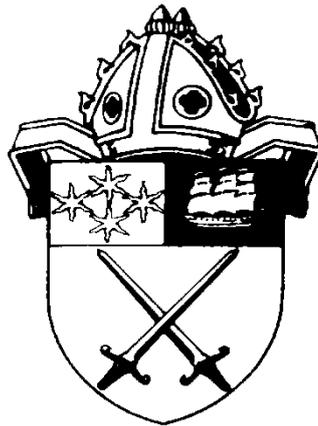


**THE ANGLICAN CHURCH OF AUSTRALIA**  
**THE DIOCESE OF BUNBURY**  
**WESTERN AUSTRALIA**



**SECOND SESSION  
OF THE  
FORTY-FIRST SYNOD  
2021 - 2023**

**BOOK SIX B - 2022**

**DIOCESAN LEGISLATION**



## **DIOCESAN LEGISLATION**

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# **DIOCESAN LEGISLATION PROCESS FOR CONSIDERATION OF BILLS**

## **Step 1      General principles**

- i)    MOVER:            “I MOVE FOR LEAVE TO BRING IN A BILL FOR A STATUTE TO BE KNOWN AS .....” (Give TITLE AND PAGE NUMBER, in Business Paper)
  
- ii)    SECONDER        formally seconds.
  
- iii)   MOVER:            speaks on the general principles of the Bill and or reason for bringing it before Synod.
  
- iv)    OTHERS:            may speak (Clause 9, Rules of Debate in Synod apply as applicable).
  
- v)     PRESIDENT:        puts the motion (if lost the matter ends here)

## **Step 2      In Committee**

- vi)    PRESIDENT:        “DOES ANY PERSON WISH TO DEBATE THE BILL IN COMMITTEE?”
  - Either:              If no member answers “yes” the motion that the bill do now pass may be moved forthwith.
  
  - or:                    If any member answers “yes” then the Synod shall without motion, forthwith be deemed to have resolved itself into Committee to consider the bill in detail.
  
- vii)   CHAIRPERSON OF COMMITTEES takes the Chair
  - a.                      The Bill will then be considered clause by clause with the Preamble and title being left until last.
  
  - b.                      The Mover only needs to speak when there is a desire to amend a clause, oppose or accept an amendment, or make an explanation.
  
  - c.                      When the committee has completed its consideration of the Bill the Synod shall be deemed to be reconvened. The Chairperson shall report to the President the Bill as agreed in Committee.

## **Step 3      In Synod**

- i)    PRESIDENT:        “THAT THE REPORT BE AGREED TO”
  - The Bill cannot move ahead until the Chairperson has endorsed a copy of the Bill as a true copy as agreed to by the Committee when completed at this or a subsequent sitting.
  
- ii)   MOVER:            “I MOVE THAT THIS BILL DO NOW PASS”

# **BILL 01: THE ANGLICARE COUNCIL AMENDMENT STATUTE 2022**

**FULL NAME OF MOVER:** Rev'd Nick Freeland  
**FULL NAME OF SECONDER:** Dr Renae Barker

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

## **1. Title**

This Statute shall be known as "The Anglicare Council Amendment Statute 2022".

## **2. Principal Statute**

This statute amends the Anglicare Council Statute 1991 – 2019 referred to as the Principal Statute.

## **3. The Principal Statute is amended by:**

a. in clause 1 replace '2019' with '2022'

b. in clause 7 after sub-section (b) insert:

The assets and income of Boniface Care shall be applied solely in furtherance of the above-mentioned objects and no portion shall be distributed directly or indirectly to the members of Boniface Care except as bona fide compensation for services rendered or expenses incurred on behalf of the Boniface Care.

c. In clause 18(a) delete 'fund approved under Section 78 (i)(a) (ii) of the Income Tax Assessment Act' and replace with 'organization with similar purposes which is not carried on for the profit or gain of its individual members

d. After clause 18 insert:

