
Home Mission Society Amendment Ordinance 1971

No. 17, 1971

AN ORDINANCE to amend The Home Mission Society Ordinance of 1911 and to vary the trusts thereby created and to repeal the ordinances amending the same.

WHEREAS by The Home Mission Society Ordinance of 1911 the name of the organisation previously known as the Church Society founded in the year 1856 was altered to The Home Mission Society and the objects membership and management of such Society were defined and set forth together with matters incidental to the effective management and control of the Society AND WHEREAS such Ordinance has been amended and supplemented by subsequent ordinances AND WHEREAS by reason of the considerable expansion in the activities of the said Society since the passing of the said Ordinance it is inexpedient to carry out and observe the trusts thereof and it has become expedient to vary such trusts and to provide a more comprehensive constitution and further to amend the said Ordinance and to repeal the ordinances amending the same AND WHEREAS it is expedient for the purposes of managing governing and controlling the said Society and of holding managing or dealing with the church trust property which is or at any time hereafter shall be under the control of the Society that the Council (as hereinafter defined) of the said Society be constituted a body corporate under the name of "Sydney Anglican Home Mission Society Council" pursuant to the provisions of the Church of England (Bodies Corporate) Act 1938 NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY ORDAINS DIRECTS AND RULES as follows:—

1. (a) The Home Mission Society Ordinance of 1911 is in this Ordinance referred to as "the Principal Ordinance".
- (b) This Ordinance may be cited as "Home Mission Society Amendment Ordinance 1971".
- (c) The Principal Ordinance as amended by this Ordinance may be cited as "The Home Mission Society Ordinance 1911-1971".

2. The Principal Ordinance is hereby amended by repeal of the provisions thereto save and except clauses 6 and 14 thereof and further The Home Mission Society Amending Ordinance of 1917 is hereby repealed save and except to the extent that the provisions thereof amend clause 6 of the Principal Ordinance and further the

Home Mission Society Amendment Ordinance 1971

ordinances being The Home Mission Society Further Amending Ordinance 1921 and The Home Mission Society Supplemental Ordinance 1925 are hereby repealed provided that such repeal of the said Ordinances shall not affect the past operation thereof nor anything suffered done or commenced nor any right privilege obligation or liability acquired accrued or incurred thereunder and the trusts created by the said Ordinances shall be valid in the manner and to the extent provided by this Ordinance.

3. All Offices established and all persons elected or appointed to and holding office under the said Ordinances as amended or repealed shall continue and shall be subject to the provisions of this Ordinance as if it had been in force at the time such offices were established and such persons were elected or appointed as if they had been established elected or appointed respectively hereunder.

4. Save as aforesaid this Ordinance shall apply to all matters and things made done or commenced under the said repealed or partly repealed Ordinances and at the commencement of this Ordinance of any force or effect or capable of acquiring any force or effect by virtue of the said repealed or partly repealed Ordinances as if this Ordinance had been in force at the time they were made done or commenced and they were made done or commenced hereunder.

5. In this Ordinance unless inconsistent with the context of the subject matter:—

“Archbishop” means the Archbishop of the Diocese of Sydney or in his absence his Commissary or in case no such Commissary shall have been appointed or if the See be vacant the Administrator of the Diocese.

“Council” means the Council of the Society and the body corporate to be known as Sydney Anglican Home Mission Society Council or by such other name as Synod by ordinance may from time to time determine.

“Diocese” means the Diocese of Sydney.

“Society” means the Council of the Home Mission Society.

“Synod” means the Synod of the Diocese of Sydney.

Words importing the singular number include the plural number and vice versa. Words importing the masculine gender include the feminine gender.

6. The Name of the organisation heretofore constituted by the

Home Mission Society Amendment Ordinance 1971

Principal Ordinance shall continue to be the "Home Mission Society" for such time as the Synod may deem fit and thereafter shall be such name as the Synod by ordinance may from time to time determine.

7. The objects of the Society shall be to further the work of the Christian Church by activities of a missionary and social welfare nature for the maintenance benefit or advancement of any person or persons clerical or lay or any organisation whether corporate or otherwise and shall subject to the discretion of the Council include the following:—

- (a) The provision wholly or in part of:—
 - (i) Stipends and expenses of clergy curates chaplains catechists deaconesses parish sisters and others engaged in church work in the Diocese.
 - (ii) Pensions or grants for the maintenance or benefit of clergy deaconesses parish sisters chaplains and widows of clergy and chaplains and other persons deemed by the Council to be entitled thereto.
- (b) Assistance to parishes provisional parishes provisional districts new housing districts or other areas into which the Diocese or any part of it may be divided for pastoral purposes in discharging financial obligations.
- (c) Establishment management conduct control and furtherance of such objects of a religious missionary charitable or social welfare nature as may in the discretion of the Council properly be undertaken by the Society including:—
 - (i) Chesalon Parish Nursing Homes and Parish Nursing Service.
 - (ii) Charlton Memorial Homes.
 - (iii) Carramar Hostel.
 - (iv) Church of England Counselling Service.
 - (v) ~~Winn Hostel~~ Project.
 - (vi) Chaplaincy Department.
 - (vii) Other objects heretofore established managed conducted or controlled by the Society including the business known as Opportunity Shops.
- (d) Acquisition by purchase exchange gift devise bequest or otherwise of real and personal property for the benefit and objects of the Society.

