

BENDIGO ANGLICAN DIOCESAN CORPORATION ACT 2014

Be it enacted by the Bishop, the clergy and laity of the Anglican Church of Australia in the Diocese of Bendigo duly constituted in Synod as follows:

PART 1 : PRELIMINARY

1. This Act may be cited as the Bendigo Anglican Diocesan Corporation Act 2014.
2. (a) Parts 1 and 2 of this Act come into operation on the date when the Act receives the assent of the Bishop.
(b) Part 3 of this Act comes into operation on the date of incorporation of the corporation.

PART 2 : BENDIGO ANGLICAN DIOCESAN CORPORATION

3. There may be incorporated under the Corporations Act 2001 a company limited by guarantee to be known as the Bendigo Anglican Diocesan Corporation, but in this Act referred to as "the corporation".
4. The members of the corporation are to be the Bishop and The Bendigo Diocesan Trusts Corporation.
5. (a) A reference to the Bishop in Parts 1 and 2 of this Act means the holder from time to time of the office of Bishop of the Diocese or any person for the time being administering the affairs of the Diocese as Administrator.
(b) A reference to the Bishop in Part 3 of this Act has the meaning attributed to it by the Act being amended by Part 3.
6. The first constitution of the corporation shall be as set out in Schedule 1.
7. The members must not resolve to wind up the corporation without first obtaining the approval of Synod expressed in an ordinance.

8. Nothing in this Act or in the constitution is intended to derogate from or affect the inherent authority of the Bishop of the Diocese in matters pertaining to the spiritual affairs of the Diocese or in the licensing of persons in ministry in the Diocese.
9. The corporation may not alter, revoke or add to the provisions of the constitution referred to in paragraph 10, or alter, revoke or add to other provisions of the constitution so as to materially affect those provisions, unless the special resolution to make the alteration, revocation or addition is approved by an ordinance of the Synod.
10. The provisions are –
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| Rule 2 | Purposes |
| Rule 5 | Membership |
| Rule 8 | Guarantee by members |
| Rule 9 | Winding up |
| Rule 10 | Altering this constitution |
| Rule 11.7 | Decisions at general meetings |
| Rule 12 | Directors |
11. The corporation may not alter, revoke or add to any other provision of the constitution unless the special resolution to make the alteration is approved by the directors of the corporation.
12. Any matter or field of operation or activity pertaining to the temporal affairs of the diocese may with the approval of the Council of the Diocese be transferred or reserved to the corporation.
13. (a) Where before the commencement of this Act a person has been appointed to a position in the Diocese by a person or persons holding office under an Act of the Synod of the Diocese, or has been elected to a position under an Act of the Synod, this section applies.
- (b) Where this section applies, the directors of the corporation:
- (1) may elect to treat a named person already holding that position at the commencement of this Act as having been elected or appointed on behalf of the corporation or it may make that election by reference to the position rather than naming a person; or

- (2) it may elect by name or by position to treat a person whose tenure of that position ended before the commencement of this Act as holding that position by election or appointment on behalf of the corporation and the corporation is the principal of the appointing or electing officeholder or body.
14. Any property held for the purposes of the Church in the Diocese may be transferred to the corporation with the approval of the Council of the Diocese on such terms as that body may approve.
15. Where in any diocesan ordinance it is provided that an office holder or body acts on behalf of the corporation in relation to a matter, the latter is the principal of that office holder or body.
16. The directors shall present to Synod audited financial statements for the preceding financial year.¹

PART 3 : CONSEQUENTIAL AMENDMENTS

17. An Act specified in the heading to an item in schedule 2 is amended as set out in that item.

¹ Section 16 amended in 2016 according to Section 26.3 of the Council of the Diocese Act 2016

SCHEDULE 1

The Constitution

SCHEDULE 2

1. Council of the Diocese (Amendment) Act 2004

1.1 Replace subsection 3(a) with -

In a matter pertaining to the temporal affairs of the Church the Bishop must subject to any contrary act of the Synod act either:

- (1) with the consent of a Council to be constituted as hereinafter mentioned which shall assist him or her; or
- (2) as the episcopal director of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

1.2 Replace subsection 3(b) with -

So far as not transferred or reserved to the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014 the Council may deliberate and confer upon all matters affecting the interests of the Church and cognisable by Synod and for such purposes shall receive submissions from parishes and persons and organisations involved in the life and mission of the Diocese.

