

DIOCESAN GOVERNANCE ORDINANCE 2008
AMENDING ORDINANCE (BUILDINGS AND PROPERTY) 2022
Ordinance No. 6 of 2022

An Ordinance to amend the Diocesan Governance Ordinance to provide for governance without a Buildings and Property Committee.

PREAMBLE

Whereas the requirements for a Buildings and Property Committee are contained in Chapter 16 of the Diocesan Governance Ordinance 2008; and

Whereas the Bishop-in-Council has determined that it is now appropriate for the governance of the Diocese to not include a Buildings and Property Committee and the responsibilities of that Committee be reassigned;

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

Buildings and Property Committee closure

1. Delete Chapter 16 of the Diocesan Governance Ordinance 2008.
2. The Buildings and Property Committee constituted as per the Diocesan Governance Ordinance 2008 ceases operation and each member of that Committee is relieved of their role and responsibilities relevant to that Committee except responsibilities relating to privacy or confidentiality.
3. This Ordinance and any previous ordinance relating to the Buildings and Property Committee or the Diocesan Property Board shall not invalidate, revoke, or change any previous appointment to or decision, action or recommendation by the Buildings and Property Committee or the Diocesan Property Board.

Associated amendments

4. Amend subclause 62.1(b) by replacing the words "The Corporate Trustees and the Buildings and Property Committee" with "and The Corporate Trustees".
5. Amend clause 130.17 by replacing the words "recommended by the Diocesan Buildings and Property Committee and adopted by Bishop-in-Council" with "approved by Bishop-in-Council".
6. Amend subclause 154A.1(d) by replacing the words "and functional groupings in the diocese including, but not limited to, Bishop-in-Council and the Diocesan Buildings and Property Committee" with "and Bishop-in-Council, as well as with other functional groupings in the diocese."
7. Amend subclause 200.1(d) by replacing the words "Liaising with the Buildings and Property Committee to ensure" with "Ensuring".
8. Amend subclause 200.1(e) by deleting the words ", through the Buildings and Property Committee,".
9. Replace clauses 99.1 to 104.3 inclusive with the Schedule to this Ordinance.

10. Insert a new clause immediately following clause 56.3 with the words "The Bishop-in-Council may also nominate one or more advisers who are specialists in a particular field to be available to advise either the Bishop-in-Council or Parishes in matters relating to their specialty. These advisers are indemnified for their advice to the Anglican Diocese of Grafton except where there has been negligence on the adviser's part.
11. Insert a new clause immediately following clause 165.3 with the words "With respect to any real property held by The Corporate Trustees as an investment, The Corporate Trustees may act regarding purchase, disposal, lease, subdivision, maintenance or sale of all or part of such property as considered prudent, except to the extent where an action requires an ordinance."

SCHEDULE

As per the attachment to this Ordinance.

COMMENCEMENT

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


SHORT TITLE

This Ordinance may be cited as the Diocesan Governance Buildings and Property Ordinance 2022.

ASSENT

We hereby certify that this Ordinance was passed by Bishop-in-Council on the Twenty-fourth day of February 2022 and that the Ordinance as printed is in accordance with the Ordinance as passed.


.....
Chair of Committees


.....
Registrar

I assent to this Ordinance.


.....
Bishop


.....
Date

SCHEDULE

Responsibilities for Parish Buildings and Furnishings

- 99.1 Notwithstanding anything to the contrary herein contained, the furniture of every Church and Church books, records, charters, seals, deeds and like legal papers and sacred vessels of every Parish and all other Parish furniture shall be and be deemed to be vested in and be the property of The Corporate Trustees. The custody, care and control of such furniture, books, records, charters, seals, deeds and like legal papers and sacred vessels shall remain with the Churchwardens.
- 99.2 The title deeds of all Parish real property, shall be in the name of and held by The Corporate Trustees of the Diocese of Grafton.

Care of Parish Buildings

- 100.1 Churchwardens shall ensure annual inspections of all Parish buildings with the supply to Parish Council of the inspection report and the maintenance priorities arising from the report for the budgeting and scheduling of maintenance and building works.

