

Sydney Diocesan Educational and Book Committee Ordinance 1986

(Reprinted under the Interpretation Ordinance 1985.)

The Sydney Diocesan Educational and Book Committee Ordinance 1986 as amended by the Diocesan Officers (Retirement) Ordinance 1987, the Committee Membership Amendment Ordinance 1995, the Accounts, Audits and Annual Reports Ordinance 1995 and the Diocesan Officers (Retirement) Repeal Ordinance 2001.

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Long Title

An Ordinance to establish a committee to assume the functions hitherto undertaken by the Sydney Diocesan Educational and Book Society and certain other functions and to vary certain trusts.

Preamble

Whereas

- A. It is expedient that a committee be established for the purposes of administering the income from certain property which has hitherto been administered by the Sydney Diocesan Educational and Book Society.
- B. The property described in the Schedule hereto is held by Anglican Church Property Trust Diocese of Sydney upon trust for the said Society.
- C. By reasons of circumstances which have arisen subsequent to the trusts on which the said property is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

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 -

Preliminary

1. This Ordinance may be cited as "Sydney Diocesan Educational and Book Committee Ordinance 1986".
2. In this Ordinance unless the context otherwise requires:-
 - "Archbishop" means the Archbishop of the Diocese or, in his absence, his commissary or, if the See is vacant the administrator of the Diocese;
 - "Clause" means a clause of this Ordinance;
 - "Committee" means the committee constituted by Clauses 3 to 7;
 - "Diocese" means the Diocese of Sydney;
 - "Standing Committee" means the Standing Committee of the Synod;
 - "Synod" means the Synod of the Diocese;
 - "Trust Property" means the property held from time to time upon the trusts described in clause 14(2);
 - "Trustee" means Anglican Church Property Trust Diocese of Sydney or its successor to the office of trustee of the trust property;the singular includes the plural and vice versa and the masculine included the feminine and vice versa.

Committee

3. The Committee shall consist of the Archbishop, who shall be the president of the Committee, and six (6) other persons appointed by the Standing Committee of whom:-
 - (a) at least two (2) shall be clergymen and at least two (2) shall be laypersons; and
 - (b) one shall be appointed to act as chairman, one shall be appointed to act as treasurer, one shall be a person associated with the book or publishing industry, one shall be a member of the faculty of Moore

Theological College and one shall be a member of the Council or Staff of the Board of Education of the Diocese of Sydney.

4. Subject to clause 5(2), one third of the persons appointed pursuant to clause 3 shall retire at the first meeting of the Standing Committee which follows the first ordinary session of each Synod in each year. Those to retire shall be those who have held office the longest since last being elected, but in the case of competition, the question as to who shall retire, in the absence of any agreement between the members concerned, shall be determined by lot.
5. (1) Subject to clauses 6 and 7, each retiring member of the Committee shall be eligible for re-election.
(2) Notwithstanding anything contained in this Ordinance but subject to clauses 6 and 7, each of the persons appointed by the Standing Committee shall remain a member of the Committee (and continue to hold any office to which he may have been elected) until the vacancy caused by his retirement has been duly filled.
6. A person who is an insolvent under administration is not eligible to be elected or appointed to or act as a member of the Committee.
7. In addition, the office of any member of the Committee shall become vacant if:-
 - (a) he dies;
 - (b) he resigns by writing under his hand addressed to the Secretary of the Committee or of the Standing Committee, or, in the case of the Archbishop if he ceases to hold that office;
 - (c) he becomes an insolvent under administration;
 - (d) he is convicted of any offence punishable by imprisonment for three months or longer;
 - (e) he (not being the Archbishop) is absent from three consecutive ordinary meetings of the Committee without leave of absence; or
 - (f) he becomes a patient or an incapable person or a mentally ill person within the provisions of the Mental Health Act 1958; or
 - (g) having been appointed by reason of a qualification mentioned in Clause 3, he ceases to hold that qualification.
 - (h)

Meetings

8. The Archbishop when present shall preside at meetings of the Committee.
9. In the absence of the Archbishop, the Chairman shall preside at meetings of the Committee provided that, in the absence of both the Chairman and the Archbishop, the meeting may appoint one of the other members then present to act as Chairman of that meeting.
10. Subject to this Ordinance, the Committee may meet for the dispatch of business, adjourn and otherwise regulate its meetings as it sees fit and may act notwithstanding any vacancy in its membership.
11. At a meeting of the Committee three (3) members shall constitute a quorum.
12. The President, the Chairman or the Acting Chairman shall while presiding at a meeting have both a deliberative vote and a casting vote.
13. The Committee may appoint from its members an honorary secretary or such other officers as it may from time to time determine.

