

# Anglican Retirement Villages Diocese of Sydney Constitution Amendment Ordinance 2002

No 31, 2002

## Long Title

An Ordinance to amend the constitution of Anglican Retirement Villages Diocese of Sydney.

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

### 1. Name

This Ordinance is the Anglican Retirement Villages Diocese of Sydney Constitution Amendment Ordinance 2002.

### 2. Amendment of principal ordinance

The Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961 (the "Principal Ordinance") is amended as follows -

- (a) in clause 1, the definition of "Elected Member" is deleted and the following is inserted instead -
  - "Elected Member' means -
  - (a) a person elected to be a Member by the Synod under paragraph 6(1)(a), and
  - (b) a person appointed to be a Member under clause 9.", and
- (b) clause 6(1) is deleted and the following is inserted instead -
  - "(1) The Members are -
  - (a) 6 persons elected by the Synod, and
  - (b) 3 persons appointed by the Archbishop, and
  - (c) the person who is the Chief Executive Officer of the Body Corporate if that person is elected to be a Member by the Standing Committee at the request of the Board.", and
- (c) in clause 7 the matter "8(6)" is deleted and "8(4)" is inserted instead, and
- (d) clause 8 is deleted and the following is inserted instead -

#### "8. Duration of office

- (1) At each ordinary session of the Synod, 2 of the Elected Members are to retire. Subject to this Ordinance, a retiring Member -
  - (a) remains a Member until their successor is appointed, and
  - (b) is eligible for re-election.
- (2) The Elected Members to retire are those who have been longest in office since their last election. Where 2 or more members have been in office for the same period of time, and it is necessary to determine which of them is to retire, the person or persons to retire will be determined by agreement between the relevant members or, failing agreement, will be determined by lot.
- (3) The Archbishop, by notice given to the Body Corporate at its principal office, at any time from time to time, may -
  - (a) appoint 1, 2 or 3 persons to be Members, and
  - (b) revoke such appointment of a person as a Member.

A person so appointed is a Member, subject to subclause 8(4), until the appointment is revoked.

- (4) A person ceases to be a Member if -
  - (a) they die, or
  - (b) they resign as a Member by written notice addressed to the Chairman and, in such a case, unless the writing specifies a later date, the resignation is effective when the Chairman receives the notice, or
  - (c) they become an insolvent under administration, or
  - (d) they become an incapable person, a patient, a protected person or a voluntary patient under any statute relating to mental health, or
  - (e) they are convicted of a crime or an offence punishable by imprisonment for more than 12 months.
- (5) A Member (other than the Chief Executive Officer of the Body Corporate) ceases to be a Member at the end of 12 years of continuous service as a Member. For the purpose of this subclause, any 2 terms of continuous service as a Member will be taken to be one term of continuous service if the time between the end of the first term of continuous service and the commencement of the second term of continuous service is less than 3 years.
- (6) An Elected Member also ceases to be a member if -
  - (a) the Standing Committee so resolves, or
  - (b) the Member, for a continuous period of 6 months, is absent without leave of the Board from all meetings of the Board held during that period.", and

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- (e) at the end of clause 9, the following matter is inserted -  
“and, for the purposes of subclause 8(2), is taken to have been elected to office at the time the Member whose place that person has taken was last elected, or taken to have been last elected, to office.”, and
- (f) clause 10 is deleted and the following clause is inserted instead -  
**“10. President**  
(1) The Archbishop is the President of the Body Corporate.  
(2) The President may attend any meeting of the Board and may -  
(a) put before the Members any question or proposal for their consideration, and  
(b) express his views on any question or proposal being considered by the Members.  
(3) The President is not a member of the Board, and so is not entitled to vote on any question or proposal being considered by the Board.”, and
- (g) clause 11 is deleted and the following is inserted instead -  
**“11. Chairman**  
(1) The Members of the Board are to appoint one of their number to be Chairman of the Board for the term which ends on the first to occur of -  
(a) the date (if any) specified in the resolution of appointment, and  
(b) the 1st anniversary of the appointment, and  
(c) the date on which the appointment is revoked by resolution of the Board.  
(2) A Member who ceases to be Chairman at the expiration of the term referred to in subclause 11(1) is eligible for re-appointment to that office.”, and
- (h) in clause 14(1)(b) the matter “paragraph 11(2)(a)” is deleted and the matter “subclause 11(1)” is inserted instead, and
- (i) in clause 18(j) the matter “Investment of Church Trust Property Ordinance 1978” is deleted and the matter “Investment of Church Trust Property Ordinance 1990” is inserted instead.

### 3. Transitional

- (1) In this clause -  
“Body Corporate” means Anglican Retirement Villages Diocese of Sydney, and  
“Member” means a person who is a member of the Body Corporate.
- (2) A person who, immediately prior to the date of assent to this ordinance, was -  
(a) a Member elected by the Synod, or  
(b) a Member elected by the Standing Committee (whether by reason of being chief executive officer of the Body Corporate or otherwise),  
is taken to be an Elected Member for the purposes of the Principal Ordinance, as amended by this ordinance.
- (3) The period of service of a Member prior to the date of assent to this ordinance is to be disregarded for the purposes of subclause 8(5) of the Principal Ordinance, as amended by this ordinance.

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

N M CAMERON  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 July 2002.

M A PAYNE  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
29/7/2002