

CHURCH OF ENGLAND RETIREMENT VILLAGES (DIOCESE OF SYDNEY)
CONSTITUTION ORDINANCE 1961-1974 AMENDING ORDINANCE 1979

No. 31 1979

AN ORDINANCE to change the name of the body corporate known as Church of England Retirement Villages Diocese of Sydney, to change the membership thereof and to amend the powers thereof.

WHEREAS it is expedient that the name of the body corporate known as Church of England Retirement Villages Diocese of Sydney be changed, that the composition of the membership of that body corporate be altered and that the powers conferred on that body corporate be amended 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. (1) This ordinance may be cited as "Church of England Retirement Villages (Diocese of Sydney) Constitution Ordinance 1961-1974 Amending Ordinance 1979".

(2) The Church of England Retirement Villages (Diocese of Sydney) Constitution Ordinance 1961-1974 is hereinafter called the "Principal Ordinance".

(3) The Principal Ordinance as amended by this Ordinance may be cited as "Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961-1979" and Clause 18 of the Principal Ordinance is amended accordingly and renumbered as Clause 19.

2. The name of the body corporate known as "Church of England Retirement Villages Diocese of Sydney" is hereby changed to "Anglican Retirement Villages Diocese of Sydney".

3. (1) The powers authorities duties and functions conferred and imposed on the body corporate are hereby amended to the extent provided in subclause (2) of this clause.

(2) The Principal Ordinance is hereby amended by the substitution of the following clause for Clause 5:-

"The Organisation shall have and may exercise and perform the following powers, authorities, duties and functions:-

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- (a) to carry out the objects of the Organisation, and
- (b) without limiting the generality of paragraph (a), 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 the request of another organisation or home or by any other means, and
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- (c) without limiting the generality of paragraph (a), to co-operate with the Board of Management of any organisation or other body corporate constituted by or at the instance of the Synod or the Standing Committee thereof involved in the housing, accommodation, maintenance or welfare of persons of pensionable age by making available hostel and nursing home accommodation and other facilities, and
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- (d) to act as trustee of any trust under which provision is to be made for the housing, accommodation, maintenance or welfare of persons of pensionable age or who are destitute or indigent or who are
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- unable to afford fees normally charged for private accommodation and to execute all the powers and discretions and perform all the duties of the trustee of such a trust and to assist the trustee of any such trust in the execution of any such trust.

4. Clause 1 of the Principal Ordinance is hereby amended as follows:-

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- (a) by the substitution of the word "Archbishop" for the words "The Archbishop",
- (b) by the substitution of the word "Board" for the words "The Board",
- (c) by the insertion of the following words after the definition of "Board":-

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"'Organisation' means the body corporate constituted under the Church of England (Bodies Corporate) Act 1938 named in Clause 2 of this Ordinance.", and

- (d) by the substitution of the word "Synod" for the words "The Synod".
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5. Clause 6 of the Principal Ordinance is hereby amended as follows:-

60 (a) by the insertion of the words "who shall be President of the Board," at the end of paragraph (a),

(b) by the substitution of the following paragraph for paragraph (b):-

"(b) Clive Andrew Goodwin and Louis Samuel Loewenthal, who shall be Vice Presidents of the Board," ~~for their respective lifetimes,~~

65 (c) by the substitution of the following paragraph for paragraph (c):-

70 "(c) a chairman - nominated by the Board and appointed by the Archbishop if approved by the Archbishop,"

(d) by the insertion of the following paragraph after paragraph (c):-

75 "(d) a deputy chairman - nominated by the Board and appointed by the Archbishop if approved by the Archbishop"

(e) by re-lettering paragraph (d) as paragraph (e),

(f) by re-lettering paragraph (e) as paragraph (f) and by substituting the words "registered under the provisions of the Medical Practitioners Act, 1938" for the words "being a qualified and registered medical practitioner",

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(g) by re-lettering the following paragraphs,

(h) by substituting "(c) and (d)" for "(b) and (c)" in sub-clause (2),

85 (i) by substituting "(e) to (h)" for "(d) (e) (f) and (g)" in sub-clause (3), and

(j) by inserting the following at the end of the last sentence in sub-clause (3):-

"provided that member has not attained the age of seventy-two years".

