

~~THE CHURCH OF ENGLAND HOMES (TRANSFER OF THE~~  
~~ROSEBANK-WARATAH HOME FOR ELDERLY LADIES, DRUMMOYNE~~  
~~TO THE ANGLICAN RETIREMENT VILLAGES, DIOCESE OF SYDNEY)~~

TRANSFER ORDINANCE 1981

No. 49 of 1981

AN ORDINANCE to vary the management and control of the Rosebank-Waratah Home for Elderly Ladies, Drummoyne, and for purposes connected therewith

WHEREAS by The Church of England Homes Constitution Ordinance No. 17 of 1930 the amalgamation of the two Societies theretofore existing in connection with the Church of England in the Diocese of Sydney known respectively as the Church of England Homes and the Church of England Committee for Homes and Hostels for Children was approved and a Constitution (hereinafter referred to as "the 1930 Constitution") of the amalgamated society known as The Church of England Homes (hereinafter called "the said Society") set forth in the Schedule to the said Ordinance was ratified and confirmed and by the said Ordinance it was declared that the said Society should be thenceforth managed and conducted pursuant to the provisions of the 1930 Constitution and that with respect to the properties set out in the 1930 Constitution and to the property to be thereafter acquired thereunder and in all respects the said Society should have and exercise all the rights and powers and be otherwise subject to the provisions therein contained AND WHEREAS by the 1930 Constitution it is provided that the management, conduct and control of the said Society should be vested in a Committee to be elected as therein provided AND WHEREAS the unincorporated body of The Committee of the Church of England Homes was in pursuance of the powers conferred by the

Church of England (Bodies Corporate) Act 1938 constituted a  
Body Corporate under the name of The Committee of the Church of  
25 England Homes (hereinafter called "the said Committee") AND  
WHEREAS it is provided by the 1930 Constitution that the  
property real and personal described in the First Part of the  
Schedule thereto being at the time of the said amalgamation  
vested in the Church of England Property Trust Diocese of  
30 Sydney upon trust for the benefit of the organisation previously  
existing known as the Church of England Homes should be used  
for the like purpose or purposes for which the same might be  
used at the time of the adoption of the 1930 Constitution but  
should be held upon trust for the benefit of the said Society  
35 under the 1930 Constitution AND WHEREAS sub-paragraph (b) of  
clause 3 of the 1930 Constitution provided that an object of  
the said Society shall be "the establishment and maintenance of  
Homes for aged women in necessitous circumstances" AND WHEREAS  
pursuant to the Church of England Homes (Rosebank) Land Sale  
40 Ordinance 1937 and the Church of England Homes (Rosebank) Land  
Sale Ordinance 1940 certain lands situate at Glebe and held for  
the benefit of the Church of England Homes were sold and the  
balance proceeds of sale held for the said Society to be used  
by it in connection with or for the purposes of its work and  
45 objects as set forth in its 1930 Constitution AND WHEREAS the  
said Committee is now the registered proprietor under the  
provisions of the Real Property Act 1900 of land described in  
the ~~First~~ Schedule hereto AND WHEREAS there is erected on the ~~the~~ *W*  
land described in the ~~First~~ Schedule hereto certain buildings *W*  
50 and improvements which are used in connection with the work of  
providing a home for aged women in necessitous circumstances  
AND WHEREAS the Rosebank-Waratah Home for Elderly Ladies,  
Drummoyne, is conducted on the said land AND WHEREAS the said  
Society has established a bank account in connection with the  
55 management and conduct of the Rosebank-Waratah Home for Elderly

Ladies, Drummoyne, and in which bank account there is a credit balance of SIXTY THOUSAND DOLLARS (\$60,000.00) (hereinafter referred to as "the said monies") AND WHEREAS by the Church of England Homes Constitution Ordinance 1978 the Church of England Homes Constitution Ordinance 1930 was repealed and the Society no longer has as an object the establishment and maintenance of homes for aged women in necessitous circumstances AND WHEREAS the Anglican Retirement Villages Diocese of Sydney (hereinafter called "the said Retirement Villages") was established by the Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961-1979 AND WHEREAS sub-paragraph (a) of clause 3 of the Anglican Retirement Villages Diocese of Sydney Constitution Ordinance 1961-1979 makes it an object of the said Retirement Villages "to provide in a Christian environment for the housing, accommodation, maintenance and welfare of men and women of pensionable age irrespective of creed and who are destitute or indigent or who are unable to afford fees normally charged for private accommodation preference being given to people in Australia who are in necessitous circumstances and to bring such under the Pastoral care of the Church" AND WHEREAS by reason of the foregoing and of circumstances subsequent to the creation of the trusts affecting the said monies and the land described in the Schedule hereto it is expedient that the management and control of the said monies and the said land be vested in the said Retirement Villages as Trustee in the place and stead of the said Society AND WHEREAS the said land and the said monies have been held upon trust for the establishment and maintenance of homes for aged women in necessitous circumstances AND WHEREAS doubts have arisen as to the extent to which the said trusts still apply AND WHEREAS it is expedient that the trusts on which the said land and the said monies are held be declared AND WHEREAS by circumstances which have arisen subsequent to creation of the said trusts it is inexpedient to

carry out the same to the extent (if at all) the same are hereby varied NOW therefore 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:-

90

1. \_\_\_\_\_ On Anglican Retirement Villages, Diocese of Sydney, being appointed Trustee of the said land and the said monies, the management, conduct and control of the same and of the Rosebank-Waratah Home for Elderly Ladies, Drummoyne, shall vest in Anglican Retirement Villages, Diocese of Sydney, as Trustee in the place and stead of The Committee of the Church of England Homes, Diocese of Sydney.

95

2. \_\_\_\_\_ By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said land and the said monies are held, it is inexpedient to carry out the same to the extent (if at all) the same are hereby varied. The said land and the said monies shall be held upon trust for the establishment and maintenance of homes for aged women in necessitous circumstances.

100

105

3. This Ordinance may be cited as "Rosebank-Waratah Transfer Ordinance 1981."

SCHEDULE

ALL THAT piece or parcel of land being Lots 1, 2 and 3 in Deposited Plan No. 18024 situated in the Municipality of Drummoyne, Parish of Concord, County of Cumberland and being the whole of the land comprised in Certificate of Title Volume 6937 Folio 111 together with all buildings and other improvements erected thereon and known as the Rosebank-Waratah Home for Elderly Ladies, Drummoyne.

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

Robinson  
Chairman of Committees

I certify that this Ordinance was passed by the Standing  
Committee of the Diocese of Sydney on the *2nd* day of  
*November*, 1981

*[Handwritten Signature]*

.....  
Secretary

I assent to this Ordinance

*M. L. Downe*

.....  
Archbishop of Sydney

*2/11/1981*

~~(PT2/PMOB/C1-5)~~ *[Handwritten Mark]*