

CHURCH OF ENGLAND RETIREMENT VILLAGES DAPTO  
CONSTITUTION ORDINANCE 1974

No. 16, 1974

AN ORDINANCE to further provide for the management and control of retirement villages.

WHEREAS the land described in the Schedule hereto is vested in Church of England Retirement Villages Diocese of Sydney a body corporate constituted under the Church of England (Bodies Corporate) Act 1938 AND WHEREAS the said land is situated at Dapto and a retirement village is erected on the same AND WHEREAS the said land and the said village is governed and controlled by the said body corporate AND WHEREAS it is expedient that the said land and the said village should be separately governed and controlled NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS

DIRECTS AND RULES as follows:

1. In this Ordinance unless inconsistent with the context or the subject matter:-

"Bishop" means the Bishop in Wollongong for the time being;

"Board" means the Board of Management of the organisation hereby constituted;

"Council" means the Wollongong Zone Council as constituted by the Wollongong Zone Council Ordinance 1972-1973 (as amended from time to time);

"said body corporate" means Church of England Retirement Villages Diocese of Sydney a body corporate constituted under the Church of England (Bodies Corporate) Act 1938;

"Property" includes the land described in the Schedule hereto and any house, hostel, establishment or village established or under the control of the Board hereinafter constituted;

"Secretary" means Secretary for the time being of the Board.

"Synod" means the Synod of the Diocese of Sydney;

Words importing the singular number include the plural number and vice versa;

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Words importing the masculine gender include the feminine gender.

30 2. The name of the organisation hereinafter constituted is "Church of England Retirement Villages Dapto".

3. The objects of the organisation are:-

35 (a) to provide on land situated within the Zone (as defined in the Wollongong Zone Council Ordinance 1972-1973) in a Christian environment for the housing, accommodation, maintenance and welfare of men and women of pensionable age irrespective of creed or who are destitute or indigent or who are unable to afford fees normally charged for private accommodation preference being given to people in Australia who are in necessitous  
40 circumstances and to bring such under the pastoral care of the church.

(b) to acquire by purchase, gift or otherwise suitable land and buildings and to establish furnish equip and maintain such property for the purposes of the organisation.

45 4. The control and management of the organisation its property and officers shall be vested in a Board of Management.

5. The powers duties and functions of the Board shall be to manage administer and control the property both real and personal of the organisation and any other such property both real and personal providing accommodation for persons of pensionable age the control of which may from time to time be committed to the Board by ordinance, by request of another organisation or home or by any other means.

50 6. (1) The Board shall consist of

(a) the Bishop,

55 (b) one clergyman and one layman who shall be appointed by the Bishop, in the first instance, after this Ordinance is assented to and, in the case of each subsequent appointment, after the first ordinary session of each Synod, and

(c) five clergymen and five laymen who shall be appointed by the

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60 Council, in the first instance, after this Ordinance is assented  
 elected ~~and~~  
 to, and, in the case of each subsequent appointment, ~~after~~ the  
 first ordinary session of each Synod.

(2) Subject to Clause 10, each person elected or appointed pursuant  
 to paragraphs (b) and (c) of sub-clause (1) shall hold office until the  
 65 first ordinary session of each Synod and thereafter until his successor  
 is appointed. Each such member shall be eligible for re-appointment.

7. At meetings of the Board five members shall form a quorum.

8. The Bishop shall be the President of the Board and shall act as  
 Chairman at such meetings at which he shall be present. If the Bishop  
 70 is not present during the whole or any part of a meeting of the Board the  
 Board may appoint one of its members to act as Chairman of the meeting  
 whilst the Bishop is not present. Whoever acts <sup>as</sup> Chairman shall have a  
 deliberative but not a casting vote at that meeting.

9. The financial year of the Board shall end on the 31st December each  
 75 year and a statement of income and expenditure and a balance sheet showing  
 the assets and liabilities shall be prepared and audited in respect of each  
 financial year.

10. The office of any member shall become vacant if:-

- 80 (a) He resign by writing under his hand addressed to the Bishop  
 or Secretary.
- (b) He become bankrupt or insolvent.
- (c) He be convicted of any felony or misdemeanor.
- (d) He be absent from six consecutive ordinary meetings of the Board  
 without leave of absence.
- 85 (e) The Synod or the Council, when the Synod is not in session, by  
 resolution, declares the office of that member to be vacant.

11. The Board shall meet at least quarterly but the Bishop may convene  
 a meeting whenever he may think fit and the Secretary shall convene a  
 meeting on receipt of a request in writing so to do signed by not less than  
 90 three members of the Board within one month of receipt of any such request.

12. Each separate property of the organisation may be under the management

of a committee appointed by the Board for the purpose but shall be subject to the overriding control and authority of the Board.

13. Subject to the provisions hereof, the Board may regulate its affairs and conduct its business in such manner as its members may think fit.

14. The Board may employ such persons on such terms and conditions as it thinks fit. Any such person may be a member of the Board.

15. The members of the Board shall be indemnified out of the assets of the organisation against all loss or liability which they or any of them may have properly incurred for or on behalf of the organisation and to which they or any of them may be subject by reason of his being or having been a member of the Board other than those occasioned by his own wilful act or neglect.

16. The Board shall furnish to the Synod or the Standing Committee of Synod or the Council any information as to the organisation's affairs which it may be requested so to do in pursuance of a resolution thereof and shall at least once in each year report its proceedings to the Synod and the Council and shall present a statement of income and expenditure and a balance sheet duly audited and such other accounts as may be required from time to time by resolution of Synod or the Council.

17. In the event of the said organisation ceasing to carry on the work and objects for which it was formed and constituted the property or properties shall be used or sold and the proceeds after complying with the Aged Persons Homes Act 1954-1957 used together with the other assets and funds of the organisation in carrying out some other charitable work of a public benevolent nature in assisting persons in the relief of distress, sickness, misfortune or poverty as shall meet the requirements of Section 78(1)(a) of the Income Tax Assessment Act.

18. The said land is hereby vested in Church of England Property Trust Diocese of Sydney.

19. The said body corporate shall cease to be responsible for the management and control of the said land and the said village and the Board shall become responsible for the management and control of the said land and the said village on the Bishop giving a written notice to

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125 the Executive Chairman or to the Assistant Executive Chairman of the said body corporate in which he certifies that the appointments to be made pursuant to paragraphs (b) and (c) of Clause 6(1) of this Ordinance have been duly made.

20: This Ordinance may be cited as "Church of England Retirement Villages Dapto Constitution Ordinance 1974".

SCHEDULE

THE LAND situated in the City of Wollongong, Parish of Calderwood and County of Camden being Lot 4 in Deposited Plan 230295 and the whole of the land in Certificate of Title Volume 10413 Folio 80.

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

D. CAMERON  
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 24th day of June, 1974.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

M.L. LOANE  
Archbishop of Sydney  
24 / 6 / 1974.