DIOCESAN COUNCIL STATUTE 2019

BE IT ENACTED by the Bishops, Clergy and Laity of the Diocese of Auckland in Synod assembled:

1. The short title of this statute shall be **"DIOCESAN COUNCIL STATUTE 2019"**.

2. The Diocesan Council shall be the Standing Committee of the Synod, pursuant to Title B Canon II Clause 1.6.

3. The Diocesan Council may establish standing sub-committees to have oversight and responsibility for aspects of the work of Diocesan Council with such membership (which may include persons who are not members of Diocesan Council or Synod) and delegated responsibilities, and upon such terms (including operating procedures), as the Diocesan Council shall from time to time resolve.

Composition of Diocesan Council

4. The Diocesan Council shall comprise the following:
   a. the Bishop;
   b. any Assistant Bishops in the Diocese;
   c. six (6) clerical members; and
   d. eight (8) lay members.

5. For the purposes of this statute, "elected members" shall be deemed to mean any or all of the six clerical members and eight lay members of Diocesan Council referred to in clauses 4c and 4d.

6. The Diocesan Secretary shall be the secretary to the Diocesan Council and shall have the right to speak at meetings but not to vote.

Terms of Office

7. Elected members shall:
   a. be elected at Synod in accordance with the Diocesan Synod Statute 2026;
   b. subject to clauses 7c and 8, be elected for a term of three (3) years, commencing on the first day of January following the session at which they are elected; and
   c. agree amongst themselves an order of rotation so that one third of the elected members (rounded up) shall retire each year and be eligible for re-election.

8. No elected member shall serve on Diocesan Council for more than six (6) consecutive years.

Vacancies and method of filling vacancies

9. Any member of Diocesan Council may, in writing to the Bishop, resign their appointment. Upon receipt of such resignation the office of such member on the Diocesan Council shall become vacant.

10. When any member of the Diocesan Council is absent from three consecutive meetings of the Diocesan Council, the Diocesan Council may declare that office vacant.

11. When the office of any elected member of the Diocesan Council becomes vacant by death, resignation or otherwise, the Bishop shall give notice to the remaining members of Diocesan Council, which shall at the next meeting elect as a member of Diocesan Council some member of Synod of the same order as the one whose vacancy is to be filled, who shall serve as a member of Diocesan Council until the thirty-first day of December following the next Session of Synod; provided however that Diocesan Council may by resolution decide that any such vacancy shall be filled by an election held at the next Session of the Diocesan Synod when such Session is to take place within the next three (3) months.

Chairperson

12. The Bishop shall be the chairperson for all meetings of the Diocesan Council, provided however that:

a. if the See be vacant, the chairperson shall be the Commissary appointed by the Primate; or
b. if the Bishop or Commissary is absent, unable or unwilling to act as chairperson, the chairperson shall be the Vicar-General or the Deputy Vicar-General.

Quorum

13. The quorum for a meeting of the Diocesan Council shall be:
    a. not less than one of the Bishops or the Vicar-General or the Deputy Vicar-General, or if the See be vacant, the Commissary appointed by the Primate;
    b. together with not less than three clerical members; and
    c. not less than three lay members.

14. In any case where the number of clerical members or lay members has fallen below three, the remaining members of the order in question shall, if present, constitute a quorum for the purpose of filling vacancies but not for any other purpose.

Minute-keeping and meetings

15. The Diocesan Council shall meet at such times and places as it may from time to time decide and may generally determine and regulate its own procedure.

16. A minute of every resolution or proceeding agreed to at any meeting of the Diocesan Council shall be entered in a minute book to be kept for that purpose.

17. Diocesan Council shall:
    a. cause such minute book, or a copy thereof, to be laid before the Synod at the commencement of every session of the Synod, or as soon thereafter as conveniently may be;
    b. cause a summary of the business of Diocesan Council to be published on the diocesan website after each of its meetings; and
    c. present to the Synod at its annual meeting;
        i. a report of the proceedings of the Diocesan Council including a list of any and all statutes and regulations enacted, amended or repealed; and
        ii. a full account of all the funds under Diocesan Council's control, such account to be duly audited by an auditor not being a member of the Diocesan Council, to be appointed annually by the Synod.

18. The Diocesan Council may conduct its meetings by use of teleconference or digital communications, or other means whereby members may communicate with each other whilst not all in the same place, provided minutes with records of any decisions made in any such meeting are duly kept.

