

AN ACT

relating to the management of the funds of the Diocese,
to repeal the **Church Funds Act 1980** and for other purposes

BE IT ENACTED by the Bishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Gippsland in Victoria duly met in Synod according to law as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the **Church Funds Act 2001**.

Commencement

2. This Act comes into operation on 1 July 2001.

Definitions

3. In this Act—

"Financial year" means the year beginning on 1 October;

"Registrar" means Registrar of the Diocese;

"Trusts Corporation" means the Anglican Trusts Corporation of the Diocese of Gippsland.

PART 2—GENERAL FUNDS

Consolidated Capital Fund

4. (1) The fund known as the Consolidated Capital Fund shall continue as the capital fund of the Diocese.
- (2) There shall be paid into the Consolidated Capital Fund—
 - (a) the amount standing to the credit of that Fund immediately before the commencement of this Act;
 - (b) such amounts received from the sale of church lands as the Bishop in Council determines;
 - (c) such other amounts as the Bishop in Council determines.

- (3) There shall be paid out of the Consolidated Capital Fund such amounts, and for such purposes, as the Bishop in Council determines.

Diocesan Income Fund

5. (1) The fund known as the Diocesan Income Fund shall continue as the income fund of the Diocese.
- (2) There shall be paid into the Diocesan Income Fund—
 - (a) the amount standing to the credit of that Fund immediately before the commencement of this Act; and
 - (b) all income received from the investment of amounts forming part of the Consolidated Capital Fund;
 - (c) all income received from the investment of amounts forming part of the Diocesan Income Fund;
 - (d) all fees payable to the Registrar of the Diocese, including fees in respect of licences and faculties;
 - (e) amounts appropriated to the Fund out of the Parish Assessment Fund in accordance with section 7(3);
 - (f) any amounts received for payment into the Fund;
 - (g) any amounts appropriated to the Fund by Bishop in Council.
- (3) There shall be paid out of the Diocesan Income Fund—
 - (a) first, such amounts as are required to pay the stipend and allowances of the Bishop;
 - (b) secondly, such amounts as are required for the maintenance of a residence for the Bishop;
 - (c) thirdly, such amounts as are required to meet the expenses of the management of the Diocese;
 - (d) fourthly, such of the following as the Bishop in Council determines—
 - (i) grants to clergy and stipendiary lay ministers;
 - (ii) grants to parishes;

- (iii) grants for the training of candidates for the ministry;
- (iv) grants for the erection and repair of churches and parish buildings;
- (v) grants for the purposes of religious education in the Diocese;
- (vi) assistance to clergy and provision for retired clergy, families of retired clergy and necessitous clergy;
- (vii) grants to missionary organisations;
- (viii) grants for such other purposes as the Bishop in Council determines.

Applications for grants

6. (1) A parish council may make an application for a grant from the Diocesan Income Fund in such manner and at such times as are determined by the Bishop in Council.
- (2) The Bishop in Council shall consider each application and may make a grant to the parish from the Diocesan Income Fund for such purposes and on such conditions (if any) as the Bishop in Council determines.

Parish Assessment Fund

7. (1) The fund known as the Parish Assessment Fund shall continue as a fund of the Diocese.
- (2) There shall be paid into the Parish Assessment Fund—
- (a) the amount standing to the credit of that Fund immediately before the commencement of this Act;
 - (b) amounts received from parishes in payment of parish assessments;
 - (c) interest received from the investment of amounts forming part of that Fund; an
 - (d) such other amounts as the Bishop in Council determines.
- (3) There shall be paid out of the Parish Assessment Fund into the Diocesan Income Fund such amounts as the Bishop in Council determines.

Parish assessments

8. (1) The Bishop in Council shall, before 31 August in each year, prepare for

submission to each parish an assessment of the amount to be contributed by the parish to the Parish Assessment Fund in respect of the year commencing on the next following 1 October.

- (2) The parish council shall pay the parish assessment to the Registrar for payment into the Parish Assessment Fund by equal monthly instalments commencing on 1 October in the year to which the assessment relates.
- (3) If the parish council considers the amount of the assessment excessive or inequitable, the parish council may, within one month after receiving the assessment, appeal in writing to the Bishop in Council for a review of the amount of the assessment, setting out the reasons for its grievance.
- (4) If special circumstances arise during a year commencing on 1 October, a parish council may appeal in writing to the Bishop in Council for a review of the amount of the assessment, setting out the special circumstances.
- (5) If an appeal is made under sub-section (3) or (4), the Bishop in Council shall review the amount of an assessment and may reduce or confirm the amount payable in respect of the year.

