

DIOCESAN GOVERNANCE ORDINANCE 2008
AMENDING ORDINANCE (AFGD) 2021
Ordinance No. 6 of 2021

An Ordinance to amend the provisions for Anglican Funds Grafton Diocese so as to permit an orderly wind up of its operations.

PREAMBLE

Whereas the governing principles of Anglican Funds Grafton Diocese are in Chapter 18 of the Diocesan Governance Ordinance 2008; and

Whereas the Corporate Trustees of the Diocese of Grafton who have control of the Anglican Funds Grafton Diocese have determined that it is prudent for the operations of Anglican Funds Grafton Diocese to be wound up in an orderly manner;

Therefore, the Bishop-in-Council in pursuance of powers provided in clause 48.2 of the Diocesan Governance Ordinance 2008 hereby decrees and enacts as follows:

AMENDMENTS

1. Replace Chapter 18 – Anglican Funds Grafton Diocese of the Diocesan Governance Ordinance 2008 with the contents of the Schedule to this ordinance.
2. Amend clause 43A.2 by deleting sub-clause (c) and renumbering the following sub-clauses.

SCHEDULE

3. As per the attachment to this Ordinance.

COMMENCEMENT

4. This Ordinance shall come into effect upon receiving the assent of the Bishop.

SHORT TITLE

5. This Ordinance may be cited as the AFGD Amending Ordinance 2021.

ASSENT

We hereby certify that this Ordinance was passed by Bishop-in-Council on the 25th day of March, 2021 and that the Ordinance as printed is in accordance with the Ordinance as passed.


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Chair of Committees


.....
Registrar

I assent to this Ordinance.


.....
Bishop


.....
Date

SCHEDULE

CHAPTER 18 - ANGLICAN FUNDS GRAFTON DIOCESE

Establishment

- 218.1 A Fund herein called the Anglican Funds Grafton Diocese (AFGD) created under the Diocese of Grafton Investment Fund Ordinance 1981 and continued under the Grafton Diocese Investment Fund Ordinance 1996 is hereby continued.
- 218.2 This Ordinance or any previous ordinance relating to AFGD or its predecessors shall not invalidate, revoke, or change any previous appointment to or by the Fund or any commercial arrangements or agreements by the Fund including arrangements for deposits, loans and transactions.

Mission and Role

- 219.1 AFGD was established with a mission to be a fiscally responsible commercial entity which generates financial resources to support and serve the community of faith that is the Anglican Diocese of Grafton.
- 219.2 AFGD was established with a role to seek deposits of funds which it invests, or lends for profit to assist and grow the mission of the Anglican Church in the Diocese. AFGD provides funds from any surplus achieved in any given year to the Anglican Diocese of Grafton.
- 219.3 In executing its mission and role AFGD shall act in the interests of depositors, provide returns where possible to the Anglican Diocese of Grafton and prudently optimise returns on invested funds after considering risk management principles.

Fund to cease operating

- 220.1 After an evaluation of the value and risk of continued AFGD operations, it has been determined that AFGD operations will be discontinued over time (transition period) in accordance with a plan authorised by The Corporate Trustees of the Diocese of Grafton.
- 220.2 In accordance with that plan, a suitably qualified Administrator shall be appointed by the Corporate Trustees to provide technical guidance during the transition period.
- 220.3 The AFGD Board will be disbanded and will cease to be the governing body of the Fund and the governance responsibilities of the AFGD operations during the transition period will revert to the Corporate Trustees.
- 220.4 The Corporate Trustees shall appoint an Advisory Committee to work with the Administrator during the transition period. Any terms of reference for this Advisory Committee shall be subject to the approval of the Corporate Trustees.
- 220.5 The discontinuation of AFGD operations shall be conducted in such a way as:
- (a) each depositor receives their funds in full plus any interest that is applicable; and
 - (b) each client receiving services from AFGD will receive assistance in making new arrangements.
- 220.6 To provide for an orderly transition and ensure stability of AFGD operations during the transition period, parishes and other diocesan organisations shall remain as depositors with AFGD until such time as the Corporate Trustees authorises the transfer of deposits to another deposit taking institution.

220.7 At the conclusion of the transition period, the Fund shall be closed and any funds remaining after meeting the commitments of the Fund shall transfer to the Anglican Diocese of Grafton for a purpose or purposes as determined by resolution of the Bishop-in-Council.

Purposes of the Fund

221.1 AFGD may:

- (a) receive deposits;
- (b) pay interest on such deposits at such rates as shall from time to time be determined by its Governing Body;
- (c) optimise returns, within prudent limits, to the Fund
- (d) make available to Bishop-in-Council funds from any surplus achieved in any given year, after creation of all necessary provisions and reserves as determined by its Governing Body.
- (e) make available by way of loans to Parishes, Diocesan Bodies Corporate, clergy and full time Stipendiary Lay Ministers sums of money from the Fund as approved and at such interest rates as determined by its Governing Body.
- (f) invest such funds as from time to time are not required for the purposes mentioned in subclauses (b), (d) and (e) above in such a manner as is authorised by The Corporate Trustees.

Governing Body

222.1 The Fund shall be under the control of The Corporate Trustees of the Diocese of Grafton who may delegate to the Administrator, Diocesan staff and staff of the Fund various responsibilities for the administration and management of the Fund.

222.2 The Corporate Trustees shall be "Fit and Proper Persons" as defined by the Australian Securities and Investment Commission (ASIC) and the Australian Prudential Regulatory Authority (APRA), and in consequence of that, have experience or skills relevant to the management of a Religious Charitable Development Fund (RCDF) as defined by APRA.

222.3 A Fit and Proper Person as defined by ASIC and APRA Prudential Standard CPS 520 to engage in credit activities means that the person:

- (a) is competent to operate a credit business (as demonstrated by the person's knowledge, skill and experience);
- (b) has the attributes of good character, diligence, honesty, integrity and judgement;
- (c) is not disqualified by law from performing their role in AFGD's credit business;
- (d) either has no conflict of interest in performing their role in AFGD's credit business, or any conflict that exists will not create a material risk that the person will fail to properly perform their role in AFGD's credit business.

222.4 The Fund shall be operated in compliance with The Corporate Trustees of the Diocese of Grafton Investment Fund Identification Statement that is in compliance with the ASIC Corporations (Charitable Investment Fundraising) Instrument 2016/813 except to the extent that activities listed in the Identifications Statement will be reduced and ultimately ceased as part of the wind up of the Fund.

222.5 The Fund shall be included in the Diocesan Master Insurance Policies and the cost of its insurance shall be met by the Fund.

Audit

223.1 The Accounts of the Fund shall be audited by the Diocesan Auditor for each year ending on 31st December.

Reports

224.1 The Synod shall receive an annual report on the operations of the Fund and the Funds' audited financial statements.