

# THE BUNBURY DIOCESAN COMMUNITY CARE STATUTE 2013-2014

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 Bunbury Diocesan Community Care Statute 2013-2014".

2. Definitions

In this Statute and in the Constitution unless the contrary intention appears:

Council shall refer to the Bishop-in-Council constituted under the Bishop-in-Council Statute.

Trustees shall mean the Bunbury Diocesan Trustees appointed under "The Bunbury Diocesan Trustees Statute 1985".

3. Incorporation of Community Care as a Function of the Diocese

Part of the function of the corporation "Bunbury Diocesan Trustees" shall be the conduct work and operation of Community Care in such places as are authorised by Synod or the Bishop-in-Council. Such functions shall be carried out by separate committees in the manner hereinafter provided.

4. Relationship with the Synod of the Diocese and other Churches

(a) The work of Community Care is recognised by this

Synod as a ministry that is to be encouraged within the life of this Diocese.

- (b) Application for any new Community Care Ministry is to be made to the Trustees, who shall give counsel and advice in any such establishment.
- (c) The establishment of any such Community Care Ministry is to be done with the support and encouragement of Parish and Diocese, so that such work is seen to be a ministry of the Anglican Church.

5. Relationship and Function of the Bishop

- (a) The Bishop of the Diocese shall be President of each Community Care Ministry within the Diocese.
- (b) The Bishop of the Diocese shall be the Visitor to each Community Care Ministry.

6. Formation and Constitution of each Community Care Ministry

- (a) The Constitution set out in the First Schedule hereto is a model constitution which should be followed as far as practicable by each Community Care Ministry.
- (b) (i) Any amendments to the Constitution will be made by a resolution of a two-thirds majority at a General Meeting of the Parish.
  - a) Provided that the notice calling the meeting must specify at least fourteen days in advance of the proposed amendment, and

- b) Provided that the Bunbury Diocesan Trustees and the Bishop approve.
- (ii) The Amended Constitution shall form a part of the Second Schedule of this Statute.
- (c) Each Community Care Ministry shall operate under the management of a separate committee and shall each operate by virtue of this Statute under a constitution.
- (d) No new Community Care Ministry will be established in this Diocese without the express consent of the Bishop, the Council and the Trustees.
- (e) A new Community Care Ministry shall be governed by a committee and function and operate under the Model Constitution and this Statute.

## 7. Objects

- (a) The objects of each Community Care Ministry are contained in Clause 2 of the Constitution of the Community Care Ministry, as set out in the First Schedule to this Statute.
- (b) The objects shall not be altered except by an amending Statute of Synod.
- (c) The objects shall provide that nothing is undertaken for the private gain of any person and that all activities should be not for profit.

## 8. Not for Profit

The assets and income of a Community Care Ministry shall be applied solely in the furtherance of the above mentioned Objects and no portion shall be distributed directly or indirectly to the members of the organisation

except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

#### 9. Incorporation of a Community Care Ministry

The adoption of this Statute by the Synod of the Diocese will be the means of including any Community Care Ministry that may be formed pursuant to this Statute under the corporation of the Bunbury Diocesan Trustees, which is incorporated under an Act of Parliament cited as the "Anglican Church of Australia Diocesan Trustees and Lands Act 1918".

#### 10. Employees

Persons employed by the respective committees at each Community Care Ministry shall be employees of the corporation "Bunbury Diocesan Trustees" acting under the direction of the local committee.

#### 11. Dissolution

- (a) A Community Care Ministry may be dissolved when:
  - (i) A General Meeting of the Parish so recommends to the Bishop-in-Council, or
  - (ii) The Bishop-in-Council, after consultation with the Committee, makes a determination.
- (b) In the event of a Community Care Ministry 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.

## 12. Deductible Gift Revocation

If the organisation 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 charitable organisation to which income tax deductible gifts can be made.

- (a) Gifts of money or property for the principal purpose of the organisation.
- (b) Contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation.
- (c) Money received by the organisation because of such gifts and contributions.

# FIRST SCHEDULE

## A MODEL CONSTITUTION FOR COMMUNITY CARE MINISTRY

Community Care  
Name of Parish

### 1. Introduction

Community Care Ministry is a ministry within the Diocese of Bunbury responsible for ministry to those in necessitous circumstances.

The name of this Community Care Ministry is "name of Parish Community Care", hereinafter referred to as Community Care Ministry.

Committee shall refer to that body who shall administer the affairs of the Community Care Ministry, hereinafter referred to as the Committee.

Bishop shall refer to the Bishop of the Diocese of Bunbury.

Trustees shall mean the Bunbury Diocesan Trustees appointed under the Bunbury Diocesan Trustees Statute 1985.

Visitor shall refer to the Bishop of Bunbury who shall have the power and authority of a Visitor of an Institution.

## 2. The Objects of the Community Care Ministry

The objects of the Community Care Ministry are:

- (a) Provide relief to people suffering circumstances of poverty, sickness, distress, misfortune, destitution and helplessness.
- (b) Provide places for members of the general community to meet freely and without discrimination.
- (c) Provide programs for the benefits of sections of the community.

