appointment.
- [3] The Council may in like manner fill any vacancy occurring as aforesaid on such other Councils, boards, or standing committees appointed by Synod, and not otherwise filled, as the Synod by resolution may direct.
- (Amended 1997)* [4] The term of office for a Trustee shall be ten years from the date of appointment or if appointed prior to 1 July 1997 then ten years from that date provided that a Trustee shall be eligible for reappointment upon the expiration of his term of office.
18. [1] All accounts of the Council shall be audited and reported upon annually by an auditor appointed by Synod and shall be presented to Synod on the first day of every session together with the Council's general report.
- [2] All parochial and other bodies having charge of any property or funds of the Church shall communicate with, and make any necessary remittances to the Registrar.
- [3] Any member of Synod may attend any meeting of the Council at any time.
19. The Council may make regulations for the purposes of this Ordinance.