1.3 Replace section 5 with –

A nominated or elected member holds office until whichever first occurs of:

- (a) the commencement of the second ordinary session of Synod following appointment or election except as hereinafter provided;
- (b) the member fails for more than 60 days to consent to act as a director of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014; or
- (c) the member resigns as a director of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014, by notice in writing given to that Corporation.

2. Assistant Bishop's Act 2012

2. Replace section 3 with -

The Assistant Bishop shall be appointed by the Bishop on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014 and

with the agreement of the Council of the Diocese expressed by a resolution passed by a majority of its members (other than the Bishop) present at a duly convened meeting.

3. Bishopric Act

- 3.1 In section 3.3, after the expression "the Council of the Diocese" insert –

, the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

- 3.2 After clause 4.1(b) insert -

4.1(ba)The Bishop resigns as a director of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014;

- 3.3 Replace section 5.1 with -

The Bishop may on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the the Bendigo Anglican Diocesan Corporation Act 2014 appoint a member of the clergy licensed in the Diocese to be Vicar-General on such terms and conditions and with such duties as the Bishop considers appropriate.

- 3.4 Replace section 14.3 with -

The Bishop shall be appointed by the electoral board which shall be taken as an appointment of that person to the office of Bishop by the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

4. Cathedral (Amendment) Act 2009

4.1 Replace section 7 with -

The Dean shall be appointed by the Bishop on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014 and during any vacancy of the office of Dean the rights, powers and duties appertaining to the office of Dean except as such relate to the cure of souls of the Cathedral Parish shall devolve upon the Bishop.

4.2 Add to section 12 a further sentence -

Clerical Canons or Lay Canons elected under this section are taken as appointed by the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

4.3 After section 12 insert

12A Any appointment or election of a person to office under this Act shall be on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

5. Diocesan Ministry Fund Act 1978

In section 2(b)(ii) after the expression "Council of the Diocese" insert the words -

or the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

6. Diocesan Ministry Trust Act 2004

Extend section 6 by adding the words -

unless it appoints in its place as trustee the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

7. Ecclesiastical Offences Act 2000

- 7.1 In section 2 add a further sentence -
The election or appointment of a member of the Diocesan Tribunal shall be on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.
- 7.2 Add as a further sentence of section 13(2):
The election of the members of the Board of Assessors shall be on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.
- 7.3 In section 29(1) after "Bishop" insert -
on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.
- 7.4 In section 37, in the definition of Chancellor, after "Bishop", wherever that word occurs, insert -
on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

8. Parish Administration Act 2010

- 8.1 In Division 5, after the list of those who the Parish Council consists of and before Division 5.1 insert -
The members of the Parish Council are elected or appointed on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.
- 8.2 After Division 9 insert –

Division 10

Bendigo Anglican Diocesan Corporation

10. In exercising any power under this Act to appoint, or to suspend, or terminate an appointment, the Bishop, an incumbent or the incumbent and the Churchwardens jointly (as the case may be) exercise that power on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

9. Parish Appointments Act 1998

To section 7 add a further sentence -

Every person so elected or appointed is so elected or appointed on behalf of the Bendigo Anglican Diocesan Corporation incorporated under the Bendigo Anglican Diocesan Corporation Act 2014.

Passed by Synod Saturday, 31 May 2014

Bishop's Assent to the Act

The Rt Rev'd Andrew W Curnow AM
Bishop of Bendigo

Date