

How Adelaide's Diocesan Council compares with others

Each diocese in Australia has its own unique governance structure. Many are established by special Act of Parliament as statutory corporations. Others, like Adelaide, acquire their legal personality under laws of general application, in Adelaide's case the *Associations Incorporation Act 1985*. A review of diocesan councils in other dioceses needs to take account of this reality.

Several dioceses have more than one legal entity with responsibility for specific secular matters being shared between these. For example, Perth and Melbourne have a corporate trustee body, which owns all their real property. Sydney has several separate entities, one of which has responsibility for diocesan property and another for church growth opportunities. Hence the volume of temporal business that each diocesan council have to cover varies.

Following is a brief overview of how the metropolitan dioceses have structured some of their core responsibilities.

ADELAIDE:

The Synod of the Diocese of Adelaide of the Anglican Church of Australia Inc is an incorporated association. It is the only legal entity with diocesan governance responsibilities (other than officeholders such as the Archbishop, Secretary of Synod etc).

The Synod owns property on behalf of Synod and holds parish trust property on trust for parishes. It enters contracts on its own account and on behalf of parishes, employs lay staff, is responsible for taking out insurance on all Church property, etc. It also operates Anglican Funds South Australia and St Barnabas College.

Anglican schools and AnglicareSA have separate legal identities. (The members of Synod and the members of AnglicareSA are concomitant, but the governance structures are separate and distinct.)

MELBOURNE:

The Archbishop in Council is the governing body which provides for the governance of the temporal affairs of the Diocese.

Two separate bodies corporate exist to perform specified functions:.

1. Property is held by the Melbourne Anglican Trust Corporation (the MATC), a corporate body of Trustees under the *Anglican Trusts Corporations Act 1884 (Vic)*.
2. The Melbourne Anglican Diocesan Corporation is a company limited by guarantee (*Corporations Law*) and was incorporated:
 - To serve as the employer of employees in the Diocese.
 - To serve as the legal appointor and, for WorkCover purposes, the deemed employer of clergy.
 - To exercise other functions conferred by various Acts of Synod, including the retainer of the professional standards company, Kooyoora Ltd.

- To be the responsible legal entity for claims against the diocese arising from misconduct of its Church workers, including claims for redress or damages.

ACSQ - BRISBANE

The Corporation of the Synod of the Diocese of Brisbane is a statutory corporation, which was established by the *Anglican Church of Australia Act (Queensland)*.

The Diocesan Council (as Archbishop in Council) has authority to conduct the business of Synod, when Synod is not sitting.

The Diocese has 5 Commissions which have delegated responsibility for specified activities (eg Anglicare Southern Queensland, Anglican Schools, Parishes Finance & Diocesan Services, and Ministry Education), though these do not have separate legal personality.

PERTH

The Perth Diocesan Trustees is a body corporate incorporated under the *Anglican Church of Australia (Diocesan Trustees) Act 1888*. Broadly speaking the Diocesan Trustees hold diocesan and parish trust property on behalf of the diocese, act as the employer of lay staff, enter contracts, make investments on behalf of the diocese and buy and sell property.

The Diocesan Council acts for and on behalf of Synod in all temporal matters of the Diocese. For example its ambit includes clergy stipends, clergy housing, policy matters about parish property, parochial outreach, mission development, training and deployment of clergy.

SYDNEY

The Standing Committee of Synod acts as a council of advice to the Bishop on any matter on which the Bishop seeks advice. The Standing Committee is the executive arm of Synod, which performs the functions of the Synod between annual Synod meetings. It consists of 56 members, both clergy and lay people, and includes representation from each of the five diocesan regions. The Standing Committee's main functions include:

1. Organising Synod and printing a report of Synod proceedings..
2. Being a council of advice to the Archbishop (the "Archbishop-in-Council")
3. Agreeing to the appointment of assistant bishops and archdeacons.
4. Acting on matters referred to it by the Synod and carrying out the resolutions of the Synod.
5. Deliberating and conferring upon matters affecting the interests of the Church.
6. Lobbying Government and other relevant bodies.
7. Making ordinances.
8. Having custody of all books, documents or other property of the Synod and all other Church property not vested in any other body or person.
9. Exercising other powers prescribed by the Synod (such as giving policy directions to the Property Trust and the Secretariat, filling casual vacancies among persons appointed to various committees by the Synod, preparing income and expenditure ordinances, etc).

Anglican Church Property Trust Diocese of Sydney is a body corporate - Anglican Church of Australia Trust Property Act which is the legal entity behind Synod. The trustees are the

Archbishop and no more than 10 elected trustees - <3 clergy, <5 lay for 6 year term. It holds property on trust, buys, sells and leases property, builds and repairs buildings, employs staff and effects insurance for property.

Anglican Church Growth Corporation is also a body corporate whose purpose is to facilitate and assist the effective use of property and other resources for church growth.

TASMANIA

The Diocese is an unincorporated entity. Its Diocesan Council has power to manage, direct, and regulate all financial, administrative, and other secular business of the Anglican Church of Australia in Tasmania.

The Trustees of the Diocese of Tasmania are a body corporate by virtue of the *Anglican Church of Australia Constitution Act 1973 (Tas)* which holds property and investments on behalf of the Diocese.

	Purpose of Diocesan Council	Reference
Adelaide	Council of advice to the Bishop and the executive committee of the Synod	Constitution s22
Melbourne	Archbishop in Council is the governing body which provides for the governance of the temporal affairs of the Diocese. [NB Diocesan Corporation also has role in this]	Archbishop in Council Act ss4, 5
Brisbane	The Diocesan Council (as Council to the Archbishop) is to assist and advise Archbishop in conducting the business of Synod, when Synod is not sitting.	Constitution s12
Perth	The Diocesan Council acts for and on behalf of Synod in all temporal matters of the Diocese when Synod is not sitting	Diocesan Council Statute s4.2
Sydney	Synod Standing Committee is the executive arm of Synod, which performs the functions of the Synod between annual Synod meetings	Standing Committee Ordinance
Tasmania	To manage, direct, and regulate all financial, administrative, and other secular business.	Diocesan Council Ordinance 1947

	Size of Diocesan Council	Ex Officio	Appointed	Elected	Clergy	Lay
Adelaide	23 (inc non-voting members)	5 voting (NB 4 actual, as Dean is an Assistant Bishop) 2 non voting (Chancellor + Secretary of Synod)	2 by A/b 2 by DC	12 (4 clergy 8 lay)	11 + 2* 5 ex officio 2 A'deacons 4 elected * 2 appointed by DC – could be lay	8 + 2# # Chancellor + Secretary of Synod
Melbourne	17	1 voting (+ 8 non voting attendees)	4 by A/b	12	8 (+ 5 non voting clergy)	9 (+ 3 non voting lay)
Brisbane	18	4	2 by A/b	10	8	7
Perth	18	6 (+ 4 non voting attendees)	4 by DC	8	9	9
Sydney	56	14	0	42	25	31
Tasmania	22	5 (+ 2 non voting members)	5 by A/b 1 by trustees 3 by DC	4 per electoral region 1 Youth Rep	11	11

Adelaide: Constitution s21: Diocesan Council Ordinance s3