

## THE STANDING COMMITTEE STATUTE 2001

**BE IT ENACTED** by the Bishop, Clergy and Laity of the Diocese of Auckland in Synod assembled as follows:

- 1 The short title of this Statute shall be "**THE STANDING COMMITTEE STATUTE 2001**"
- 2 (a) In accordance with the provisions of Title B Canon II Clause 1.1.6 the Standing Committee (hereafter also known and called "the Diocesan Council") shall consist of the Bishop of the Diocese, any Assistant Bishops in the Diocese, and of six (6) clerical members and eight (8) lay members, each of whom shall be a voting member of the Synod.
  - (b) 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.
- 3 (a) The required number of members to fill any vacancies shall be elected at each Session of Synod and their tenure shall run from the end of that Session, PROVIDED THAT the elected members shall decide 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 subject to the subsequent provisions of this Clause.
  - (b) Each elected member shall be elected for a maximum term of three (3) years.
  - (c) No elected member shall serve for more than six (6) consecutive years.
  - (d) In the event of a casual vacancy, the Diocesan Council may fill that vacancy by appointing a person until the next election for Diocesan Council.
  - (e)
    - (i) The Diocesan Secretary shall invite all members of Synod to submit nominations in the form provided accompanied by a curriculum vitae before the commencement of Synod, and further nominations shall be received up to the time fixed by the Synod for the closing of nominations. All nominations shall be forwarded to the Nominating Committee.
    - (ii) A committee to seek out nominations for elections of members of the Diocesan Council by Synod shall be appointed by the Bishop sixty days before the commencement of Synod, (called "the Nominating Committee").
    - (iii) A curriculum vitae shall be submitted for each candidate which shall state the name, age group, gender, Parish or Ministry Unit affiliations of the person concerned, experience in management and administration, and particular interests and activities of the candidate.
    - (iv) The Nominating Committee shall publish the names and curricula vitae of all persons nominated.
    - (v) In considering the suitability of potential nominees the Nominating Committee shall give consideration to the nominee's experience in Diocesan and Church life and in management and to issues of balance and inclusiveness.
    - (vi) The Committee shall notify Synod of the number of persons in each Order to be elected by the Synod.
- 4 Any member of the Synod desiring to nominate any qualified person for election to the Diocesan Council may do so by completing and signing as a Nominator the form of nomination as hereinafter provided at any time before nominations close. Nominations shall close at such time as may be determined by the Synod on the first day of the Session by motion without notice. The Diocesan Council may by resolution from time to time establish, amend and revoke procedures for making nominations known, without derogating from the general powers of nomination provided for herein.
- 5 If the number of candidates nominated in either Order shall not exceed the number of members required, then the candidates nominated in that Order shall be declared to be elected.
- 6 If the number of candidates nominated in either Order shall exceed the number of members required, the election for that Order shall be by ballot, which said election shall be held at such time as shall be determined by the Synod on the first day of each Session by motion without notice. Each election shall be held in each Order with duly qualified electors voting for the members of the Order to be members of the Diocesan Council.