Home Mission Society Amendment Ordinance 1971

- (e) Formulation of constitutions rules and regulations for the management conduct and control of any organisation within the objects of the Society and which is or shall be established by it or is or shall be under its management conduct or control.
- (f) Termination from time to time of such objects of the Society as the Council shall deem fit.

8. The Society shall undertake the management and control of such existing or future object or objects which Synod deems to be of a religious missionary charitable or social welfare nature as Synod from time to time by ordinance or resolution may direct provided that no such object shall be terminated without the consent of Synod or the Standing Committee thereof granted by ordinance or resolution.

9. Clause 6 of the Principal Ordinance is amended by adding the following at the end thereof:—

“Provided that:—

(i) From and after the first ordinary session of Synod after the date on which the Home Mission Society Amendment Ordinance 1971 is assented to the Society its objects and its property both real and personal shall be under the management administration and control of a Council consisting of the following:—

(a) The Archbishop who shall be President (ex officio) and who may appoint from time to time such person as he may deem fit to act in his place and stead as Chairman of the Council.

(b) The Assistant Bishops of the Diocese (ex officio).

(c) The Dean of Sydney and the Archdeacons of the Diocese with territorial jurisdiction (ex officio).

(d) Three persons clerical or lay appointed by the Archbishop for terms of three years.

(e) An Honorary Treasurer (ex officio) to be elected annually by the Council.

(f) The chief executive officer of the Society whether known as the General Secretary or Director or by any other title (ex officio) who shall be a person approved by the Archbishop and appointed or reappointed for a term of not exceeding five years by the Council.

Home Mission Society Amendment Ordinance 1971

- (g) Eighteen persons elected by Synod of whom nine shall be clergymen and nine laymen.
- (ii) Nine members of the Council shall form a quorum."
10. (a) One-third of each class of the members of the Council elected by Synod shall retire annually at each ordinary session of Synod. Those to retire at the second ordinary session after the date on which this Ordinance is assented to shall be determined by lot and those initially appointed or elected pursuant to this Ordinance remaining at the next ordinary session who shall then retire shall also be determined by lot.
- (b) All other members of the Council shall hold office until their successors are appointed but nevertheless such members shall be eligible for reappointment.
11. The provisions of the Casual Vacancies Ordinance 1935 and the Elections Ordinance 1970 as amended from time to time shall apply to this Ordinance.
12. The persons holding the offices of General Secretary and Honorary Treasurer of the Society immediately before this Ordinance comes into force shall continue to hold such offices respectively under the provisions of this Ordinance.
13. The office of any member of the Council shall become vacant if:—
- (a) He die.
 - (b) He resign by writing under his hand addressed to the Secretary of Standing Committee.
 - (c) He become bankrupt or insolvent.
 - (d) He be convicted of any offence punishable by imprisonment for three months or longer.
 - (e) He be absent from three consecutive ordinary meetings of the Council without leave of absence.
 - (f) He become a patient or an incapable person or a mentally ill person within the provisions of the Mental Health Act 1958.
 - (g) He be appointed the principal officer of a separate department or organisation of the Society or otherwise be an employee of the Society but nevertheless excepting the General Secretary.

Home Mission Society Amendment Ordinance 1971

14. It is expedient for the purpose of managing governing and controlling the Society that the persons who for the time being and from time to time are members of the Council should be constituted a body corporate and accordingly the members for the time being and from time to time of the Council as appointed or elected under the provisions of the Principal Ordinance or any ordinance or ordinances amending the same shall be a body corporate under the name of "Sydney Anglican Home Mission Society Council" or under such name as Synod by ordinance may from time to time determine.

15. The financial year of the Society shall end on the thirty-first day of December each year and an income and expenditure account and a balance sheet showing the assets and liabilities of the Society shall be prepared and audited in respect of each financial year.

16. The Council shall have the power for the purpose of and within the objects of the Society to receive manage and control all real and personal property of the Society together with the income derived therefrom and further shall have the power to use and apply as well the income as the capital of such real and personal property for the purposes of such objects subject however to the terms and conditions of any specific trusts in respect of such property.

17. Without prejudice to the generality of the powers and limitations herein provided the Council may do all or any of the following:

- (a) Appoint employ and remove such agents and servants as the Council may deem necessary to carry on the objects of the Society and determine their powers and duties and fix from time to time their remuneration fees salaries or emoluments but nevertheless shall not remove the General Secretary without the consent of the Archbishop and all such agents and servants excluding the Honorary Treasurer but including the General Secretary shall be deemed to be employees of the Society unless the Council shall otherwise decide.
- (b) Establish such bank account or accounts as the Council may deem appropriate and desirable and determine in what manner and by whom such accounts should be operated upon.
- (c) Delegate from time to time such of its powers as it may deem fit to committees consisting of such member or members of the Council or other persons as it may appoint.

