

SYDNEY ANGLICAN CAR AND INSURANCE FUND ORDINANCE 1978

No. 2 1978

AN ORDINANCE to repeal the Car Finance Board Ordinance 1952 and certain ordinances amending the same and to provide for a new Constitution for such Board and to rename it the Sydney Anglican Car and Insurance Fund and for purposes incidental thereto.

WHEREAS Synod established the Car Finance Board by Ordinance No. 7 of 1952 and the said Board has since that time assisted clergy and others in the purchase and operation of motor vehicles AND WHEREAS the said Board was later named the Sydney Diocesan Car Finance and Insurance Board AND WHEREAS a number of amendments have been made by subsequent ordinances AND WHEREAS it is expedient to repeal the Car Finance Board Ordinance 1952 as amended and to change the name of the said Board to the "Sydney Anglican Car and Insurance Fund" NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This Ordinance may be cited as the "Sydney Anglican Car and Insurance Fund Ordinance 1978".

2. The Body Corporate registered under the Church of England (Bodies Corporate) Act 1938 as the Sydney Diocesan Car Finance and Insurance Board is hereby continued but shall be renamed the "Sydney Anglican Car and Insurance Fund" (hereinafter called "the Fund").

3. The Car Finance Board Ordinance 1952 as amended is hereby repealed, provided that:-

- (i) such repeal shall not affect anything done or purported to be done or commenced in pursuance thereof prior to the date of such repeal and
- (ii) all legal rights and responsibilities of the Board at the time of the passing of this Ordinance shall be deemed to be the rights and responsibilities of the Fund except to the extent that they are expressly varied by this Ordinance.

4. Subject to the provisions hereinafter appearing:-

- (a) The Fund shall be managed, governed and controlled by a Board consisting of nine (9) persons elected by Synod of which not less than three (3) and not more than five (5) shall be clergymen.

(b) Three (3) members of the Board shall retire at each ordinary session of Synod. Retiring members shall be eligible for re-election. Initially, the retiring members shall be the three (3) who have served the longest terms of office since last elected provided that any dispute arising from an equality of term shall be settled by lot.

(c) At its first meeting each year the Board shall elect a Chairman to preside and such officers as it shall by resolution determine. The Chairman shall have both a deliberative and a casting vote.

(d) Three (3) Board members shall constitute a quorum.

(e) The first members of the Board as constituted by this Ordinance shall be:-

Archdeacon R.G. Fillingham

Canon A.W. Prescott

Canon C.H. Sherlock

Rev. K.C. Gilmore

Rev. D.J. Wilson

Mr. Stacy Atkin

Mr. L.J. Barnes

Mr. F. Thomas

Mr. K.E.A. Young

5. The functions of the Fund shall include:-

(a) assisting the clergy, officers, parishes and official organisations and employees of official organisations of Dioceses in the Province of New South Wales to acquire suitable vehicles for their work by making advances on the security of bills of sale or otherwise and in other ways including personal loans with or without security.

(b) Assisting in the running of vehicles in connection with the work of the church in any way the Board may deem prudent.

(c) Advising Synod or Standing Committee when requested by resolution on motor vehicle finance and operation.

(d) Negotiation with commercial and government bodies in connection with motor transport problems which may arise in the Dioceses of the Province of New South Wales.



(e) Acting as an Insurance Broker or Agent in respect of all types of insurance.

6. The powers of the Board shall include:-

65 (a) The raising of money by loans and overdrafts for its use on such terms and conditions as shall be approved by Standing Committee and subject to the requirements of clause 9 hereof.

70 (b) Using the moneys obtained from such loans and overdrafts and any other funds at its disposal for assisting clergy, officers, parishes and official organisations of the Dioceses of the Province of New South Wales who are members of the Fund to acquire motor vehicles either on the security of bills of sale or otherwise and upon such terms and conditions as it may deem fit and at its absolute discretion for assisting similarly church organisations which are not official organisations of any diocese and their employees.