## **ELECTION OF MEMBERS**

- 7 (a) The President shall appoint not fewer than three nor more than six scrutineers for each Order to collect and count the votes of that Order.
- (b) Such scrutineers may but need not necessarily be members of Synod or of the Order whose votes they have been appointed to collect and count.
- (c) Subject to the requirement of the Synod as to quorum, the conduct of Synod business shall not in any way be delayed or invalidated by reason of the absence of all or any of the scrutineers in the course of their duties.
- 8 Voting papers, differently coloured for the two Orders and containing in alphabetical order the names of all the candidates nominated in each Order, shall be issued to all duly qualified electors present. so that each elector shall receive a ballot paper for each of the Orders in which a ballot is required.
- 9 Every elector shall cross out of the voting paper so issued sufficient names so as to leave on it no more and no fewer names than there are vacancies to be filled.
- 10 Any voting paper which shall contain unobliterated the names of more or fewer than the specified number of candidates for whom the elector is required to vote on any particular ballot shall not be valid and shall be rejected by the scrutineers when making the count.
- 11 The ballot shall be taken at such time as the President shall direct and immediately after each ballot the ballot boxes, one for each Order, shall be taken charge of by the scrutineers, who shall count the votes and present to the President a statement signed by each of them, which said statement shall include a record of the number of the votes cast for each candidate by each Order and also those rejected as invalid.
- 12 If it shall be found that more than the number of persons required to be elected have received a majority of the votes of both Orders, then those of each Order up to the required number shall be declared elected who have received the highest number of votes in the aggregate in respect of the Clerical and Lay Orders and the vote of the Bishop.
- 13 The names of the candidates who have been so elected shall be announced by the President in alphabetical order.
- 14(a) If a sufficient number of persons is not elected at the first ballot the President shall direct the Synod to proceed to further ballots from the names of those not previously elected provided that each successive ballot shall exclude:
- (i) the candidate for Clerical membership of the Diocesan Council who received in the preceding ballot the lowest number of votes from the Order of Clergy, and
  - (ii) the candidate for Clerical membership of the Diocesan Council who received in the preceding ballot the lowest number of votes from the Order of Laity, and
  - (iii) the candidate for Lay membership of the Diocesan Council who received in the preceding ballot the lowest number of votes from the Order of Clergy, and
  - (iv) the candidate for Lay membership of the Diocesan Council who received in the preceding ballot the lowest number of votes from the Order of Laity.

- (b) After each ballot the President shall read out:-
  - (i) The total number of valid votes cast by each Order.
  - (ii) The names of the candidates then validly elected, in alphabetical order.
  - (iii) The names of the candidates then validly excluded, in alphabetical order.
  - (iv) The names of the candidates eligible for the next ballot in alphabetical order, together with the number of clerical votes and the number of lay votes each of those candidates had received in the immediately preceding ballot. Except as last mentioned or with the leave of Synod no announcement shall be made as to the number of votes cast in favour of any one or more of the candidates.
- (c) In each successive ballot revised voting papers shall be supplied.
- (d) If after any ballot the number of candidates eligible for the next ballot in either Order shall not exceed the number of members required then the candidates remaining eligible in that Order shall be declared to be elected.
- (e) If by the process of exclusion referred to in subclause (a) of this clause, the number of candidates for either Order has been exhausted without the full number of members of that Order having been validly elected, the number of seats unfilled shall be regarded as vacancies to be filled by the other members of the Diocesan Council in accordance with the provisions of Clause 19 of the Statute.

15 Subject to the regulations of the Synod as to its hours of business balloting shall proceed as directed by the President until the requisite number of candidates of each Order shall have been elected by the Synod in the terms of this Statute, and the final result of such election shall be the subject of a declaration by the President in open Synod, and such declaration shall be embodied as a record in the proceedings of the Synod for the particular sitting.

16 The nomination paper shall be of a different colour for each Order and shall be in the following form:-

**DIOCESE OF AUCKLAND  
NOMINATION OF A MEMBER OF THE DIOCESAN COUNCIL**

I, ....., being a member of the Synod of the Diocese of Auckland, hereby nominate....., who is duly qualified, and who has signified to me his/her willingness to act as a Clerical/Lay member of the Diocesan Council.

Dated this ..... day of ..... 20..

(Signed) ..... Nominator

17 All acts, resolutions and decisions of any Diocesan Council elected under the provisions of the Standing Committee Statute 1929 since the 17th day of October, 1938, are hereby ratified and declared valid and effective in all respects as if the same were the acts, resolutions and decisions of the Synod.

**VACANCIES AND METHOD OF FILLING VACANCIES**

18 Any member of Diocesan Council may, in writing under his/her hand addressed to the Bishop, resign his/her appointment and upon receipt of such resignation the office of such member shall become vacant.

When any member of the Council shall be absent from three consecutive meetings, the Diocesan Council may declare the office vacant.

