

**DIOCESAN GOVERNANCE ORDINANCE 2008
AMENDING ORDINANCE (NFP STATUS) 2023
Ordinance No. 2 of 2023**

An Ordinance to make explicit that the Anglican Diocese of Grafton, The Corporate Trustees of the Diocese of Grafton and the parishes of the Diocese are charitable not-for-profit organisations.

PREAMBLE

Whereas the primary legislation for the governance of the Diocese as a whole, the Corporate Trustees and the individual parishes of the Diocese is the Diocesan Governance Ordinance 2008; and

Whereas it is desirable that amendments are made so that the charitable not-for-profit status of the Diocese, Corporate Trustees and parishes is explicit;

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. Insert the following as new clauses immediately following clause 5.4:

“5.5 The property of the Diocese is Church Trust Property. Its use is governed by the relevant trusts and by the Anglican Church of Australia Trust Property Act 1917.

5.6 The income and property of the Diocese may only be used in furtherance of the Diocese’s charitable purpose of advancing religion.

5.7 Where it is no longer possible or expedient for the trusts upon which the property of the Diocese is held to be carried out or observed, that property must be dealt with in accordance with the Anglican Church of Australia Trust Property Act 1917 which, among other things, requires that it be held for the use, benefit, or purposes of the Anglican Church in Australia within the Diocese.”

2. Insert the following as new clauses immediately following clause 75.6:

“75.7 Property held by or managed by a Parish is Church Trust Property. Its use is governed by the relevant trusts and by the Anglican Church of Australia Trust Property Act 1917.

75.8 The income and property of the Parish may only be used in furtherance of the Parish’s charitable purpose of advancing religion.

75.9 Where it is no longer possible or expedient for the trusts upon which the property of a Parish is held to be carried out or observed, that property must be dealt with in accordance with the Anglican Church of Australia Trust Property Act 1917 which, among other things, requires that it be held for the use, benefit, or purposes of the Anglican Church in Australia within the Parish or, circumstances set out in section 32 of the Act, within the Diocese.”

3. Replace clause 151.1 with the following.

“The incorporated body, The Corporate Trustees of the Diocese of Grafton (The Corporate Trustees), was formed under the provisions of the Anglican Church of Australia Trust Property Act 1917 with the charitable purpose of advancing religion by supporting the work of the Diocese, the parishes, other Ministry Units and Diocesan bodies by:

- (a) being the trustee of Church Trust Property for Ministry Units;
- (b) being the trustee for the trust funds of Diocesan bodies; and
- (c) receiving bequests on trust, which would otherwise be ineffective, on behalf of Parishes and other church entities and Ministry Units.

The Corporate Trustees may only use its income, property and powers for the promotion of its charitable purpose and must not distribute any of its income or property directly or indirectly to its members.

If, on the winding up of The Corporate Trustees, there is any property owned beneficially by The Corporate Trustees left after paying all debts and other liabilities, that property must not be distributed among its members but must be paid or transferred to the Diocese for the use, benefit, or purposes of the Anglican Church in the Diocese.”

COMMENCEMENT

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

SHORT TITLE

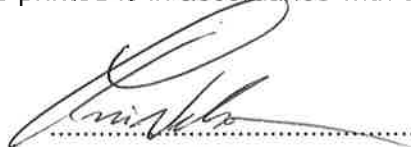
This Ordinance may be cited as the Diocesan Governance NFP Status Ordinance 2023.

ASSENT

We hereby certify that this Ordinance was passed by Bishop-in-Council on the Twenty-third day of February 2023 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