

Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961 Amendment Ordinance 2016

No 10, 2016

Long Title

An Ordinance to amend the Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961.

Preamble

A. The *Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961*, as amended, (**Principal Ordinance**) provides for a constitution (**Constitution**) for Anglican Retirement Villages Diocese of Sydney (**ARV**).

B. It is intended that this Ordinance amend the Constitution to facilitate a merger of Sydney Anglican Home Mission Society Council (**SAHMS**) with ARV.

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 Ordinance 1961 Amendment Ordinance 2016*.

2. Interpretation Ordinance

The *Interpretation Ordinance 1985* applies to this Ordinance.

3. Amendment of the Principal Ordinance

The Principal Ordinance is amended as follows –

- (a) by substituting the words “Anglican Retirement Villages Diocese of Sydney” with the words “Anglican Community Services” wherever they appear;
- (b) by inserting a new definition of “SAHMS” in clause 1 as follows –
“SAHMS” means Sydney Anglican Home Mission Society Council, a body corporate constituted under the *Anglican Church of Australia (Bodies Corporate) Act 1938*;
- (c) by deleting the matter “clause 8(1)(a)” in the definition of “Elected Members” in clause 1 and inserting instead “clause 8(1)(a) or (b)”;
- (d) by deleting clause 5 in its entirety and replacing it with the following –

“5. Objects

The Body Corporate is established as a public benevolent institution to further the work of the Anglican Church of Australia, Diocese of Sydney by promoting and proclaiming the gospel of the Lord Jesus Christ while undertaking works of public benevolence that reflect the love of God as shown in Christ including –

- (a) the housing, accommodation, maintenance and welfare of older people;
- (b) welfare and support services for the vulnerable, the marginalised, the disabled and those in necessitous circumstances;
- (c) providing monies, guarantees or indemnities to support any body corporate constituted at the instance of the Synod of the Diocese of Sydney under the *Anglican Church of Australia (Bodies Corporate) Act 1938* undertaking similar objects or objects incidental to any object of the Body Corporate;
- (d) such other benevolent activities as the Board may from time to time determine; and/or

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- (e) such other things as are incidental and conducive to the attainment of the objects in (a)-(d),
and to bring all such persons under the pastoral care of the Anglican Church of Australia.”;
- (e) by amending clause 8 as follows –
- (i) delete paragraph 8(1)(a) and insert a new paragraph instead as follows –
“(a) 3 members of the clergy elected by the Synod (at least 1 of whom must be a rector)”;
- (ii) insert a new paragraph 8(1)(b) as follows (and reletter the remaining paragraphs) –
“(b) 3 lay persons elected by the Synod.”;
- (f) by amending clause 10(1) as follows –
- (i) delete the matter “2 of the Elected Members” in clause 10(1) and insert instead the matter “1 member of clergy who is an Elected Member, 1 lay person who is an Elected Member and 1 person appointed by the Archbishop”;
- (ii) add the words “or re-appointment” to the end of paragraph (a) and the words “or appointed” to the end of paragraph (b);
- (g) by deleting the first sentence in clause 10(2) and inserting instead –
“The members to retire under subclause (1) are those who have been longest in office since their last election or appointment.”;
- (h) by deleting the words “the Archbishop or by” in clause 10(3);
- (i) by inserting the words “of an Elected Member” after the word “vacancy” in clause 11(2);
- (j) by inserting a new clause 23A as follows –
“23A. Consulting on the delivery of welfare and support services
The Board must consult with the Standing Committee at least annually in respect to the pursuit of its object under clause 5(b).”; and
- (k) substitute clause 24 with the following –
“24. Reporting
The Board must –
- (a) provide to the Synod or the Standing Committee any information as to the affairs of the Body Corporate which it may be requested to provide by a resolution of the Synod or the Standing Committee respectively,
- (b) at least once in each year report to the Synod in respect to its proceedings and its pursuit of each of its objects, and
- (c) comply with the *Accounts, Audits and Annual Reports Ordinance 1995*.”.

