

## AUCKLAND CITY MISSION STATUTE 2009

**Note:** This Statute was adopted by Diocesan Synod on 5 September 2009 and replaces the original Statute 1971 and amended Statute 2007.

### 1. SHORT TITLE

The short title of this Statute is the Auckland City Mission Statute 2009.

### 2. INTERPRETATION

- 2.1** In this Statute, unless the context otherwise requires:
- "Archdeacon" means the Archdeacon of Auckland;
  - "Bishop" means the Bishop for the time being of the Diocese;
  - "Board" means the board of trustees for the time being of the Mission;
  - "Chancellor" means the Chancellor for the time being of the Diocese;
  - "Church" means the Anglican Church in Aotearoa, New Zealand and Polynesia;
  - "Diocesan Council" means the body, also known as the Standing Committee, constituted under the Standing Committee Statute 2001;
  - "Diocese" means the Auckland Diocese of the Church;
  - "Mission" means the entity referred to in clause 3;
  - "Missioner" means the Auckland City Missioner from time to time appointed under clause 4;
  - "Synod" means the Synod of the Diocese;
- 2.2** In this Statute, unless the context otherwise requires:
- (a) a reference to a clause or Schedule is a reference to a clause or Schedule of this Statute;
  - (b) a reference in a clause to a sub-clause is a reference to a sub-clause of that clause;
  - (c) a reference in a sub-clause to a paragraph is a reference to a paragraph of that sub-clause;
  - (d) a reference in a clause to a paragraph is a reference to a paragraph of that clause.

### 3. CONTINUATION OF THE AUCKLAND CITY MISSION

- 3.1** There shall continue to be an entity named Auckland City Mission, furthering the Christian ministry of the Church as an expression of the redeeming love of God for all people, especially the most needy.
- 3.2** The Auckland City Mission is the same entity as that established in 1920, pursuant to a resolution of the then Standing Committee, subsequently confirmed and constituted by the Auckland Diocesan City Mission Statute 1953 and the Auckland City Mission Statute 1971 and now incorporated as a board under the Charitable Trusts Act 1957. It is responsible for the general social work of the Diocese.
- 3.3** The members of the Board shall cause themselves to remain incorporated as a board under the Charitable Trusts Act 1957 under the name Auckland City Mission.
- 3.4** The charitable objects of the Mission are confirmed to be the general social work of the Diocese.

### 4. MISSIONER

- 4.1** There shall be a Missioner who shall be the person, clerical or lay, appointed to that office by the Board, with the prior written approval of the Bishop, under such employment arrangements as the Board may determine.
- 4.2** The Missioner must be appropriately licensed or authorised by the Bishop to carry out the ministry that forms part of the functions of the office of Missioner.
- 4.3** The Missioner shall be the chief executive officer of the Mission and shall have general charge of the Mission and the conduct of its social work in the Diocese subject to the directions of the Board and the conditions of the Missioner's appointment.

## **5. BOARD**

- 5.1** The Board shall consist of up to ten trustees (of whom five shall constitute a quorum), comprising,
- (a) the Bishop, ex officio, or the Bishop's nominee;
  - (b) three persons appointed by the Diocesan Council;
  - (c) up to six persons appointed by the trustees;
- provided that neither the Archdeacon nor the Chancellor shall be eligible to be trustees.
- 5.2** Despite sub-clause 5.1, the persons holding office as trustees at the date that this Statute comes into force shall continue to hold office for a term of one year from that date. After expiry of their term of appointment, they shall be eligible for re-appointment under paragraph (b) or (c) of sub-clause 5.1, as the case may be.
- 5.3** Appointments under paragraph (b) or (c) of sub-clause 5.1 shall be for a term of not more than three years. After expiry of their term of appointment, appointees shall be eligible for re-appointment.
- 5.4** The Missioner shall not be eligible for appointment as a trustee unless, prior to its appointment of the Missioner, the Board unanimously agrees that the Missioner shall be eligible. Whether or not the Missioner is a trustee, he or she shall have speaking rights at all meetings of the Board unless the Board resolves it is appropriate for particular matters to be discussed by the Board in the absence of the Missioner.
- 5.5** A trustee may resign at any time; in the case of a trustee appointed under paragraph (b) of sub-clause 5.1, by written notice to the Diocesan Council and, in the case of a trustee appointed under paragraph (c) of sub-clause 5.1, by written notice to the Board.
- 5.6** The Diocesan Council may remove any trustees appointed under paragraph (b) of sub-clause 5.1 at any time by written notice to the Board and to the trustee concerned.
- 5.7** All decisions of the Board shall be made by a majority decision of those trustees present and voting, each trustee having one vote.

