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# Bathurst Anglican Church Finance Ordinance 1959-2010

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AN ORDINANCE to make provision for finance for parochial and other purposes in connection with the Anglican Church in the Diocese of Bathurst to empower the Anglican Property Trust Diocese of Bathurst to administer such Ordinance and for purposes incidental thereto.

## PREAMBLE

WHEREAS it is expedient to provide a method of financing the activities of the Anglican Church within the Diocese of Bathurst without the necessity of executing formal securities AND WHEREAS it is desirable to confer upon the Anglican Property Trust Diocese of Bathurst (hereinafter called "the Trust") authority for the purpose of investigating certain application for loans of making recommendation thereon and of administering the provisions of this Ordinance.

AND WHEREAS by Act of Parliament passed in the eight year of the reign of His Majesty King George the Fifth entitled "Anglican Church of Australia Trust Property Act 1917, No.21" it was enacted that during the recess of the Synod a Committee Council or other body of persons appointed for that purpose by Ordinance of Synod might in place of such Synod exercise such of the powers and functions referred to in the said Act as should be determined by Ordinance of the Synod.

AND WHEREAS by an Ordinance of the Synod of the Diocese of Bathurst passed in the year one thousand nine hundred and nineteen the Bishop-in-Council was appointed for the purpose of exercising and accordingly might during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions and do or make any or all of the things referred to in such Act as may be done by the Synod.

NOW the Bishop-in-Council of Synod of the Diocese of Bathurst in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance and in pursuance of the powers vested in the said Synod by the constitution for the Management and Good Government of the Anglican Church of Australia within the State of New South Wales and by the Anglican Church of Australia Trust Property Act 1917, No.21 or otherwise in the name and in the place of such Synod ordains directs and rules as follows:-

- 1 The Trust shall have the following duties and powers;
  - (a) To investigate all applications for guarantee by the Diocese to any bank or other lending body or persons (including parishioners) for loans for parochial or other purposes which may be referred to it by a parish, parochial district, provisional district or organisation or corporation as aforesaid and to report to the Bishop any loan proposed to be made by such bank or other lending body or persons (including parishioners) together with its recommendation in respect thereof and there shall be a condition of approval for any such advance that the parish, parochial district, provisional district, or other organisation or corporation in respect of which such approval is given shall be liable to the bank or other lending body or persons (including parishioners) for the payment of the principal money and interest at the times and in the manner agreed.

Amended by Ordinance 1999

Amended by Miscellaneous Amendments Ordinance 2010

- (b) To report to each regular meeting of the Bishop-in-Council upon all applications made to it and the purposes for which the loans were sought and the recommendations made in respect thereof.

- (c) To investigate any case where default shall be made by any such parish, parochial district, provisional district, or other organisation or corporation in meeting its obligations in respect of any advance made to it under the provisions of this Ordinance or in respect of any advances made prior thereto and to report to Synod or the Bishop-in-Council thereof and recommend what action should be taken.

Amended by Ordinance 1999

- (d) To make such rules and regulations as Bishop-in-Council may from time to time by resolution approve for the purpose of administering this Ordinance and for providing for the expenses of and incidental to such applications.

- 1A Where any debt for church purposes was incurred on or after the 23rd day of July 1954 and guaranteed by one or more persons and where in the opinion of the Bishop such debt has been reduced at a reasonable rate it shall be provided that the provisions of this Ordinance shall apply mutatis mutandis to any such acceptance of responsibility.

Inserted by Ordinance 1962

- 2 In any case in which the Trust has recommended approval of an advance as aforesaid the Bishop may and he is hereby authorised and empowered to certify to the Bank or other lending body or persons (including parishioners) willing to make the advance to such parish, parochial district, provisional district or other organisation or corporation that the Diocese of Bathurst accepts responsibility therefore, provided however that where the advance to be made exceeds the prescribed sum the Bishop is neither authorised nor empowered to certify as aforesaid unless and until Synod or Bishop-in-Council has by resolution approved such advance.

Amended by Ordinance 1999

- 2A The prescribed sum for the purpose of Clause 2 shall be the sum of \$20,000 or such larger sum as Bishop-in-Council may from time to time resolve to be the prescribed sum.

Inserted by Ordinance 1989

- 3 The Certificate of the Bishop given under the last preceding clause hereof shall in favour of the bank or lending body or persons (including parishioners) be conclusive evidence that the provisions of this Ordinance have been duly complied with.

Amended by Ordinance 1999

- 4 In the event of the Trust reporting to the Synod or Bishop-in-Council any case of default in pursuance of Clause 1(c) hereof the Synod or Bishop-in-Council shall take such action by ordinance or otherwise to cause the same to be rectified as it may think fit.

- 5 That in the event that the Diocese shall, by reason of default of a parish parochial district, provisional district, or other organisation or corporation in respect of which such approval is given, pay or be called upon to pay any principal interest or other moneys to a bank or other lending body or persons (including parishioners) the same shall be paid out of the "Diocese of Bathurst Synod Management Fund" and thereupon such payments may be refunded and recouped to the Diocese by levies on all of the parishes of the Diocese in such proportions and at such times and in such manner as the Synod or the Bishop-in-Council thereof may determine.

Amended by Ordinance 1999

- 6 (a) A notice shall be posted and continuously for a period including two consecutive Sundays remain posted at the main entrance of the Principal Church of each parish intending to apply for the guarantee of an advance pursuant to the provisions of this Ordinance and of each other Church therein which may be specially affected thereby, or in the case of a provisional district or parochial district in all the Churches thereof and the attention of the congregation shall be specially drawn to such Notice at the Morning and/or Evening Services held in Churches on such Sundays.

(b) Every such Notice shall state the intention of the Churchwardens and Church Committee or Parish Council to apply for such loan and the general purposes thereof and shall also contain a notification that any objections thereto must be lodged with the Trust within the time stated therein. Such time shall be not less than seven days after the date of the second Sunday on which such Notice is posted as aforesaid.

7 The provisions of this Ordinance shall not apply to any advance which is to be secured by any legal or equitable mortgage over any real or personal property.

8 The Trust at least once in each year shall report its proceedings to the Synod and shall present a statement of receipts and payments and a balance sheet duly audited and shall present such other accounts as may be required from time to time by resolution of Synod.

9 This Ordinance will come into force on the 1st day of September 1959.

10 The Ordinance shall be for all purposes cited as Bathurst Anglican Church Finance Ordinance 1959-2010.

as amended by Miscellaneous Amendments Ordinance 2010

Note: The above Ordinance is printed as amended by:

Bathurst Anglican Church Finance Ordinance Amendment Ordinance 1989

Bathurst Anglican Church Finance Ordinance Amendment Ordinance 1999

Miscellaneous Amendments Ordinance 2010