4. Membership and Chairman of Board

(1) The following persons are taken to have been elected or appointed as Members under subclauses 8(1)(a), (b) and (c) of the Principal Ordinance on the following dates in place of the Members holding office under subclauses 8(1)(a) and 8(1)(b) of the Principal Ordinance immediately before the Commencement Date –

| Name | First Appointed / Elected | Last Appointed / Elected | Clause under which appointed / elected |
|----------------------------|---------------------------|--------------------------|--|
| The Rev Dr Margaret Powell | 1 October 2008 | 16 October 2013 | Clause 8(1)(a) |
| Mr Martyn Mitchell | 1 October 2011 | 16 October 2013 | Clause 8(1)(b) |
| The Rev Gary Koo | 15 October 2014 | 15 October 2014 | Clause 8(1)(a) |
| Mr Michael Clancy | 11 December 2008 | 15 October 2014 | Clause 8(1)(b) |

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| Name | First Appointed / Elected | Last Appointed / Elected | Clause under which appointed / elected |
|----------------------------|---------------------------|--------------------------|--|
| Mrs Laura Elder | 25 June 2013 | 14 October 2015 | Clause 8(1)(b) |
| Bishop Christopher Edwards | 29 May 2014 | 14 October 2015 | Clause 8(1)(a) |
| Mr Peter Hicks | 16 October 2013 | 16 October 2013 | Clause 8(1)(c) |
| Dr Linda Kurti | 15 October 2014 | 15 October 2014 | Clause 8(1)(c) |
| Mr Greg Hammond OAM | 14 October 2015 | 14 October 2015 | Clause 8(1)(c) |

(2) Subclauses 10(1) and (2) of the Principal Ordinance (concerning the retirement of Members) are suspended until the first day of the first ordinary session of the 51st Synod.

(3) The Board is taken to have appointed Mr Ian Steward as a Member from the Commencement Date for a term of 3 years under clause 8(1)(d) of the Principal Ordinance and he is taken to have been first appointed or elected as a Member on 17 April 2008.

(4) The Board is taken to have appointed Mr Greg Hammond OAM as the Chairman of the Board under clause 14 of the Principal Ordinance.

5. Indemnity

ARV must execute a deed of indemnity before the Commencement Date such deed of indemnity to be in a form agreed between SAHMS and ARV, and approved by the Standing Committee.

6. Report on provision for deductible gift fund

In accordance with the resolution of the Synod passed on 27 April 2016 by which the Synod approved in principle the merger of SAHMS with ARV, the Board of ACS must report to the Standing Committee within 12 months from the Commencement Date about whether, in the Board's opinion, it is necessary or desirable to make provision in the *Anglican Community Services Constitution Ordinance 1961* for a gift fund for recording and identifying tax deductible gifts and contributions.

7. Commencement

(1) Except for clauses 5 and 7, the provisions of this Ordinance commence on the first moment in time on the date (the **Commencement Date**) determined by the Archbishop with the advice of the Chancellor and the Registrar, such advice to be given after the Chief Executive Officers of ARV and SAHMS have given the Chancellor and Registrar a certificate –

- (a) that the conditions precedent for the merger of SAHMS with ARV have been satisfied, or
- (b) if not all conditions have been satisfied, stating which conditions have been satisfied and which have not been satisfied and, in the case of those conditions which have not been satisfied, stating the reasons why the Chief Executive Officers consider that those conditions are not required to be satisfied before the merger takes effect,

provided that the Chief Executive Officers cannot give any certificate under this clause until ARV has fulfilled its obligations under clause 5.

(2) In this clause "Archbishop" means the Archbishop of Sydney or, in his absence, the Archbishop's Commissary.

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

R TONG
Chair of Committees

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I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 30 May 2016.

R WICKS
Secretary

I Assent to this Ordinance.

PL HAYWARD
Commissary
01/06/2016