

THE SYDNEY ANGLICAN HOME MISSION SOCIETY (VESTING OF
CHURCH OF ENGLAND HOMES PROPERTY) ORDINANCE 1984

NO. 17 1984

AN ORDINANCE to effect the transfer of
assets from Church of England Homes to
The Sydney Anglican Home Mission Society.

WHEREAS an organisation known as the "Church Rescue Home" was established for deprived women and girls by the Church of England at the end of the nineteenth century, first at a house in Surry Hills then at a house in Paddington and finally at a property known as "Strathmore" in Glebe AND WHEREAS in 1900 and 1907 respectively other properties in Glebe known as "Avona" and "Tress Manning" were acquired as this work developed for the rescue and rehabilitation of women and girls AND WHEREAS in 1913 a home called "Minden" (and later renamed "Strathmore") was purchased at Carlingford for the care of thirty delicate children AND WHEREAS in 1917 a house was purchased in Cronulla to establish a home for boys who later were transferred to Carlingford while the girls were returned to Glebe to the property known as "Arden" AND WHEREAS by 1920 The Committee now known as the Church of England Homes Committee was caring for more than 180 children and 60 elderly women AND WHEREAS in 1930 the Societies or Institutions theretofore existing in connection with the Church of England in the Diocese of Sydney and respectively known as the Church of England Homes and the Church of England Committee for Homes and Hostels were amalgamated upon the adoption of the Constitution of The Church of England Homes and henceforth known as The Church of England Homes (hereinafter referred to as "The Homes") AND WHEREAS the said Church of England Homes was made a body corporate by the Synod of the Diocese of Sydney by passing an ordinance entitled the "Church of England Homes Incorporation Ordinance 1944" AND WHEREAS following consultations and discussions between The Homes and The Sydney Anglican Home Mission Society (hereinafter referred to as "the Society") it has been agreed between them that more effective use of assets and materials held by The Homes and opportunities created thereby for the propagation of the gospel of Jesus Christ and service in His name can be made by amalgamating the administration of the assets of the Homes and of the Society and by combining the work of the Society's Care Force Division with the work of the Homes as the Welfare Division of the Society and to that end transferring the assets and materials held by the Homes to the Society AND WHEREAS the properties set out in the Schedule hereto are now held by The Homes for the purposes thereof and subject to the trusts set out in The Church of England Homes Ordinance 1978 AND WHEREAS it is expedient by reason of circumstances subsequent to the creation of the trusts of such property that the said properties and all other assets of The Homes be transferred to and vested in the Sydney Anglican Home Mission Society Council AND WHEREAS it is expedient for such purposes that the Constitution of the Society be amended and that the Ordinance providing for the Constitution of The Homes be repealed 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:

PART I
SHORT TITLE

1. (1) This Ordinance may be cited as "The Sydney Anglican Home Mission Society (Vesting of Church of England Homes property) Ordinance 1984".

(2) The Sydney Anglican Home Mission Society Ordinance 1971-1981 as amended by this Ordinance may be cited as "Sydney Anglican Home Mission Society Ordinance 1971-1984".

PART II
VESTING OF PROPERTY

2. To ensure the continuance of the objects and work of The Homes:

- (a) The properties and mortgages specified in the Schedule hereto and all other property and assets heretofore held by The Homes shall be transferred to and vested in The Sydney Anglican Home Mission Society Council to be held and applied subject to The Sydney Anglican Home Mission Society Ordinance provided that all property hereby transferred and vested shall be applied by the Society for the following objects namely:-
- (i) The establishment and maintenance of homes, hostels and schools for and the care, education and training of orphans and neglected, necessitous, handicapped or deprived children.
 - (ii) Any work of a charitable nature for the maintenance, benefit or advancement of neglected, necessitous, handicapped or deprived children and their families.
 - (iii) Such other work of a charitable nature as the Archbishop-in-Council may by resolution from time to time determine.
- (b) All gifts, devises and bequests hereafter taking effect under the form of a gift, devise or bequest to or for the purposes of The Homes shall upon vesting in the Society be applied for the objects set out in (a) above subject to any more particular trust attached to such gift, devise or bequest.

3. (1) In assuming control and management of the said properties and assets the Society shall ensure that the best interests of the children heretofore in the care of The Homes is maintained and that no detriment is caused to them thereby and that the welfare of staff employed by The Homes is given due and proper regard.

(2) All liabilities and responsibilities of The Homes under any trust, contract or agreement whether of employment or otherwise shall be assumed by the Society which shall observe and perform the same to the full extent of the obligations of The Homes thereunder.

4. Notwithstanding the vesting presently and in the future in the Society of property referred to in Clause 2 above, appropriately separate books of account and financial records shall be maintained in respect of all assets used in the pursuit of the objects set out in such Clause.

PART III
COUNCIL AND MEMBERS

5. (1) Notwithstanding the provisions of
- (a) Sydney Anglican Home Mission Society Ordinance 1971-1981,
 - (b) Casual Vacancies Ordinance 1935, or
 - (c) Elections Ordinance 1970,

the following persons, namely, Kenneth William Bock of 11 Lyndelle Place, Carlingford, David Ronald Lewarne of 63 Sorrell Street, Parramatta, and Harry Hennessey of 12 Warra Street, Wentworthville shall be deemed to have been elected to be members of the council (hereinafter referred to as "SAHMS Council") constituted by clause 5 of the Sydney Anglican Home Mission Society Ordinance 1981 by the Synod at the ordinary session of the Synod in 1984 notwithstanding that that session has not yet been held (which election shall be deemed to have taken place on the day on which assent is given to this ordinance) and the following sub-clauses shall apply.