## **6. POWERS**

The Board shall have power to do all things that, in the opinion of the Board, are necessary or desirable for achievement of the responsibilities of the Mission.

## **7. DEADLOCK**

- 7.1** If at any time the Archdeacon and the Chancellor reasonably consider the Board to be deadlocked to the extent that the Board is unable to carry out the responsibilities of the Mission or that management and administration of the Mission are being restricted to the detriment of the Mission, then they may, with the approval of Diocesan Council, by written notice to the Board, jointly dissolve the Board.
- 7.2** Immediately upon any dissolution of the Board under sub-clause 7.1, the Bishop, Archdeacon and Chancellor shall be and become interim trustees comprising the Board with all the functions, duties and powers of the Board.
- 7.3** Within three months following the date of any dissolution of the Board under sub-clause 7.1, the Bishop, Archdeacon and Chancellor must,
- (a) ask the Diocesan Council to appoint new trustees for the purposes of paragraph (b) of sub-clause 5.1 of clause 5; and
  - (b) appoint new trustees for the purposes of paragraph (c) of sub-clause 5.1 of clause 5.
- 7.4** Upon the making of the appointments under sub-clause 7.3, the Archdeacon and the Chancellor will be deemed to have resigned as interim trustees and the Bishop, together with the persons appointed under sub-clause 7.3, will constitute a new Board.

## **8. ANNUAL REPORT**

The Board must present to the Synod at each annual session of the Synod a report on the activities of the Mission for the preceding year together with audited financial statements of the affairs of the Mission.

**9. WINDING UP**

The Mission shall not be wound up unless,

- (a) the Board has first determined that it is impossible, impracticable or inexpedient to carry out the purposes of the Mission; and
- (b) Synod has
  - (i) agreed with that assessment and approved the winding up and the subsequent repeal of this Statute; and
  - (ii) provided for disposition of the surplus assets of the Mission to some other entity associated with the Church with similar charitable purposes to those of the Mission, and failing that, to the Diocese for its general charitable purposes in New Zealand.

**10. DEED OF TRUST**

**10.1** The Board shall have power from time to time, by deed of trust or by regulation, to make provision for,

- (a) any function, duty or power of the Mission or the Board that may be necessary or desirable for the furtherance of the social work of the Mission;
- (b) any administrative matter concerning the Mission or the Board that may be necessary or desirable to facilitate the proper functioning of the Board.

**10.2** Such deed or regulations, and any amendments thereto, shall

- (a) be consistent with this Statute, and
- (b) make provision for all matters dealt with by this Statute except clauses 1, 5.2 and 11, and
- (c) provide that no provision of the deed or regulations that is dealt with by this Statute (except clauses 1, 5.2 and 11) may be revoked or varied unless such revocation or variation is first authorised by a Statute of the Synod.

**10.3** Any such deed of trust or regulation shall remain subordinate to this Statute.

**10.4** The Board will send to the Diocesan Council a copy of any deed of trust or regulation (or variation of them) promptly after signing or passing the same.

**11. REPEALS**

The Auckland City Mission Statute 1971 and the Auckland City Mission Statute 2007 are hereby repealed.