19. Any record or note of any act of Diocesan Council made by email, facsimile or similar means of communication and purporting to be signed or agreed to by any member or members of the Diocesan Council shall be as valid and effective as if such member or members had been present at a meeting and had signified their consent or agreement to any such act of Diocesan Council.

20. Any act of Diocesan Council referred to in clause 19 and assented to by a majority of the members of Diocesan Council in accordance with clause 21, shall be recorded in the minute book at the next meeting of the Diocesan Council.

Decision-making

21. Every act of the Diocesan Council shall be assented to by a majority of the members of each of the three orders present at a duly constituted meeting and if no Bishop is present, the Vicar-General or Deputy Vicar-General or the Commissary appointed by the Primate present may assent for the Order of Bishops.

22. Any member of the Diocesan Council may at any time before the conclusion of the meeting of the Diocesan Council at which an act shall have been assented to in terms of clause 21, request that act to be referred to the appropriate person or body within Te Pīhopatanga o Aotearoa on the grounds

that it is not in accord with the principles of partnership and bi-cultural development implied in the Treaty of Waitangi in which event that act shall not have any force or effect unless and until it shall also be assented to by the appropriate person or body within Te Pīhopatanga o Aotearoa.

Powers, functions and responsibilities

23. The Diocesan Council shall carry out the following functions and responsibilities:
    a. administer all such funds as may be entrusted to it from time to time by the Synod, and assist in fulfilling the five-fold Mission objectives of the Church as set out in the Constitution Te Pouhere and other objectives as Diocesan Council may from time to time determine;
    b. assist the Bishop with its advice on such matters as the Bishop may refer to it;
    c. fulfil all responsibilities imposed on Diocesan Council pursuant to the Financial Regulations Statute 2020 or any other statute;
    d. determine the time and method of all special appeals to the Diocese for financial aid, whether by parishes and mission ventures, institutions or societies;
    e. take such measures to ensure that the annual returns are sent in by the parishes and mission ventures as soon as possible after the close of the financial year;
    f. in its discretion, aid local efforts for the erection of churches and other buildings;
    g. take such steps as shall seem to it necessary for the periodical inspection of the churches, vicarages and other buildings and procure a report to be drawn up specifying the repairs or alterations needed and directing the attention of the vestry thereto;
    h. oversee and assist the work of committees and any other bodies responsible or reporting to it;
    i. act as, and in the name of, the Synod whenever the Synod is not in Session and the Diocesan Council thinks it appropriate to do so, subject always to the restrictions in clauses 28 and 29;
    j. exercise such other powers, authorities and discretions given to it by Canon or regulation of General Synod Te Hīnota Whānui, Tikanga Pākehā Conference, or Synod;
    k. ensure that statistics are compiled from the parish returns to be inserted in the report of the Diocesan Council to Synod; and
    l. prepare any business which it may appear expedient to bring before the Synod, and make arrangements for the meeting of the Synod.

24. The Diocesan Council may delegate to the Diocesan Secretary such of its powers and responsibilities (including its power of delegation) as it thinks fit provided however that any such delegation must be in writing, include the terms of or limitations on that delegation and provided that delegation does not relieve the Diocesan Council from responsibility for the exercise and satisfaction of those powers or responsibilities.

25. The Diocesan Council is responsible for the employment of staff in the Diocese and engaging independent contractors on behalf of the Diocese. For the avoidance of doubt, Diocesan Council may delegate authority in relation to such employment of staff and engagement of independent contractors to the Diocesan Secretary in accordance with clause 24.

26. The Diocesan Council shall see that a register of the following is kept in the Diocesan Office:
    a. churches, vicarages and other buildings of the Diocese;
    b. the date of consecration or dedication of churches and other buildings used for public worship in the Diocese; and,
    c. the date of consecration of cemeteries within the Diocese.

27. In discharging its functions and responsibilities under clause 23i, the Diocesan Council shall have and may exercise all the powers, authorities, rights and privileges of the Synod (except those referred to in clauses 28 and 29) including, without prejudice to the generality of the previous part of this clause, power and authority from time to time as it shall think fit:

a. to repeal and amend in whole or in part any statute or regulation and additional statutes of the Synod or regulations either in lieu thereof or in addition thereto to take effect as if they were acts of the Synod; and
b. to delegate powers to any person, committee or board any power or authority granted to it by the Synod by this clause other than the power and authority to act under clause 27a hereof and other than the power to perform any function given directly to the Standing Committee or Diocesan Council by the Canons or by any Act of Parliament.

