

Anglican Church of Australia - Diocese of Brisbane

## **DIOCESAN GOVERNANCE CANON AMENDMENT (FDSC) CANON 2018**

**A Canon to amend the Diocesan Governance Canon to give effect to the amalgamation of the Diocesan Services Commission and the Financial Services Commission.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

### **Short Title**

1. This Canon may be cited as the “Diocesan Governance Canon Amendment (FDSC) Canon 2018”.

### **Amendment**

2. The Diocesan Governance Canon is amended as follows:
  - (a) In section 2, delete the definitions of DSC and FSC and insert:

"FDSC" means the Finance and Diocesan Services Commission.
  - (b) Section 5(b) is amended by substituting the following:
    - (b) Finance and Diocesan Services Commission;
  - (c) In Part V, substitute sections 23 to 30 (inclusive) with sections 23 - 30 (inclusive) as set out in schedule 1;
  - (d) Part VA, comprising sections 30A to 30H (inclusive), is repealed;
  - (e) Section 70(1) is amended by substituting the following:
    - (1) A reference in any Canon, Regulation, document or resolution to the Property and Finance Board shall be read and construed as a reference to the FDSC.
  - (f) Part B to Schedule 1 is amended by deleting "Diocesan Services Commission" and inserting "Finance and Diocesan Services Commission".
  - (g) Part D to Schedule 1 is amended by deleting "Financial Services Commission" and inserting "Finance and Diocesan Services Commission".
  - (h) In each of sections 16(h), 34(h), 43(e) and 52(h), delete "DSC" and insert "FDSC".

### **Operation of FDSC**

3. (1) Regulation I - Finance and Diocesan Services Commission made by the Archbishop-in-Council on 27 July 2017 is repealed.

- (2) Nothing in this Canon affects any action taken in reliance on Regulation I and in particular:
  - (a) the Finance and Diocesan Service Commission created under Regulation I continues in existence under the provisions of the Diocesan Governance Canon as amended by this Canon;
  - (b) nothing in this Canon affects any act, resolution or decision made in exercise of its powers by the Finance and Diocesan Services Commission before the coming into force of this Canon, which acts, resolutions or decisions remain valid and in full force and effect unless and until otherwise determined by the Finance and Diocesan Services Commission or the Archbishop-in-Council;
  - (c) without limiting subsection (2)(b), nothing in this Canon affects the employment of any person who is employed by the Corporation as a result of an exercise of power by the Finance and Diocesan Services Commission.
- (3) The members of the Finance and Diocesan Services Commission appointed under Regulation I continue in office as if appointed under the Diocesan Governance Canon as amended by this Canon.
- (4) For the purposes of calculating the length of service of a member of the Finance and Diocesan Services Commission under sections 26(c) and (d) of the Diocesan Governance Canon as amended by this Canon:
  - (a) the continuous length of service of the member on the FSC or the DSC up to 1 September 2017 will be taken to be service as a member of the Finance and Diocesan Services Commission; and
  - (b) the continuous length of service of the member on the Finance and Diocesan Services Commission from 1 September 2017 will be taken to be service as a member of the Finance and Diocesan Services Commission.

### **Schedule 1**

#### **PART V – FINANCE AND DIOCESAN SERVICES COMMISSION**

##### **Purpose**

23. The purpose of the FDSC is to support the mission of the Church by providing strategic direction and policy development to, and monitoring of, administrative systems across the Diocese, managing and controlling all real property of the Corporation and ensuring the proper management of all financial, banking, investment and treasury services across the Diocese.

