



Catholic Social Services
Australia

CATHOLIC SOCIAL SERVICES (AUSTRALIA)

CONSTITUTION

AS APPROVED BY THE
AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

Revised December 2006

CATHOLIC SOCIAL SERVICES (AUSTRALIA)

CONSTITUTION

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ESTABLISHMENT AND OBJECTIVES OF THE ORGANISATION

NAME

1. The name of the organisation is "Catholic Social Services (Australia)" (in this Constitution called Catholic Social Services).

ESTABLISHMENT

2. Catholic Social Services is established as a Commission by the Australian Catholic Bishops Conference (in this Constitution called the **Conference**) to which it is accountable for the Mission entrusted to it in accordance with this Constitution. Catholic Social Services is an organisation of the Conference.

MISSION

3. Catholic Social Services Australia envisages an Australian society that reflects and supports the dignity, equality and participation of all people. Catholic Social Services Australia has a mission to promote a fairer, more inclusive society that preferentially assists those people most in need.

OBJECTS

4. Catholic Social Services carries out its Mission by interacting with Catholic organisations, governments, other churches and all people of goodwill, to develop social services policies, programs and other strategic responses that enhance the human dignity of every person and work towards the economic, social and spiritual well-being of the Australian community.

5. The objects for which Catholic Social Services is established are:

5.1 Poverty Relief

- (a) to provide direct relief of poverty, sickness, suffering, distress, misfortune, disability or helplessness to people in Australia;
- (b) to provide relief in the form of money, goods and services to people in Australia in necessitous circumstances;
- (c) to plan for and assist the underprivileged; neglected children and families; people who are unemployed; single parents; people with a disability; the sick, the infirm and the aged within Australia.

5.2 Catholic Identity

- (a) to promote the ministry of Catholic social services as an integral element of the mission of the Catholic Church;

- (b) to disseminate, through publications and by other means, the teaching of the Catholic Church in regard to the ministry of Catholic social services;
- (c) to make public statements, from a Catholic perspective, on matters relating to social services;
- (d) to assist, wherever possible, the presence and effective mission of Catholic social services;
- (e) to serve as a focus for the solidarity and witness of Catholics engaged in the ministry of Catholic social services;
- (f) to advocate and promote the broadest adoption of Catholic values, ethical principles and social justice in Catholic social services;
- (g) to identify and keep under constant review ethical issues relevant to the ministry of Catholic social services.

5.3 **Prophetic Voice**

- (a) to seek to influence those structures in the Australian society that cause, or fail to alleviate, injustice and disadvantage;
- (b) to be a voice with and for those families and individuals in the community who suffer injustice or who are excluded from fully participating in their local communities and society at large;
- (c) to co-operate with, arrange appearances before and initiate submissions to, national committees and commissions of inquiry into social services matters.

5.4 **Co-ordination**

- (a) to create and co-ordinate a network involving Members of Catholic Social Services for the purpose of facilitating and enhancing co-operation between the Members in accord with the principle of subsidiarity;
- (b) to advise, and where necessary assist, those Church social services organisations which request support in making contact with those Government Ministers and Departments responsible for social services;
- (c) to promote consultation and co-operation between Catholic social services organisations and Governments and national peak non-government agencies involved in social services activities;
- (d) to provide a national point of contact for Ministers and Departments of the Australian Government in relation to the activities of Catholic social services organisations;
- (e) to administer the delivery of any social services on behalf of the Members of Catholic Social Services.

5.5 Sector Development

- (a) to act as a resource and to develop values-based education and formation materials for employees of Members of Catholic Social Services and their boards;
- (b) to facilitate the process of inducting persons who are employees of Catholic social services organisations into the ethos and identity of the Catholic Church and its social services ministry which may include the convening of national conferences and other formation initiatives;
- (c) to facilitate collaborative responses from Catholic social services which seek to address issues affecting the well-being of Australian families and individuals;
- (d) to facilitate and support programs for the purpose of reducing injustice and disadvantage in the Australian community in regard to poverty, alienation, unemployment, marital disharmony, child protection, homelessness, loneliness or any other form of human suffering and misfortune that has a social services dimension;
- (e) to promote and facilitate, through educational and other programs, the personal and professional development of staff and other persons associated with Catholic social services;
- (f) to provide a forum of communication for issues of common interest and concern to the Members of Catholic Social Services.