## 3. Not for Profit

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

## 4. Membership

The Community Care Ministry Committee shall consist of no less than three members and no more than seven members, who shall be appointed as follows:

- (a) The Bishop as Chair of the Committee. The Bishop may appoint an alternate who shall serve as Chair in place of the Bishop.
- (b) Parish Council shall appoint up to three members who need not be members of Parish Council.
- (c) The Priest of the Parish shall appoint one or two members.

- (d) The Committee may appoint two members who are not currently members of the Parish.
- (e) Committee members may serve for a maximum of two consecutive terms of three years.
- (f) Previous Committee members may be appointed for further terms of three years after an absence from the Committee of at least one year.
- (g) The Committee may appoint a Secretary and a Treasurer. Such persons may be appointed from outside the Committee, but if so appointed shall have no vote in Committee matters.
- (h) Membership of the Committee may be terminated by the appointing body at any time during a term of appointment.

## 5. Transitional Arrangements

- (a) In order to ensure that Committee appointments do not terminate at the same time the terms of appointment of the foundation Committee will be established by ballot according to the following arrangements:
  - (i) One third of the appointments will have a term of one year.
  - (ii) One third of the appointments will have a term of two years.
  - (iii) One third of the appointments will have a term of three years.
- (b) These arrangements apply only to foundational appointments to the Committee. In all other appointments the usual term of three years shall



apply.

## 6. The Committee

The Committee shall administer the affairs and property of the Community Care Ministry, except as otherwise provided in or under this Constitution, by:

- (a)
  - (i) Dealing with the business of the Community Care Ministry in ensuring that the objects are carried out, and
  - (ii) Ensuring that the fabric and maintenance of any building or equipment is maintained, and
  - (iii) Being responsible for the financial management of the Community Care Ministry, and
- (b) Ensuring any real property acquired by the committee shall be held in the name of the incorporation of the Diocese as the Trustees of the Community Care Ministry.
- (c) Having the power to appoint sub-committees as it may think expedient for carrying out its business.
- (d) Making a report in writing, within two months of the close of the calendar year, on the operation of the Community Care Ministry for that year and delivering a copy of such report to Parish Council for presentation to the Annual Meeting of Parishioners. Such report shall include:
  - (i) A report from the Chair of the Committee on the activities of the Community Care Ministry.
  - (ii) An audited statement of accounts for the

year.

- (e) Providing a copy of the Annual Report to Bishop-in-Council as part of the Annual Return of the Parish.
- (f) Appointing an auditor. Where no auditor has been appointed, the auditor of the Parish shall be asked to perform the audit.

## 7. Appointments

- (a) The Committee may appoint and remunerate and dismiss a Manager as it may consider necessary. Such person shall be an employee of the corporation "Bunbury Diocesan Trustees" acting under the direction of the local committee.
- (b) The Committee may appoint and remunerate and dismiss other persons as it may consider necessary, only with the agreement of the Manager. Such persons shall be employees of the corporation "Bunbury Diocesan Trustees" acting under the direction of the manager.

## 8. Finance

- (a) The funds of the Community Care Ministry shall be banked in the name of the Community Care Ministry.
- (b) All payments shall be made by cheque or electronic transfer authorised by any two members of the Committee from up to four of its members designated by the Committee for that purpose.
- (c) The Committee shall keep or cause to be kept accounts of all sums received and expended by

the Community Care Ministry and of all matters in respect of which receipts and expenditure take place and of all property credits and liabilities of the Community Care Ministry.

- (d) The books of account and any other records shall at all times be available for inspection by the Manager, or any member of the Committee.
- (e) No accounts due by the Community Care Ministry shall be paid until such payment shall have been authorised by the Committee or a person or persons appointed by it for that purpose.
- (f) The financial year shall be that of the calendar year, with proper financial statements being drawn up for the period.

#### 9. Amendments to a Constitution

Any amendments to a Constitution based on this Model Constitution will be made by a resolution of a two-thirds majority at a General Meeting of the Parish provided that the notice calling the meeting must specify at least fourteen days in advance of the proposed amendment. No amendment shall be agreed without the express consent of the Bishop, the Council and the Trustees.

#### 10. Dissolution

A Community Care Ministry may be dissolved after consultation with the Bishop, and

- (a) A General Meeting of the Parish so recommends to the Bishop-in-Council, or
- (b) The Bishop-in-Council, after consultation with the Committee, makes a determination.

- (c) In the event of a Community Care Ministry 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.

#### 11. Deductible Gift Revocation

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- (a) Gifts of money or property for the principal purpose of the organisation.
- (b) Contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation.
- (c) Money received by the organisation because of such gifts and contributions.

#### 12. Adoption of a Constitution

A Constitution based on this "model" Constitution shall not come into force until such time as it has been agreed to by the Committee, the Bishop and the Bishop-in-Council.