

Sydney Anglican Indigenous Peoples' Ministry Ordinance 2002

No 13, 2002

Long Title

An Ordinance to vary the trusts on which the Indigenous Peoples' Ministry Trust Fund is held, to vary the constitution and functions of the Sydney Indigenous Peoples' Ministry Committee and for purposes connected therewith.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") holds funds known as the Indigenous Peoples' Ministry Trust Fund under the Sydney Anglican Indigenous Peoples' Ministry Ordinance 1997 (the "1997 Ordinance").

B. The Sydney Anglican Indigenous Peoples' Ministry Committee was established under the 1997 Ordinance to discharge certain functions in relation to the Fund.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Fund is held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

D. It is also expedient to vary the constitution and functions of the Committee.

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

Part 1 - Preliminary

1. Name

This Ordinance is the Sydney Anglican Indigenous Peoples' Ministry Ordinance 2002.

2. Interpretation

(1) In this Ordinance, unless inconsistent with the context or subject matter -

"Archbishop" means the Archbishop of the Diocese or in his absence his Commissary or if the See be vacant the Administrator of the Diocese.

"Fund" means the Indigenous People's Ministry Trust Fund comprising:

- (a) the amount of \$1,200,000 paid to and held by the Property Trust pursuant to clause 4 of the 1997 Ordinance and any accumulated or undistributed income (whether or not capitalised) derived from that amount; and
- (b) all real and personal property received or acquired by the Property Trust from time to time as an addition to the capital of the Fund held by the Property Trust; and
- (c) all personal property under the control of the Committee in terms of clause 12.

"Indigenous church" means -

- (a) a building or part of a building in the Diocese duly consecrated or licensed for the celebration of divine service; or
- (b) a recognised church within the meaning of the Recognised Churches Ordinance 2000; or
- (c) any regular meeting of Indigenous people in the Diocese identified by the Committee as affiliated with the Diocese,

at which Indigenous people minister in a way that the Gospel is commended to all.

"Indigenous people" means peoples of the Aboriginal race of Australia or who are descendants of the Indigenous inhabitants of the Torres Strait Islands.

"Committee" means the Sydney Anglican Indigenous Peoples' Ministry Committee.

"Synod" means the Synod of the Diocese.

(2) A group of persons who regularly meet together within the Diocese for worship as Christian people and who are an Indigenous church by reason of paragraph (a) or (c) of the definition of Indigenous church in subclause (1), are not, by reason of this ordinance alone, recognised by an ordinance of Synod as a distinct body for the purposes of the definition of church in the Recognised Churches Ordinance 2000.

Part 2 - The Fund

3. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Fund is held it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance.

4. New trusts

Subject to the terms of this Ordinance, the Property Trust is to hold the Fund on trust for the purposes of ministry to Indigenous people in the Diocese.

5. Management of the Fund

The Property Trust is to invest the personal property comprising the capital of the Fund other than personal property under the control of the Committee in terms of clause 12.

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Part 3 - The Committee

6. Constitution

The Committee is constituted with the functions set out in this Ordinance.

7. Membership

- (1) The members of the Committee are -
 - (a) the Archbishop, who is President, and
 - (b) the persons appointed by the Archbishop pursuant to subclauses (2) and (3).
- (2) As soon as possible after the first ordinary session of each Synod the Archbishop, with the approval of the Standing Committee, must appoint 12 persons to the Committee.
- (3) With the approval of the Standing Committee, the Archbishop may appoint additional persons to the Committee.
- (4) The members of the Committee must be active Christians and a majority should be Indigenous persons.
- (5) The persons appointed to or who fill a vacancy on the Committee pursuant to subclauses (2), (3) and (8) remain members of the Committee until the Archbishop next appoints persons to the Committee pursuant to subclause (2). All retiring members are eligible for reappointment.
- (6) A vacancy occurs when a member appointed to the Committee -
 - (a) dies;
 - (b) resigns from the office of member by writing addressed to the Archbishop, and in such case, unless the writing specifies a later date, the resignation is effective when the Archbishop receives the writing;
 - (c) becomes an insolvent under administration;
 - (d) becomes an incapable person, a patient, a protected person or a voluntary patient under any statute relating to mental health;
 - (e) is absent without leave for 3 successive meetings of the Committee over any 12 month period.
- (7) In addition to the circumstances set out in subclause (6), the Archbishop may revoke at any time the membership of a person appointed to the Committee.
- (8) A vacancy in the office of a member of the Committee may be filled by appointment by the Archbishop with the approval of the Standing Committee.