##### **Objects**

24. The FDSC will:
  - (a) provide strategic direction, leadership and oversight in administrative support areas including:

- (i) strategic planning;
  - (ii) information management and technology;
  - (iii) human relations and industrial relations;
  - (iv) insurance services;
  - (v) communications and the media;
  - (vi) governance, risk management and legal compliance;
  - (vii) records and archives; and
  - (viii) the management of real property;
- (b) provide financial, banking, investment and treasury services to the Diocese, Commissions and agencies of the Diocese, including the following functions:
- (i) financial, management and special-purpose reporting, budgeting, accounting systems, policies and procedures;
  - (ii) banking and treasury functions, including investment strategy, liquidity and cash flow management;
  - (iii) financial governance and risk management, financial legislative, statutory and audit compliance;
  - (iv) management of such of the financial, banking and investment services dedicated to Anglican Financial Services by the FDSC.
- (c) develop policies in each of the areas set out in paragraphs (a) and (b) and make recommendations for the adoption of such policies to the Archbishop-in-Council;
- (d) undertake research and planning and consult widely in the development of strategies and policies related to the areas set out in paragraphs (a) and (b);
- (e) consult and coordinate with other Commissions and agencies within the Diocese on issues relating to each of the areas set out in paragraphs (a) and (b);
- (f) develop a Delegations Manual for the Diocese for adoption by the Archbishop-in-Council and review and recommend changes from time to time; and
- (g) perform such other roles, tasks or objects which are consistent with its purpose or which the Archbishop-in-Council may from time to time prescribe by Regulation.

### **Powers**

25. Subject to the operation of other Canons and within the limits imposed by the Synod or Archbishop-in-Council, the FDSC may (for and on behalf of the Corporation) exercise any of the powers of the Corporation, including:
- (a) employ staff and remunerate contractors, advisors, consultants or other persons providing services to the FDSC;
  - (b) raise money including by way of applications to government or government agencies;
  - (c) purchase equipment, supplies, information, communication, travel and other services as may be required to conduct the business of the FDSC;

- (d) operate bank accounts;
- (e) enter into contracts, agreements or other arrangements with Federal, State or Local Governments, statutory authorities, companies or persons which the FDSC believes are conducive to its objects;
- (f) delegate the exercise of powers to individuals or committees (including the power to delegate in accordance with a resolution or Regulation of the Archbishop-in-Council); and
- (g) do all such things as are incidental or conducive to achieving the objects of the FDSC and the exercise of these powers.

### **Membership**

26. (a) The members of the FDSC shall be:
- (i) the Archbishop, who shall be President of the FDSC;
  - (ii) a Chairperson, if appointed by the Archbishop;
  - (iii) up to twelve members (including at least two clergy), appointed by the Archbishop-in-Council; and
  - (iv) the Executive Director of the FDSC.
- (b) At least two-thirds of the members of the FDSC must be practising Anglicans.
- (c) After each ordinary session of the Synod, at least one third of the members appointed under paragraph (a)(iii) must retire from office. Those to retire will be those who have served longest in office. Where members have served an equal term, in the absence of agreement as to which of them shall retire, the retiring member will be determined by lot. Subject to paragraph (d), a member retiring under this paragraph (c) will be eligible for reappointment. The retirement of the member takes effect on the date of appointment of a successor under paragraph (e), unless the member is reappointed, in which case the member will be taken to have retired and been reappointed on the date of reappointment.
- (d) No member appointed under paragraph (a)(iii) is permitted to serve more than 3 years without retiring and being subject to reappointment. If such a member has served as a member of the FDSC for a period of 12 or more consecutive years, then, in addition to the provisions of paragraph (c), that member's appointment must be confirmed by the Archbishop-in-Council at its first meeting after each ordinary session of the Synod. If the Archbishop-in-Council does not resolve to confirm that appointment, then the appointment of that member ceases.
- (e) At its first meeting after each ordinary session of Synod, Archbishop-in-Council shall appoint such number of members as are required under paragraph (a)(iii) to fill the position of members retiring under paragraph (c).
- (f) The Archbishop-in-Council shall have regard to the expertise and interests of the people it appoints under paragraph (a)(iii) to ensure the business of the FDSC is dealt with expeditiously. Without limiting the appointment of any individual, the skills and qualifications appropriate for members of the FDSC include:

- (i) mission of the church;
  - (ii) administration and general management;
  - (iii) law;
  - (iv) human relations and industrial relations;
  - (v) public relations, marketing and the media
  - (vi) information technology and information management;
  - (vii) governance and compliance;
  - (viii) strategic planning and business development;
  - (ix) real estate, property development and facilities management;
  - (x) finance, accounting and economics;
  - (xi) banking;
  - (xii) auditing and risk management;
  - (xiii) investments;
  - (xiv) business development and financial management of schools or community services/aged care;
  - (xv) records and archive management.
- (h) The FDSC may invite persons to attend meetings of the FDSC on a temporary or permanent basis.

