

GLEBE ADMINISTRATION ORDINANCE 1930-1981
AMENDING ORDINANCE 1984

NO. 20 1984

An Ordinance to amend the Glebe
Administration Ordinance 1930-1981

WHEREAS it is expedient that the Glebe Administration Ordinance 1930-1981 be revised in certain respects.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES RULES AND DIRECTS as follows:-

1. (1) This ordinance may be cited as "Glebe Administration Ordinance 1930-1981 Amending Ordinance 1984".

(2) The "Glebe Administration Ordinance 1930-1981" is referred to as the "Principal Ordinance".

(3) The Principal Ordinance as amended by this ordinance may be cited as "Glebe Administration Ordinance 1930-1984".

2. The Principal Ordinance is amended as follows:-

(a) by the omission of the whole of the preamble,

(b) by the substitution of the clauses in the schedule to this ordinance for clauses 1 to 21 of the Principal Ordinance, and

(c) by the omission of the schedule to the Principal Ordinance.

3. The repeal of clauses 1,2,3 and 20 of the Principal Ordinance and the omission of the schedule thereto shall not affect the operation of the provisions thereof.

SCHEDULE

THE BOARD

1. There shall be a board (hereinafter called "the Board") to be known as the "Glebe Administration Board".

OBJECT

2. The object of the Board is to act as trustee of church trust property vested in it or in respect of which it may be appointed trustee and to do so in a way which both:

- (a) preserves the real value of that property; and
- (b) provides a reasonable income therefrom.

MEMBERSHIP

3. (1) The members of the Board shall be the persons who are the members of the Sydney Diocesan Secretariat. A person who is elected or who ceases to be a member of Sydney Diocesan Secretariat shall ipso facto become or cease to be (as the case may be) a member of the Board.

(2) No omission to elect any member or members nor any informality or effort in the method of such election nor any vacancy or vacancies in the office of a member shall affect the authority or powers of the Board and, subject to the provisions as to a quorum, such authority and powers may be exercised by the members for the time being holding office.

PROCEEDINGS

4. (1) At meetings of the Board five members shall form a quorum.

(2) 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.

ARCHBISHOP

5. (1) The Board shall cause every notice convening a meeting of the Board to be sent or given to the Archbishop at the same time that such notice is sent or given to members of the Board. Where an agenda is issued in connection with any such notice given to members of the Board, the Board shall cause a copy of that agenda to be sent or given to the Archbishop at the same time that the agenda is issued to members of the Board.

(2) The Board shall cause a copy of the minutes of every meeting of members of the Board to be sent to the Archbishop immediately after those minutes have been adopted by the Board provided that, if the minutes of any meeting of members of the Board are not adopted at the meeting of members of the Board next following that meeting, then, in addition, a copy of the minutes, in the form in which the same were presented to the members at that subsequent meeting, shall be sent to the Archbishop

(3) The Archbishop shall be entitled to attend any meeting of members of the Board, to put before the members of the Board any question or proposal for their consideration, and to express his views on any question or proposal being considered by the members of the Board at that meeting but shall not be entitled to vote on any such question or proposal.

COMMON SEAL

6. The common seal of the Board shall not be affixed to any instrument except in pursuance of a resolution passed at a meeting of the Board. Every instrument to which the common seal is so affixed shall be signed by two members of the Board.

DELEGATION

7. Subject to the provisions of any Act or Ordinance, the members of the Board shall have power to delegate any of their functions to any committee comprised of persons nominated by those members and to revoke any such delegation. Any such committee may include persons who are not members of the Board but at least one half of the members of the committee shall be members of the Board. No such committee shall have or be given authority to approve the affixing of the common seal of the Board.

INDEMNITY

8. Each member of the Board shall be indemnified out of the property vested in the Board and the income therefrom against all

loss or liability to which he may be subject by reason only of his being or having been a member of the Board

REPORTING

9.(1) The Board shall comply with the Accounts Ordinance 1975 as amended from time to time. The Board shall keep separate accounts in respect of each trust of which it is the trustee.