5.6 Policy and Advocacy

- (a) to monitor, analyse, initiate research on and respond to policies of the Federal Government insofar as these relate to the ministry of Catholic social services;
- (b) to provide the Members of Catholic Social Services with a forum and opportunity to make recommendations to Catholic Social Services on the need for Catholic Social Services to undertake research on issues affecting the well-being of Australian families and individuals;
- (c) to provide assistance to Members of Catholic Social Services who seek to initiate or undertake research on issues affecting the well-being of Australian families and individuals;
- (d) to promote public discourse on social issues with particular reference to the application of Catholic social teaching to those systems in the community that are identified as contributing to social injustice and disadvantage;
- (e) to offer consultation and information services on social services initiatives and policies when requested by the Members of Catholic Social Services or other Catholic social services organisations;

- (f) to provide a resource to and referral point for the Conference in matters relating to the ministry of Catholic social services;
- (g) to provide a resource to and referral point for the Australian Conference of Leaders of Religious Institutes in matters relating to the ministry of Catholic social services;
- (h) to offer advice to individual Bishops and Leaders of Religious Institutes, when requested, on matters pertaining to the delivery of Catholic social services and the social welfare aspects of community-based health care;
- (i) to offer advice to the Conference and to the Australian Conference of Leaders of Religious Institutes, their organisations and members and other organisations involved in social services operating under the auspice of the Catholic Church, so that these might be more effective in responding to the needs and well-being of all Australians.

MANDATE TO ISSUE PUBLIC STATEMENTS

6. Catholic Social Services shall implement the Objects entrusted it by Conference and has the authority to issue public statements and promote public discussion on the understanding that the views expressed in such statements are its own. Catholic Social Services has no authority to issue public statements or to speak on behalf of Conference.

OPERATION OF THE ORGANISATION

MEMBERSHIP OF CATHOLIC SOCIAL SERVICES

7. The Board of Catholic Social Services (in this Constitution called the **Board**) shall receive all written applications for membership of Catholic Social Services from any organisation or facility operating under the control of a diocese, a parish, a Religious Institute, a Juridic Person or lay association of Christ's faithful which conducts and controls, either directly or indirectly, a Catholic social service.
8. Ordinary Members and Associate Members of Catholic Social Services shall be admitted in accordance with this Constitution and the By-Laws which shall require that such Members demonstrate their acceptance of the Mission, the Objects and the Code of Ethics of Catholic Social Services.
9. The Board shall ensure that the Code of Ethics, which is in accordance with the values and the teaching of the Catholic Church in regard to the ministry of Catholic social services, to be applied when determining the eligibility of applicants to become a Member of Catholic Social Services are clearly set out in a Schedule to the By-Laws.
10. Any member of Catholic Social Services may be removed from Catholic Social Services in accordance with the By-Laws.

APPOINTMENT OF THE BOARD OF CATHOLIC SOCIAL SERVICES

11. A person shall become a member of the Board on receiving an appointment from the Conference.
12. The procedures governing appointment of persons to the Board, other than those covered in Clauses 13, 14, 15, 16 and 17 shall be prescribed in this Constitution.
13. One or more bishops shall be appointed from the Bishops Commission for Justice and Service by the Conference to the Board as determined by the Conference from time to time.
14. One of the bishops referred to in Clause 13 shall be appointed by the Bishops Commission for Justice and Service as the "Bishops' Nominee" and shall, where necessary, cause communication between Catholic Social Services and the Conference through the Bishops' Commission for Justice and Service.
15. Nominations for the appointment of the following persons to the Board shall be put forward to the Conference by the Bishops' Commission for Justice and Service as follows:
 - (a) one person as the Chairperson of Catholic Social Services;
 - (b) one person following consultation by the Bishops' Commission for Justice and Service with the Australian Conference of Leaders of Religious Institutes;
 - (c) up to three (3) persons following an election by secret ballot of nominees of the Members has been conducted at an Annual General Meeting of Catholic Social Services;
 - (d) up to three (3) persons following consultation by the Bishops' Commission for Justice and Service with the Bishops in the Provinces of Adelaide, Brisbane, Melbourne, Perth and Sydney; the Archbishop of Canberra/Goulburn; the Archbishop of Hobart; the Bishop of Darwin; the Eparchy of St Michael Archangel of Sydney; the Maronite Diocese of St Maroun of Sydney; and, the Eparchy of Saints Peter and Paul of Melbourne concerning these appointments.
16. The Conference, when appointing persons as a Member of the Board pursuant to Sub-clauses 15(c) and (d), shall take into account, inter alia, their competence and expertise in the areas of management, mission, canon and civil law, clinical practice, social services administration, geographic issues, service delivery and ethical issues, as well as their understanding of and commitment to the ministry of Catholic social services as an integral element of the mission of the Catholic Church.
17. A person who is an employee of the Conference and/or who is accountable to the Executive Director shall, by reason of their status, be excluded from holding a position as a member of the Board.
18. Members of the Board shall not be considered to be a formal representative or delegate of any organisation, Province, Diocese, State or Territory.

