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BAPTIST CHURCHES OF NEW SOUTH WALES PROPERTY TRUST AMENDMENT BILL 2013

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [8.11 p.m.]: on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Baptist Churches of New South Wales Property Trust Amendment Bill 2013. There is no such thing as the Baptist Church. The Baptist Church is actually made up of a number of separate churches, or congregations. Each Baptist church is autonomous and is empowered to run its own affairs. There are currently more than 330 Baptist churches in New South Wales and the Australian Capital Territory. A large number of these churches have voluntarily linked together to form the Baptist Union. Being part of the Baptist Union provides individual congregations with the benefits of being part of a larger organisation; but at the same time, individual congregations continue to manage their own affairs.

The Baptist Union of New South Wales is incorporated through a New South Wales statute—the Baptist Union Incorporation Act 1919. Among other things, this Act gives the Baptist Union the power to hold property. In 1984, the Baptist Churches of New South Wales Property Trust Act was enacted. That Act established an incorporated trustee—which is known as the Baptist Churches of New South Wales Property Trust—and vested land previously held on trust by the Baptist Union in the new corporate trustee. The enactment of the Baptist Churches of New South Wales Property Trust Act also allowed the Baptist Union to focus on its administrative responsibilities.

The Baptist Union formally requested amendments to the Act in 2012 after an extensive consultation period within the Baptist church community. The amendments do not represent major changes to the Act, but they will help the property trust to manage trust property on behalf of congregations in a more efficient way. For example, at the moment the Act permits trust property to be used in certain ways for the benefit of corporations whose objects are consistent with those of the Baptist Union. However, this is limited to corporations whose directors are members of the congregation for which the trust holds the property. This can make it difficult to establish corporations with appropriately skilled directors to carry out work on behalf of a congregation, especially if a congregation has only a small number of members.

The amendments contained in this bill will assist by allowing a broader range of people to be directors of corporations that may benefit from trust property. While directors can still be members of the congregation for which the property is held in trust, the corporation also will be able to draw on members of other Baptist churches, and other persons who are committed evangelicals. The amendments also provide further protections for small congregations in relation to trust property. Section 29 of the existing Act provides that where membership of a congregation drops to fewer than 10 members, the Baptist Union may exercise the functions of that congregation regarding property held on trust.

The amendments in this bill will require the Baptist Union to consult with the remaining church members before giving a direction to the property trust about property held on behalf of the congregation. Currently, the Act provides that a congregation can direct the property trust to do certain things if more than 75 per cent of members present at a congregation meeting approve the direction. The amendments in this bill provide that when a congregation has between 10 and 20 members, as well as requiring a 75 per cent majority a vote will be passed only if it is passed by at least 10 persons. A resolution made by a congregation with between 10 and 20 members will have effect only if the executive committee of the Baptist Union consents to the direction being given.

The amendments in this bill also simplify the administrative arrangements for making a direction to the trust in relation to certain minor matters relating to the repair or alteration of certain church buildings. An amendment provides that when a congregation directs the trust about the minor repair or alteration of church buildings, schools or manse, the secretary of the congregation can give a direction without holding a meeting of the congregation. Whether a matter is minor will be determined in writing by the executive committee of the Baptist Union. The bill also includes a number of amendments to clarify when the term "church" means "church building"

and when it is intended to mean "congregation". The bill also inserts definitions of the positions of secretary and deacon. These definitions have been inserted to clarify that those terms include references to persons who hold substantially similar roles but have a different title. Cross-references to certain repealed provisions have also been removed from the Act.

An extensive consultation process has been undertaken by the Baptist Union of New South Wales in relation to the amendments. Each of the proposed amendments was investigated thoroughly by the executive committee of the Baptist Union. A summary of the proposed changes was circulated to churches before the mini-assembly held at the Epping Baptist Church on 7 May 2011. Local congregations were given further time to review the proposed amendments. The proposals were then brought before the annual assembly held at the Parkside Baptist Church in July 2011, where they were approved. The Baptist Union then sought legal advice on the approved amendments before making a formal submission to the Government in 2012. The amendments in this bill are not major changes to the Act. Nevertheless, the amendments will assist the church to manage its property in a more efficient and effective manner. I commend the bill to the House.