

Endowment of the See Expenditure Ordinance 2012

(Reprinted under the Interpretation Ordinance 1985.)

The Endowment of the See Expenditure Ordinance 2012 as amended by the Endowment of the See Expenditure Amendment Ordinance 2013 and the Endowment of the See Expenditure (Further Financial Reporting) Amendment Ordinance 2014.

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Long Title

An Ordinance to create a fund for the purposes of administering the expenditure of the Endowment of the See, and for related purposes.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the “Property Trust”) is the trustee of the sum of \$3 million which forms part of the property held on the trusts set out in the *Endowment of the See Ordinance 1977*.

B. Upon the commencement of the *Endowment of the See Capital Ordinance 2012* those trusts will be varied.

C. By reason of circumstances which have arisen after the creation of the trusts on which the sum referred to in paragraph A is held, it is inexpedient to carry out and observe those trusts.

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

Part 1 – Introduction

1. Name

This Ordinance is the *Endowment of the See Expenditure Ordinance 2012*.

2. Definition

In this Ordinance –

“Capital Fund” has the same meaning as in the *Endowment of the See Capital Ordinance 2012*.

“Committee” means the Endowment of the See Committee constituted under clause 5.

“Expenditure Fund” means –

- (a) the Initial Sum, and
- (b) such additional amounts as may be paid into the Fund from time to time by the Property Trust under clause 5(2) of the *Endowment of the See Capital Ordinance 2012*, and
- (c) such other amounts as may be paid from time to time into the Fund for the purposes of the Fund.

“Initial Sum” means the sum referred to in paragraph A of the Preamble.

Part 2 – Endowment of the See Expenditure Fund

3. Direction and Variation of Trusts

(1) By reason of circumstances which have arisen after the creation of the trusts on which the Initial Sum is presently held, it is inexpedient to carry out and observe those trusts, and it is expedient that the trusts be varied.

(2) The Initial Sum is to be held for the purposes specified in clause 4.

(3) As soon as possible after the commencement of this Ordinance, the Property Trust Diocese of Sydney is to pay the Initial Sum from the Capital Fund into a client fund to be held by the Committee. Upon such payment the Property Trust has no further responsibility in relation to the Initial Sum.

4. Purposes of the Fund

(1) The Expenditure Fund is constituted for the following purposes of the Anglican Church of Australia in the Diocese of Sydney –

- (a) To pay the stipend of the Archbishop of Sydney, the expenses of his official residence and travelling, and the provision of other benefits and allowances.
- (b) To pay the stipends of the assistant bishops and the archdeacons, and the costs of, or associated with, the provision of their housing, travel and other benefits and allowances.
- (c) To pay the salaries and provide other benefits to the staff of the Archbishop’s Registry and Diocesan Archives, and other staff engaged to support or assist the Archbishop, the assistant bishops and archdeacons in undertaking their functions.
- (d) To pay the expenses and other costs incurred to enable the Archbishop, the assistant bishops, archdeacons and the staff referred to in paragraph (c) to fulfil their functions including, without limiting the generality of the foregoing –
 - (i) office rent and occupancy costs, and
 - (ii) management fees charged by any organisation engaged to support the Archbishop, the assistant bishops, archdeacons and staff referred to in paragraph (c).
- (e) To pay the costs and expenses incurred by the Committee in performing its functions under this Ordinance including, without limiting the generality of the foregoing, management fees charged by an organisation engaged to support the Committee in performing its functions.
- (f) To provide for the payment of such other amounts in connection with the Diocese of Sydney as may be determined by the Standing Committee and approved by the Archbishop.

(2) For the purposes of subclause 4(1), "Archbishop" includes, during the absence of the Archbishop or any vacancy in the See, the Commissary or the Administrator of the Diocese of Sydney for the time being, and any person who has been elected to become Archbishop.

Part 3 - Endowment of the See Committee

5. Membership of the Committee

The Endowment of the See Committee is constituted with the following members –

- (a) the Archbishop, and
- (b) 3 persons appointed by the Archbishop, and
- (c) 3 persons elected by the Standing Committee.

6. Members appointed by the Archbishop

(1) Subject to subclause 6(3) and clause 8, a person who is a member of the Committee appointed by the Archbishop ceases to be a member on the 3rd anniversary of the date of appointment.

(2) A person whose membership of the Committee ceases under subclause 6(1) is eligible to be reappointed.

(3) The Archbishop may revoke the appointment of a person appointed by the Archbishop to be a member of the Committee prior to the membership of that person ceasing under subclause 6(1).

7. Retirement of members elected by the Standing Committee

(1) Subject to clause 8, at the first meeting of the Standing Committee after the first ordinary session of a Synod, the persons who are members of the Committee elected by the Standing Committee cease to be members.

(2) A person whose membership of the Committee ceases under subclause 7(1) is eligible for re-election.

