
*Church of England National Emergency Fund
Constitution Ordinance 1958.*

No. 29, 1958.

AN ORDINANCE to confirm the establishment of and provide a constitution for the body known as, the Church of England National Emergency Fund in the Diocese of Sydney and for purposes connected therewith.

WHEREAS the Church of England National Emergency Fund in the Diocese of Sydney (hereinafter called CENEF) was formed about the year 1943 for the purpose of ministering to the needs of service men and women during the second world war under the management and control of a Board of Management appointed by the then Archbishop of Sydney AND WHEREAS it has since carried on other activities in connection with the Church of England in the Diocese of Sydney namely carrying on and maintaining the CENEF Memorial Centre for Youth at 201 Castlereagh Street, the Rathane Centre for Youth and Leadership Training at Port Hacking, the Gilbulla Memorial Conference Centre and Retreat House at Menangle and the maintenance of certain huts on camp sites of the Australian Defence Forces and also proposes to promote and carry on a Church Veterans Village at Castle Hill and/or elsewhere AND WHEREAS the said Board of Management has acquired and holds certain assets intended to be used in aid and furtherance of the purposes abovementioned including the land and premises referred to in the first schedule hereto which is held in the name of Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) on its behalf AND WHEREAS by Declaration of Trust dated 4th July 1946 the Corporate Trustee declared that it held the land described in the first part of the said first schedule upon trust for CENEF to be used and applied for such purposes of that Fund as long as the Council thereof might so require or determine or in default of such requirement or determination for the use benefit or purposes of the Church of England in the Diocese of Sydney as the Synod might by Ordinance determine AND WHEREAS the said Council has used and applied the said land and premises for the purpose of a Memorial Centre for Youth and purposes incidental thereto AND WHEREAS by Declaration of Trust dated 7th April 1949 the Corporate Trustee declared that it held the land described in the second part of the said first schedule upon the

*Church of England National Emergency Fund
Constitution Ordinance 1958.*

same trusts as those declared in respect of the land firstly described AND WHEREAS the said Council has used and applied the said land and premises as a centre for youth leadership training AND WHEREAS no trusts in writing have been declared in respect of the land and premises described in the third part of the said Schedule but the same have been used and applied by the said Council as a conference centre and retreat house AND WHEREAS the lands firstly and thirdly described have been mortgaged to the Bank of New South Wales for purposes connected with the acquisition of the land thirdly described AND WHEREAS the said Corporate Trustee is acquiring the land more particularly described in the second schedule hereto for the purposes of the proposed Church Veterans Village AND WHEREAS it is expedient that the said Board of Management should now be constituted by Synod by the name and with the powers and subject to the provisions hereinafter set forth and should hold and use the said assets in manner hereinafter declared.

Now therefore the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod hereby ordains and declares as follows:—

1. The establishment and work of the body known as the Church of England National Emergency Fund in the Diocese of Sydney is hereby confirmed and shall henceforth be under management and control of a Board of Management (hereinafter called the Board); constituted with the powers and functions and subject to the provisions hereinafter set forth.

2. The members of the Board shall be the Archbishop of Sydney for the time being *ex officio* who shall be President the Chaplain for Youth for the time being *ex officio* and eight other persons appointed by Synod four persons appointed by the Archbishop and the Executive Secretary of the Board (who shall be appointed by it) and who shall be an *ex officio* member thereof. During the absence of the Archbishop from the State his Commissary and during a vacancy of the See or the incapacity of the Archbishop the Administrator of the Diocese shall be an *ex officio* member of the Board and acting President thereof.

*Church of England National Emergency Fund
Constitution Ordinance 1958.*

3. The first members of the Board appointed by Standing Committee on behalf of the Synod shall be the following:—
Rt. Revs. W. G. Hilliard, and R. C. Kerle, Vens. R. B. Robinson, and G. R. Delbridge, Rev. Canon H. M. Arrowsmith, Revs. K. L. Loane, C. A. Goodwin and R. G. Fillingham.

4. A Chairman may be appointed by the Board from among its members who shall in the absence of the President or Acting President preside at all meetings of the Board and in the absence of the President or Acting President or of the Chairman the members present shall from amongst their members elect a Chairman of the day.

5. At meetings of the Board five members shall form a quorum. The Chairman shall have a deliberative and in the case of an equality of votes the Chairman shall have a casting vote in addition to his deliberative vote.

6. At each ordinary session of Synod four members of the Council appointed by Synod shall retire from office but shall be eligible for re-appointment. Such members shall retire in rotation according to the length of their time in office, provided that where members have held office for an equal duration of time the member or members to retire shall be determined by ballot taken amongst such members.

7. The provisions of the Casual Vacancies Ordinance 1935 or any amendment or amendments thereof shall apply to this Ordinance and members elected in pursuance thereof shall hold office in accordance with such provisions.