(2) The Board shall report from time to time to the Standing Committee as to its proceedings and table at each meeting of the Standing Committee a copy of the minutes of all meetings of the Board held since the last meeting of the Standing Committee.

(3) The Board shall comply with all decisions of policy made by the Standing Committee from time to time.

(4) The Board shall provide the Standing Committee with such information regarding the affairs of the Board as the Standing Committee may require from time to time.

(5) Any member of the Standing Committee may ask a question or questions on any matter relating to the affairs of the Board after any report from the Sydney Diocesan Secretariat, the Board or the Sydney Anglican Church Investment Trust is received by the Standing Committee, whether relating to any matter raised in the report or not. If the person who has presented the report cannot answer the question or questions, the Secretary of the Standing Committee shall notify the Secretary of the Board of the question and the Board shall ensure that an answer to the question is supplied to the Secretary of the Standing Committee before the next ordinary meeting of the Standing Committee.

BOARD MAY ACT AS TRUSTEE

10. The Board may be appointed to the office of trustee of any church trust property provided that any such appointment shall not in any way alter or affect the trusts upon which the property or the income therefrom may be held immediately prior to such appointment.

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POWERS OF THE BOARD

11.(1) The Board shall have absolute and full powers of managing and controlling all church trust property (being real property) of which it may be appointed a trustee and without limiting the generality of such powers the Board may:-

- (a) subject to sub-clauses (2), (3), (4), (5) and (6) of this clause, let or demise the said property or any part or parts thereof for any term not exceeding fifty years including any option of renewal or on building lease for any term not exceeding sixty-five years at such rents fixed or progressive and subject to such conditions as the Board 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 received in respect of such property for rent or on any other account whatsoever;
- (d) sub-divide such property or any part or parts thereof and lay out and make roads streets and ways to be dedicated to the public and close existing roads streets and ways and grant easements and rights of way;
- (e) carry out repairs renovations and alterations of buildings on such property, demolish any buildings on such property and erect thereon new building or buildings; and
- (f) use the income from such 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 such property.

(2) Every lease granted by the Board shall contain a covenant restricting the use of the premises demised thereby during the term of the lease or any holding over thereof after the expiration of such lease to uses to which in the opinion of the Board at the time the lease is granted the premises may be suitably put PROVIDED that with respect to the use of the premises for public entertainment or in the case of the use of any auditorium the prior consent of the Board to any use shall be first obtained in writing.

(3) Every lease granted by the Board (except any lease containing covenants by the lessee restricting the use of premises demised thereby to use for private residential purposes or for offices, professional consulting rooms or as a banking chamber) shall subject to existing contractual commitments of the Board as at 25th September 1984 contain covenants forbidding the use of and requiring the lessee to refrain from permitting or suffering the use of the premises or any part thereof:-

- (a) for any illegal or immoral purpose;
- (b) for the sale by wholesale of tobacco in any form;
- (c) in any way connected with gambling or betting;
- (d) for the manufacture, sale, distribution or consumption on the said premises of liquor in any of the following ways:
 - (i) in a restaurant;
 - (ii) at social functions held in premises used commercially as reception rooms;
 - (iii) on the premises of a club or any like association;
 - (iv) in or from any hotel shop or other point of delivery

PROVIDED that the prohibitions contained in this paragraph (d) shall not apply to liquor manufactured sold or distributed for medicinal purposes or for purposes other than for human consumption,

- (e) in any way connected with narcotic drugs except as part of the normal trading practices of a registered pharmacist or registered chemist;
- (f) for the erection of any sign or advertisement which expressly or impliedly refers to tobacco or alcoholic liquor in such a position as to be visible from the outside of the premises or any part thereof
- PROVIDED that this prohibition shall not apply to non-illuminated signs relating to tobacco in or adjacent to any kiosk or shop premises which relate to goods sold therein, and the Board may waive this prohibition in any particular case;
- (g) on Sundays for purposes of trade except the operation of automatic vending machines for essential purposes and for such trade as the law may at any time and from time to time permit, authorise or make lawful for the sale of food, newspapers, petrol or pharmaceutical services and supplies or other necessary services and supplies urgently required on Sundays for reason of sickness or injury; and
- (h) for the sale or distribution of video cassettes as presently rated "X" and "R" by the Commonwealth Censorship Board.

