
Church of England Property Trust Diocese of Sydney
Ordinance 1965

No. 34A, 1965.

AN ORDINANCE to reconstitute the membership of Church of England Property Trust Diocese of Sydney, a body Corporate, to provide for quorum at its meetings and to enlarge and specify the powers authorities duties and functions of such body corporate and for purposes incidental thereto.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is a body Corporate under the provisions of the Church of England Trust Property Act 1917 as amended (hereinafter called the said Act) AND WHEREAS pursuant to Section 11 of the said Act the Synod of the said Diocese may from time to time declare what may be the number of the members of the corporate body and pursuant to Section 9 of the said Act may also vary the number of members to constitute a quorum AND WHEREAS it is expedient that the number of members of the Corporate Trustee and of the quorum thereof be increased AND WHEREAS by Section 24 of the said Act the Synod may from time to time by Ordinance provide and vary any provision for governing and controlling the management and user of Church trust property vested in the Corporate Trustee and for all things incidental to such government and control AND WHEREAS the Synod may pursuant to the Constitutions set forth in the Schedule to Church of England Constitutions Act of 1902 make ordinances upon and in respect of all matters and things concerning the order and good government of the Church within the said Diocese including the management and disposal of all church property moneys and revenues AND WHEREAS it is expedient to provide for governing and controlling the management and user of such property moneys and revenues to the extent hereinafter appearing, NOW THE SYNOD OF THE DIOCESE OF SYDNEY hereby Ordains, Rules and Directs as follows:-

1. Church of England Property Trust Diocese of Sydney (Increase of Membership) Ordinance 1956 (No. 17 of 1956) is hereby repealed.

2. In this Ordinance unless the contrary intention appears:-

- (a) "A Board" means any council committee board or body constituted by or under the provisions of an Ordinance whether incorporated or not to which the management control or user of any church trust property is thereby committed.
- (b) "Church trust property" has the same meaning as in the said Act.

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(c) "diocesan organisation or body" means any Board carrying out any social educational or other purposes of the Church within the Diocese of Sydney.

(d) "Standing Committee" means the Standing Committee of the Synod of the Diocese of Sydney.

(e) "The said Act" means the Church of England Trust Property Act 1917 as amended.

3. The members of Church of England Property Trust Diocese of Sydney hereinafter called the Corporate Trustee shall be the Archbishop of Sydney and not more than fourteen other members of whom four shall be in Holy Orders and ten shall be laymen who before their election shall declare themselves to be members of the Church of England in Australia having an active affiliation with the said Church.

4. The members of the Corporate Trustee at the date when this Ordinance comes into operation are hereby continued in office.

5. The Standing Committee may, in the exercise of the powers conferred upon it to declare by resolution the existence of a vacancy in the office of a member of the corporate trustee by reason inter alia of the age of such member, have regard, subject to any special circumstances which it may deem relevant at the time of making such resolution, to the law relating to the retiring age of directors of public companies in New South Wales.

6. The Archbishop shall be President of the Corporate Trustee.

7. The Corporate Trustee shall elect a member to be Chairman at Meetings from which the President be absent and in the absence of the President and the Chairman may elect a member to be Deputy Chairman.

8. A quorum for the transaction of business at a meeting of the Corporate Trustee shall be five members of whom at least two shall be members not in Holy Orders.

9. The Corporate Trustee shall enquire and ascertain or appoint a committee or person to enquire and ascertain who is or are the trustee or trustees of all church trust property not vested in itself and may report to the Standing Committee thereupon and may recommend to the Standing Committee what action (if any) under Section 19 of the said Act should be taken with respect to such property.

10. (i) With respect to all church trust property vested or to become vested in it the Corporate Trustee shall have and may subject to the policy and direction (if any) of Synod or the

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Standing Committee exercise absolute and full powers of managing and controlling such property and without limiting the generality of such powers and so far as may be necessary or convenient in the name and on behalf of the Corporate Trustee may:-