75 (c) Accepting used vehicles of such members traded in on new vehicles and the disposal of such used vehicles in such ways and upon such terms and conditions as it may determine.

(d) Investment of funds at its disposal.

(e) Determining the order of priority in applications for new vehicles as it may think fit or refusing any such application.


80 (f) The re-possession of vehicles in respect of which default shall have been made under any bill of sale or other form of security or agreement with the Fund.

(g) To sue for and recover any moneys due to the Fund under any security contract or agreement whatsoever.

85 (h) Employing such stipendiary or other officers as may be necessary.

(i) Entering into such forms of security contracts and/or financial arrangements as it may deem necessary for the carrying out of its purposes.

90 (j) By resolution to authorise any person or persons on its behalf to sign and execute any contract or security (other than any charge mortgage debenture or other document which purports to assign, dispose of or charge any assets of the Fund) and to sue for and recover any moneys due to it under any contract or agreement or to repossess any motor vehicle.



(k) To indemnify any person or persons acting for it under the authority aforesaid against any actions claims costs or demands arising in respect thereof.

95 (l) To manage govern and control the affairs and assets of the Fund.

(m) To admit persons parishes and organisations as members of the Fund.

7. The Board shall have power from time to time to determine the form of any agreement or other document and to make such rules, regulations and by-laws as may be necessary for the carrying on of its work.

100 8. Application by members of the Fund for advances to assist members to acquire motor vehicles either on the security on a bill of sale or otherwise shall be subject to the following conditions:-

(i) All applications shall be approved by the Bishop of the Diocese concerned or his nominee except in the case of the Diocese of Sydney.

105 (ii) Except in the case of members from the Diocese of Sydney the responsibility for any bad debts shall be assumed by the Diocese in which the applicant was residing at the time the advance was made.

(iii) That so far as practicable the first priority for such advances as may become available shall be in favour of applicants in the Diocese of Sydney and thereafter in order of the date of receipt of application for an advance or in such other order as the Board may think fit provided that the Board shall have discretion in special circumstances to suspend the provisions of this clause.

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115 9. (a) The Fund shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

(b) The Board and its members and each of them shall not represent to any person or corporation that the Archbishop of Sydney or the Synod of the Diocese of Sydney or the Standing Committee thereof or any person or persons or any other corporate body or corporation holding church trust property for the Church of England in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Church of England (Bodies Corporate) Act 1938 shall or may meet or discharge all or any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Board.



125 (c) The Board shall not exercise any power to borrow moneys if the amount which it proposes to borrow, when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto, exceeds one hundred thousand dollars (\$100,000) or such other amount as may have been last approved by resolution of the Standing Committee.

130 (d) The Board shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee, indemnity or promissory note unless the following clause is included therein:-

135 "Notwithstanding anything contained herein to the contrary, each of the parties hereto acknowledges and agrees that the Sydney Anglican Car and Insurance Fund shall not be liable to any other party hereto for any amount whatsoever (whether by virtue of any express or implied obligation) beyond such amount (if any) as the said Sydney Anglican Car and Insurance Fund may be able to pay to that party in the event of the said Sydney Anglican Car and Insurance Fund being wound up". and such clause is not made subject to any qualification.

140 (e) The Board shall not execute or deliver any bill of exchange or other negotiable instrument other than a cheque drawn on the Fund's bank account.

145 *LJA* 10. The Board at least once in each year and also when required by resolution <sup>the</sup> of the Diocese of Sydney of Synod shall report its proceedings to the Synod and report as required by the Accounts Ordinance 1975 as amended from time to time.

11. The first, second and third sections of the Casual Vacancies Ordinance 1935 shall mutatis mutandis apply to this Ordinance so far as the Board members elected by Synod are concerned.

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

*Norman Jenkins*  
Acting Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27<sup>th</sup> day of February 1978.

*[Signature]*  
Secretary.

I ASSENT to this Ordinance.

*M. L. Downes*  
Archbishop of Sydney.  
27/2/1978.