### **Proceedings**

27. The FDSC shall determine procedures for the conduct of the business of the FDSC subject to the following:
- (a) the FDSC must meet as necessary for the proper discharge of its duties and obligations under this Canon but must meet at least four times per year;
  - (b) the President, if in attendance, may chair the meeting. Should the President not be present at the meeting or elect not to chair the meeting, the Chairperson shall chair the meeting otherwise the members shall elect one of their number to chair the meeting;
  - (c) resolutions shall be determined by a simple majority. If votes are equal the person chairing the meeting shall have an additional casting vote;
  - (d) a quorum shall be half of the members;
  - (e) the FDSC shall arrange for records to be kept of the proceedings of the FDSC; and
  - (f) the FDSC may establish such committees as it shall consider expedient or convenient for the functioning of the FDSC provided that at least one member of any committee shall be a member of the FDSC and the chair of such committee shall be appointed by the FDSC.

### **Reporting**


28. The FDSC shall report in the form required from time to time by the Archbishop-in-Council at least twice each calendar year and provide a detailed set of management accounts to the Archbishop-in-Council quarterly.
29. The Archbishop-in-Council may at any time direct the FDSC to provide such other reports or information of any description in regard to the FDSC's objects, authorities, powers and

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activities as the Archbishop-in-Council may require, and direct any member or members of the FDSC to attend a meeting of the Archbishop-in-Council.

30. The FDSC shall report in writing to each annual session of Synod in the form required from time to time by the Archbishop-in-Council. Such report will include the audited financial statements for the preceding year and a budget of expenditure and income for the following year.

I certify that this copy of the  
Canon is in accordance with  
that passed by the Committee

  
.....  
(Chairman of Committee)

I assent.....

  
.....  
(Archbishop)

6th October 2018

.....  
(Date)

**GENERAL SYNOD LEGISLATION CANON  
AMENDMENT CANON 2018**

**A Canon to assent to and adopt canons of the General Synod by means of amendments to the General Synod Legislation Canon.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

**Short Title**

1. This Canon may be cited as the "General Synod Legislation Canon Amendment Canon 2018".

**Definition**

2. In this Canon, the **Principal Canon** means the "General Synod Legislation Canon"

**Assent to Canons of General Synod**

3. Schedule 1 of the Principal Canon is amended by the addition of the following to the Schedule –  
"No 2, 2017 Constitution (Appellate Tribunal) Amendment Canon 2017  
No 6, 2017 Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017"


**Adoption of Canons of General Synod**

4. Schedule 2 of the Principal Canon is amended by the addition of the following to the Schedule –  
"No 7, 2017 Offences Amendment Canon 2017  
No 12, 2017 Special Tribunal (Limitation Period) Canon 2017  
No 18, 2017 Holy Orders (Removal from Exercise of Ministry) Canon 2017  
No 19, 2017 Canon Concerning Services Amendment Canon 2017"

I certify that this copy of the  
Canon is in accordance with  
that passed by the Committee

I assent.....

(Archbishop)

  
.....  
(Chairman of Committee)

6th October 2018.  
.....  
(Date)

## PROFESSIONAL STANDARDS CANON AMENDMENT CANON 2018

### A Canon to amend the Professional Standards Canon.

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

#### Short Title

1. This Canon may be cited as the "Professional Standards Canon Amendment Canon 2018".

#### Definition

2. In this Canon, the **Principal Canon** means the "Professional Standards Canon"

#### Composition of PSB

3. Omit sections 39(b) and (c) of the Principal Canon and replace them with –
  - “(b) up to eight members of the clergy of at least seven years standing; and
  - (c) up to eight lay persons who may or may not be members of the Church and who have skills or qualifications appropriate for members of the Board.