Distribution of Income

14. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the property described in the Schedule hereto is held it is inexpedient to carry out and observe the same to the extent that they are hereby varied.
(2) The said property shall be held upon trust to permit the income therefrom to be applied in accordance with clause 15.
15. (1) The trustee shall capitalise:-
 - (a) fifteen per cent (15%) of all income from the trust property; and
 - (b) so much of the balance of that income which the Committee shall pay to the trustee pursuant to clause 15(5).
(2) The trustee shall pay all income from the trust property which is not to be capitalised pursuant to clause 15(1)(a) to the Committee for distribution by the Committee,
(3) All income paid to the Committee for distribution which the Committee decides should not be capitalised pursuant to clause 15(5) shall be applied as follows:-
 - (a) in or towards meeting all costs incidental to the preparation of this Ordinance and to the management of the affairs of the Committee;
 - (b) as to one half (½) of the balance remaining after the applications referred to in paragraph (a), by payment to the Board of Education; and
 - (c) as to the amount remaining thereafter towards any one or more of the purposes specified in clause 15(4).

(4) The amount to be applied in accordance with this subclause shall be applied in or towards one or more of the following purposes:-

- (a) schools formed by or under the control of the Synod;
- (b) Moore Theological College;
- (c) the training and support of teachers and counsellors to give religious education and counselling in such school or in public schools in the State of New South Wales;
- (d) the facilitation of the publication of theological and other Christian educational literature by authors which are approved by the Committee;
- (e) meeting the travelling and other expenses of any person invited by the Archbishop to the Diocese for the purpose of conducting evangelistic missions or delivering sermons or lectures or giving educational addresses;
- (f) provision for the support by means of scholarships of clergy and lay persons pursuing further full time studies in theological or Christian education or research outside the Diocese being clergy or lay persons who have undertaken to work in the Diocese for a period of two (2) years after such assistance is terminated;
- (g) such other religious and/or educational purposes as may from time to time be approved by resolution of the Standing Committee at the request of the Committee.

(5) The Committee may decide that any income to be applied towards one or more of the purposes specified in clause 15(4) and not so applied shall be capitalised in which event the Committee shall pay the sum involved to the trustee.

Accounts and Reports

16. The Committee shall comply with the provisions of the Accounts, Audits and Annual Reports Ordinance 1995 as amended from time to time.

17. The Committee shall furnish to the Synod or the Standing Committee any information as to the Committee's affairs which it may be requested to furnish by a resolution of the Synod or of the Standing Committee and shall at least once in each year present a report to the Synod and such other information as may be required from time to time by resolution of the Synod or of the Standing Committee.

Indemnity

18. Each member of the Committee shall be indemnified out of the assets of the Committee against all loss or liability which he may have incurred for or on behalf of the Committee or to which he may be subject by reason of being or having been a member of the Committee other than any such loss or liability occasioned by his own wilful act or default.

Transitional

19. The following are hereby repealed:-

The Sydney Diocesan Educational Book Society Ordinance 1918-1975;

Sydney Diocesan Educational Book Society Ordinance 1945; and

All Rules and Regulations of the Society referred to therein;

but all acts matters appointments and things done or made thereunder shall continue in force notwithstanding such repeal.

20. The persons who, on the date on which this Ordinance takes effect, are the members of the Sydney Diocesan Educational and Book Society shall be the members of the Committee subject to clauses 4 to 7.

21. This Ordinance shall take effect on the First day of September 1986.

Schedule

Sydney Diocesan Educational and Book Society Ordinance No 13, 1940

Client Fund 398 as at 30 June 1986

Capital and Income are invested as follows

	\$
Sydney Anglican Investment Trust Capital Fund (10,000 Units)	8,364.00
Sydney Anglican Investment Trust Income Fund (10,000 Units)	9,996.00
Sydney Anglican Property Rind (21 Units)	21,340.00
Glebe Administration Board	
- three month fixed deposit at 15.0% per annum (maturing 30 July 1986)	8,091.81
- one month call at 15.0% per annum	2,000.00
- 24 hour call at 13.5% per annum	900.00
Current Account at 12.5% per annum	484.85
Accrued Income - Estate Late Thomas Moore	993.85
	<u>52,170.51</u>

Table of Amendments

Clause 6	Amended by Ordinances Nos 28, 1987; 23, 1995 and 59, 2001.
Clause 7	Amended by Ordinances Nos 28, 1987; 23, 1995 and 59, 2001.
Clause 16	Amended by Ordinance No 34, 1995.

ROBERT WICKS
Legal Officer

23 April 2002

MARK PAYNE
Diocesan Secretary