8. Vacancies in Membership

A person ceases to be a member of the Committee if –

- (a) they die, or
- (b) they resign as a member by written notice addressed to –
 - (i) the Archbishop, in the case of a member appointed by the Archbishop, or
 - (ii) the Diocesan Secretary, in the case of a member appointed by the Standing Committee,and, in such a case, unless the notice specifies a later date, the resignation is effective when the Archbishop or the Diocesan Secretary (as the case may be) receives the notice, or
- (c) they become an insolvent under administration, or
- (d) they become an incapable person, a patient, a protected person or a voluntary patient under any statute relating to mental health, or
- (e) they are convicted of a crime or an offence punishable by imprisonment for more than 12 months.

9. Chairman of Meetings

(1) The Archbishop is to be the Chairman of meetings of the Committee.

(2) If the Archbishop is absent from a meeting of the Committee the members present are to elect another member to be Chairman of the meeting.

(3) The Chairman has a deliberative vote but does not have a casting vote.

10. Quorum

At meetings of the Committee, 4 members present is a quorum.

11. Convening of Meetings

A meeting of the Committee may be convened by the Archbishop or by any 3 members.

12. Minutes of Meeting

The Committee will ensure that minutes of its meetings are maintained.

13. Power to Regulate Affairs

Subject to this Ordinance, the Committee may regulate its affairs as it thinks fit.

14. Accounts and Financial Reports

- (1) The Committee will –
 - (a) maintain records to correctly record and explain the transactions and financial position of the Expenditure Fund, and
 - (b) maintain the records in a manner which will enable true and fair financial statements to be prepared from time to time.
- (2) The Committee must prepare the following financial statements as soon as possible after the end of each calendar year –
 - (a) a balance sheet as at the end of the calendar year giving a true and fair view of the state of affairs of the Expenditure Fund, and
 - (b) a statement of income and expenditure for the calendar year giving a true and fair view of the income and expenditure.
- (3) The Committee must ensure that the financial statements referred to in subclause 14(2) are audited by any person who is –
 - (a) registered as an auditor under the Corporations Act of any state or territory of the Commonwealth of Australia, or
 - (b) a member of the Australian Society of Certified Practising Accountants, or
 - (c) a member of the Institute of Chartered Accountants in Australia.

15. Functions of the Committee

- (1) The functions of the Committee are to administer the Expenditure Fund in accordance with this Ordinance.
- (2) If, at any time, the property of the Expenditure Fund is insufficient to fulfil each of the purposes referred to in clause 4, the Committee is to –
 - (a) determine which of those purposes (if any and to what extent) is to be fulfilled having regard to the amount of such property, and
 - (b) advise Standing Committee of the shortfall and of any recommendations of the Committee as to how to respond to the shortfall.

16. Powers of the Committee

The Committee has such powers as are necessary to enable it to perform its functions.

17. Costs and Expenses

The costs and expenses incurred by the Committee in carrying out its functions are to be paid from the Expenditure Fund.

Part 4 – Other Matters

18. Reporting

- (1) As soon as practicable after the end of each calendar year, the Committee will provide a copy of the financial statements for the Expenditure Fund and the report of the auditor, to the Standing Committee.
- (2) As soon as practicable after 30 June each year, the Committee will provide the Standing Committee with a report containing internal management financial information produced for the Committee which includes –
 - (a) a statement of income and expenditure, showing actual and budget year-to-date, together with a brief explanation of any significant variance between actual and budget, and
 - (b) a balance sheet showing current and end of last financial year balances, and
 - (c) cash flow statements.

19. Repeal

The *Endowment of the See Ordinance 1977* is repealed but without invalidating anything done by or pursuant to that Ordinance prior to the commencement of this Ordinance.

20. Transitional

Subject to this Ordinance, the members of the Endowment of the See Committee constituted under the *Endowment of the See Ordinance 1977* immediately prior to the date of commencement of this Ordinance continue in office in the same capacity as members of the Endowment of the See Committee constituted under this Ordinance as if they were appointed or elected (as the case may be) on the date of commencement of this Ordinance.

21. Commencement

This Ordinance commences on the date on which the *Endowment of the See Capital Ordinance 2012* commences.

Notes

At its meeting on 25 March 2013, the Standing Committee resolved as follows under clause 4(1)(f) of the Ordinance –

“Standing Committee determines that, for the purposes of clause 4(1)(f) of the Endowment of the See Expenditure Ordinance 2012, that part of the Expenditure Fund comprising income from the investment of the sale proceeds arising from the Wilton Estate Variation of Trusts Ordinance 2013 may be applied in and towards the costs and expenses of providing accommodation for visiting clergy, missionaries or other lay persons who are visiting the Diocese at the invitation of the Archbishop.”

Table of Amendments

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| Clause 3 | Amended by Ordinance No 11, 2013. |
| Clause 18 | Amended by Ordinance No 12, 2014. |

STEVE LUCAS
Manager, Legal Services

ROBERT WICKS
Diocesan Secretary

26 March 2014