Limit to powers

28. The Diocesan Council shall have no power or authority by virtue of clause 27 to repeal, amend or add to:
    a. the Standing Orders of the Synod;
    b. the Standing Resolutions of the Synod;
    c. the Diocesan Synod Statute 2026;
    d. the Youth Representation Statute 2019;
    e. the Parish Statute 2024; and
    f. this statute.

29. The Diocesan Council shall have no power or authority by virtue of clause 27 to act on behalf of or in lieu of the Synod in any of the matters contained in the following Canons:
    a. Title A Canon I Clause 2.1 (Election of Diocesan Bishop);
    b. Title A Canon I Clause 2.2 (Election of Assistant Bishop);
    c. Title B Canon I Clause 1.1.4, 1.1.10 (Election of General Synod representatives), except in the filling of vacancies in accordance with 1.1.10(e);
    d. Title B Canon II and IV (composition of Diocesan Synod, variation of Diocesan boundaries);
    e. Title C and Title D;
    f. under the provisions of Part III of the Anglican Church Trusts Act 1981; and
    g. under the provisions of the Church of England Empowering Act 1928.

30. Nothing in this statute shall derogate from the power of the Synod in Session to require the Diocesan Council to carry out any of the directions of the Synod.

Procedure for the exercise of powers as Synod out of Session

31. Whenever the Diocesan Council is exercising the powers given to it by clause 27a of this statute the following procedures shall apply:
    a. Every act or decision shall be assented to by a majority of the members of each of the three orders present in person as provided in clause 21;
    b. As soon as convenient following such meeting a copy of the statute, regulation or decision shall be sent by the Diocesan Secretary to all voting members of Synod, which copy shall be accompanied by a notice in the form set out in the schedule hereto;
    c. Clerical and lay members of Synod shall have the right to lodge a notice of objection in writing with the Diocesan Secretary to any statute, regulation or decision assented to in exercise of powers under clause 27a, provided such objection be lodged within the time specified in the notice forwarded to them pursuant to clause 31b;
    d. If twelve (12) or more clerical members and twelve (12) or more lay members so notify the Diocesan Secretary in writing of their objection on or before the date specified in the notice (which date shall be set not less than 14 days after the notice shall have been posted, excluding the day of posting), then the proposed statute, regulation or decision shall have no effect and be referred to the next Ordinary Session of the Diocesan Synod for consideration as a bill or motion as appropriate;
    e. If fewer than twelve (12) clerical members or fewer than twelve (12) lay members so notify the Diocesan Secretary of their objection, or if no person notifies any objection, then the proposed statute, regulation or decision shall be referred to the Diocesan Council who may

thereupon by a majority present in person assenting to same in each of the three orders as provided in clause 21 confirm the same, or may by like decision decide to refer the same to the next Ordinary Session of the Diocesan Synod for consideration; and

f. Any amended or additional statute, regulation or decision so confirmed by Diocesan Council shall come into force at the conclusion of the meeting at which it is confirmed or otherwise in accordance with its specific terms whichever is the later.

32. On the enactment or passing by the Diocesan Council of any statute or regulation, the text of any such statute or regulation shall be certified by the chairperson of the Diocesan Council with these words or with words to the like effect:

> "I certify that this [statute or regulation] was passed by the Diocesan Council on the ..... day of ..... 20.....
>
> as witness my hand this ..... day of ..... 20....."

and such text so certified shall be deemed to be the original record."

33. A copy of the text of any statute or regulation certified under clause 32 shall be sent by the Diocesan Secretary to all members of Synod as soon as convenient.

34. All amended or additional statutes or regulations enacted or passed by the Diocesan Council pursuant to the provisions of clause 27a hereof shall be deemed to be statutes and regulations within the meaning of those words as defined by clause 14 of the Interpretation Statute 2021.

SCHEDULE

Diocese of Auckland

NOTICE to all clerical members and lay members of Synod:

STATUTE PROPOSED BY DIOCESAN COUNCIL

The Diocesan Council has passed and proposes to confirm the Statute a copy of which is attached/enclosed. As a member of the Synod you have a right to object to this proposed Statute. You can object by completing and sending to the Diocesan Secretary an advice in writing stating your objection (and the basis thereof) and including:

- the date
- your name
- your address
- your parish
- your order (clerical/lay) in the Synod

and which you sign with your usual signature.

This advice must be sent to: The Diocesan Secretary, [address]

to arrive no later than 5.00 pm on *day*, the day of , 20

[Signed: by/for Diocesan Secretary]