

Emmanuel Centre Constitution

A Catholic Agency operating in the Archdiocese of Perth

1.0 Preamble.

While Catholic lay persons and clergy have the right to establish and direct associations for charitable or pious purpose, which foster the Christian vocation (Code of Canon Law 215) no organization can legitimately claim to the name 'Catholic' without the consent of the lawful Church authority (Vatican II *Lumen Gentium* 37, *Apostolicam Actuositatem* 24,25: Code of Canon Law 216)

Associations are not ends unto themselves; rather they should serve the mission of the Church of world. Their apostolic dynamism depends on their conformity with the goals of the Church as well as on the Christian witness and evangelical spirit of every member of the whole association (Vatican II *Apostolicam Actuositatem* 19).

Accordingly, all Agencies that operate within the Archdiocese of Perth must have the approval of the Archbishop to operate as a Catholic agency and this Constitution, along with the mandate letter from the Archbishop, provide the basis for that approval and the parameters of that approval.

Specifically the **Emmanuel Centre** in accordance with the Archbishop's mandate operates within a self-help environment which draws its inspiration from three Scriptures passages: "You are made in the image and likeness of God" (Genesis 1:26); "now you are the body of Christ, each one of you is a part of it." (1 Corinthians 12:27) and "the walk to Emmaus" (Luke 24:13-35).

2.0 Name

- 2.1 The name of the Agency shall be **Emmanuel Centre**. Emmanuel is a Biblical word meaning "god is with us" and hence Emmanuel is to be "Jesus" with the people who serve and who are served,
- 2.2 Emmanuel Centre is an agency of the Catholic Archdiocese of Perth, established and controlled by the Roman Catholic Archbishop of Perth.
- 2.3 The legal entity for all matters is the Roman Catholic Archbishop of Perth, a Corporation Sole.
- 2.4 Two ministries exist within the ethos, aim and mission of Emmanuel Centre.

- **Emmanuel Self Help**

A self-help collective, with a Coordinator, having responsibility for decision making shared by all members in general and particular meetings. It is not hierarchical. It supports the opportunities, rights and dignity of people with a range of disabilities.

Part of the ethos of equality and dignity is reflected in the structure of the organization where all participate in reaching decisions and where there are neither "staff" nor Clients" but only participants. Besides the main body of Emmanuel Self Help, there are two service arms Catholic Association for Special Education Support and Catholic Concerns Committee on Psychiatric Issues.

- **Catholic Ministry with Deaf And Hard Of Hearing**

An association of people with or concerned with people who are Deaf or Hard of Hearing and their opportunities and rights particularly within the Catholic Church. It is also a self-help collective, with a Chaplain, sharing responsibility of decision-making on an ongoing basis.

3.0 Purpose of the Agency

3.1 The purpose of the Agency is to:

- Assist the Archdiocese in fulfilling its responsibilities in furthering the Mission of the Church in the area of disabilities in accordance with the beliefs, values, conditions and social teachings of the Catholic Church; and
- Walk with people with disabilities and their families and carers and empower them to reach their full potential.

This will include providing

- Support and resources to individuals, families and communities;
- Advocacy for people with disabilities;
- Faith formation and sacramental preparation to individuals and families
- Advice to Church, Government and Non-government Agencies.

3.2 In fulfilling its purpose the Agency shall act in accordance with:

- this Constitution
- the mandate letter from the Archbishop
- any policies or directions prescribed by the Archdiocesan Finance Office on behalf of the Archbishop of Perth, for the whole of the Archdiocese or for this agency in particular.

3.3 If the agency does not act in accordance with 3.1 or 3.2 of this Constitution, then any actions or decisions taken are null and void and therefore, do not come under the indemnity given under 5.2.

4.0 Heads of the Agency

4.1 The head of the Agency, referred to in other constitutions as the Director, is called, in the case of Emmanuel Self-Help, "The Coordinator, appointed directly by the Archbishop.