19. Members of the Board may be removed from the Board by the Conference in accordance with the By-Laws.

APPOINTMENT OF THE CHAIRPERSON OF THE BOARD

20. The Conference shall appoint the Chairperson of Catholic Social Services after nomination by the Bishops Commission for Justice and Service.
21. The Board shall advise the Bishops Commission for Justice and Service concerning the suitability of an applicant for the position of Chairperson before the Bishops Commission for Justice and Service nominates a person to the Conference.
22. The Chairperson does not have to hold membership of the Board at the time of nomination.
23. The Chairperson shall be appointed for a term of three (3) years.

THE BOARD

24. The Board shall be responsible to the Conference and to the Members for implementing the policies of Catholic Social Services and shall be accountable to the Conference for the implementation of the Mission and Objects of Catholic Social Services.
25. The Board, subject to this Constitution, the By-Laws and any resolution(s) passed by Catholic Social Services in General Meeting, shall:
 - (a) oversee the affairs of Catholic Social Services;
 - (b) exercise all such functions as may be exercised by Catholic Social Services other than those powers and functions that are required to be exercised by the Conference.
26. The Board shall:
 - (a) instruct the Executive Director to carry out the directions of the Board in accordance with this Constitution;
 - (b) supervise the work performed by the Executive Director on behalf of the Board;
 - (c) receive regular reports on the progress of implementing these directions from the Executive Director.

THE EXECUTIVE DIRECTOR

27. The Board shall recruit and interview applicants for the position of Executive Director in consultation with the Bishops Commission for Justice and Service and shall make a recommendation concerning the suitability of an applicant for the position of Executive Director to the Bishops Commission for Justice and Service.

28. Upon accepting the recommendation of an applicant for the position of Executive Director from the Board, the Bishops Commission for Justice and Service shall nominate the applicant to the Conference.
29. Upon accepting the recommendation of the Bishops Commission for Justice and Service, the Conference shall appoint the applicant to the position of Executive Director of Catholic Social Services.
30. The Executive Director shall be an employee of the Conference.
31. The Executive Director shall be responsible for providing secretariat services to the Bishops Commission for Justice and Service and, on request, shall attend meetings of the Bishops' Commission.
32. The Executive Director shall be the Secretary of Catholic Social Services.
33. The Executive Director shall be responsible for implementing the directions and the policies of Catholic Social Services.
34. The Executive Director shall be accountable to the Chairperson of the Board for the implementation of the Mission and the Objects of Catholic Social Services and the directions and the policies of the Board.
35. The Executive Director shall ensure that minutes are kept of the resolutions and proceedings of each General Meeting of Catholic Social Services in books provided for that purpose together with a record of the names of persons present at such meetings.

EMPLOYEES OF CATHOLIC SOCIAL SERVICES

36. The Executive Director shall be responsible for the appointment and the termination of all persons employed to work in the National Office of Catholic Social Services.
37. All persons employed to work in the National Office of Catholic Social Services shall be employees of Conference and shall be accountable to the Executive Director.

CATHOLIC SOCIAL SERVICES (AUSTRALIA) WELFARE ASSISTANCE FUND

38. The "Catholic Social Services (Australia) Welfare Assistance Fund" (in this Constitution called the **Gift Fund**) was established by Catholic Social Services following approval of the Constitution of the Australian Catholic Social Welfare Commission (in this Constitution called the **ACSWC Constitution**) by the Conference on 3 May 1995 as approved by the Australian Taxation Office in November 1984. Pursuant to Clause 10 of the ACSWC Constitution, the Conference hereby amends the ACSWC Constitution by deletion of Clause 7 of the ACSWC Constitution and substitution of the provisions of this Constitution relevant to the Gift Fund.
39. The Gift Fund shall only be used in accordance with the Objects outlined in Clause 5.1 of this Constitution.

