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*Sydney Church of England Finance and Loans Board  
Ordinance, 1957.*

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No. 45, 1957.

AN ORDINANCE to provide certain finances for parochial and other purposes in connection with the Church of England in the Diocese of Sydney, to constitute an authority to administer such Ordinance and for purposes incidental thereto.

WHEREAS it is expedient to provide a method of financing the activities of the Church of England within the Diocese of Sydney without the necessity of executing formal securities AND WHEREAS it is desirable to constitute an authority for the purpose of investigating certain applications for loans and of administering the provisions of this and certain other ordinances AND WHEREAS advances are now made from time to time for the purpose of providing finance to Parishes Parochial Districts and Provisional Districts from The Church Buildings Loan Fund the Sydney Church Endowment Fund and The New Housing Areas Church Building Fund AND WHEREAS by The Home Mission Society Ordinance 1911 it is provided inter alia that The Home Mission Society as constituted thereby shall regulate and control as a branch of the Society The Church Buildings Loan Fund AND WHEREAS in pursuance of the said Ordinance the said Society made rules and regulations for the administration and control of the said Fund and declared therein that The Church Buildings Loan Fund for the Diocese of Sydney being formed of subscriptions, donations, legacies and moneys arising from other sources should have for its objects the encouragement and assistance in the payment of debts on Church Buildings and the promotion of the erection enlargement and improvement of Churches, Parsonages and School Houses in the Diocese of Sydney without interest and further provided that the said Fund should be administered by a Committee AND WHEREAS The Sydney Church Endowment Fund Ordinance 1926 declared that the purposes for which the Fund therein referred to was the acquisition of lands for Church purposes and the loan of money in or towards assistance in the acquisition of lands for Church purposes and any such loan or loans might be made either directly or by guarantee of a loan or loans by banking or other institutions and depositing in support of the guarantee any money or documents representing money AND WHEREAS the funds and assets of such last mentioned Fund are vested in Church of England Property Trust Diocese of Sydney AND

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WHEREAS by the New Housing Areas Church Building Fund Ordinance 1947 a special assessment was made for the purpose of providing funds for defraying the cost of Church buildings in such New Housing Areas and certain other purposes as the Standing Committee of the Synod of the Diocese of Sydney might determine AND WHEREAS the lastly recited Ordinance provided inter alia that the said moneys be held by the Standing Committee of the Synod of the said Diocese in an account known as The New Housing Areas Church Building Fund AND WHEREAS it is expedient to constitute a body and to place all the said funds and assets representing the same under the direction and control of such body for the purpose of co-ordinating and facilitating the administration of the same and to vary the trusts upon which the said funds and assets, being Church Trust Property, are now held so far as the same may be necessary for the purpose of this Ordinance as hereinafter set out Now the Synod of the Diocese of Sydney ordains and directs as follows:—

1. There shall be constituted a body known as the Sydney Church of England Finance and Loans Board (hereinafter called "the Board").

2. The functions of the Board shall be:—

- (i) To govern, control and manage such funds, securities and assets as shall be committed to it for the purpose by this or any other ordinance of Synod.
- (ii) To investigate and, if thought fit, approve applications for loans for such purposes authorised by this Ordinance as the Board may approve from funds under its control by parishes, parochial districts and provisional districts in the Diocese of Sydney and organisations of the Church of England in such Diocese which are subject to the control of Synod.
- (iii) To make recommendations in respect of such applications to banks and other lending bodies as may be referred to the Board by such parishes, parochial districts, provisional districts and other organisations and to notify the Archbishop thereof.

3. The Board shall act through a Council which shall be constituted as follows:—

- (a) The Archbishop ex officio who shall be President, and who may appoint a representative in his absence.
- (b) Four Clergymen and eight Laymen to be elected by Synod who shall retire as hereinafter provided.

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(c) Two persons to be appointed annually by the Archbishop.

4. (i) The first members of the Council other than the Archbishop and those appointed by him shall be the following:—

Clerical.—The Revs. R. G. Fillingham, E. H. Lambert, J. R. Noble, and one other clergyman to be appointed by the Standing Committee.