(4) Every lease granted by the Board containing covenants by the lessee restricting the use of premises demised thereby to use for private residential purposes shall subject to existing contractual commitments of the Board as at 25th September 1984 contain covenants forbidding the use of and requiring the lessee to refrain from permitting or suffering the use of the demised premises ^{or} any part thereof:-

- (a) for any illegal or immoral purpose;
- (b) in any way connected with gambling or betting;
- (c) in any way connected with narcotic drugs;

- (d) (without prejudice to the covenants in the lease by the lessee not to use the premises other than for private residential purposes) for the manufacture, sale or distribution of liquor in any way; and
- (e) for the sale or distribution of video cassettes as presently rated "X" and "R" by the Commonwealth Censorship Board.

(5) Every lease granted by the Board containing covenants by the lessee restricting the use of the premises demised thereby to use for offices, professional consulting rooms or as a banking chamber shall subject to existing contractual commitments of the Board as at 25th September 1984 contain covenants forbidding the use of and requiring the lessee to refrain from permitting or suffering the use of the premises or any part thereof :-

- (a) for any illegal or immoral purpose;
- (b) in any way connected with gambling or betting;
- (c) in any way connected with narcotic drugs;
- (d) (without prejudice to all other covenants by the lessee in the lease as to the use of the premises) for the manufacture, sale or distribution of liquor in any ways; and
- (e) for the sale or distribution of video cassettes as presently rated "X" and "R" by the Commonwealth Censorship Board;

PROVIDED that the Board may grant a lease containing the following proviso to either or both of the covenants in paragraphs (c) and (d) :-

"except as part of the practice of a qualified medical practitioner or qualified dentist".

(6) The Board shall not let lease or demise any part of such property to any person corporation or any organisation whose main business or one of whose main businesses comprises the manufacture, sale or distribution of liquor.

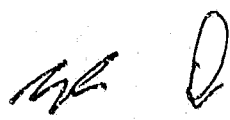
(7) In this clause, the word "liquor" shall be construed as it was defined in the Liquor Act, 1912, as at 22nd August, 1966.

12. In addition to the powers, authorities, duties and functions conferred or imposed by Clause 11, the Board shall have power:-

- (a) to receive money on deposit or loan;
- (b) to borrow such sum or sums of money on the security of any real or personal property vested in the Board or the income therefrom;
- (c) to borrow or raise or secure the payment of money and financial accommodation made available to the Board by the issue of debentures, perpetual or otherwise, charged upon or by any other mortgage or charge over all or any real or personal property vested in the Board and to purchase, redeem or pay off any such securities;
- (d) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferrable instruments; and
- (e) to give guarantees and indemnities for the payment of money or the performance of contracts or obligations by Sydney Diocesan Secretariat or of any other person or corporation and to secure the same; to secure or undertake in any way the repayment of moneys lent or advanced to or financial accommodation made available to or the liabilities incurred by Sydney Diocesan Secretariat or any other person or corporation.

13. In addition to the powers, authorities, duties and functions conferred or imposed by Clauses 11 and 12, the Board shall have power:-

- (a) to sell any of the said property subject to the trusts on which that property is held;



- (b) to invest, in the purchase of real property, the proceeds of any property sold by the Board pursuant to the authority of any ordinance;
- (c) to exercise and perform the powers, authorities, duties and functions delegated to the Board from time to time by the Standing Committee;
- (d) to appoint and remove officers servants and agents and fix their remuneration if any;
- (e) to determine by whom and in what manner all or any documents and instruments shall be signed and executed by for or on behalf of the Board; and
- (f) to establish special funds in the nature of reserve funds sinking funds or otherwise.