A Board can be constituted under section 42 notwithstanding a vacancy or vacancies in the membership of the panel provided there are sufficient members to constitute a Board under section 42(2).”

4. Omit section 42(2) of the Principal Canon and replace it with –
  - “(2) For the purpose of any reference to the Board, the Board shall consist of –
    - (a) the presiding member who shall be the President, the Deputy President or another member of the panel who is eligible for appointment as a lay member of the Appellate Tribunal; and
    - (b) an equal number not exceeding two of clerical and lay members of the panel.”

#### Other amendments

5. The Principal Canon is amended as follows –
  - (a) In section 49(5), after “tribunal” in both places, insert “or commission of enquiry”.
  - (b) In section 50, add -

“The Board may, for the purpose of any particular reference, appoint a person to act as a counsel assisting the Board to carry out any advocacy or advisory role that the Board may determine.”
  - (c) In section 70, add -

“Unless otherwise ordered by the presiding member and subject to any conditions the presiding member may order, the determination and recommendation provided to the relevant Church Authority and the respondent will be accompanied by a copy of any written reasons produced under section 51.”

I certify that this copy of the  
Canon is in accordance with  
that passed by the Committee

(Chairman of Committee)

I assent..... *Phillip Rossiter* ..... 6th October 2018  
(Archbishop) (Date)



## **TRIBUNAL CANON AMENDMENT CANON 2018**

**A Canon to amend the Tribunal Canon to incorporate changes to the Constitution of the Anglican Church of Australia.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

### **Short Title**

1. This Canon may be cited as the "Tribunal Canon Amendment Canon 2018".

### **Composition of Tribunal**

2. Omit sections 20(1) to (4) of the Tribunal Canon and replace them with –
  - 20 (1) A Diocesan Tribunal shall be constituted for the trial of an Accused so long as it consists of the following members –
    - (a) the President,
    - (b) not less than two of the clerical members of the Panel of Triers, and
    - (c) not less than two of the lay members of the Panel of Triers.
  - (2) The President shall be appointed by the Archbishop.
  - (3) The President must be a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of section 57(1) of the Constitution of the Anglican Church of Australia.
  - (4) The President shall preside over the trial. If the President is not present then the Archbishop may appoint another person qualified under the requirements of section 20(3) as the President for the trial.
3. Add a new section 20(7) –
  - (7) The Archbishop is ineligible to be a member of the Panel of Triers or a Diocesan Tribunal. A person who is a member of the Panel of Triers or a Diocesan Tribunal shall cease to hold that office on becoming the Archbishop.

### **Consequential amendments**

4. The Tribunal Canon is amended as follows –
  - (a) in section 26, delete the word "Deputy".
  - (b) in section 27:
    - (i) in paragraph (b), delete "President" and insert "Tribunal";
    - (ii) in paragraph (c), delete "by the President".
  - (c) in section 31:
    - (i) delete the second sentence;
    - (ii) in the third sentence, delete the words "other" and "Deputy".

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(d) omit section 32 and replace it with –

32. The President shall forthwith give the Archbishop notice in writing of the decision and the recommendation (if any) of the Tribunal.

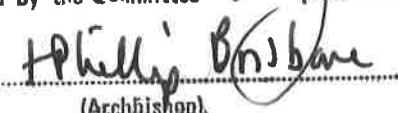
**When Canon comes into force**

5. This Canon will have no force or effect until the date on which General Synod Canon No. 4 of 2014, *Constitution Amendment (Membership of the Diocesan Tribunal) Canon 2014* comes into force in the Diocese.

I certify that this copy of the  
Canon is in accordance with  
that passed by the Committee

  
.....  
(Chairman of Committees)

I assent.....

  
.....  
(Archbishop)

6th October 2018.

.....  
(Date)