Purchase, Modification, Demolition or Sale of Parish Buildings or Property

- 100.2 The Parish Council may form a Building Committee to assist with any erection of or material alteration to, a church or other Parish building or property related project.
- 100.3 For the conduct of any of the following activities, the Parish Council shall seek approval prior to any work commenced or commitment being entered into:
- (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 for periods exceeding 12 months;
 - (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 substantial 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 \$50,000 in expenses or impacts on the strength of the structure, or changes the use of the structure; or
 - (k) Any repair, restoration or conservation that requires an application to the relevant authority for heritage work.
- Other building and property matters may be actioned by the Parish Council without seeking further Diocesan approval except where a Faculty is required.
- 100.4 An application under 100.3 shall be in the format prescribed by the procedure approved by Bishop-in-Council for approval of building and property works.
- 100.5 The Parish Council is responsible for ensuring that works are conducted, and activities reported, in accordance with any approval provided by the Bishop-in-Council or the Corporate Trustees.
- 100.6 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 to the Bishop's Registry by Churchwardens or their

delegates for insurance purposes as soon as possible. Where such action would have otherwise required approval under 100.3, the Churchwardens shall also provide a report to the Bishop-in-Council as soon as practicable after attending to the emergency.

Faculties

- 101.1 A Faculty must be obtained from the Bishop for any alteration, addition or removal of any part of the fabric of any Church building or the furnishings, fittings or ornaments of a licensed church.
- 101.2 The Parish Council shall cause to be displayed notices, setting out the full details of any alterations, additions or removals proposed, in places that are clearly visible to all Parishioners for a period of not less than 28 days.
- 101.3 Attention must be drawn to the notice during worship services stating that any objections must be lodged in writing and signed by the objector, and forwarded to the Parish Council.
- 101.4 The Incumbent and Churchwardens must apply for a Faculty on the prescribed forms with a copy of the notice, any objections and a certificate to say that the provisions of this clause have been adhered to.
- 101.5 The Bishop shall determine whether to issue or not issue a Faculty.

New Places of Worship

- 102.1 A church may be built only following the consent of the Bishop, permission as per 100.3 of this Ordinance, and approval of the final design plans by the Bishop.
- 102.2 The Incumbent and Churchwardens of the Parish shall petition the Bishop to license a building as a church when a new building has been erected and furnished to their satisfaction.
- 102.3 The Incumbent and Churchwardens may petition the Bishop to consecrate a church when there is no outstanding debt that had been incurred from its erection.
- 103.1 Subject to the provisions of Part 7A of the Anglican Church of Australia Trust Property Act 1917, the Incumbent and Churchwardens of a Parish may petition the Bishop to license a building, that is not the property of the Church, as a place of worship.
- 103.2 The grant of such a licence for use may be contingent upon any conditions that the Bishop considers appropriate and subject to any arrangements that have been made with the owner of that property.
- 103.3 On the grant of such a licence the Parish seeking the licence shall accept the rights, privileges and responsibilities that such a licensed place may attract under this Ordinance.

Church Furnishings

- 104.1 A church will be considered furnished if it contains the following items:
 - (a) a Holy Table with appropriate books, linen and vessels for celebrating Holy Communion;
 - (b) a credence table or shelf;
 - (c) a font;
 - (d) a lectern;
 - (e) an inclusive version of the Bible approved by the Bishop;

- (f) a prayer desk and a current authorised prayer book; and
- (g) suitable seating for the worshippers.

104.2 The Parish Church, in addition to 104.1, must contain a vesting area that contains:

- (a) a table;
- (b) a wash basin;
- (c) sufficient cupboards or hanging space;
- (d) appropriate registers and
- (e) suitably secure storage for the vessels.

104.3 The Bishop may in the granting of a Faculty in relation to the furnishings of a church dispense with the need to provide any of these items or facilities as the needs of the place of worship requires.