14. Any moneys received by the Board may be invested in any one or more of the following investments that is to say:-

- (a) investments for the time being allowed by law of the State of New South Wales for investment of trust funds;
- (b) purchase of real or leasehold estate situated within Australia;
- (c) mortgage of land situated within Australia;
- (d) debentures issued by any city, municipal or shire council in Australia or other corporation or company approved by the Board;
- (e) deposit with or loan to any bank or other company or corporation approved by the Board;
- (f) deposit with any corporation or company which is an authorised dealer in the short term money market in New South Wales and is carrying on business, as such, in New South Wales;
- (g) bills of exchange accepted or endorsed by a bank carrying on business in New South Wales or a corporation or company which is an authorised dealer in the short term money market in New South Wales;

(h) purchase or other acquisition of shares, units and other interests and securities where such shares, units, interest or securities, at the time of purchase or acquisition, are listed on a stock exchange which is duly recognised as such for the purposes of the Companies Acts or Codes in force from time to time in New South Wales and are not those of a corporation or company which is carrying on a business which the Synod or Standing Committee by resolution, has disapproved;

and the Board may from time to time vary release or raise moneys on the security of such investments.

15. The Board shall exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by or pursuant to this Ordinance insofar as the same relate to the land comprised in Certificate of Title Volume 13705 Folio 170 and any adjoining land leased from the Council of the City of Sydney only to the extent authorised by and subject to the directions of St. Andrew's House Corporation.

16. The Board shall have power to and may appoint attorneys to execute for it and on its behalf deeds, documents and all kinds of instruments and dealings (including, but without limiting the generality, agreements, contracts, conveyances, transfers, mortgages, leases, consents to assignments, consents to sub-leases, surrenders, plans and all other kinds of instruments and dealings) all of which are hereafter in this sub-clause included in the term "document", to execute powers in favour of the said attorneys to act for and on its behalf as aforesaid and to revoke all or any such appointments and powers. A register shall be kept of all documents executed by every such attorney on behalf of the Board. A brief description of each document so executed and the date on which each document was executed shall be promptly entered in such register and each entry shall be

initialled by the person who signed the document to which the entry relates. Part of the register shall be tabled at each meeting of the Board - such part being that part which contains entries of all documents executed by every such attorney on or subsequent to the day of the meeting of members of the Board last preceding that meeting.

17. The Board may cause itself to be registered as a foreign company or recognised in any State or Territory of Australia.

18. No purchaser, mortgagee, lessee, lender or other person on any sale, exchange, mortgage, lease from or any loan or provision or other financial accommodation to or in relation to the Board shall be concerned to see or enquire into the purpose, necessity or propriety thereof, or the power of the Board in relation thereto, or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised, irregular or improper nor be concerned to see to the application or disposition of any purchase, mortgage or other money or rent paid by him.

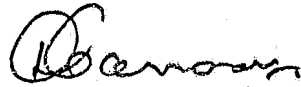
MISCELLANEOUS

19. Nothing in this Ordinance shall vary any trust of any land vested in the Board if the variation would deprive any part of the same or of the income thereof of any exemption or immunity from taxation under any law of the Commonwealth or the State for the time being in force with respect to the taxation of land or income and any provision of this Ordinance which but for this provision might be construed as purporting to make any such variation shall to the extent if any that it might be so construed be of no force and effect and this Ordinance shall be construed accordingly.

CITATION

20. This Ordinance may be cited as "Glebe Administration Ordinance 1930-1984".

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



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 *September* 1984.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

28 / 9 / 1984