- (a) Let or demise the said property or any part or parts thereof for any term not exceeding ten years or on building lease for any term not exceeding fifty years at such rents fixed or progressive and subject to such conditions as the Trust shall think fit save and except as hereinafter provided.
- (b) Accept surrenders of leases and tenancies and release tenants from claims thereunder.
- (c) Receive and give effectual receipts for all moneys accruing from the said property for rent or on any account whatsoever.
- (d) Sub-divide the said property or any part or parts thereof and lay out and make roads streets and ways to be dedicated to the Public or not and close existing roads streets and ways and grant easements rights of way or drainage.
- (e) Carry out repairs renovations and alterations of existing buildings on the said property and erect thereon new building or buildings.
- (f) Borrow such sum or sums of money on the security of the said property or of the future rents profits and other income arising therefrom or without security as it may deem necessary for any of the purposes set forth in this clause.
- (g) Use the revenues of the property not otherwise appropriated for any of the purposes aforesaid and for the payment of all costs charges and expenses of and incidental to the management and control of the said property.
- (h) Appoint and remove officers servants and agents and fix their remuneration if any.
- (i) Give or procure the giving of indemnities guarantees or undertakings.
- (j) Establish special funds in the nature of reserve funds sinking funds or otherwise.
- (k) For the purpose of developing any such property consisting of real estate form or join in forming a company.

Provided that no part of the said property shall be let or used for any such purpose as the Synod or the Standing Committee may by resolution disapprove -

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- (ii) The powers and authorities aforesaid shall not apply to church trust property the control management or user of which is by Ordinance committed to a Board unless such Board by resolution assents to the exercise thereof and Synod or Standing Committee by Ordinance authorises the same.
- (iii) The powers and authorities aforesaid and those conferred by Clause 17 of this Ordinance shall not apply to property held for the sole benefit of any parish provisional parish or provisional district unless a majority of the parish council in writing authorises the same.

11. With respect to all moneys held by it for investment the Corporate Trustee

(a) may for the purpose of investment pool the same though subject to separate trusts and in respect of such pooled moneys may average gains losses and interests and deal with all matters and do all things incidental to such pooling,

(b) in addition to investing the same in trustee securities authorised by law, may exercise the following powers:-

- (i) to invest in shares of any company listed on any Australian Stock Exchange (other than companies carrying on a business of which Synod or Standing Committee may by resolution disapprove) and exercise rights to take up shares if such rights become available to it,
- (ii) to invest in debentures issued by any such company,
- (iii) to invest in any secured or unsecured notes (whether or not convertible into shares or stock) issued or to be issued by any such company,
- (iv) to invest in units of any unit trust,
- (v) to purchase any land,
- (vi) to deposit moneys with any insurance company or financial house carrying on business in the City of Sydney,
- (vii) to place moneys on short call deposit with organisations which are constituted by Ordinance of Synod and
- (viii) to invest in any security authorised by an Ordinance of Synod.

12. The Corporate Trustee may at the request of Standing Committee investigate, or appoint some of its members to investigate, and report upon the audited accounts and financial position of any diocesan organisation or body.

13. The Corporate Trustee may for the purpose of its activities engage staff and may, subject to the approval of the Standing Committee, take over staff engaged in the administrative activities of any

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diocesan organisation or body and may pay salaries and wages of persons engaged or taken over by it and make arrangements with the Standing Committee and any such organisation or body for contribution towards such salaries and wages.

The Corporate Trustee may appoint an executive officer with this or such other title with the approval of the Standing Committee and define his powers duties and functions in relation to property vested in it, administration of its policy or policies and all other activities and affairs under its government and control.

15. The Corporate Trustee shall take charge of and preserve all documents of title, securities, and other instruments relating to church trust property not otherwise kept or lodged under the provisions of an Ordinance.

16. The Corporate Trustee may appoint or nominate a person or persons for election or appointment to a Board where an Ordinance so provides.

17. The Corporate Trustee may in respect of any moneys received by it from the management or development of any real estate set aside such part thereof as it may think proper as capital of a fund which together with income therefrom may be used for all or any of the following purposes

- (i) the development of other church trust property vested in it
- (ii) the maintenance of buildings vested in it and used for church purposes
- (iii) the payment of rates on church lands vested in it which are not productive of sufficient money therefor and
- (iv) any purposes approved by Standing Committee by Ordinance.

18. This Ordinance shall come into force upon such date as Standing Committee shall by resolution appoint.

19. This Ordinance may be cited as "Church of England Property Trust Diocese of Sydney Ordinance 1965."

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

ATHOL RICHARDSON, Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney on the 13th day of October, 1965.

K. N. SHELLEY, W. L. J. HUTCHISON,

Secretaries of Synod.

I assent to this Ordinance.

13/10/1965.

HUGH SYDNEY, Archbishop of Sydney.