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6. Clause 9 of the Principal Ordinance is hereby amended by the omission of the words "be the President of the Board and shall" and by the omission of the word "Executive", wherever the same appears and by the substitution of the word "Deputy" for the word "Assistant", wherever the same appears.

95 7. Clause 10 of the Principal Ordinance is hereby amended by the substitution of "30th June" for "31st March".

8. The Principal Ordinance is hereby further amended by the substitution of the following clause for Clause 11:-

"11.(1) A member of the Board shall be deemed to have vacated his seat if he -

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(a) dies;

(b) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; compounds with his creditors or makes any assignment of his estate for their benefit;

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(c) is absent from three consecutive ordinary meetings of the Board of which reasonable notice has been given him personally or in the ordinary course of post, except on leave granted by the Board;

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(d) becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

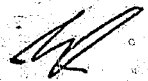
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(e) is convicted in New South Wales of a felony or of a misdemeanor punishable by imprisonment for twelve months or upwards or is convicted outside New South Wales of an offence which if committed in New South Wales would be a felony or misdemeanor so punishable;

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(f) resigns his seat by writing under his hand addressed to the Secretary to the Board;

(g) attains the age of seventy-five years.



(2) A person of or above the age of seventy-two years shall not be eligible for appointment or election as a member of the Board.

(3) The provisions of Clause 11(1)(b), (c), (d), ~~(e), (f)~~, *g*

(g) and (2) shall not apply to Vice-Presidents."

(4) *The provisions of Clause 11 shall not apply to the President.*

9. Clause 13 of the Principal Ordinance is hereby amended by the omission of the word "Executive" and by the insertion of the words "to the Board" after the word "Secretary".

10. Clause 17 of the Principal Ordinance is hereby amended by the substitution of the words "Aged or Disabled Persons' Homes' Act 1954, or other legislation under which retirement accommodation may be financed" for the words "Aged Persons' Homes' Act 1954-1957".

11. The Principal Ordinance is hereby further amended by the insertion of the following clause after Clause 17:-

"18. (1) The Organisation shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

(2) The Organisation and its members and each of them shall not represent to any person or corporation that the Archbishop of Sydney or the Synod of the Diocese of Sydney or the Standing Committee thereof or any person or persons or any other corporate body or corporation holding church trust property for the Church of England ^{in Australia} in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Church of England (Bodies Corporate) Act 1938 shall or may meet or discharge all or any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Organisation.

(3) The Organisation shall not exercise any power to borrow moneys if the amount which it proposes to borrow, when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto, exceeds one million dollars (\$1,000,000.00) or such other amount as may have been last approved by resolution of the Standing Committee.

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(4) The Organisation shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee, indemnity or promissory note unless the following clause is included therein:-

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'Notwithstanding anything contained herein to the contrary, each of the parties hereto acknowledges and agrees that Anglican Retirement Villages Diocese of Sydney shall not be liable to any other party hereto for any amount whatsoever (whether by virtue of any express or implied obligation) beyond such amount (if any) as Anglican Retirement Villages Diocese of Sydney may be able to pay to that party in the event of Anglican Retirement Villages Diocese of Sydney being wound up.'

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and such clause is not made subject to any qualification.

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(5) The Organisation shall not execute or deliver any bill of exchange or other negotiable instrument other than a cheque drawn on the Organisation's bank account."

12. (1) The powers authorities duties and functions conferred and imposed on the Body Corporate are hereby further amended to the extent provided in sub-clause (2) of this clause.

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(2) Clause 5 of the Principal Ordinance (as amended by this Ordinance) is further amended by the addition of the following words to the words to be substituted by Clause 3(2) of this Ordinance:-

"and

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(e) to ~~sell, exchange, mortgage, lease or otherwise~~ deal with the whole or any part or parts of any property now or hereafter vested in the Organisation ^{permitted by} to the extent that the trusts on which the same are held, ~~permit the same to be sold,~~ ["] ~~exchanged, mortgaged, leased or otherwise dealt with."~~


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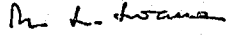
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

[Signature]
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 August ~~October~~ 1979.


Secretary

I ASSENT to this Ordinance



Archbishop of Sydney
27/8/1979