

## **ACT EIGHT**

### ***Of Diocesan Officers***

#### Diocesan Secretary

- 1** There shall be a Diocesan Secretary, who shall be appointed by the Bishop with the approval of Diocesan Council and the Diocesan Board of Trustees.
- 2** The terms and conditions of the appointment and duties of the Diocesan Secretary shall be expressed in a letter of appointment, which shall specify the notice, not exceeding six months required to be given or received by the Bishop. On termination of appointment all books, papers intellectual and other properties belonging to the Diocese, shall be given up on request.

#### Duties

- 3** The duties of the Diocesan Secretary shall be:
  - (a) To act as Secretary to the Diocesan Board of Trustees and as Treasurer and Accountant to that Body.
  - (b) To collect and receive all moneys belonging to the Diocese, and to keep the same in such Banks and other financial institutions as the Diocesan Board of Trustees may from time to time direct.
  - (c) To keep proper books of accounts, prepare financial statements as required by Synod or the Bodies for which he/she is acting, with due regard to generally accepted accounting practice.
  - (d) To move resolutions in the Diocesan Synod on behalf of these Bodies when so directed.
  - (e) To take control of the Diocesan Office in consultation with the Bishop, and Diocesan Board of Trustees.
  - (f) To enter into agreements of lease in respect of any premises needed for Diocesan purposes.
  - (g)
    - (i) To have the charge of all Register books of the Diocese, and Parish Registers when sent to him/her for preservation; and of all papers and documents by any Rule committed to his/her care, and of all title deeds of Church property, and of all leases, bonds, certificates of occupation, and other contracts concerning the same sent to him/her for preservation;
    - (ii) to keep the same in a fire-proof safe;

- (iii) to register all such registers, documents and title deeds in a book reserved for that purpose;
- (iv) to keep a register of the Clergy of the Diocese in order of their precedence, by their dignities, collations, institutions, or licences, as the case may be.
- (h) To perform such other duties as may be allotted to him/her by the Bishop or Synod or any other competent authority.

#### Diocesan Registrar

- 4** There shall be a Diocesan Registrar, who shall be appointed by the Bishop. Such Registrar shall be an attorney of the High Court and a duly qualified conveyancer.

#### Duties

- 5** The Duties of the Registrar shall be:
- (a) To act during the term of his/her appointment as standing attorney of the Diocese, and to discharge all legal matters connected with the Diocese, and to effect all conveyances of Diocesan property, unless otherwise decided by the Diocesan Trustees.
  - (b) To perform all such duties as belong to his/her office in respect of the election of a Bishop.

#### Termination of Appointment

- 6** The appointment of the Diocesan Registrar may be terminated by notice given by or to the Bishop, the period of such notice being agreed in the letter of appointment, and in any case not to exceed six months. Should the Diocesan Registrar be convicted by any competent Court of any offence involving dishonesty, or if his/her name be removed by order of the Court from the Rolls, his/her appointment shall terminate forthwith without notice. He/She shall immediately return to the Bishop or his/her authorised agent all documents and property, including intellectual property, belonging to the Diocese.

#### Remuneration

- 7** (a) The remuneration of the Diocesan Secretary shall be at the rate agreed upon by the Diocesan Board of Trustees and approved by the Bishop.

- (b) The remuneration of the Diocesan Registrar and any Deputy Registrar shall be at the rate agreed by the Bishop, in consultation with the Diocesan Board of Trustees.

#### Deputy Registrar(s)

- 8 (a) The Bishop, after consulting the Registrar, may appoint not more than two legally qualified persons as Deputy Registrars. A Deputy Registrar shall perform such duties and on such conditions as may be determined from time to time by the Bishop in consultation with the Registrar and the Diocesan Board of Trustees.
- (b) The provisions of Section 6 of this Act will apply, with any necessary adaptation, to the termination of the services of a Deputy Registrar.

#### Additional Staff

- 9 (a) The Bishop may appoint staff in addition to the Diocesan Secretary. This shall be done in consultation with the Diocesan Secretary and with the approval of the Diocesan Board of Trustees. In creating posts for additional staff, the necessary job titles and remuneration levels must be determined by the Bishop before appointments are made.
- (b) (i) Lay persons employed in any capacity and who work more than 24 hours in a month are subject to Republic of South Africa labour laws. The most important of these are the Labour Relations Act No. 68 of 1995 (LRA) and the Basic Conditions of Employment Act No. 75 of 1997 (BCEA). Chapter 8 of the LRA covers the ins and outs of dismissals and must be borne in mind if that situation arises. The LRA also covers disciplinary matters.
- (ii) The BCEA in Section 29 stipulates the written particulars of employment that must be furnished to an employee, i.e., there must be an employment contract. Section 37 indicates the periods of notice applicable on termination. Section 40 tells how (minimum) termination payments must be calculated.
- (iii) It is of course not possible to restate these extensive civil Acts in this Diocesan Act. They are mentioned to place the employment of lay staff in its civil law context.
- (iv) From the Diocesan viewpoint, it is important that the employment contracts make it very clear that the employer/employee relationship is governed by the South African labour law. The following also applies as a matter of Diocesan employment policy:
  - (aa) Quality employment and not casual employment should be the norm.

- (bb) Membership of the Anglican Church of Southern Africa lay pension fund is obligatory for those who qualify.
- (cc) Membership of the chosen Diocesan Medical Aid Scheme is optional.
- (dd) Retirement (termination) is at the end of the month in which the employee turns 65 years of age.
- (ee) Employment beyond 65 years may be negotiated but this will constitute a new contract of employment for a period of 12 months renewable for further periods not exceeding 12 months at a time, as mutually agreed upon.

#### Diocesan Chancellor

- 10** The Bishop may appoint to the Office of Chancellor of the Diocese a suitable person, being a communicant, and legally qualified, who shall -
- (a) be the advisor of the Bishop in all matters of law;
  - (b) be the Bishop's assessor in all trials;
  - (c) attend and assist the Bishop in all Synods, Courts of Visitation, Consistories, Consecrations and Dedications;
  - (d) hold office for a period of seven years, but may be removed by the Bishop. Should the Bishop remove a Chancellor from Office, he/she shall advise the Chancellor in writing of his/her decision giving reasons and shall report this action to the Diocesan Council.

#### Deputy Diocesan Chancellor

- 11**
- (a) The Bishop may, in consultation with the Diocesan Chancellor, appoint a suitable legally qualified person, who shall be a communicant, to be Deputy Diocesan Chancellor. The Deputy Diocesan Chancellor may assist the Diocesan Chancellor in the performance of his/her duties or may perform such duties on behalf of the Chancellor.
  - (b) The Deputy Diocesan Chancellor will hold Office for the period stipulated by the Bishop in the relevant letter of appointment. Such term of office shall not exceed the term of office of the Diocesan Chancellor and Section 10 para. (c) of this Act also applies to the removal from Office of the Deputy Diocesan Chancellor.

Diocesan Auditors

- 12** Synod shall, at each Session, elect a Diocesan Auditor or Auditors, who shall examine the accounts of the Diocesan Board of Trustees and report thereon to the following Synod; such Auditor to hold office until a successor or successors are appointed, and have the right to address Synod during the discussions of the Auditor's report.

Auditors for Diocesan Institutions

- 13** The accounts of all Diocesan Institutions receiving financial assistance from the Diocese shall be audited by Auditors approved by the Diocesan Board of Trustees and such accounts shall be tabled in Synod.