



Anglican Youth and Education Diocese of Sydney Ordinance 1997

No 17, 1997

Long Title

An Ordinance to provide for the Anglican Youth and Education Diocese of Sydney, to vary the trusts on which certain property is held and for purposes incidental thereto.

Preamble

A. It is desired to change the name of the body corporate known as Anglican Education Commission Diocese of Sydney to Anglican Youth and Education Diocese of Sydney.

B. It is desired that the Anglican Youth and Education Diocese of Sydney exercise the functions presently exercised by Anglican Education Commission Diocese of Sydney and Anglican Youth Department Diocese of Sydney.

C. The land (the "Land") described in the first column of the table in the Schedule is held by Anglican Church Property Trust Diocese of Sydney upon the trusts set out in the second column of that table.

D. The members of the Anglican Youth Department Diocese of Sydney hold other property (the "Personal Property") upon trust for the purposes of Anglican Youth Department Diocese of Sydney.

E. It is expedient to amend the trusts on which the Land and Personal Property is held so that henceforth that property is held for the purposes of Anglican Youth and Education Diocese of Sydney.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

Name of Ordinance

1. This Ordinance is the Anglican Youth and Education Diocese of Sydney Ordinance 1997.

Change of Name

2. The name of the body corporate known as Anglican Education Commission Diocese of Sydney is changed to Anglican Youth and Education Division Diocese of Sydney (the "Division").

Amendment of the Principal Ordinance

3. The Anglican Education Commission Ordinance 1919 (the "Principal Ordinance") is amended as follows -

(a) clause 1 is omitted and the following is inserted instead -

"Citation

1. This Ordinance is the Anglican Youth and Education Diocese of Sydney Ordinance 1919."

(b) in clause 2 -

(i) the definition of "Commission" is omitted and the following are inserted instead -

"Council' means the council referred to in clause 5; and

'Corporation' and 'Division' means Anglican Youth and Education Division Diocese of Sydney."; and

(ii) the definition of "Director of the Anglican Youth Department" is omitted;

(c) clause 3 is omitted, the following is inserted instead, and the subsequent clauses of the Principal Ordinance are numbered as a consequence -

"Object

3. The object of the Division shall be to support the work of the gospel in parishes and Regions of the Diocese and beyond by -

(a) proclaiming the Christian Gospel;

(b) assisting children and youth to be brought to maturity in Christ; and

(c) assisting educational ministries to children, youth and adults through teaching biblical truths.

4. This object shall be achieved by such means as the Division shall think expedient (provided that they are in accordance with the Fundamental Declarations and Ruling Principles of the Anglican Church of Australia), including -

(a) the provision of resources and programs in evangelism, nurture and education;

(b) the provision of training in Christian leadership;

(c) the encouragement of ministry by young people to young people;

(d) the advocacy of issues concerning:

Children, Youth and Religious Education in Schools;

(e) representation to Government and Statutory authorities;

(f) the support of Anglican Schools in their educational ministry;

(g) support of Special Religious Education in State Schools;

(h) the provision and encouragement of camping as a Christian ministry;

(i) the publication and distribution of religious and educational materials;

(j) study and research;

(k) ministry to families and adults;

(l) the acquisition, maintenance and development of facilities to achieve the object.

(d) existing clause 4 is omitted and the following inserted instead -

"Government

5. The Division shall be governed and controlled by a Council consisting of -

(a) the Archbishop as President; and

(b) 11 other members.
who shall be members of the Corporation."

(e) existing clause 5 is omitted and the following is inserted instead -

"6. The 11 other members of the Corporation shall be -

(a) 3 persons appointed by the Archbishop for a term of up to 3 years;

(b) 6 persons elected by Synod for a term of up to 3 years, of whom 3 shall be clergy and 3 shall be laypersons;

(c) 1 person aged not more than 30 years at the time of his or her election, elected by the other members of the Corporation for a term of up to 3 years; and

(d) the Chief Executive Officer."

(f) in existing clause 6 -

(i) the word "Four" is omitted and the word "Two" is inserted instead;

(ii) the matter "clause 5(b)" is omitted and the matter "clause 6(b)" is inserted instead; and

(iii) the matter ", being 2 clergy and 2 lay persons," is omitted and the matter ", being 1 clergy and 1 lay person" is inserted instead;

(g) in existing clauses 7(a) and (d), 9, 16, 17 and 18 the word "Commission" wherever appearing is omitted and the word "Division" is inserted instead;

(h) in existing clauses 7 (other than clause 7(a) and (d)), 8, 10, 11, 12 and 13 the word "Commission" wherever appearing is omitted and the word "Council" is inserted instead;

(i) in existing clause 7 -

(i) the word "objects" wherever appearing is omitted and the word "object" is inserted instead; and

(ii) in paragraph (e) the words "such persons" are omitted and the words "not more than 2 persons" are inserted instead;

(j) in existing clause 8 -

(i) the matter "clause 5" is omitted and the matter "clause 6" is inserted instead; and

(ii) paragraph (a) is omitted and the following is inserted instead -

"(a) resignation in writing addressed -

(i) to the Archbishop (if the member is appointed under clause 6(a));

(ii) to the Diocesan Secretary (if the member is elected under clause 6(b)); or

(iii) to the Chair of the Council (if the member is elected under clause 6(c));";

(k) in existing clause 9(1) the matter "clause 5(b)" is omitted and the matter "clause 6(b)" is inserted instead;

(l) in existing clauses 10, 11 and 12 -

(i) the word "Chairperson" wherever appearing is omitted and the word "Chair" is inserted instead; and

(ii) the word "chairperson" wherever appearing is omitted and the word "chair" is inserted instead;

(m) in existing clause 13 the number "8" is omitted and the number "6" is inserted instead;

(n) existing clause 14 is omitted and the following is inserted instead -

“Chief Executive Officer

15. The Chief Executive Officer shall be appointed by the Archbishop with the agreement of the Council for such term and upon such conditions as the Archbishop with the agreement of the Council shall think fit.”; and

(o) existing clause 15 is deleted and the following is inserted instead -

“16. The Chief Executive Officer shall be responsible to the Council for the operation, ministry and management of the Division.”.