8. The lands and premises described in the First Schedule hereto shall be held by the Corporate Trustee subject to the trusts upon which the same have heretofore been held provided that all references to the Council of CENEF contained in the several Declarations of Trust relating to the said lands or any of them shall be construed as relating to the Board hereby constituted. The land and premises described in the second schedule shall subject to the provisions of Clause 10 hereof be held by the

*Church of England National Emergency Fund
Constitution Ordinance 1958.*

Corporate Trustee upon trust to permit the same to be used as a Church Veterans Village to provide accommodation for elderly persons of small means. All personal property hereinbefore held by the former Board of Management shall be held and administered by the Board as constituted hereunder.

9. The Board shall control manage and carry on the said properties and may acquire and establish other undertakings with the approval of Standing Committee and control manage and carry on the same and may make such arrangements financial or otherwise for the benefit development extension and improvement thereof and generally order and conduct the affairs of the same as the Board may from time to time think fit. And without limitation to the general powers hereinbefore conferred the Board may invest moneys in hand from time to time in the purchase or lease of real and personal estate or in such other investments as may be authorised under the Investment of Church Trust Property Ordinance 1944 as amended and make arrangements for the use of land and premises for the purpose for which the same are held or acquired and the Board may borrow moneys and/or charge the said assets or any part or parts thereof to secure payment of such moneys and interest thereon and in respect of any real estate the said Corporate Trustee shall give effect to any charge by way of legal mortgage or otherwise or to any lease thereof as may be directed by the Board.

10. The Corporate Trustee is hereby expressly authorised to sub-divide and sell from time to time at such price or prices and on such terms and conditions as the Board may determine so much of the land comprised in the second Schedule as the Board may deem necessary to repay any advance made by a Bank or other lending body for the purchase of such land and/or the development of the Church Veterans Village proposed to be established thereon or any part thereof.

11. All moneys derived by the Board from the conduct of its activities shall be applied to the furtherance of the objects and purposes aforesaid including the payment of outgoings arising therefrom the insurance of persons employed by the Board or the granting or making provision for retiring allowances or pen-

*Church of England National Emergency Fund
Constitution Ordinance 1958.*

sions for such persons. The Board shall undertake and pay all expenses of and incidental to the acquisition of its property and the establishment and conduct thereof and the expenses of and incidental to this or any other ordinances necessary for the regulation of its affairs.

12. Subject to the provisions hereof the Board may regulate its own proceedings and for that purpose shall have power to make rescind or alter regulations from time to time and may appoint and/or employ such officers as it may deem necessary.

13. The members of the Board shall be indemnified out of the assets of the said CENEF against all loss or liability which they or any of them may have properly incurred for and on behalf of the said CENEF and to which they or any of them may be subject by reason of his or her being or having been a member of the said Board.

14. The Board may in the exercise of the powers or the performance of any of the duties hereinbefore mentioned by Resolution authorise any person or persons to do any act or sign or execute any document on its behalf.

15. The Board shall at least once in every year and also whenever a resolution shall be passed and communicated to it by the Synod of the Diocese of Sydney in that behalf report its proceedings to the Synod and at the same time present a statement of income and expenditure and a balance sheet duly audited by at least one of the Synod Auditors showing the financial position of CENEF.

16. This Ordinance may be cited as "Church of England National Emergency Fund Constitution Ordinance 1958."

FIRST SCHEDULE.

FIRST PART.

All that piece or parcel of land situated in the City of Sydney Parish of St. Lawrence County of Cumberland being the whole of the land comprised in Certificate of Title Volume 5602 Folio 137 upon which is erected the building known as No. 201 Castle-reagh Street, Sydney.

*Church of England National Emergency Fund
Constitution Ordinance 1958.*

SECOND PART.

All that piece or parcel of land situated at Port Hacking in the Shire of Sutherland Parish of Wattamolla County of Cumberland containing 2 roods 25 $\frac{1}{4}$ perches being Lot B in plan annexed to Order D756329 and being the whole of the land in Certificate of Title Volume 5932 Folio 163 upon which are erected buildings known as "Rathane."

THIRD PART.

All that piece or parcel of land situated at Menangle in the Shire of Wollondilly Parish of Camden County of Camden being the land comprised in Certificate of Title Volume 6309 Folio 29 Also all that piece or parcel of land containing 17 acres 1 rood 38 $\frac{1}{4}$ perches being Lot A of a subdivision of the land comprised in Certificate of Title Volume 5208 Folio 142 approved by Shire Clerk's Certificate dated 25th July 1957 upon which lands are erected the buildings known as "Gilbulla."

SECOND SCHEDULE.

All that piece or parcel of land situated in the Shire of Hornsby Parishes of Field of Mars and South Colah County of Cumberland having an area of 117 acres 2 roods 13 perches or thereabouts being the whole of the land comprised in Certificates of Title Registered Volume 4725 Folio 1, Volume 1166 Folio 102 and Volume 4725 Folio 39.

*Church of England National Emergency Fund
Constitution Ordinance 1958.*

I certify that the Ordinance as printed is in accordance with the Ordinance as passed.

H. GORDON S. BEGBIE,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 15th day of December, 1958.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

W. G. HILLIARD, Bishop.

Administrator.

15/12/1958.
