

TASMANIA

**BAPTIST UNION INCORPORATION
AMENDMENT BILL 2006**

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**BAPTIST UNION INCORPORATION
AMENDMENT BILL 2006**

*(Brought in by the Premier, the Honourable Paul Anthony
Lennon)*

A BILL FOR

An Act to amend the *Baptist Union Incorporation Act 1902*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Baptist Union
Incorporation Amendment Act 2006*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

3. Principal Act

In this Act, the *Baptist Union Incorporation Act
1902** is referred to as the Principal Act.

*No. 48 of 1902

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4. Preamble amended

The preamble to the Principal Act is amended by omitting “And whereas the present constitution of the Union is set forth in Schedule I.”.

5. Section 2 amended (Interpretation)

Section 2 of the Principal Act is amended as follows:

- (a) by omitting the definition of “church” and substituting the following definitions:

“church” means a congregation anywhere within Tasmania that –

- (a) is known as, or styled as, a Baptist Church; and
- (b) is admitted to the Union in accordance with the constitution;

“constitution” means the constitution specified in section 4, as amended, altered, repealed or substituted from time to time;

- (b) by omitting the definition of “the Baptist Church of Tasmania”;
- (c) by omitting the definition of “Union Trusts” and substituting the following definitions:

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“Union Doctrines” means the doctrinal beliefs of the Union set out in the constitution;

“Union Trusts” means the trusts of the Union set out in the constitution.

6. Section 3 amended (Incorporation of the Baptist Union)

Section 3(1) of the Principal Act is amended by omitting “doctrines set forth in Schedule II” and substituting “Union Doctrines”.

7. Section 4 substituted

Section 4 of the Principal Act is repealed and the following section is substituted:

4. Constitution of the Union

- (1) The Union is to have a constitution that sets out –
 - (a) the doctrinal beliefs of the Union;
and
 - (b) the trusts of the Union; and
 - (c) the conditions on dealing with the Union Trusts.
- (2) The Union may, from time to time, amend, alter, repeal or substitute the

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constitution in the manner set out in, and as allowed by, the constitution.

8. Section 7 amended (Members entitled to vote)

Section 7 of the Principal Act is amended by omitting “present at any such meeting of the age of 21 years and upwards” and substituting “of the church present at a meeting referred to in section 6 who have attained the age of 18 years”.

9. Section 10 substituted

Section 10 of the Principal Act is repealed and the following sections are substituted:

10. Accounting records

The Union must –

- (a) keep such accounting records as correctly record and explain its financial position and transactions, including any transaction as trustee; and
- (b) keep those records in a manner that allows true and fair accounts of the Union to be prepared from time to time; and
- (c) retain those records for a period of not less than 10 years.

10A. Auditing requirements

- (1) The Union is to ensure that any financial accounts of the Union, including any accounts relating to the Union Trusts, are audited at least once each calendar year in accordance with this section.
- (2) The audit is to be carried out by a person who is a member of –
 - (a) the Institute of Chartered Accountants; or
 - (b) the Australian Society of Certified Practising Accountants; or
 - (c) the National Institute of Accountants.
- (3) The auditor is to provide the Union with a certified copy of the audit stating whether or not the Union has –
 - (a) kept proper accounting records in respect of the Union Trusts; and
 - (b) kept such information as required to explain the financial transactions of the Union during the 12 months immediately preceding the audit.

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10. Section 12 amended (Power of the Assembly to make by-laws)

Section 12 of the Principal Act is amended as follows:

(a) by omitting paragraph (a) from subsection (1) and substituting the following paragraph:

(a) the churches admitted to the Union;

(b) by omitting from subsection (2) “and the schedules thereto”.

11. Section 19 repealed

Section 19 of the Principal Act is repealed.

12. Section 21 inserted

After section 20 of the Principal Act, the following section is inserted:

21. Savings and transitional provisions

(1) In this section –

“prior Act” means this Act as in force immediately before the commencement of the *Baptist Union Incorporation Amendment Act 2006*;

“prior trusts” means the Union Trusts set out in Schedule III of the prior Act.

- (2) If a transaction with respect to property has been commenced under the prior trusts and has not been completed before the commencement of the *Baptist Union Incorporation Amendment Act 2006*, the transaction –
 - (a) is to be completed in accordance with the prior trusts; and
 - (b) on completion, is taken to have been completed in accordance with the constitution.
- (3) Property held by the Union under the prior trusts immediately before the commencement of the *Baptist Union Incorporation Amendment Act 2006* is taken to be held by the Union in accordance with the Union Trusts.

13. Schedules I, II and III repealed

Schedules I, II and III to the Principal Act are repealed.