Membership of the Division

4. The membership of the Division, other than the Archbishop, is declared to be vacant.

5. The following persons are deemed to have been elected members of the Division under clause 6(b) of the Principal Ordinance (notwithstanding that 5 of them are lay persons), as amended, and hold office subject to clause 8 thereof until the 1998 session of the Synod -

Miss J Blackman Mr D W Harwin

Mrs K Collier Mr D Pontin

Mr G Crichton The Rev P Wiles.

6. Notwithstanding any provision of the Principal Ordinance, the Council (as defined in the Principal Ordinance) is directed to appoint the Rev S.N. Abrahams as its first Chief Executive Officer for such term (not exceeding 9 months) as Mr Abrahams and the Archbishop may agree. The other terms of Mr Abrahams’ appointment shall be as agreed by the Council and Mr Abrahams with the consent of the Archbishop.

Assumption of Liabilities etc by the Division

7. All liabilities, obligations and responsibilities of Anglican Youth Department Diocese of Sydney under any ordinance, trust, contract or agreement shall be assumed by the Division which shall perform those liabilities, obligations and responsibilities to the full extent of Anglican Youth Department Diocese of Sydney thereunder.

Variation of Trusts of Property

8. By reason of circumstances which have arisen after the creation of the trusts on which the Land and the Personal Property is held it is inexpedient to carry out and observe those trusts and it is inexpedient to apply the Land and the Personal Property for the same or like purposes as the trusts on which they are presently held.

9. Subject to clause 10, the Land and Personal Property are now held for the charitable purposes of the Division.

Indemnity

10. The persons who were members of the Anglican Youth Department Diocese of Sydney prior to the date of assent to this Ordinance shall each be indemnified out of the assets held for the purposes of the Division against all loss or liability which may have or which may be incurred by those persons by reason of their being or having been members of the Anglican Youth Department Diocese of Sydney.

Repeal of Ordinance

11. The Anglican Youth Department Ordinance 1975 is repealed.

Commencement

12. This Ordinance commences on the first day of the calendar month which follows the date on which the Ordinance receives assent.

Schedule

Description of Land	Details of Trusts
Lot 10 in Deposited Plan 578112, situated at Gerroa	Held upon trust for the purposes of the Anglican Youth

Lot 2 in Deposited Plan 709106, situated at Jindabyne	Department although there are no written trusts. Held upon trust for the purposes of the Anglican Youth Department although there are no written trusts.
Lot 1 in Deposited Plan 594624, situated at Gerroa	By clause 3 of the Youth Department Diocese of Sydney (Gerroa Land) Declaration of Trust and Mortgage Ordinance 1963 the land is held upon trust for the purposes of the Youth Department Diocese of Sydney as provided by the Youth Department Ordinance 1949 or any ordinance amending or taking the place of the same.
Lot A in Deposited Plan 361390, situated at Port Hacking	By Declaration of Trusts dated 7 April 1949 the land is held upon trust for the Council of the Church of England National Emergency Fund to be used and applied for such purposes of the Fund as long as the Council of the Fund may require and thereafter or in default of such requirement or determination for the use benefit or purposes of the Church of England in the Diocese of Sydney as the Synod of the Diocese of Sydney may by ordinance determine.
Lot B in Deposited Plan 361390, situated at Port Hacking	By clause 2 of the Church of England National Emergency Fund ("Rathane") Variation of Trust Ordinance 1961 the land is held upon trust for the Department of Youth in the Diocese of Sydney for the purposes and in accordance with the provisions of The Youth Department Ordinance 1949 or any ordinance or ordinances amending the same.
Lots 1 and 2 in Deposited Plan 240725, situated at Springwood	The land is held for the purposes of the Anglican Youth Department although there are no written trusts.
Lot 8 in Deposited Plan 57765, situated at Port Hacking	By clause 2 of the Home Mission Society (Chaldercot) Variation of Trust Ordinance 1960 the land is held upon trust to permit the same to be used by the Council of the Youth Department of the Diocese of Sydney as constituted by The Youth Department Ordinance of 1949 for the objects, ends and purposes of such Department as therein expressed.
Lot 53 in Deposited Plan 813737, situated at Springwood	The land is held upon trust for the benefit of the Anglican Youth Department although there are no written trusts.
Lot 2 in Deposited Plan 223129, situated at Springwood	The land is held upon trust for the Anglican Youth Department although there are no written trusts.

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

N.M. CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 11 August 1997.

M.A. PAYNE
Acting Secretary

I Assent to this Ordinance.

R.H. GOODHEW
Archbishop of Sydney
11/8/1997