

## **THE BUNBURY DIOCESAN ANGLICARE COUNCIL STATUTE 1991 - 2019**

It is considered desirable to establish a Council of the Diocese to promote ministry without discrimination, for the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness, throughout the Diocese of Bunbury.

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

1. This Statute shall be known as 'The Bunbury Diocesan Anglicare Council Statute 1991-2022'.

### **2. Boniface Care**

a) Boniface Care and its Council (referred to as The Bunbury Diocesan Anglicare Council in this Statute; and, also known as Anglicare South with its 'Anglicare Council' in The Bunbury Diocesan Anglicare Council Statute 1991-2013) is hereby constituted by the Anglican Diocese of Bunbury Synod.

### **3. Boniface Care Council**

a) The Boniface Care Council is established as the governing body of Boniface Care, what was previously known as The Bunbury Diocesan Anglicare Council. It is accountable to Bishop-in-Council through the rules and policies laid out in this Statute and as approved by the Synod of the Anglican Diocese of Bunbury.

### **4. Notification**

a) All the necessary legal bodies of the State and Federal Governments will be notified of changes to this Statute now known as "The Bunbury Diocesan Anglicare Council Statute 1991-2022".

### **5. Schedules**

a) This Statute enables Schedules to be added when required.

### **6. Membership**

The Boniface Care Council shall consist of:

a) Ten members of whom no more than five shall be clergy (and all members being resident in the Diocese), who shall be appointed as follows:

- (i) Synod shall elect three members at the First Session of each triennial Synod who shall hold office for the duration of that Synod and until their successors are appointed. They need not be Synod members.
- (ii) The Bishop of the Diocese shall appoint two members, one of whom shall Chair the Boniface Care Council and both appointments shall be for the duration of the Synod.

- (iii) Boniface Care Council itself at its last meeting before the First Session of Synod will appoint five members who will be resident within an area of the Diocese where a Boniface Care service is operated. The term of membership will be for the duration of Synod. These members need not be Synod members.
- b) There shall be one ex-officio member, being the Diocesan Secretary who is employed by The Bunbury Diocesan Trustees, appointed by the Bishop-in-Council to the Boniface Care Council to be the executive officer for the Boniface Care Council and its work. As an ex-officio appointment, the Diocesan Secretary has no voting rights.

## **7. The Objects**

Provided nothing is undertaken for the private gain of any member of Boniface Care and its Council and that all activities be of a non-profit nature; and provided that Boniface Care Council shall not have authority to distribute benefits or funds to persons, bodies, organisations or institutions which are not Registered Public Benevolent Institutions within the meaning of Section 995-1 Income Tax Assessment Act 1997, the Objects are as follows:

- a) The undertaking of all benevolent works and services relating to health and welfare of all persons without discrimination who are in necessitous circumstances.
- b) The relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness.

The assets and income of Boniface Care shall be applied solely in furtherance of the above-mentioned objects and no portion shall be distributed directly or indirectly to the members of Boniface Care except as bona fide compensation for services rendered or expenses incurred on behalf of the Boniface Care.

## **8. Meetings of Boniface Care Council**

- a) The Chairperson shall convene the Boniface Care Council regularly, provided that not less than four meetings shall be held each year.
- b) Members as laid out in S.5 shall be notified of the meeting at least one week in advance by the Executive Officer of the Council.
- c) Resolutions and decisions may be made between meetings via email, electronic means, or teleconferences or through posted correspondence as agreed by the Council.
- d) A resolution is agreed with 50 percent plus one of the membership approving the decision.
- e) A quorum is 50 percent plus one of all the members present at the meeting or via electronic means with a deadline, or teleconference with one from each class of membership being present.
- f) Boniface Care Council must provide a written report each year for the Synod of Anglican Diocese of Bunbury to report on its work and be accountable for its activities

when required.

## **9. Sub Committees**

- a) Boniface Care Council may establish sub-committees as required to undertake and enable the work of Boniface Care and its Council.
- b) The Council must ensure each sub-committee is chaired by a member of the Council or is a Chairperson appointed by the Council who will report back to the Council on their work and with any recommendations requiring a decision.
- c) A sub-committee may include members who are not members of the Boniface Care Council. Membership of all sub-committees must be approved by the Boniface Care Council.
- d) The Council must set the terms of reference for each sub-committee and is the only body in addition to Bishop-in-Council which can make the decision to end the work of a Boniface Care Council sub-committee.

## **10. Disqualifications and Vacancies**

- a) Any member who misses three consecutive meetings without leave to do so, shall lose their entitlement to sit on the Boniface Care Council.
- b) All absences to be notified to the Chairperson.
- c) Vacancies occurring shall be filled by the Bishop-in-Council (for Synod elected members), the Bishop (for the Bishop's appointments) and, Boniface Care (for their appointments) which are notified to the Bishop-in-Council for endorsement.
- d) A member will be disqualified for reasons of: ill-health (for more than three meetings); not meeting Safe Church compliance requirements in line with the Diocesan Statutes; an undeclared criminal record; involvement with disciplinary matters relating to the Diocesan Tribunal (for clergy) and contrary to the current code of conduct; adverse advice from Professional Standards for both laity and clergy; or being subject to police initiated investigations into criminal matters.

