

# Anglican Youth and Education Diocese of Sydney Ordinance 1919

(Reprinted under the Interpretation Ordinance 1985.)

The Board of Education Ordinance 1919 as amended by the Anglican Education Commission Ordinance 1994, the Accounts, Audits and Annual Reports Ordinance 1995, the Anglican Youth and Education Diocese of Sydney Ordinance 1997, the Anglican Youth and Education Division Diocese of Sydney Ordinance 1919 Amendment Ordinance 2001, the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Anglican Education Commission (Transitional Provisions) Ordinance 2006, the Anglican Education Commission and Anglican Youthworks (Special Religious Education) Amendment Ordinance 2014 and the Anglican Youth and Education Diocese of Sydney Ordinance 1919 Amendment Ordinance 2017.

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### Citation

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

### Definitions

2. In this ordinance –

“Archbishop” means the Archbishop of Sydney for the time being;

“Council” means the council referred to in clause 5; and

“Corporation” and “Division” means Anglican Youth and Education Diocese of Sydney.

### 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) support the delivery of Special Religious Education by parishes in government schools, including, the provision of support and training for teachers, the provision of curricula, the monitoring of the quality of such delivery and of its compliance with relevant Diocesan and state government requirements;
- (e) the provision and encouragement of camping as a Christian ministry;
- (f) the publication and distribution of religious and educational materials;
- (g) study and research;
- (h) ministry to families and adults;
- (i) the acquisition, maintenance and development of facilities to achieve the object.

### **Government**

5. The Division shall be governed and controlled by a Council consisting of –
  - (a) the Archbishop as President; and
  - (b) 10 other members.
 who shall be members of the Corporation.
6. The 10 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; and
  - (c) 1 person aged not more than 35 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.
7. Two of the persons referred to in clause 6(b), being 1 clergy and 1 lay person shall retire on the first day of each ordinary session of Synod. Those who 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.
8. The Council shall have authority generally to do all things properly suitable to the carrying out of the object aforesaid including –
  - (a) receipt and application of moneys for the purposes of carrying out the object of the Division;
  - (b) investment of moneys not immediately required in accordance with the Investment of Church Trust Property Ordinance 1990;
  - (c) appointment of such honorary and stipendiary officers for such terms and upon such conditions as the Council thinks fit;
  - (d) government and control of the affairs and assets of the Division;
  - (e) control over the meetings of the Council including power to co-opt as non-voting members for periods up to 3 years not more than 2 persons as may seem to the majority of the Council to be appropriate;
  - (f) appointment and regulation of committees (whose members need not be a member of the Council) with authority to act within the policy of the Council and under the direction of the Council.

### **Casual Vacancies**

9. A member elected or appointed under clause 6 shall be deemed to have vacated office upon –
  - (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));
  - (b) death;
  - (c) bankruptcy or assignment for the benefit of creditors;
  - (d) loss of qualification for the office;
  - (e) incapacity to act or absence from meetings continued for a period of 3 months without the leave of the Council;

- (f) a resolution by the Synod or by the Standing Committee when the Synod is not in session declaring a vacancy and specifying the person and the reason therefor; or
- (g) . . . . .

10. (1) A casual vacancy occurring among the members of the Division elected under clause 6(b) may be filled by the Standing Committee of Synod.

(2) A person so elected to fill the casual vacancy shall hold office until the day on which the person whose vacancy he or she fills would have retired had the vacancy not occurred.

**Chair**

11. A Chair and a Deputy Chair shall be elected by the Council for a term of 3 years from among its members on the first meeting of the Council after the first ordinary session of each Synod.

12. In the absence of the President from any meeting of the Council, the Chair or the Deputy Chair shall preside.

13. In the absence of the President, the Chair and the Deputy Chair from any meeting of the Council, the members present shall from among their members elect a chair of the meeting.

**Quorum**

14. The quorum of a meeting of the Council shall be 5 persons.

**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.

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

16A. The Chief Executive Officer may attend and participate in all meetings of the Council but may not vote. The Chief Executive Officer may be excluded by resolution of the Council.

**Report to Synod**

17. In reporting to the Synod and the Standing Committee, the Division must comply with the Accounts, Audits and Annual Reports.

**Affixing the Common Seal**

18. Every instrument to which the common seal of the Division is required to be affixed shall be signed by 2 members of the Division pursuant to a resolution passed at a properly constituted meeting of the Division.

**Indemnity**

19. (1) The Division must indemnify each person who is, or has been, a member of the Division against any liability which results directly or indirectly from facts or circumstances relating to the person serving or having served as a member of the Division other than a liability –

- (a) owed to the Division or a related body corporate, or
- (b) for a pecuniary penalty order under section 1317G of the Corporations Law or a compensation order under section 1317H of the Corporations Law, or
- (c) that is owed to someone other than the Division or a related body corporate and did not arise out of conduct in good faith.

