

LITURGY PUBLISHING CANON 2001

Canon No. 5, 2001

A canon to provide for the publishing of liturgical texts and other material.

The General Synod prescribes as follows:

Part I - Introductory

Title

1. This Canon may be cited as the "Liturgy Publishing Canon 2001".

Definitions

2. Except in so far as the context or subject matter otherwise requires or indicates:

"**Committee**" means the Committee established and constituted in accordance with the provisions of this Canon;

"**Company**" means the Company formed by the Committee in accordance with the provisions of this Canon;

"**Liturgical Text**" means the text of any liturgy or liturgical material approved for use in this Church in accordance with its Constitution and Canons and such material prepared by the General Synod Liturgy Panel approved for trial use;

"**The Anglican Church of Australia Trust Corporation**" means the body corporate referred to in the Constitution;

"**Trust Deed**" means the deed of trust by which the Trust is established;

"**Trust**" means the trust settled on the Company in accordance with the provisions of this Canon;

"**Trustee**" means the Company; and

a reference to publishing or publication includes the production and reproduction of material by writing or printing or electronic means.

Part II - The Committee

The Committee

3. For the purposes of this Canon there shall be a committee called the Broughton Publishing Committee.
4.
 - (i) The members of the Committee shall be members of this Church appointed by the Standing Committee for such term or terms and on such conditions as the Standing Committee may determine and shall hold office until their successors are appointed.
 - (ii) However the office of a member shall become vacant when the member; notwithstanding subsection (1)
 - (a) dies; or
 - (b) resigns; or
 - (c) is removed by resolution of the Standing Committee, or
 - (d) is declared by the Standing Committee to have ceased to be a member of this Church.
5. It is the function of the Committee to facilitate, pursuant to the provisions of this canon, the publishing and distribution of material relating to the liturgical life and ministry of this Church and of any other material or document authorised by the Standing Committee.
- 6.¹ The Committee shall comprise such number of members and with such quorum as may be determined by the Standing Committee and subject to this Canon and any rules of procedure determined by the Standing Committee may:
 - (a) regulate its procedures and meetings as it sees fit, and
 - (b) act notwithstanding any vacancy in its membership.

Part III - The Trustee Company

The Trustee

7. The Committee shall cause a company to be created and registered under the provisions of the Corporations Law having the name "**Broughton Publishing Pty Ltd**", or such other name as is approved by the Standing Committee.

¹ Subsections (a) and (b) were inadvertently omitted from all printed versions of this Canon.

8. If the Company is a company having a share capital, the only member of the Company will be The Anglican Church of Australia Trust Corporation.
9. The Constitution of the Company must first be approved by the Standing Committee and should include provisions which:
 - (a) prohibit the transfer or allotment of shares without the consent of the Standing Committee;
 - (b) prohibit the amendment of the Constitution without the consent of the Standing Committee;
 - (c) require that the directors are the members of the Committee and that no other directors may be appointed otherwise than in accordance with the nomination of the Standing Committee;
 - (d) ensure that the sole function of the Company is to act as the Trustee of a trust in accordance with the provisions of this Canon;
 - (e) require that the directors must provide to the Standing Committee at its direction such account of its activities as the Standing Committee may reasonably require.

Part IV - The Trust

10. The Committee shall cause a trust to be settled on the Company as trustee pursuant to a Trust Deed which must be first approved by the Standing Committee and in respect of which this Church shall be the only beneficiary.
11. The Trust Deed must include provisions which:
 - (a) empower the Trustee to carry on the business of the publication and sale of Liturgical Texts and of any other material or document authorised by the Standing Committee;
 - (b) allow the Trustee to accumulate income to the extent authorised by the Standing Committee and otherwise require that the income shall be paid to the Standing Committee in accordance with its directions on behalf of the beneficiary;
 - (c) require the Trustee to act only in accordance with business plans and budgets approved by the Standing Committee with such tolerance as may be approved by the Standing Committee;
 - (d) empower the Standing Committee or the Primate to terminate the appointment of the Trustee and to appoint a new Trustee;
 - (e) prevent amendment of the Trust Deed without consent of the Standing Committee;

- (f) otherwise restrict the activities of the Trustee to those approved by the Standing Committee;
- (g) require the Trustee to account to the Standing Committee at such times and in such manner as it shall reasonably require;
- (h) require the Trustee to terminate the Trust and to pay the capital and accrued income thereof to the Standing Committee on behalf of the beneficiary at the direction of the Standing Committee.