4.2 In the case of the Catholic Ministry with Deaf and Hard of Hearing, the head is "The Chaplain", appointed directly by the Archbishop.

5.0 Committee

Given the direct appointment of the head of the agency by the Archbishop, the agency may form a Consultative Committee that will assist in the effective management and functioning of the Centre and its associated bodies. The Committee has no power to choose the Coordinator or Chaplain, but may give advice to the Archbishop in the case of a vacancy.

5.1 Membership of the Consultative Committee

Consultants are drawn from those already exercising stewardship and sharing responsibilities in the life and activity of the Emmanuel Centre. Consultants with special expertise may also be appointed to the Committee by the Coordinator and/or the Chaplain.

5.2 Key Functions of the Consultative Committee

The Committee considers and provides advice to the Coordinator and Chaplain on the following administrative arrangements:

- Financial Management-including the budget planning and preparation process and the conduct of financial audits.
- Industrial Relations-relating to paid and voluntary staff, and specifically contracts of employment.
- Other relevant administrative arrangements including succession planning, insurance, duty of care and occupational health and safety.'
- The Committee abides by the ethos of the self-help collective model by sharing responsibility among all members for decisions.
- The Committee will meet on a regular basis, and with an Annual General Meeting at which the Committee which receive a report on the Centre's administrative arrangements.
- Minutes of meetings will be made available to the Archdiocesan Finance Office and the Archbishop.
- The committee will be chaired by a nominated person of the Consultative Committee for a two year term.

6.0 Variations of the Constitution

6.1 This Constitution may only be varied by the Archbishop.

6.2 Any variation approved by the Archbishop shall have effect from the date the Archbishop determines.

7.0 **Interpretations of the Constitution**

7.1 The power of interpretation of this Constitution rests solely with the Archbishop.

7.2 The agency may seek an interpretation of this Constitution from the Archbishop.

8.0 **Accounting Procedures**

8.1 Financial records shall be maintained by the Agency to a professional standard, and be subject to inspection by a qualified independent auditor annually.

8.2 The financial year of the Agency shall be the year ending on 31 December.

8.3 The audit shall be conducted within three months of the close of the financial year.

The audited financial statements are to be submitted to the Archdiocesan Finance Office Within two months of receipt.

9.0 **Use of Income and Property**

9.1 All income and property of the Agency is owned by the Archbishop as Corporation Sole in trust for the objects of Emmanuel Centre.

9.2 The income and property of the Agency shall be applied solely to the promotion of its objects with the budget approved by the Archdiocesan Finance Office.

9.3 The Agency does not have the authority to undertake any financial commitment involving expenditure beyond the limits of its known annual income from all sources.

9.4 No funds may be borrowed without the approval of the Archdiocesan Finance Office

9.5 In the third month prior to the next financial year, the Agency shall prepare and submit to the Archdiocesan Finance Office a budget of income and expenditure for the ensuing financial year.

10.0 **Annual Report**

10.1 The Agency shall provide an Annual Report on the operations of the agency.

10.2 That report shall contain:

10.2.1 How the agency has fulfilled its purpose in the preceding year

10.2.4 The audited Annual Financial Statement of the Agency;

10.2.5 Any significant change of assets under the control of the agency;

11.0 **Dissolution of the Agency and Dismissal of the Coordinator or Chaplain**

11.1 The Chaplain or the Coordinator may be dismissed or replaced by the Archbishop alone.

11.2 The Agency may be dissolved or amalgamated with another Agency by the Archbishop of his own motion.

11.3 The Agency is required to work within the spirit and letter of this Constitution. If for any reason the Agency does not function satisfactorily financially, the advice and assistance of the Archdiocesan Financial Officer shall be sought without delay. If, after receiving assistance, the agency is still unable to financially operate successfully, the agency may be closed by the Archbishop on the recommendation of the Consultative and Advisory Group members and the Archdiocesan Finance Officer.

11.4 Upon the dissolution of the Agency, any assets remaining after satisfaction of all Outstanding debts and liabilities shall revert to the sole control of the Archbishop.