

**GRAFTON DIOCESAN GOVERNANCE ORDINANCE 2008 AMENDING ORDINANCE  
(CHAPTER 16 – THE DIOCESAN PROPERTY BOARD) 2016  
Ordinance No. 19 of 2016**

An Ordinance to amend the Grafton Diocesan Governance Ordinance 2008 with respect to Chapter 16 – The Diocesan Property Board.

**PREAMBLE**

**Whereas** presently the delegations to and operations of The Diocesan Property Board are contained within Chapter 16 of the Grafton Diocesan Governance Ordinance 2008; and

**Whereas** it is desirable to have the Ordinance amended;

**Therefore** the Bishop, Clergy and Laity of the Diocese of Grafton, assembled as the Synod, decree and enact as follows:

**AMENDMENT**

1. Chapter 16 of the Grafton Diocesan Governance Ordinance 2008 is amended by deleting the present Chapter 16 and substituting in place thereof the Schedule to this Ordinance.
2. The Diocesan Governance Ordinance 2008 is amended by replacing all instances of the words "Diocesan Property Board" with "Diocesan Buildings and Property Committee" in clauses 97.7, 102.1, 105.1, 130.17 and 154A.1.
3. The Diocesan Governance Ordinance 2008 is amended by the deletion of Second Schedule – Diocesan Property Board Process for Approval of Building Works or Alterations.
4. The Diocesan Governance Ordinance 2008 is amended by replacing the current clause 105.3 with the following:

*The Parish Council or its Building Committee must conform to regulations approved by the Bishop-in-Council for obtaining the necessary approvals for substantial building work including alterations, demolition and other property matters described in Chapter 16 of this Ordinance.*

**COMMENCEMENT**

5. This Ordinance shall come into effect upon this Ordinance receiving the assent of the Bishop.
6. The membership of the current Diocesan Property Board shall continue to satisfy the membership requirements of clause 187.1 until the commencement of the 2017 Synod or such time as the Bishop-in-Council determines to change the members in whole or in part.

**SHORT TITLE**

7. This Ordinance may be cited as the Property Board Amending Ordinance 2016

**ASSENT**

We hereby certify that this Ordinance was passed by Synod on the 18<sup>th</sup> day of June, 2016 and that the Ordinance as printed is in accordance with the Ordinance as passed.



Chairman of Committees

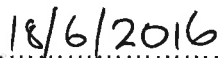


Registrar

I assent to this Ordinance.



Bishop



Date

# SCHEDULE

## CHAPTER 16 - THE DIOCESAN BUILDINGS AND PROPERTY COMMITTEE

### Mission and Ministry

- 184.1 The Diocesan Buildings and Property Committee seeks to provide direction, support and advice for the good stewardship of the buildings and real property of the Diocese and for any commercial arrangements regarding the leasing or use of third party property.

### Objectives

- 185.1 This Chapter seeks to outline the authorities for the conduct of property dealings within the Diocese (other than those undertaken by Incorporated Boards) and establishes the Diocesan Buildings and Property Committee to make decisions in response to proposals concerning Diocesan land and buildings.

### Transition

- 186.1 Nothing in this Chapter or Ordinance shall affect any process presently commenced under any repealed Ordinance and any such commenced process shall continue to be considered by the Diocesan Buildings and Property Committee, as successor to the Diocesan Property Board, as if the repealed Ordinance remained in force.

There is hereby continued in existence "The Diocesan Property Board" renamed as "Diocesan Buildings and Property Committee" (the BPC) which shall have and exercise the powers, duties and functions conferred by this Ordinance.

The BPC is subject in all respects to the control and direction of Synod and Bishop-in-Council during the recess of the Synod.

### Membership

- 187.1 The BPC shall consist of:

- (a) the Bishop;
- (b) up to two persons appointed by the Bishop;
- (c) the Registrar of the Diocese, who shall also be the secretary of the Committee; and
- (d) a minimum of four to a maximum of eight persons appointed by the Bishop-in-Council for terms of up to 3 years. Bishop-in-Council shall prefer people with expertise in local government, engineering, building and construction, architecture, design, land management, town planning, heritage, parish ministry, insurance, workplace health and safety, or the like.

- 187.2 Membership of the BPC under 187.1(b) may be revoked at any time by the Bishop and membership under 187.1(d) may be revoked at any time by the Bishop-in-Council. Grounds for revocation of membership may include repeated failure to attend meetings without reasonable excuse, failure to comply with the Ordinances of the Diocese and behaviour contrary to that expected of a representative of the Diocese.

### Meetings

- 188.1 The BPC shall meet regularly at least once a quarter, and a quorum shall be four members.
- 188.2 The proceedings of the BPC shall be minuted and a copy of such minutes shall be provided to Bishop-in-Council.
- 188.3 The BPC shall provide a report to each meeting of Synod as to its activities for the year.

