



# DIOCESAN COUNCIL STATUTE 1961

The Diocesan Council Statute 1961, as amended by the Diocesan Council Statute Amendment Statute 2016 and the Diocesan Council Statute Amendment Statute 2018 and the Diocesan Council Statute Amendment Statute 2021.

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## LONG TITLE

A Statute to provide for the rules by which the Council of the Diocese of North West Australia shall operate.

The Synod of the Diocese of North West Australia resolves as follows.

## NAME

1. This is the *Diocesan Council Statute 1961*.

## Definitions

2. In this Statute, the following terms have the meanings given in this section:

**Clergyman** means a bishop, priest or deacon of the Anglican Church of Australia who holds a current licence issued by the Bishop;

**Qualified Person** has the meaning given in the Synod Statute 2021

**Regulations** has the meaning given in the Interpretation Statute 2020.

## **COUNCIL FORMATION AND FUNCTION**

3. There shall be a Diocesan Council (“the Council”) which shall conduct the business of Synod when Synod is not in session.
4. For the purpose of exercising the functions conferred on it under section 3, the Council may:
  - (a) subject to sections 5 and 6, make, amend and repeal Statutes;
  - (b) make, amend and repeal regulations;
  - (c) make resolutions regarding policy for and governance of the ministries and operations of the Diocese.
5. The Council shall not amend or repeal:
  - (a) the Constitution Statute 1961,
  - (b) the Diocesan Council Statute 1961.
  - (c) The Diocesan Synod Statute 2021 (but may amend the Schedules to the Diocesan Synod Statute 2021)
6. The Council shall not make, amend or repeal a Statute within a period of 45 days before the commencement of an Ordinary Meeting of Synod.
7. At each Ordinary Meeting of Synod, Council must report all:
  - (a) new Statutes, amendments to Statutes, and repeals of Statutes;
  - (b) new regulations, amendments to regulations and repeals of regulations;it has made since the last Ordinary Meeting of Synod.

## **MEMBERSHIP OF THE COUNCIL**

8. The Council shall consist of the following persons:
  - (a) The Bishop (who shall be chairman)
  - (b) The Vicar General
  - (c) The Archdeacon of each Archdeaconry
  - (d) The Dean of the Cathedral Church
  - (e) The Diocesan Registrar
  - (f) The Diocesan Trustees elected by Synod
  - (g) One Clergyman elected by Synod from each Archdeaconry (that is to say they reside in the Archdeaconry from which they are elected)
  - (h) One lay person who is a Qualified Person elected by Synod from each Archdeaconry (that is to say they reside in the Archdeaconry from which they are elected)
  - (i) Up to two Clergymen appointed by the Bishop
  - (j) Up to two lay persons who are Qualified Persons appointed by the Bishop.
9. A person does not need to be a member of the Synod to be eligible to be appointed by the Bishop or elected by the Synod as a member of the Council. Clergymen must hold a license from the Bishop to be eligible for appointment or election to the Council.
10. Members of the Council appointed by the Bishop or elected by the Synod shall hold office until the next Ordinary Meeting of Synod but are eligible for re-appointment or re-election.

## **COUNCIL RESIGNATIONS AND VACANCIES**

11. Any member of the Council may resign by notice in writing to the Bishop and upon receipt of such resignation by the Bishop, the office shall become vacant.
12. A casual vacancy in the office of an elected member occurs on;
  - (a) resignation in writing as per section 11;
  - (b) death;
  - (c) absence from 3 consecutive meetings of the Council without leave;
  - (d) becoming a member in another capacity;
  - (e) ceasing to be a Qualified Person;
  - (f) becoming an undischarged bankrupt;
  - (g) being declared by a court or tribunal as being incompetent to manage his or her own affairs;
  - (h) being convicted of an offence listed in the Schedule 1 or Schedule 2 of the *Working with Children (Criminal Record Checking) Act 2004 (WA)* ;
  - (i) being disqualified from managing a corporation within the meaning of the *Corporations Act 2001 (Cth)*;
  - (j) being suspended or removed from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*;
  - (k) the Bishop, having received and considered any submissions which the elected member may make and having consulted the Council, removes the elected member from office.
13. When the office of any elected member of the Council shall become vacant the Bishop shall give notice of such vacancy to the remaining members of the Council who may appoint an appropriate person to fill the vacancy until the next Ordinary Meeting of Synod. If there is a vacancy in the office of any member elected under 8 (g) or 8 (h) and an appropriate person cannot be found who resides in the Archdeaconry pertaining to the vacancy, then the Council may appoint someone who does not reside in that Archdeaconry.
14. A person who is a member of Council by virtue of holding an office ceases to be a member of Council when the person ceases to hold that office,
15. The Bishop may remove any member appointed by him at any time, and shall fill any vacancies so created.
16. All acts and proceedings of the Council or of any person acting as a member of it shall, even if it is afterwards discovered that there was some defect in the election or appointment of the Council or of any such member, be as valid and effectual as if the Council or such person had been duly elected.

## **COUNCIL OPERATION**

17. In the absence of the Bishop from a meeting or part of a meeting, the Vicar General or a member of Council designated by the Bishop shall preside. When the Administrator is exercising the powers and performing the duties of the Bishop they, or a member of Council designated by the Administrator, shall preside.
18. The Council shall meet not less than four times a year on dates to be decided by the Council.
19. The Bishop may at any time convene an extraordinary meeting of the Council by notice in writing.
20. A quorum for any meeting of the Council shall be six members, at least two of whom shall be lay members.
21. Members may participate in a meeting of the Council either by personal attendance or by such electronic or other means as the Council may determine.
22. A resolution of the Council may be passed by circulated email if more than two thirds of the current membership of the Council indicate their approval by return email, at least two of whom must be lay members.
23. The Council may delegate any portion of its power to committees (other than the power to pass Statutes and Regulations) but the power to be delegated shall be strictly defined in writing and shall be revocable by the

Council at any time.

24. The Registrar shall function as the secretary for the Council.
25. The Registrar shall cause a record of the proceedings of and all resolutions made at every meeting of the Council to be made and maintained.
26. The Registrar shall prepare financial reports for meetings of the Council.
27. The Council may delegate matters to the Registrar to act on its behalf and appoint him or her to such sub-committees and bodies as it sees fit.
28. The Registrar shall cause to be prepared and tabled at each Ordinary Meeting of Synod the audited accounts of all moneys appropriated or expended by the Council from the date of the last meeting of Synod and a statement of the acts of the Council from the date of the last Ordinary Meeting of Synod.
29. The Registrar shall prepare a budget of the anticipated income and proposed expenditure for the Diocese for each financial year for approval with or without amendment by the Synod or the Council in a non-Synod year. In a Synod year the Council must endorse the promotion of the budget to Synod prior to its consideration at the next Meeting of Synod.

## **RESPONSIBILITIES**

### **Review**

30. The Diocesan Council shall review the operation of this Statute within six years of its commencement, and at least every 6 years after that, and provide a report to Synod on its findings and any recommendations for amendment.

### **Records management**

31. The Registrar shall maintain all records relevant to administering this Statute.

## **CERTIFICATIONS AND ASSENT**

I Certify that this Statute was passed by the Synod of the Diocese of North West Australia on 02/10/2021.

K HARRIS  
Registrar

I Assent to this Statute.

G NELSON  
Bishop