Annual financial return of parish

9. (1) The treasurer of each parish shall, before 15 December in each year, send to the Registrar a financial return of the income and deductions of the parish for the previous financial year containing such information as the Bishop in Council prescribes from time to time.
- (2) If a parish fails to comply with sub-section (1), the Bishop in Council may make its own assessment of the income and deductions of the parish.

PART 3—GENERAL

Fees

10. (1) There shall be payable for services rendered and documents issued by the Bishop or the Registrar or any person authorised by either of them on their behalf such fees as the Bishop in Council shall from time to time determine.
- (2) Any fees received under sub-section (1) shall be paid into the Diocesan Income Fund.

Special trusts

11. All property and money that is subject to any special trust and vested in the Trusts Corporation or is otherwise under the control of the Bishop in Council shall be managed and dealt with in conformity with that special trust and, so far as is

consistent with that special trust, in such manner as may be determined from time to time by the Bishop in Council.

Administration

12. The funds referred to in Part 2 and all other property, funds and money received or held by the Bishop in Council or the Trusts Corporation and that is not subject to any special trust may be invested in the name of the Trusts Corporation and shall be administered by the Bishop in Council and dealt with or disposed of by the Trusts Corporation in such manner as the Bishop in Council directs from time to time.

Investment

13. Any funds under the control of the Bishop in Council or the Trusts Corporation, except insofar as they are expressly restricted by the terms of any special trust—
- (a) may be invested in any manner in which trust funds may be invested under the Trustee Act 1958 of the Parliament of Victoria; and
 - (b) subject to and in accordance with the provisions of the Anglican Trusts Corporations Act 1884 of the Parliament of Victoria, may be invested in a common fund.

Budget and annual accounts to be reported to Synod

14. (1) An audited statement of the receipts and expenditure on account of all funds vested in the Trusts Corporation or under the control of the Bishop in Council during the preceding financial year and of the assets and liabilities of the Diocese as at the end of that year shall be presented to the Synod at each ordinary session.
- (2) A Diocesan budget that includes a statement of the projected income and proposed expenditure of the Diocesan Income Fund for the financial year shall be presented to the Synod at the next ordinary session after the beginning of that year, together with a forecast of income and expenditure in respect of the next two following financial years.

Diocesan auditor

15. The Bishop in Council shall appoint a qualified person, or two or more qualified persons, as Diocesan Auditor or Diocesan Auditors.

Registrar of the Diocese

16. There may be appointed by the Bishop a person who shall be the Registrar of the Diocese and shall be responsible for the collection of the funds of the Diocese.

PART 4—TRANSITIONAL AND CONSEQUENTIAL

Gippsland Church Extension Fund

17. As from the commencement of section 3 of the **Church Funds (Amendment) Act 2000**, the Gippsland Church Extension Fund forms part of the Diocesan Rolling Fund and any reference to the Gippsland Church Extension Fund has effect, in relation to matters arising after that commencement, as a reference to the Diocesan Rolling Fund.

Repeal of Church Funds Act 1980

18. (1) The **Church Funds Act 1980** is repealed.
- (2) The repeal of the **Church Funds Act 1980** does not affect the previous operation of that Act or anything done under that Act or any right, privilege, obligation or liability acquired, accrued or incurred under that Act.

Amendment of Parish Administration Act 1994

19. In section 57(5)(a)(i) of the **Parish Administration Act 1994**, for "**Church Funds Act 1980**" substitute "**Church Funds Act 2001**".

Amendment of Bishop-in-Council Act 1963

20. In section 4(b) of the **Bishop-in-Council Act 1963**, for "Church Funds Act" substitute "**Church Funds Act 2001**".

Transitional financial year

21. (1) The period beginning on 1 January 2004 and ending on 30 September 2004 shall be deemed to be a financial year for the purpose of this Act as amended by the **Church Funds (Amendment) Act 2004**.
- (2) Section 8 of this Act as in force immediately before the commencement of the **Church Funds (Amendment) Act 2004** continues to apply in respect of the financial year ending on 30 September 2004.