40. The Board shall exercise control over the use of the name of the Gift Fund by other organisations.
41. The Board shall act as the Trustees of the Gift Fund.
42. All monies subscribed or given to the Gift Fund shall be credited to the Gift Fund and paid direct to the Separate Bank Account of the Gift Fund.
43. All funds collected and received by the Fund shall be in accordance with Federal, State and Territory legislation.
44. The income and assets of the Gift Fund shall be utilised only for the objects enumerated in Clause 5.1 of this Constitution and matters incidental hereto. No portion shall be distributed directly or indirectly to Members of Catholic Social Services or Members of the Board except to employees of Catholic Social Services for services rendered or expenses incurred on behalf of the fund.
45. The Executive Director and any other person duly authorised by the Trustees shall be authorised to operate the Bank Account of the Fund.
46. The Trustees may appoint such staff to administer the Gift Fund as they consider necessary.
47. The Board shall report on the activities of the Gift Fund to the Conference from time to time and to the Members of Catholic Social Services at the Annual General Meeting of Catholic Social Services.
48. The Gift Fund shall be open for subscription by the public.
49. The Gift Fund shall be dissolved only in accord with the provisions contained in Clause 58 of this Constitution.

INCOME AND PROPERTY

50. The income and property of Catholic Social Services whencesoever derived shall be applied solely towards the promotion of the Mission and the Objects of Catholic Social Services as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of bonus or profit to those who at any time are or have been Members of Catholic Social Services, Members of the Board or those who are employees of the Conference or to any of them or to any person claiming through any of them provided that nothing herein contained shall prevent payment in good faith of remunerations to any member or officer thereof, in return for any services actually rendered to or expenses incurred on behalf of Catholic Social Services.
51. True accounts shall be kept in accordance with Australian Accounting Standards and the sums of money received and expended by Catholic Social Services and the matter in respect of which such receipts and expenditure takes place and the property, credits and liabilities of Catholic Social Services and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the laws of Catholic Social Services for the time being, such accounts shall be open to the inspection of the Conference, the Board and the Members.

52. The Board shall appoint an Auditor who is authorised as an Auditor in the State or Territory in which the Office of Catholic Social Services is located at the Annual General Meeting of Catholic Social Services.

CATHOLIC SOCIAL SERVICES (AUSTRALIA) LIMITED

53. The Board shall establish a company limited by guarantee which is to be known as "Catholic Social Services (Australia) Limited" (in this Constitution called the **Company**) for the primary purpose of acting as a trustee of Catholic Social Services and entering contracts or trading with other entities where such arrangements are in the interests of Catholic Social Services and the Members.
54. The Board shall report on the activities and the affairs of the Company to the Conference from time to time and to the Members at the Annual General Meeting of Catholic Social Services

OFFICE OF CATHOLIC SOCIAL SERVICES

55. The Office of Catholic Social Services shall be situated in such location as the Conference shall from time to time determine.

DISSOLUTION

56. Catholic Social Services may be dissolved only by a resolution of the Conference.
57. Where such a winding up or dissolution of Catholic Social Services takes place, the minutes, records and book of accounts and all other documentation, where in paper form or in electronic form, of Catholic Social Services shall be transmitted to the Conference.
58. If upon the winding up or dissolution of Catholic Social Services there remains after the satisfaction of its debts and liabilities any surplus assets whatsoever, the same shall not be paid to or distributed amongst the Members of Catholic Social Services but shall be given or transferred to another, or other funds, authorities or institutions in Australia which is a public benevolent institution for the purposes of any Commonwealth taxation Act determined by resolution of the Board at or before the time of dissolution.
59. Where such a winding up or dissolution of Catholic Social Services takes place, those unexpended funds provided by the Conference, government or other organisations at the time of winding up shall be returned to the funding body in line with the funding agreement.

BY-LAWS OF CATHOLIC SOCIAL SERVICES (AUSTRALIA)

60. This Constitution shall require By-Laws to determine and direct those operations of Catholic Social Services not covered in this Constitution.

61. The attached By-Laws approved by the Conference are the initial By-Laws of Catholic Social Services and the By-Laws, as amended from time to time, shall be binding upon Catholic Social Services, its Board, Executive Director and employees.
62. The By-Laws shall only be amended or altered by the Members at a General Meeting as prescribed in Clause 151 of the By-Laws.
63. In the event of any inconsistency between the Constitution and the By-Laws, the Constitution shall prevail.
64. The Bishops' Nominee shall notify the Conference of any amendments to the By-Laws.

AMENDMENTS TO THIS CONSTITUTION

65. This Constitution shall only be amended or altered by the Conference.
66. Any recommendation(s) to the Conference to amend this Constitution shall be made on the vote of two-thirds (2/3) majority of the Members of Catholic Social Services present at the Annual General Meeting or at any other General Meeting of Catholic Social Services.
67. The Bishops' Nominee shall notify the Conference of any such recommendation(s) to amend this Constitution.
68. Any proposed amendment(s) to this Constitution shall require the ratification of the Conference before taking effect.