Home Mission Society Amendment Ordinance 1971

Any committee so formed shall in the exercise of the powers so delegated conform to any regulation or direction that may from time to time be imposed upon it by the Council.

- (d) Borrow money either without security or secured by legal or equitable mortgage or other security on all or any assets of the Society subject to the trusts thereof.
 - (e) Sell (if Clebe Administration Board and the Investment Trust have declined to purchase the property proposed to be sold and the Standing Committee has been informed of the proposed sale), lease exchange or otherwise dispose of or deal with all or any of the assets of the Society for such consideration and subject to such terms and conditions and otherwise in such manner as the Council may deem expedient.
 - (f) Pay all costs charges and expenses of and incidental to the management administration and control of the said real and personal property of the Society.
18. (a) With respect to all property and moneys held by it the Council may invest or use the whole or any part thereof in any one or more of the following investments or purposes that is to say:
- (i) Investments for the time being allowed by law for investment of trust funds.
 - (ii) Purchase within the Commonwealth of Australia of real or leasehold estate or land held pursuant to rights created by any statute of the Commonwealth of Australia or any of the States thereof.
 - (iii) First mortgage of land situated within the Commonwealth of Australia.
 - (iv) Funds stocks securities bonds debentures or treasury bills of or guaranteed by the Government of the Commonwealth of Australia or of any State thereof.
 - (v) Deposits in any savings bank or trading bank or in any insurance company carrying on business in the Commonwealth of Australia.
 - (vi) Charge or charges upon any church lands within the Commonwealth of Australia or future rents profits and other income thereof.
 - (vii) Construction repair and alteration of buildings and

Home Mission Society Amendment Ordinance 1971

any other improvements on land acquired as hereinbefore provided.

- (viii) Debentures debenture stock registered unsecured loans notes (whether or not convertible into shares or stock) or preference or ordinary shares of or deposits with or investment trust units issued by a public company listed on any Australian Stock Exchange (other than a company carrying on a business of which Synod or Standing Committee may by resolution disapprove) and exercise any rights to take up bonus or other shares if such rights become available.
- (ix) Placement of moneys on short call deposit with organisations constituted by ordinance of Synod.
- (x) Investment in any security specifically authorised by an ordinance of Synod as an investment for church trust property.
- (xi) Such business commercial trading or other project venture activity or investment of which Standing Committee may by resolution approve for the purpose of investment.
- (xii) (aa) Placement of moneys or other property real or personal whether or not subject to separate trusts into a pool for investment and in respect of such pooled moneys or property the Council may average gains losses and interests and deal with all matters and do all things incidental to such pooling.
- (bb) Subject to the provisions of this Ordinance balances to the credit of the pool herein referred to shall be held for investment as herein provided and the income interest and profits derived therefrom shall be credited to an account to be called the Interest Suspense Account and shall be allocated therefrom in the following manner:—
 - (i) on all capital balances on current account forming part of the pool.
 - (ii) on income balances on current account forming part of the pool where in-the

Home Mission Society Amendment Ordinance 1971

opinion of the Council such income should be interest earnable. Interest allowed in respect of income balances shall be computed from such date as the Council may determine.

- (iii) Interest income and profits from time to time held in the Interest Suspense Account shall be credited at such rate and at such time or times as the Council may determine
 - (iv) Whereafter allowing interest as hereinbefore provided a surplus of interest income and profits remains within the Interest Suspense Account such surplus or so much thereof as the Council may determine may be applied for the general purposes of the Society in such manner as the Council may decide.
- (b) The Council may from time to time realise or vary any of the investments made pursuant hereto but subject nevertheless to the approval of Standing Committee in respect of any investment falling within clause 18. (a) (xi) of this Ordinance.
- (c) The Council may retain any real or personal property the subject of any gift devise or bequest to the Society in the same form and condition and invest it in the same manner as existed at the time of such gift devise or bequest and may subject to the limitations contained in paragraph (viii) of sub-clause (a) hereof re-invest it in the same manner.
- (d) All investments made by the Council shall be in the name of the Sydney Anglican Home Mission Society Council.

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

20. The Council shall furnish to the Synod or the Standing Committee of Synod any information as to the Society's affairs which

Home Mission Society Amendment Ordinance 1971

it may be requested to furnish in pursuance of a resolution of Synod or Standing Committee and shall at least once in each year present a report to the Synod and shall present income and expenditure account and a balance sheet duly audited and such other information as may be required from time to time by resolution of Synod.

21. The Council from time to time may make rules regulations or by-laws for carrying out the provisions of this Ordinance not being inconsistent with the provisions of this Ordinance and repeal or amend such rules regulations or by-laws and substitute others in lieu thereof. The Council shall forward a copy of such rules regulations or by-laws to the Standing Committee of the Synod which shall lay the same on the table of the next ordinary session of the Synod.

22. In any re-print of the Principal Ordinance as amended by this Ordinance the clause numbered 14 in the Original Ordinance shall be numbered 23.

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

ATHOL RICHARDSON,
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of August, 1971.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

16/8/1971