

AN ACT

No. 139.

**TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE
BISHOP in COUNCIL**

BE IT ENACTED by the Bishop the Clergy and the Laity of the Church of England in Australia within the Diocese of Gippsland in Victoria duly met in Synod according to law as follows:-

- 1 This Act may be cited as the Bishop-in-Council Act 1963.
- 2 The Act mentioned in the schedule to this Act is hereby repealed but this repeal shall not be deemed to revive any Act repealed by the said Act nor shall the repeal of the said Act affect the past operation thereof or anything done or commenced or any right privilege obligation or liability accrued or incurred thereunder.

In temporal affairs Bishop to act with consent of Council

- 3 In matters pertaining to the temporal affairs of the Church the Bishop shall be assisted by a Council constituted as hereinafter mentioned and in all such matters he shall act with the consent of the said Council.

Duties and Powers of Council

- 4 The Bishop-in-Council shall administer generally the temporal affairs of the Church and in particular may do all or any of the following things that is to say:-
 - (a) Manage and administer all the revenues arising from real and personal property held by any person or corporation in trust for the Diocese except such revenues as are specially provided for by separate Act of Synod or specially exempted by the terms of the particular trust.
 - (b) Manage any property and administer any funds raised or received for the purpose of the Diocese and in particular to administer the funds referred to in the Church Funds Act.
 - (c) Purchase real or personal property for the purposes of the Church or of the Diocese.
 - (d) Sell, mortgage, lease or otherwise deal with any real or personal property held by any person or Corporation in Trust for the Diocese, and the Anglican Trusts Corporation of the Diocese of Gippsland shall deal with all property and securities for the time being vested in it in such manner as the Bishop in Council may from time to time direct concerning the same.

Amended 261/1988

- (e) Generally to take such action as is necessary or expedient in all matters which may from time to time be referred to it by the Bishop or the Synod.

5. The Bishop-in-Council when requested by the Bishop shall take such action as may be necessary or expedient:-

- (a) To promote religious education within the Diocese in conformity with the principles and formularies of the Anglican Church of Australia.
- (b) To promote the mission of the Anglican Church of Australia at home and abroad.

Constitution of the Council

6 The Council shall consist of the following members:-

- (a) Ex Officio - the Vicar-General
the Dean of Sale
the Archdeacons of the Diocese
the Registrar
the Chancellor
the Advocate
the elected members of the Anglican Trusts Corporation of the Diocese of Gippsland.
- (b) Appointed—three licensed clergy and three eligible lay persons appointed by the Bishop.
Amended 364/2010 & 368/11
- (c) Elected—three licensed clergy and six eligible lay persons elected by Synod in accordance with this Act.
Amended 364/2010

Secretary

7 The Registrar of the Diocese shall act as Secretary to the Council.

Eligible lay person

8. In this Act, *eligible lay person* has the same meaning as in the Synod Act 1997.
Amended 364/2010

Appointed Members

9 On the first day of every session of Synod the Bishop shall lay before the Synod the names of the members appointed by him.

10 The Bishop shall on the day of the passing of this Act nominate three clerical and three lay persons as the nominated members of the Council and they shall hold office until their successors have been appointed.

First election of Members

11 On the day of the passing of this Act at this Session the Synod shall elect by ballot or otherwise as the Synod shall think fit, three clerical and six laymen to be members of the Council and such election shall be held in accordance with the Standing Orders for the time being of the Synod so far as the same shall be applicable and such members shall hold office until their successors have been appointed.

Nominee and elective members retire by rotation

- 12 On the first day of every future session of the Synod elective after the passing of this Act one clerical and one members retire lay appointed member and one clerical and two lay by rotation. elective members shall retire by rotation, (the elective members being eligible for re-election) and shall hold Office, until the nomination or election of their successors.
- 13 The Bishop in Council shall determine which members respectively shall so retire on the holding of the second and the third sessions of the Synod after the passing of this Act and thereafter the members longest nominated or elected shall retire the nomination or election of a member to an extraordinary vacancy being deemed to date back to the time at which the ordinary vacancy had been filled, provided that in case of doubt as to who shall retire the Bishop in Council shall decide the matter.

Subsequent election of members

- 14 In every future session after the passing of this Act the Synod shall elect by ballot one clerical and two eligible lay persons of Synod to be elective members of the said Council.
Amended 364/2010

Synod Membership

- 14A If a lay member of the Council is not otherwise a member of Synod, the lay member is a lay member of Synod ex-officio.
Inserted 364/2010

Members removable and vacancies

15. (a) The Bishop may at pleasure remove any member appointed by him and shall fill up any vacancy or vacancies howsoever caused in the number of members appointed by him.
- (b) Any member elected by the Synod may be removed by a vote of the Synod and any vacancy or vacancies howsoever caused in the number of elective members may be filled up by the Council until an election can be held by the Synod in the manner aforesaid.

Resignation

- (c) Any member of the Council may by writing under his hand addressed to the Bishop resign his appointment and upon the acceptance of such resignation by the Bishop the Office of such member shall become vacant.
- (d) The person appointed by the Bishop or elected by the Council to fill any extraordinary vacancy shall hold Office only so long as the person in whose place he has been appointed or elected could have held it.
- (e) The office of an appointed or elected member is vacant if—
- (i) in the case of a clerical member, the member ceases to be a member of Synod;
- (ii) in the case of a lay member, if the person ceases to be an eligible lay person.

Inserted 364/2010

Council may act notwithstanding vacancies

- 16 No vacancy for whatever reason in the members ex officio or in the appointed or elected members shall effect validity of the proceedings of the members of the Council for the time being who shall be deemed to form a properly constituted Council under this Act.

Convening and chairing of meetings

- 17 (1) The Bishop may convene a meeting at any time but shall convene at least 4 meetings each year.
(2) The Bishop, or a member nominated by the Bishop, shall preside at a meeting of the Council.

Inserted 331/2000

Quorum

18. The quorum of the Council is 5 clerical members and five lay members.

Inserted 331/2000

Council may make By-Laws

- 19 The Council shall have power to make rules and By-Laws for the regulation and conduct of its business not inconsistent with this Act, and from time to time to repeal alter and amend the same.

Council may delegate to Committee

- 20 The Bishop in Council may delegate power to committee with the obligation that such committee shall report to the Council or to Synod but the power so delegated shall be defined strictly and shall be revocable by the Council at pleasure. In appointing such Committees the Council is not restricted to the members of the Council but may co-opt from outside the Council provided that any expenditure of funds shall be subject to the approval of the Council.

- 21 If any member of the Council (not being an ex-officio member) be absent without permission of the Council from three consecutive ordinary meetings of the Council his Office may be declared vacant by the Council.

Council to report to Synod

- 22 The Bishop shall in every session of the Synod on the first day thereof lay a statement before it for the past year of all acts done by him during that year in Council.

- 23 No member of the Council or of a committee of the Council shall be present during the discussion or decision of any question in which he or his Parish or parochial district is interested unless he be specially requested to be present by the Council.

SCHEDULE.

Act 3 of 1925 - Bishop in Council Act 1925

Passed - 30th April, 1963

Assented to - 30th April, 1963.

Act No 261/88 Bishop in Council (Amendment Act) 1988

Act No 331/2000 Bishop in Council (Amendment Act) 1963