

C E N E F ORDINANCE 1978No. 4 1978

AN ORDINANCE to vary the trusts on which certain property is held and to dissolve the board of management constituted by the Church of England National Emergency Fund Constitution Ordinance 1958-1976.

WHEREAS

A. The Church of England National Emergency Fund in the Diocese of Sydney was established in 1943 for the purpose of ministering to the needs of service men and women during the second world war.

5 B. Church of England Property Trust Diocese of Sydney (hereinafter called the "Property Trust") is and has acted as trustee of the assets of the said fund.


10 C. The said fund was managed and controlled in the first instance by a board of management appointed by the Archbishop of Sydney and since 1958 has been managed and controlled by boards of management appointed or elected pursuant to the Church of England National Emergency Fund Constitution Ordinance 1958-1976 (which Ordinance is hereinafter called "the said Ordinance").

15 D. One asset of the said fund is the property known as 87 Darley Road Randwick.

20 E. The CENEF Sale Ordinance 1977 authorised the sale of the said property and the CENEF University Hall Ordinance 1977 (inter alia) authorised the application of certain moneys from the said fund in and towards the acquisition of property to be known as "CENEF University Hall".

F. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the assets of the said fund are held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

25 NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-



1. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the assets of the said fund are held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

2. The Property Trust is hereby authorised to appropriate from the assets of the said fund to a separate fund the sum of One hundred and seventy five thousand dollars (\$175,000) and to apply the amount so appropriated (and all interest thereon) in or towards meeting the cost of and incidental to the construction of new buildings on the property known as "Gilbulla" near Menangle and for use in connection with existing improvements thereon and to the alteration of such existing improvements. Any such new building shall be known as "CENEF Wing".

3. (1) The remainder of the assets of the said fund shall be held on trust for the Church of England in Australia in the Diocese of Sydney as a national emergency fund provided that until such time as the Standing Committee declares by resolution that a national emergency exists three-fourths of the income from the said assets or such greater proportion as the Synod may determine shall be applied for the benefit of such of the following as the Synod may determine from time to time by Ordinance:-

- (a) Anglican Youth Department Diocese of Sydney;
- (b) Any body or organisation which is supported or assisted from time to time by Anglican Youth Department Diocese of Sydney;
- (c) Board of Education Diocese of Sydney;
- (d) Sydney Diocesan Churchwomen's Association

any income not so applied shall be capitalised.

(2) All moneys distributed pursuant to this clause, unless the Standing Committee by resolution thereof otherwise approves (which approval may be general or limited to any particular distribution or distributions or parts thereof) shall be applied for capital purposes or for the purpose of repaying moneys borrowed for capital purposes or of paying interest thereon and the term "capital purposes" where used in this sub-clause includes the acquiring of any real or personal property and the erection, construction, reconstruction and renovation of any building or other structure or improvement on or to land and all costs incidental or preparatory thereto.

(3) The provisions of this clause shall apply subject to the provisions of the CENEF University Hall Ordinance 1977 and the Diocesan Income and Expenditure Ordinance 1977.

(4) The provisions of this clause shall apply on and from the 1st of January 1978.

4. On and from the date on which assent is given to this Ordinance:-

- (a) the Property Trust shall manage and control the assets of the said fund subject however to the provisions of this Ordinance, and
- (b) the board of management constituted by the said Ordinance shall cease to exist.

5. This Ordinance may be cited as "CENEF Ordinance 1978".

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

Norman Jenkyn  
Acting Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of February 1978.

W.G.S. Gotley  
Secretary.

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney.  
27/2/1978.