

## THE DIOCESAN TRUSTEES STATUTE 1985-2021

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

This Statute shall be known as "The Diocesan Trustees Statute 1985-2021".

### **Preamble**

Whereas:

- (a) By the Anglican Church of Australia Diocesan Trustees and Lands Act in 1918, Section 3 there was constituted a Corporation by the name and style of "The Bunbury Diocesan Trustees" and which is in this Statute referred to as the Corporation.
- (b) By the provisions of that Act the successors in office of the trustees originally constituted are to be appointed from time to time in accordance with the provisions of a statute of the Synod of the Diocese.
- (c) The provisions of that Act provided that the property to be held by the Corporation shall in addition to every liability trust and obligation affecting such property be subject also to the statutes, orders, directions and regulations of the Synod of the Diocese.

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

### **1. Repeal**

The Diocesan Trustees Statute 1965-1981 and The Diocesan Treasurer Appointment Statute 1942 are repealed.

### **2. The Trustees**

The Trustees shall be:

The Bishop (Chairperson), The Administrator, The Diocesan Chancellor, The Diocesan Advocate, The Diocesan Secretary, The Diocesan Safe Ministry Authority Chairperson plus two Clerical and three Lay members who shall be elected from Synod.

### **3. Election of Trustees**

Synod shall elect the Trustees at the first Session of each Synod.

### **4. Diocesan Treasurer**

- (a) The Diocesan Trustees shall elect from their own number a person to be the Diocesan Treasurer.
- (b) Such election shall take place at the first meeting after the first Session of each Synod, or, as required.

### **5. Vacancy**

- (a) Any casual vacancy occurring among the Trustees shall be filled by the Council until the next Session of Synod when the vacancy shall be filled by Synod.
- (b) A Trustee may resign, in writing, to the Bishop of the Diocese.
- (c) The Bishop, with the advice of the Council, may, if the Bishop sees fit, in writing,

remove a Trustee from the Trustee's office for any of the following causes:

- (i) Failure to sign the Declaration of Trust hereinafter required.
- (ii) Absence without leave from six consecutive meetings of the Trustees.
- (iii) Sequestration of the Trustee's estate as a bankrupt or insolvent.
- (iv) Commission of any offence punishable at law.
- (v) Drunkenness or unchastity.
- (vi) Incapacity from mental or physical infirmity to perform the duties of the office.
- (vii) Refusal to conform to the Statutes of Synod.

## 6. **The Declaration**

Every Trustee shall sign a declaration that the Trustee will hold all property which shall become vested in the Trustee as such Trustee upon the trusts and subject to the provisions of this Statute.

## 7. **The Seal**

The Common Seal shall be kept at the Church Offices in the custody of the Diocesan Secretary and shall be used or affixed on all documents requiring the same. A record of all documents and papers to which the Seal is affixed shall be entered in a book kept for that purpose. The impressing of the Seal to be witnessed by any two Trustees and the Diocesan Secretary.

## 8. **Procedure**

The Trustees shall have power to make rules for the conduct of all business coming before them. At a meeting of the Trustees, five Trustees one of whom shall be the Chairperson or the Chairperson's nominee shall form a quorum.

## 9. **Functions and Powers of the Trustees**

- (a) All property, real or personal, which is vested in or which may be transferred to the Trustees or which has been or may hereafter be given granted devised or bequeathed to or for the benefit of the Anglican Church of Australia in the Diocese of Bunbury shall be held by the Trustees upon trust subject to the conditions (if any) of every such gift grant devise or bequest for the use of the said church and as the Synod of the Diocese shall direct.
- (b) The Corporation in addition to all powers vested in it by the enactments of the Parliament of Western Australia or of the Commonwealth of Australia or at law shall have the following further powers:
  - (i) To continue to hold any investments, stock, shares, debentures, mortgages or other securities which it has obtained;
  - (ii) To continue or vary any investment now or hereafter held by it in such manner as it thinks fit;
  - (iii) At its discretion and for ecclesiastical purposes to advance money on loan or guarantee overdrafts;
  - (iv) All powers and discretions vested in or given to Trustees by the Trustees Act

1962.

- (c) The Corporation and its predecessors shall be deemed to have and always to have had all powers vested in the Corporation by the enactments of the Parliaments referred to and by this Statute.
- (d) In respect to:
  - (i) All Real Property within an Ecclesiastical District, and
  - (ii) All Personal Property held on Trust on behalf of an Ecclesiastical District; the Trustees shall, before dealing with such property, seek the opinion of the parish council of the Ecclesiastical District concerned, which shall within such time as the Trustees nominate (being not less than seven days) advise the Trustees in writing of the opinion of the said parish council. If the Trustees make a decision concerning such property contrary to the opinion of the said parish council the Trustees shall report thereon to the next session of Synod.

**10. Responsible to Synod**

The Trustees shall lay before the Synod at the beginning of every Session a statement of all property held by them and of the manner in which the same is invested and is being dealt with and applied, and also an account of all receipts and payments of and connected with the said property. Any such accounts shall be audited prior to each Session of Synod by an auditor or auditors appointed at the First Session of each triennial Synod, provided that if a vacancy occur in the office of auditor by death, resignation, removal from office or otherwise, and Trustees shall have power to appoint an auditor or auditors who shall act until a successor or successors shall be appointed by Synod.

11. This Statute shall be known as "The Diocesan Trustees Statute 1985-2021".