## **11. Incorporation of Boniface Care**

- a) The adoption of this Statute by Synod of the Diocese will be the means of including Boniface Care under the incorporation of The Bunbury Diocesan Trustees, which is incorporated under an Act of Parliament, cited as the 'Church of England Diocesan Trustees and Lands Act 1918'.

## **12. Disputes and Disciplinary Matters**

- a) If there is a dispute, the Boniface Care Council will seek to resolve the matters by involving the Archdeacon of the Diocese to mediate and conciliate the dispute in consultation with the Chairperson and the Diocesan Secretary.
- b) Where the dispute involves either the Chairperson or the Diocesan Secretary, the individual affected will not be involved in handling the dispute.

- c) If the complaint involves the Chairperson or the Diocesan Secretary, the Bishop will be notified directly.
- d) All other complaints are to be made to the Diocesan Secretary as the Executive Officer and the Chairperson for the Boniface Care Council, for action to be taken.
- e) The Diocesan Grievance and Complaints Procedure will be followed as appropriate to assist in responding to any complaints and grievances.

### **13. Financial Matters**

- a) The finances of Boniface Care are managed by the Diocesan Office and a report made to the Council at each meeting and monthly.
- b) The appropriate financial reports are made as required legally to all State and Federal authorities each year.
- c) The reporting requirements laid out by the Synod of the Anglican Diocese of Bunbury apply to Boniface Care.
- d) The financial year for Boniface Care runs from July to June each year.
- e) The Boniface Care Council must not operate any bank accounts outside the Diocesan control and is accountable to Bishop-in-Council and Trustees.
- f) There must be two signatories on the Boniface Care bank accounts.
- g) Boniface Care cannot own, buy or sell any property or assets, land or buildings without the authority and approval of the Bunbury Diocesan Trustees.

### **14. Employment Matters**

- a) Boniface Care Council may not employ any person in a paid role without the authority of the Bunbury Diocesan Trustees.

### **15. Record Keeping**

- a) Records shall be kept of the activities of Boniface Care, its Council meetings, the decisions made and all its fiduciary and financial responsibilities, meeting the community standards and expectations of record keeping and access to information.
- b) A record of members of the Council, their membership details shall be maintained by the Diocesan Secretary.
- c) Privacy and confidentiality will be maintained in line with current legislation from State and Federal Governments.

### **16. Meeting the Objects of Boniface Care**

- a) Boniface Care supports all Diocesan parishes and communities who may approach the Council for assistance and support in local mission activities concerning benevolent works and services relating to health and welfare of all persons without discrimination who are in necessitous circumstances; and, the relief of poverty,

sickness, suffering, distress, misfortune, destitution or helplessness.

- b) Boniface Care Council will work with Anglicare WA and members of Anglicare Australia and other mission-based entities of the Anglican Church of Australia as stakeholders on mission support and service delivery within the Diocese's parishes and communities.
- c) Boniface Care Council is a signatory from time to time, to the Memorandum of Understanding with Anglicare WA and commits to meet regularly as agreed with Anglicare WA in a Joint Working Party while this remains active.

#### **17. Safe Church**

- a) All the Safe Church obligations laid out in Diocesan legislation, policies and procedures for the Anglican Diocese of Bunbury apply to Boniface Care and its Council.
- b) The Diocesan Code of Conduct and Faithfulness in Service apply to Boniface Care and its lay and clergy members.

#### **18. Dissolution of Boniface Care and its Council**

- a) Upon the dissolution of Boniface Care, any assets remaining after the satisfaction of all outstanding debts and liabilities will be transferred to another organization with similar purposes which is not carried on for the profit or gain of its individual members and which is also a member and part of the Anglican Church of Australia including The Anglican Bunbury Diocesan Trustees.
- b) Boniface Care will notify the Australian Tax Office of the date of dissolution of Boniface Care and its Council.

#### **19. Revocation of Deductible Gift Recipient Status**

- a) If Boniface Care endorsement as a deductible gift recipient is revoked, any surplus of the following assets shall be transferred to another organization with similar objects, and which is charitable at law, to which income tax deductible gifts can be made and where practical is part of the Anglican Church of Australia including The Anglican Bunbury Diocesan Trustees:
  - (i) gifts of money or property for the principal purpose of Boniface Care
  - (ii) contributions made in relation to an eligible fundraising event held for the principal purpose of Boniface Care
  - (iii) money received by Boniface Care because of such gifts and contributions.

#### **20. Interim**

- a) With the passing of the Statute:
  - (i) Synod acknowledges and accepts responsibility for the actions and decisions of the Bunbury Diocesan Anglicare Council 1986-1991; and 1991-2013; and
  - (ii) Synod shall continue to elect their three members of the Boniface Care Council 3 (a) (i); and

- (iii) The Bishop of the Anglican Diocese of Bunbury shall appoint the Bishop's two members 3 (a) (ii); and
- (iv) Synod accepts as members of Boniface Care Council, those appointed by the Boniface Care Council at its meeting prior to this Synod and as endorsed by Bishop-in-Council.