19 When the office of any Clerical or Lay member of the Council shall become vacant by death, resignation or otherwise, it shall be the duty of the Bishop to give notice to the remaining members of such Council, which shall at the next or subsequent 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, PROVIDED THAT the Council may by resolution decide that any such vacancy shall be filled by an election held at the next Session of the Synod when such Session is to take place within the next three (3) months.

- 20 The Bishop of the Diocese or the Vicar-General or the Deputy Vicar-General or if the See be vacant the Commissary appointed by the Primate shall chair all meetings of the Diocesan Council.
- 21 The quorum for a meeting of the Diocesan Council shall be not less than one out of the Bishops or the Vicar-General or the Deputy Vicar-General, or if the See be vacant the Commissary appointed by the Primate, together with not less than three Clerical members and not less than three Lay members, PROVIDED HOWEVER, that 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 up vacancies but not for any other purpose.
- 22 Every act of the Diocesan Council shall be assented to by a majority of the members of each of the three Orders present in person at a duly constituted meeting and if no Bishop be present the Vicar-General or Deputy Vicar-General or the Commissary appointed by the Primate present may assent for the Order of Bishops.
- 23 Any member of the Diocesan Council may at any time before the conclusion of the meeting of the Council at which an act shall have been assented to in terms of Clause 22 hereof, request that act to be referred to the appropriate person or body within Te Pihopatanga o Aotearoa on the ground that 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 Pihopatanga o Aotearoa.
- 24 The Council shall cause to be compiled from the parochial returns full Diocesan statistics, to be inserted in the Report of the Diocesan Council to Synod.
- 25 The Council shall see that there be kept in the Diocesan Office a register (1) of churches, vicarages and other buildings, (2) of date of consecration or dedication of churches and other buildings used for public worship, (3) of date of consecration of cemeteries within the Diocese.
- 26 The Council shall prepare any business which it may appear expedient to bring before the Synod, and make arrangements for the meeting of the Synod.
- 27 A minute of every resolution or proceeding agreed to at any meeting of the Council shall be entered in a book to be kept for that purpose.
- 28 It shall be the duty of the Council to 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. A summary of the business of each meeting of Diocesan Council shall be circulated to all members of Synod after each meeting.
- 29 It shall be the duty of the Council to present to the Synod at its annual meeting a report of the proceedings of the Council including a list of any and all Statutes, Regulations and Standing Orders enacted, amended or repealed; also to present a full account of all the funds under their 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.
- 30 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.
- 31 The Standing Committee 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 in extending the ministrations of religion throughout the Diocese;
  - (b) assist the Bishop with its advice on such matters as the Bishop may refer to it;
  - (c) determine the time and method of all special appeals to the Diocese for financial aid, whether by parishes, institutions or Societies;
  - (d) take such measures as shall ensure that the annual returns are sent in by the parishes and ministry units as soon as possible after the close of the financial year;
  - (e) in its discretion, aid local efforts for the erection of churches and other buildings;

- (f) with the Bishop, 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;
- (g) oversee and assist the work of committees and any other bodies responsible or reporting to it;
- (h) 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 clause 32;
- (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 clause 32; and
- (j) exercise such other powers, authorities and discretions given to it by Canon or Regulation of the General Synod, Inter-Diocesan Conference or Synod or Diocesan Synod.

31.1 To produce annually for Synod an outline of Priorities, Resources (used and needed), Action, Reviews and Direction.

32.1 In discharging its functions and responsibilities under clause 31(h), the Diocesan Council shall have and may exercise all the powers, authorities, rights and privileges of the Synod (except those referred to in clause 32.2) 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 of the Synod any Statute or Regulation and additional Statutes, Regulations or Standing Resolutions 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 paragraph (a) hereof and other than the power to perform any function given directly to the Standing Committee by the Canons or by any Act of Parliament.