This subsection does not apply to a liability for legal costs.

(2) The Division must indemnify each person who is, or has been, a member of the Division against legal costs incurred in defending an action for a liability which results directly or indirectly from facts or circumstances relating to the person serving or having served as a member of the Division other than costs which are incurred –

- (a) in defending or resisting proceedings in which the person is found to have a liability for which they could not be indemnified under subclause (1), or

- (b) in defending or resisting criminal proceedings in which the person is found guilty, or
- (c) in defending or resisting proceedings brought by the Australian Securities and Investments Commission or a liquidator for a court order if the grounds for making the order are found by the court to have been established, or
- (d) in connection with proceedings for relief to the person under the Corporations Law in which the court denies the relief.

Paragraph (c) does not apply to costs incurred in responding to actions taken by the Australian Securities and Investments Commission or a liquidator as part of an investigation before commencing proceedings for the court order.

(3) For the purposes of subclause (2), the outcome of proceedings is the outcome of the proceedings and any appeal in relation to the proceedings.

(4) The Division need not indemnify a person under subclause (1) and/or subclause (2) for a liability to the extent that the person is entitled to an indemnity for that liability under a contract of insurance.

(5) The Division may pay, agree to pay, or cause to be paid a premium for a contract insuring a person who is, or has been, a member of the Division against any liability which results directly or indirectly from facts or circumstances relating to the person serving, or having served, in that capacity other than a liability arising out of –

- (a) conduct involving a wilful breach of duty in relation to the Division, or
- (b) the improper use of information by the person, obtained because the person is, or has been, a member of the Division to gain an advantage for that person or another person or to cause detriment to the Division; or
- (c) the improper use of the person's position as a member of the Division to gain an advantage for himself or herself or for another person or to cause detriment to the Division.

This subsection does not apply to a liability for legal costs.

(6) The Division may pay, agree to pay, or cause to be paid a premium for a contract insuring a person who is, or has been, a member of the Division against legal costs incurred in defending an action for a liability which results directly or indirectly from facts or circumstances relating to the person serving, or having served, in that capacity.

(7) The obligations and powers under subsections (1), (2), (5) and (6) are incurred or are to be exercised (as the case may be) only to the extent permitted by law.

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## Notes

Anglican Youth and Education Diocese of Sydney (formerly Anglican Education Commission Diocese of Sydney and before that The Council of the Board of Education of the Diocese of Sydney) is a body corporate incorporated under the Anglican Church of Australia (Bodies Corporate) Act 1938 by order published in the Government Gazette on 26 October 1962. The name of the body corporate was changed by Ordinance No. 24 of 1994.

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## Table of Amendments

Amendments made prior to Ordinance No 24 of 1994 are not identified since that Ordinance completely amended the terms of the principal ordinance.

Clause 1	New clause substituted by Ordinance No 17, 1997.
Clause 2	Amended by Ordinances Nos 17, 1997 and 40, 2006.
Clause 3	New clause substituted by Ordinance No 17, 1997. Amended by Ordinance No 40, 2006.

- Clause 4 New clause inserted by Ordinance No 17, 1997 with subsequent clauses renumbered as consequence. Amended by Ordinances Nos 40, 2006 and 18, 2014.
- Clause 5 New clause substituted by Ordinance No 17, 1997. Amended by Ordinance No 15, 2017.
- Clause 6 New clause substituted by Ordinances Nos 17, 1997. Amended by Ordinances No 40, 2006 and No 15, 2017.
- Clause 7 Amended by Ordinance No 17, 1997.
- Clause 8 Amended by Ordinance No 17, 1997.
- Clause 9 Amended by Ordinances Nos 17, 1997 and 59, 2001.
- Clause 10 Amended by Ordinances Nos 17, 1997 and 40, 2006.
- Clause 11 Amended by Ordinance No 17, 1997.
- Clause 12 Amended by Ordinance No 17, 1997.
- Clause 13 Amended by Ordinance No 17, 1997.
- Clause 14 Amended by Ordinances Nos 17, 1997 and 40, 2006.
- Clause 15 New clause substituted by Ordinance No 17, 1997.
- Clause 16 Amended by Ordinance No 17, 1997.
- Clause 16A New clause inserted by Ordinance No 15, 2017.
- Clause 17 Amended by Ordinances Nos 34, 1995 and 17, 1997.
- Clause 18 Amended by Ordinance No 17, 1997.
- Clause 19 New clause substituted by Ordinance No 2, 2001

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