- 188.4 (Clause deleted)
- 188.5 The BPC may choose to hold any meetings by teleconference or make resolutions through the circulation of correspondence, where circumstances make such an approach expedient.
- 188.6 Meetings of the BPC are chaired by the Bishop or by a member chosen by the Bishop. Where the Bishop is absent from a meeting and no Chair has been appointed by the Bishop, the members present shall elect a Chair.
- 188.7 The Chair shall have a deliberative vote but not a casting vote.

### **Powers, Functions and Responsibilities**

- 189.1 Matters relating to property held in the name of The Corporate Trustees of the Diocese of Grafton (excepting property held for or under the control of an Incorporated Board) that require referral to the BPC for approval, prior to any action are:
- (a) The sale or exchange of property (including any marketing for sale or the commitment to any agent or agency arrangement);
  - (b) Purchase of lands and or buildings;
  - (c) Mortgaging of any property;
  - (d) The leasing of any lands or buildings;
  - (e) Sub-dividing, amalgamating lots, creating strata titles, or similar;
  - (f) The construction of any new structure;
  - (g) The demolition or removal of any structure or part of a structure;
  - (h) The construction of any extension to any existing structure;
  - (i) Any change to a property that requires an application to the relevant local government;
  - (j) Any alteration to an existing structure that exceeds \$10,000 in expenses or impacts on the strength of the structure, or changes the use of the structure; or
  - (k) Any repair, restoration or conservation of a major nature or that requires an application to the relevant authority for heritage work.
- No work or action of this type may proceed without the approval of the BPC unless otherwise directed by The Corporate Trustees and or Bishop-in-Council.
- 189.1A Minor alterations, routine repairs and maintenance of buildings and structures do not require permission or authorisation as outlined in 189.1 and are the responsibility of the Churchwardens and Parish Council.
- 189.1B Emergency actions may be taken by Churchwardens or their delegates in the event of an accident or incident to ensure the safety of volunteers, workers or the general public and to lessen the likelihood of further damage occurring. Such accidents and incidents shall be reported by churchwardens or their delegates for insurance purposes as soon as possible. Where such action would have otherwise required approval under 189.1, the churchwardens shall also provide a report to the BPC as soon as practicable after attending to the emergency.
- 189.2
- (a) The approval and directions of the BPC are sufficient for matters under 189.1 (g) to (k) inclusive except for where an existing Faculty is affected or a new Faculty is required. Where a Faculty is affected or required, the Bishop shall consider any application prior to any approval or direction from the BPC;
  - (b) For matters under 189.1 (a) to (f), the BPC shall make a recommendation to the Corporate Trustees for their consideration. Where an Ordinance is necessary to give effect to any recommended action, the BPC shall also provide the recommendation to Bishop-in-Council whose approval and direction will be given in the form of an Ordinance.
  - (c) For matters where the successful completion is dependent on the Parish's ability to borrow funds, the BPC's approval, recommendation or direction is dependent

on the Bishop-in-Council's consideration of the Parish's request to borrow as per clauses 96.1 to 96.6 inclusive. [Note: This condition should not prevent a Parish seeking advice or approval in principle from the BPC in order to be able to establish the cost of a project.]

- 189.2A The BPC may supervise or support any maintenance, building, construction or land development work within the Diocese to ensure it is appropriately and professionally carried out and may provide professional support, either from its membership or sourced externally, for any parish, agency or other entity which seeks such assistance.
- (a) Requests for such support shall be sent to the Registrar or the BPC may make it a condition of their approval of the work.
  - (b) Where such support incurs costs, the costs shall be borne by the Parish or body funding the project.
- 189.3 The BPC may co-opt assistance from one or more people with particular expertise or experience for a project or special purpose on a temporary basis. Such people will not be recognised as members of the BPC.
- 189.4 The BPC shall recommend, and periodically review, policies and procedures relating to the management and use of buildings and property throughout the Diocese.

#### **Faculties**

- 190.1 The BPC may, when requested by the Bishop, provide advice to the Bishop in respect to any part of an application for a Faculty made by a Parish.

#### **Applications**

- 191.1 Applications for any approval or recommendations by the BPC may be made by any Parish or other entity within the Diocese of Grafton and must be made in the name of the Parish or entity making the application or its governing body and the application must be approved by the governing body of the Parish or entity.

Before granting approval or making a recommendation, the BPC must be satisfied that the proposal:

- (c) is legally able to be undertaken and is in the interests of the Diocese and the Parish or other church entity making the application; and
- (d) has reasonable prospects of being financed; and
- (e) has been costed and the purchase price, cost of work or materials is fair and reasonable.

Any Application for approval or recommendation as provided for in sub-clause 191.1 above must follow the steps set out in a regulations approved by Bishop-in-Council for this purpose. Nothing in the steps contained in that procedure precludes any Parish or entity from approaching the BPC at any time for advice, guidance or assistance related to any property matter.

- 191.2 The BPC may require one or more representatives of an applicant parish or entity to confer with it or attend a Committee meeting.