32.2 The Diocesan Council (Standing Committee) shall have no power or authority by virtue of Clause 32.1 to repeal, amend or add to:

- (a) the Standing Orders of Synod
- (b) the Standing Resolutions of the Synod
- (c) the General Synod Representation Statute 1929 (as amended), the Diocesan Synod Statute 2001, the Youth Synod Representation Statute 1987 (as amended), the Parish Statute and this Statute

nor 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 II Clause 2.2 (Election of Assistant Bishop)
- (c) Title B Canon I Clause 1.1.4, 1.1.10 (Election of General Synod representatives)
- (d) Title B Canon II and IV (composition of Diocesan Synod, variation of Diocesan boundaries)
- (e) Title C and Title D

Or under the provisions of Part III of the Anglican Church Trusts Act 1981 or under the provisions of the Church of England Empowering Act 1928.

32.3 That nothing hereinbefore contained shall derogate from the power of the Diocesan Synod in session to require the Diocesan Council to carry out any of the directions of the Diocesan Synod.

#### **PROCEDURE FOR THE EXERCISE OF POWERS AS SYNOD OUT OF SESSION**

33. Whenever the Diocesan Council is exercising the powers given to it by Clause 32.1 of this Statute (as limited and declared by Clause 32.2) the following procedures shall apply:

33.1 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 22 hereof.

33.2 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 Second Schedule hereto.

- 33.3 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 32.1, provided such objection be lodged within the time specified in the Notice forwarded to them pursuant to Clause 33.2.
- 33.4 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.
- 33.5 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 22 hereof confirm the same, or may by like decision decide to refer the same to the next Ordinary Session of the Diocesan Synod for consideration.
- 33.6 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.
- 33.7 All amended or additional Statutes and Regulations enacted or passed by the Standing Committee pursuant to the provisions of Clause 32.(1)(a) hereof shall be deemed to be Statutes and Regulations within the meaning of those words as defined by Clause 2 of the Interpretations Statute 1929.
- 33.8 On the enactment or passing by the Diocesan Council of any Statute or Regulation as hereinbefore mentioned, the text thereof 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 of Auckland 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.
- 33.9 A copy of the text of any item certified under Clause 33.8 shall be sent by the Diocesan Secretary to all members of Synod as soon as convenient.
- 34 Any Act of the Diocesan Council (Standing Committee) validly done up to the conclusion of the Annual Session of the Synod in the year of our Lord two thousand and one and all Statutes, Regulations and Standing Resolutions enacted by the Diocesan Council (Standing Committee) up to that time shall remain in force until they shall be repealed or amended by the Synod.
- 35(a) The Diocesan Council may conduct its meetings by use of teleconference or audio/visual communications, or other means whereby members may communicate with each other whilst not all in the same place, provided proper Minutes with records of any decisions made in any such meeting are duly kept, and
- 35(b) Any record or note of any resolution, decision or matter evidenced by several like pieces of paper by facsimile, telex or similar means of communication transmission 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 resolution, decision or matter.
- 36 The Diocesan Council has authority and may co-opt to its membership from time to time as Associate Members(s) several persons not exceeding six (6) in the aggregate for their skill or knowledge, such persons(s) to have the right to speak but not to vote at any meeting.
- 37 Headings are included for convenience only and do not form a substantive part of this Statute.

- 38 The Standing Committee Statute 1929, the Standing Committee Amendment Statutes 1988, 1989, 1991 and the Standing Committee Amendment Statute (No.1) 1994 and the Standing Committee Amendment Statute (No.2) 1994 and the two Standing Committee Amendment Statutes 2000 are hereby repealed.
- 39 The Standing Committee in force under the Standing Committee Statute 1929 at the commencement date of this Statute shall continue in force as if they were the Standing Committee under this Statute.

## **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/ministry unit
- your Order (Clerical/Lay) in the Synod

and which you sign with your usual signature.

This advice must be sent to:

The Diocesan Secretary  
Anglican Church Office  
P O Box 37 242  
Parnell 1033

(or delivered to Neligan House, 12 St Stephen's Avenue, Parnell) to arrive no later than

5.00pm on                      day, the                      day of                      , 20

(Signed: by/for  
Diocesan Secretary)