

Anglican Counselling Centre (Home Mission Society Integration) Ordinance 2000

No 15, 2000

Long Title

An Ordinance to provide for the integration of the functions presently exercised by the Anglican Counselling Centre with the Sydney Anglican Home Mission Society and for incidental matters.

Preamble

- A. The functions presently exercised by the Anglican Counselling Centre (the "ACC") are to be integrated with the Sydney Anglican Home Mission Society ("HMS").
- B. The land (the "CPT Land") described in the first column of the table in Schedule 1 is held by the Anglican Church Property Trust Diocese of Sydney upon the trusts set out in the second column of that table.
- C. The land (the "ACC Land") described in the first column of the table in Schedule 2 is held by the Council of the ACC upon the trusts set out in the second column of that table.
- D. The Council of the ACC holds other property (the "Personal Property") upon trust for the purposes of the ACC.
- E. The loans (the "Loans") described in the first column of Schedule 3 were made for the purposes of the ACC and are secured by the letters of charge and undertaking described in the second column of Schedule 3.
- F. By reason of circumstances which have arisen after the creation of the trusts on which the CPT Land, the ACC Land and the Personal Property are held it is inexpedient to carry and observe those trusts and it is inexpedient to deal with or apply the CPT Land, the ACC Land and the Personal Property for the same or like purposes as the trusts on which they are held.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Anglican Counselling Centre (Home Mission Society Integration) Ordinance 2000.

2. Membership of the Council Declared Vacant

The membership of the Council appointed under clause 7 of the Anglican Counselling Centre Constitution Ordinance 1963 (the "Principal Ordinance") is declared vacant.

3. Amendment of the Principal Ordinance

The Principal Ordinance is amended as follows:

- (a) clause 7 is deleted and the following inserted instead:
- "7. Membership of the Council
The members of the Council are those persons who from time to time are members of the council of the Sydney Anglican Home Mission Society. A person who becomes a member, or ceases to be a member, of the council of the Sydney Anglican Home Mission Society becomes, or ceases to be, a member of the Council, as the case may be."; and
- (b) clause 8 is deleted; and
- (c) clause 9 is deleted and the following inserted instead:
- "9. Quorum at Council Meetings
The quorum for a meeting of the Council is 8 members."; and
- (d) clause 10 is deleted and the following inserted instead:
- "10. Chairman
The Chairman of the Council shall be the member who, from time to time, is the chairman of the council of the Sydney Anglican Home Mission Society."; and
- (e) clause 14 is deleted and the following inserted instead:
- "14. Meetings of the Council
A meeting of the Council may be convened by the person or persons entitled to convene a meeting of the council of the Sydney Anglican Home Mission Society. A meeting of the Council is convened in the same way as a meeting of the council of the Sydney Anglican Home Mission Society."; and
- (f) clause 16 is deleted.

4. Variation of Trusts

- (1) By reason of circumstances which have arisen after the creation of the trusts on which the CPT Land, the ACC Land and the Personal Property are held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply the CPT Land, the ACC Land and the Personal Property for the same or like purposes as the trusts on which they are held.
- (2) Subject to clause 6, the CPT Land, the ACC Land and the Personal Property are held for the purposes of HMS.

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5. Loans

All liabilities and obligations of the Council of the ACC in respect of the Loans shall be assumed by the Council of HMS and:

- (a) the Council of HMS must comply with and perform those liabilities and obligations to the full extent of the liabilities and obligations of the Council of the ACC thereunder; and
- (b) the Council of HMS indemnifies the Council of the ACC against any liability or loss arising in respect of the Loans.

6. Indemnity

The members of the Council of the ACC shall be indemnified out of the assets comprising or arising from the CPT Land, the ACC Land and the Personal Property or the remaining part thereof against all loss or liability which they or any of them may have properly incurred for or on behalf of the ACC and to which they or any of them may be subject by reason of his being or having been a member of the Council of the ACC other than those occasioned by his own wilful act or neglect.

7. Commencement

This Ordinance commences on the later of the date of assent of this Ordinance and 1 August 2000.

Schedule 1

Description of Land	Details of Trusts
Volume 14117 Folio 36 being Lot B in Deposited Plan 363612 known as 56 Bland Street, Ashfield	By the Anglican Counselling Centre (Ashfield Property) Ordinance 1985 the property is held on trust for the Anglican Counselling Centre.
Folio Identifier 220/10801 being Lot 220 in Deposited Plan 10801 known as 28 Taleeban Road, Lane Cove	By clause 3 of the Longueville Sale of Land (Variation of Trusts) Ordinance 1987 the property is held on trust for the general purposes of the Anglican Counselling Centre whether as a residence for its Director or otherwise as the Centre may from time direct or require.

Schedule 2

Description of Land	Details of Trusts
Folio Identifier 5/18848 being Lot 5 In Deposited Plan 18848 situated at Penrith	On trust for the purposes of the Anglican Counselling Centre although there are no written trusts.

Schedule 3

Description of Loan	Description of Charge
Term loan from Westpac Banking Corporation to Anglican Counselling Centre for \$250,000 (account no 085065)	Letter of Charge and Undertaking by Anglican Church Property Trust Diocese of Sydney dated 6 February 1986 in favour of Westpac Banking Corporation over land comprising Certificate of Title Volume 14117 Folio 36 known as 56 Bland Street, Ashfield
Term loan from Westpac Banking Corporation to Anglican Counselling Centre for \$127,077 (account no 085903)	Letter of Charge and Undertaking by Anglican Church Property Trust Diocese of Sydney dated 23 October 1987 in favour of Westpac Banking Corporation over land comprising Certificate of Title 5628 Folio 61 (now Folio Identifier 220/10801) known as 28 Taleeban Road, Lane Cove

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

P W YOUNG
Chairman of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 June 2000.

M A PAYNE
Secretary

I Assent to this Ordinance.

R H GOODHEW
Archbishop of Sydney
26/6/2000