(2) If a member of the SAHMS Council appointed by or elected pursuant to this clause shall cease to hold office prior to the ordinary session of the Synod in 1987, the vacancy shall be filled by a person who was a member of the Committee (hereinafter called "the committee" constituted by clause 7 of the The Church of England Homes Constitution Ordinance 1978-1983) on the date immediately prior to the date on which assent is given to this ordinance who shall be elected by the former members of the committee at a meeting of former members of the committee at which at least six such members are present.

(3) Until after the ordinary session of the Synod in 1987, clause 6 of the Sydney Anglican Home Mission Society Ordinance 1981 shall not require any person appointed by or elected pursuant to this clause to retire.

6. The Welfare Division Committee of the Council formed or to be formed in exercise of the power conferred on the Council by Clause 11 (3) of the Sydney Anglican Home Mission Society Ordinance 1971-1981 shall for a period not less than three years from the date of the passing of this Ordinance have up to one half of the total membership of such Committee comprised of members of the Church of England Homes Committee as constituted before this Ordinance comes into force so long as there shall be such members available for appointment and willing to accept such appointment.

PART IV
REPEAL

7. The Church of England Homes Constitution Ordinance 1978 is hereby repealed.

SCHEDULE

PROPERTIES

Land at Terrigal:

Certificate of Title Volume 3113 Folio 70.

Land at Morrisset:

Certificate of Title Volume 12443 Folio 124.

Property 15 Allawah Street, Blacktown:

Certificate of Title Volume 12904 Folio 110.

Property 18 Wattle Street, St Marys:

Certificate of Title Volume 8028 Folio 177.

Property 15 Paul Street, Blacktown:

Certificate of Title Volume 7571 Folio 125.

Property 44 Frampton Avenue, Marrickville - "Havilah":

Certificate of Title Volume 1946 Folio 119.

Property 10-12 Harney Street, Marrickville - "Marella":

Certificate of Title Volume 11038 Folio 44.

Property 222a Pennant Hills Road, Carlingford - "Tress":

Certificate of Title Volume 9886 Folio 18.

Property 28 Gladstone Street, North Parramatta - "Manning":

Certificate of Title Volume 1179 Folio 37.

Property 40 Jamieson Street, Granville - "Trigg":

Certificate of Title Volume 4449 Folio 131.

Property 45 Hunter Street, Parramatta - Administration:

Certificate of Title Volume 13820 Folios 249 and 250.

Property 19 Gibbons Street, Telopea - Kingsdene Special School:

Certificate of Title Volume 14262 Folio 23.

Property 140 Macquarie Road, Greystanes:

Certificate of Title Volume 10128 Folio 2.

MORTGAGES

Property 12 Laurence Street, Manly, owned by W. Walsh:
Mortgage No. M.850522.

Property 390 Military Road, Cremorne, owned by L.M. Nicholas:

Mortgage No. M.406875.

Property 6 Kendall Street, Sans Souci, owned by I.M.J. Cable:

Mortgage No. L.361021.

Property 205 Riverwood Road, Avalon, owned by P. Hansman & M.J.E. Stevenson:

Mortgage No. R.749079.

Property 10 Park Avenue, Drummoyne, owned by K. & H. Davison:

Mortgage No. R.694530.

Property Unit 12, 29 Johnson Street, Chatswood, owned by N.T. Kennedy Nominees (Qld) Pty Ltd:

Mortgage No. R.835725.

Property Unit 1, 42 Archer Street, Chatswood, owned by K. & H. Davison:

Mortgage No. R.673310.

Property Units 14, 28 & 30, 678-682 Rocky Point Road, Sans Souci, owned by C.O. Miles:

Mortgage No. R.320040.

Property Unit 6, 1-3 Broughton Road, Artarmon, owned by J. McLean:

Mortgage No. T.643880.

Property 49 Evans Street, Wagga Wagga, owned by V. McRae:

Mortgage No. T.711726.

Property 2 Tessa Street, Chatwood, owned by Losaki Pty Limited:

Mortgage No. T.930043.

Property 58-60 Fairford Road, Padstow, owned by Enduro Concrete Products Pty Limited:

Mortgage No. T.908476.

Property 23 Norris Street, Lismore, owned by Nitamo Pty Limited:

Mortgage No. T.960657.

Property Suites 805-806, 229-231 Macquarie Street, Sydney, owned by Emjaykay (Nominees) Pty Limited:

Mortgage No. T.612859.

Property 20 Beauty Point Road, Mosman, owned by P., S. & Y. Sotiriou:

Mortgage No. T.601348.

Property 29 Gottenham Street, Glebe, owned by A.T. & J.B. Clark:

Mortgage No. T.521584.

Property Factory 29 Dee Why Industrial Estate, owned by Comserv (No. 257) Pty Limited:

Mortgage No. T.623389.

Property Units 1 & 2, 25 Ennis Street, Balmain, owned by Rowlane Investments Pty Limited:

Mortgage No. T.701913.

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

E.D. Cameron
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of July. 1984.

W.G.S. Gotley
Secretary

I CONSENT to this Ordinance.

Donald Robinson
Archbishop of Sydney
30/7/84