## **19. Revocation of Deductible Gift Recipient Status**

- a) If Boniface Care endorsement as a deductible gift recipient is revoked, any surplus of the following assets shall be transferred to another organization with similar objects, and which is charitable at law, to which income tax deductible gifts can be made and where practical is *part of the Anglican Church of Australia including The Anglican Bunbury Diocesan Trustees*:
  - (i) gifts of money or property for the principal purpose of Boniface Care
  - (ii) contributions made in relation to an eligible fundraising event held for the principal purpose of Boniface Care
  - (iii) money received by Boniface Care because of such gifts and contributions.

e. Renumber clause 19 as clause 20

## **EXPLANATORY MEMORANDUM**

Earlier this year, the Australian Charities and Not-for-profits Commission (ACNC) conducted a review of charities that have a Deductible Gift Recipient (DGR) endorsement. A DGR endorsement enables donors to claim tax deductions in their income tax returns for gifts to charities with DGR status. Bunbury Diocesan Anglicare Council (BDAC) was included in that review.

Following the review, ACNC requested some changes to The Anglicare Council Statute 1991 – 2019, which is the Constitution for Boniface Care. Specifically, they have requested that we make the following changes:

### Application of income

*'The assets and income of Boniface Care shall be applied solely in furtherance of the above-mentioned objects and no portion shall be distributed directly or indirectly to the members of Boniface Care except as bona fide compensation for services rendered or expenses incurred on behalf of the Boniface Care.'*

### Winding up

*'In the event of Boniface Care being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.'*

Revocation of deductible gift recipient status

*'If Boniface Care is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organization with similar objects, and which is charitable at law, to which income tax deductible gifts can be made:*

- a. gifts of money or property for the principal purpose of Boniface Care*
- b. contributions made in relation to an eligible fundraising event held for the principal purpose of Boniface Care*
- c. money received by Boniface Care because of such gifts and contributions.'*

ACNC have advised that failure to adopt these amendments may have consequences for BDAC's registration and its eligibility for tax concessions.

**MOVER: I move for leave to bring a Bill to update The Anglicare Council Statute 1991 – 2019 to be known as “The Anglicare Council Amendment Statute 2022 ” on page 6 of Book Six.**

**MOTION**

**MOVER:** I move this Bill do now pass.

## **BILL 02: THE STANDING ORDERS (ELECTRONIC VOTING) AMENDMENT STATUTE 2022**

**FULL NAME OF MOVER:** Dr Renae Barker  
**FULL NAME OF SECONDER:** The Rev'd Nick Freeland

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

4. This Statute shall be known as “The Standing Orders (Electronic Voting) Amendment Statute 2022 ”.
5. The Standing Orders of the Dioceses of Bunbury 1987 - 2018 is amended by:
  - a. in clause 16 (a) after “aye or no” inserting the words  
‘, or by a show of hands, or by electronic voting.’
  - b. In clause 17 insert after clause 17(b):  
‘(c) A vote by houses may be conducted by voting electronically.’

### **EXPLANATORY MEMORANDUM**

At General Synod in 2022 our diocesan delegates had the opportunity to take part in voting on motions and statues via electronic voting. Voting electronically had several advantages, most notably that in the case of close votes the process of determining the outcome of a vote was significantly faster as the President did not need to call for a show of hands and count. This increased confidence in the outcome of the vote as human error was removed.

This amendment will enable electronic voting on motions and legislation at the discretion of the President. It does not permit electronic voting in Synod elections

### **MOTION:**

**MOVER:** I move for leave to bring in a Bill for a The Standing Orders (Electronic Voting) Amendment Statute 2022

**BILL 03: BUNBURY DIOCESAN MISSION TO SEAFARERS STATUTE  
1999 - 2022**

**FULL NAME OF MOVER:           The Very Rev'd Darryl Cotton**  
**FULL NAME OF SECONDER:    Dr Renae Baker**

**Refer the following separate Books:**

**Bill 3 and First Schedule – Model Constitution**  
**Second Schedule MTS Albany**  
**Third Schedule MTS Bunbury**