Lay.—Messrs. M. C. Alder, S. Atkin, A. H. Hann, W. L. J. Hutchison, L. A. Langsworth, and C. H. Prosser, and two others to be appointed by the Standing Committee.

(ii) At each ordinary Session of Synod one clerical and two lay members of the Council appointed by Synod shall retire from office but shall be eligible for re-appointment. Such members shall retire in rotation according to the length of their time in office, provided that where members have held office for an equal duration of time the member or members to retire shall be determined by ballot taken amongst the members present at a meeting of which notice has been given in writing intimating that such ballot is to be taken.

5. The Council shall appoint a Chairman and such other officers as it may determine who shall hold office for twelve months and may be re-elected. In the absence of the Archbishop and the Chairman the Council shall appoint one of its members present to act as Chairman for the meeting.

6. At meetings of the Council five members inclusive of the Chairman or person presiding shall form a quorum, two of whom shall be laymen. The Archbishop, if present, or in his absence the Chairman, or member acting as Chairman at any meeting, shall have a deliberate vote and in case of an equality of votes a casting vote in addition to a deliberate vote.

7. If any member other than the Archbishop or his representative hereinbefore provided for shall have been absent from three consecutive meetings without leave of the Council or shall have died, resigned office or ceased to reside in the Diocese or by resolution of the Synod be declared by reason of some matter specified in such resolution to be unsuitable for office, the seat of such member shall immediately become vacant and each such vacancy shall be known as a casual vacancy.

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8. Any casual vacancies occurring in the membership of the Council shall be filled and the persons so appointed shall hold office in accordance with the provisions of the Casual Vacancies Ordinance 1935.

9. The Council shall have the following duties and powers:

- (i) To investigate all applications to the Board for loans for parochial or other purposes.
- (ii) To authorise loans from the funds under the control of the Board on such terms as may be determined by it to such parishes, parochial districts, provisional districts and organisations in the Diocese of Sydney for the purposes hereinbefore set out.
- (iii) To investigate any application to any bank or other lending body for a loan for parochial or other purposes which may be referred to it by a parish, parochial district, provisional district or organisation as aforesaid and to report to the Archbishop any loan proposed to be made by such bank or other lending body together with its recommendations in respect thereof.
- (iv) To report monthly to the Standing Committee of Synod all loans authorised and all applications refused by it and the purposes for which the loans were sought and the grounds of any refusal.
- (v) To investigate any case where default shall be made by any such Parish, Parochial District, Provisional District, or other organisation in meeting its obligations in respect of any advance made to it under the provisions of this Ordinance or in respect of any advances made prior thereto and to make at its discretion any further advance to remedy such default or other arrangements as it may deem necessary and if it think fit to report to Synod or the Standing Committee thereof and recommend what action should be taken.
- (vi) To invest any funds under its control as provided by the Investment of Church Trust Property Ordinance 1944 or any ordinance amending or taking the place of the same.
- (vii) To provide such funds as it may determine for the use of the Anglican Building Crusade for the purpose

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- of acquiring and suitably equipping one or more mobile or portable churches and for the necessary maintenance management and upkeep thereof, including any such now in use or paying wholly or in part the stipends of any Chaplains or other officers to officiate therein.
- (viii) To employ such stipendiary and other staff as may be necessary for the conduct of its business and to determine their duties and remuneration, to acquire and provide such accommodation and equipment for its operations and to defray the costs of and incidental to the purposes aforesaid from funds under its control.
- (ix) To make such rules and regulations governing applications made to the Board for advances whether to be made by the Board or by a bank or other lending body as Standing Committee may from time to time by resolution approve.

10. In any case in which the Board has recommended an advance as aforesaid the Archbishop is hereby empowered to certify to any bank or other lending body willing to make an advance to such parish, parochial district, provisional district or other organisation that the Diocese of Sydney accepts responsibility therefor.

11. In the event of the Council of the Board reporting to the Synod or Standing Committee thereof any case of default in pursuance of Clause 9 (v) hereof the Synod or Standing Committee shall take such action by ordinance or otherwise to cause the same to be rectified as it may think fit.