8. Meetings

- (1) The Committee is to meet at such times as it may determine and at such other times as the Archbishop may determine.
- (2) At a meeting of the Committee a quorum shall be 5 members, 3 of whom must be Indigenous persons.
- (3) The Committee is to elect from among its members a Chairperson.
- (4) The Archbishop chairs all meetings of the Committee provided he is present and is willing so to act. If the Archbishop is not present at a meeting or is not willing to chair the meeting -
 - (a) the Chairperson is to chair the meeting, or
 - (b) if the Chairperson is not present at the meeting, then the meeting may appoint one of its members then present to act as Chairperson at the meeting.
- (5) A vacancy in the membership of the Committee or a defect in the appointment of a person acting as a member of the Committee does not invalidate any act or proceeding of the Committee.
- (6) Subject to the provisions of this Ordinance, the Committee may regulate its own proceedings and for that purpose may make or rescind or alter regulations from time to time.

9. Functions

- (1) The functions of the Committee are -
 - (a) to promote and facilitate:
 - (i) the planting, establishment or support of Indigenous churches and associated ministries; and
 - (ii) the selection, training and supporting of Indigenous people to minister primarily to Indigenous churches; and
 - (iii) the education and awareness of this Church in this Diocese in relation to Indigenous issues; and
 - (b) to make determinations pursuant to clause 10 about the use of any real property which forms part of the Fund; and
 - (c) to give directions to the Property Trust pursuant to clause 11 about the application of the income from the capital of the Fund held by the Property Trust; and
 - (d) to apply the personal property under the control of the Committee in terms of clause 12.
- (2) The Property Trust must -
 - (a) if requested by the Committee, do all things reasonably necessary to give effect to determinations duly made under clause 10; and
 - (b) give effect to all directions duly given under clause 11,

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unless such determination or direction is inconsistent with the trusts on which the Fund is held.

- (3) A document purporting to be certified by -
- (a) the Archbishop; or
 - (b) the Chairperson and 1 other member of the Committee; or
 - (c) the acting Chairperson and 1 other member of the Committee,

as a copy of a resolution of the Committee is conclusive evidence in favour of the Property Trust or any other person to whom the document is addressed for the purposes of a determination or direction made or given by the Committee under clause 10 or 11.

Part 4 - Application of Fund

10. Real Property

- (1) Subject to subclause (2), any real property which forms part of the capital of the Fund may be used for or in connection with any one or more of the following purposes -
- (a) an Indigenous church;
 - (b) a residence for any person licensed or authorised by the Archbishop to minister on a full-time or part-time basis in an Indigenous church;
 - (c) a hall or halls in connection with an Indigenous church;
 - (d) any purpose incidental to a purpose referred to paragraphs (a), (b) or (c).
- (2) A person may not use any real property forming part of the capital of the Fund for the purposes permitted under this clause, except in accordance with a determination of the Committee made in writing.
- (3) A determination made under subclause (2) may be revoked or varied at any time by further determination of the Committee made in writing.

11. Income from capital held by the Property Trust

- (1) Subject to subclause (2), the Committee may only direct that the income from the capital of the Fund held by the Property Trust be applied for or in connection with one or more of the following purposes -
- (a) the planting, establishment or support of Indigenous churches and associated ministries;
 - (b) the selection training and supporting of Indigenous people to minister primarily in Indigenous churches;
 - (c) the maintenance and repair of any property used by or for the purposes of an Indigenous church and associated ministries;
 - (d) the improvement of any real property which forms part of the capital of the Fund;
 - (e) the education and awareness of this Church in this Diocese in relation to Indigenous issues.
- (2) The Committee may direct that part of such income be added to the capital of the Fund held by the Property Trust or be set aside for application in a future year.

12. Personal property controlled by the Committee

- (1) The Committee has the control of personal property which comprises -
- (a) any donation of money to the Fund of the prescribed amount or less, or
 - (b) any non-monetary item received or acquired for the Fund.
- (2) Donations of money to the Fund in excess of the prescribed amount are to be added to the capital of the Fund held by the Property Trust.
- (3) The Committee may apply the personal property under its control, both as to capital and income, for the purposes of ministry to Indigenous people in the Diocese.
- (4) In this clause, "prescribed amount" means \$5,000 or such other amount as is determined by the Property Trust from time to time by resolution.

Part 5 - Miscellaneous

13. Reporting

- (1) The Property Trust must report to the Committee on a regular basis as to -
- (a) the income from the capital of the Fund held by the Property Trust available to be applied; and
 - (b) the applications made from such income.
- (2) The Committee must report to each ordinary session of the Synod on its administration of the Fund.

14. Review of Ordinance

This Ordinance must be reviewed by the Standing Committee in the years 2004, 2007 and 2010.

15. Transition and Repeal

- (1) The persons who, immediately before assent to this Ordinance, were members of the Committee for the purposes of the 1997 Ordinance are taken to be members of the Committee appointed by the Archbishop under clause 7(1)(b).
- (2) Until the Committee exercises its power under clause 8(3), the Chairperson of the Committee is Mr Ray Minniecon.
- (3) The 1997 Ordinance is repealed but not so as to affect the validity of any direction given by the Committee under clause 7 of the 1997 Ordinance.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 March 2002.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
26/3/2002