12. (i) A Notice shall be posted and continuously for a period including two consecutive Sundays remain posted at the main entrance of the principal Church of each Parish intending to apply for an advance pursuant to the provisions of this Ordinance and of each other Church therein which may be specially affected thereby, or in the case of a Provisional District or Parochial District in all the Churches thereof and the attention of the congregation shall be specially drawn to such Notice at the Morning and Evening Services held in such Churches on such Sundays.

(ii) Every such Notice shall state the intention of the Churchwardens and Church Committee or Parish

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Council to apply for such loan and the general purposes thereof and shall also contain a notification that any objections thereto must be lodged with the Board within the time stated therein. Such time shall be not less than seven days after the date of the second Sunday on which such Notice is posted as aforesaid.

13. The provisions of this Ordinance shall not apply to any advance which is to be secured by any legal or equitable mortgage over any real or personal property.

14. The Council at least once in each year shall report its proceedings to the Synod and shall present a statement of receipts and payments and a balance sheet duly audited and shall present such other accounts as may be required from time to time by resolution of Synod.

15. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the moneys securities funds and assets of The Church Buildings Loan Fund the Sydney Church Endowment Fund and The New Housing Areas Church Building Fund are now held it is inexpedient to carry out and observe the same to the extent to which such trusts are varied by the following clause hereof and it is expedient that the same be varied accordingly.

16. The moneys securities funds and assets of The Church Buildings Loan Fund, the Sydney Church Endowment Fund and the New Housing Areas Church Building Fund shall as from the date when this Ordinance comes into force be held upon trust as one consolidated fund for any or all of the purposes for which they were heretofore each separately devoted and any further purposes herein authorised.

17. (i) As from the date when this Ordinance comes into force:—

(a) The Committee controlling The Church Buildings Loan Fund under the provisions of The Home Mission Society Ordinance 1911 shall cease to exist and function.

(b) The Sydney Diocesan Board of Finance constituted by The Church Trust Property

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Governing and Controlling Ordinance 1921 shall cease to function in so far as the powers, authorities and duties conferred upon it by that Ordinance relate to the Sydney Church Endowment Fund.

- (c) The body known as the Anglican Building Crusade constituted by The New Housing Arrears Church Building Fund Ordinance 1947/1952 shall cease to function in so far as the powers, authorities and duties conferred upon it by that Ordinance relate to The New Housing Areas Church Building Fund.
- (ii) The powers, duties, functions and obligations of the abovementioned Committee, Board and body vested, conferred and undertaken by virtue of the respective Ordinances under which the same are constituted and governed save and except those of the Sydney Diocesan Board of Finance and the Anglican Building Crusade not hereby affected, shall as from that date vest in and be exercisable by the Council hereinbefore constituted which is hereby empowered, to complete any matter or thing entered into by them respectively and then still subsisting and outstanding.

18. The funds, securities and assets referred to in Clause 16 hereof shall as from the date when this Ordinance comes into force together with all monies thenceforth to be collected in pursuance of the New Housing Areas Church Building Fund Ordinance 1947-1957 or any Ordinance amending or taking the place of the same be under the charge, control, management and administration of the Board with power to demand, recover, call in and collect all such funds, securities and assets. Provided that all the said monies to be collected in pursuance of the New Housing Areas Church Building Fund Ordinance 1947-1957 or any Ordinance amending or taking the place of the same shall be applied by the Board exclusively in defraying the cost of church buildings erected in such New Housing Areas as the Board may determine.

19. "Archbishop" means the Archbishop for the time being or in the absence of the Archbishop his Commissary or if there

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be no Archbishop at the time the person authorised to administer the Diocese of Sydney.

20. This Ordinance shall come into force on the first day of April, 1958.

21. This Ordinance may be cited as "Sydney Church of England Finance and Loans Board Ordinance 1957."

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

W. G. HILLIARD, Bishop,  
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 3rd day of October, 1957.

S. H. DENMAN } Secretaries  
H. V. ARCHINAL } of Synod

I assent to this Ordinance.

HOWARD SYDNEY.

Archbishop of Sydney.

28/10/1957.