
Anglican Retirement Villages Ordinance 2004-2008

AN ORDINANCE to provide for the regulation and management of Anglican Retirement Villages in the Diocese of Bathurst.

Amended by Ordinance 2008

PREAMBLE

Whereas it is expedient to continue to undertake the regulation and management of retirement housing within the Diocese of Bathurst, to restate the trusts on which the Anglican retirement village assets are held and to review operational procedures of villages in the light of contemporary conditions.

Amended by Ordinance 2008

And whereas it continues to be expedient that (1) the regulation and strategic management of retirement housing within the Diocese of Bathurst be supervised by a separate and independent Council and (2) the management of local villages be undertaken by Committees nominated by Parishes or Organisations within the Diocese and approved by the Anglican Retirement Villages Council.

And whereas Bishop-in-Council has been empowered pursuant to S40 and other provisions of the Anglican Church Trust Property Act, 1917, to act for the Synod during the recess of the Synod, to manage the property of the Diocese and to vary inexpedient trusts and, in the name of the Synod, to enact appropriate Ordinances

Now Bishop-in-Council on behalf of the Synod of the Diocese of Bathurst hereby ORDAINS as follows:

SHORT TITLE

1. This Ordinance may be cited as the Anglican Retirement Villages Ordinance 2004-2008.

NAME

2. The name of the Council is “Anglican Retirement Villages Council, Diocese of Bathurst”.

OBJECTS

3. The objects of the Council are:
 - (1) To provide for the housing, accommodation, maintenance and welfare of older people, irrespective of creed within a Christian ethos.
 - (2) To enter into arrangements with persons who are desirous of providing accommodation for older people with a view to managing such accommodation.

THE COUNCIL

4. (1) The Council shall consist of:-
 - a. The Bishop as President of the Council;
 - b. One person appointed by the Bishop to be the Chair of the Council. The term of office of the Chair shall be for such term not exceeding 5 years as the Bishop may consider proper; a retiring Chair is eligible for re-appointment.
 - c. Two other persons appointed by the Bishop; appointments shall be made by the Bishop during or immediately after the first ordinary session of each synod for the duration of the synod;
 - d. Two communicant members of the Anglican Church of Australia appointed by Bishop-in-Council at its first meeting following the first ordinary session of each Synod for the life of the Synod;
 - e. A representative of each Village Committee existing under this Ordinance;
 - f. To represent each Parish or Organisation which appoints a Retirement or Community Housing Village Committee
 - i. If a Parish –
the Parish Priest; or
a member of Parish Council nominated by the Parish Priest.
 - ii. If a Diocesan Organisation –
the Chair; or
a member of the Organisation nominated by the Chair
- (2) A representative appointed under clause 4(1)(e) shall hold office until the first ordinary session of the next synod.
- (3) Each Village Committee shall not later than one month before the first ordinary session of each synod nominate to the Bishop's Registrar a representative on the Council for the term of the ensuing synod and in default of such nomination the right of nomination shall pass to the Bishop.
- (4) The Bishop has a right to co-opt any specialist person or persons to give expert advice and opinion for such period as the Council deems necessary. For the purpose of this ordinance such a person or persons co-opted shall not be deemed a member or members of the Council.

5. At meetings of the Council a majority of members shall form a quorum.

Amended by Ordinance 2007

6. The Bishop's Registrar shall receive notice of all meetings of the Council. With the approval of the Bishop, the Bishop's Registrar shall be entitled to attend any meeting of the Council.
7. The members of the Council shall be indemnified out of the assets of the Council against all loss or liability which they or any of them may have properly incurred for or on behalf of the Council and to which they or any of them subject by reason of being or having been a member of the Council other than those occasioned by the member's own willful act or neglect.

8. The office of a member of Council shall become vacant when the member:

- a. dies; or
- b. resigns in writing delivered to the secretary of the Council; or
- c. is declared by a court or tribunal to be a person whose property or person is subject to management under the Protected Estates Act, 1983; or
- d. becomes an insolvent under administration; or
- e. is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable; or
- f. fails to attend three consecutive meetings of the Council without leave of the Council; or
- g. if removed by resolution of Bishop-in-Council.

Amended by Ordinance 2008

9. Meetings may be held by telephone so long as all members have or dispense with Notice of Meeting and are party to the telephone conference and a resolution approved by a majority of the members shall be taken to be a resolution of the Council.

10. The Council may, if it thinks fit, transact any of its business by the circulation of papers among all its members for the time being, and a resolution in writing approved in writing by all of those members is taken to be a resolution of the Council.

11. The Council may from the income of the Council pay employees, suppliers or contractors for the obtaining of supplies or services. It shall prepare and adopt a budget for each year and submit the budget for acceptance by the Villages. By a formula agreed to by the Council and the member Villages, the quarterly contribution of each Village to the budgeted expenditure will be determined.

Amended by Ordinance 2008

12. The Council shall open and operate such accounts with the Anglican Managed Investment Fund, or, with the permission of the Bishop-in-Council, any other financial institution nominated by the Council, as it considers appropriate for its purposes.

THE CHAIR

13. The Bishop shall be President of the Council and may chair such meetings at which the Bishop shall be present. The Chair shall be Chair of all other meetings of the Council. In the absence of both the Bishop and the Chair, the members of the Council present may appoint one of their number to act as Chair of the meeting. Whoever acts as Chair shall have a deliberative but not casting vote at the meeting.

Amended by Ordinance 2008

THE VILLAGES

14. No person, parish or organisation of this Diocese shall

- a. establish, or
- b. continue to operate, or
- c. engage in the management of,

any Retirement Village in the Diocese of Bathurst on Anglican Church Trust Property or whose name includes the word “Anglican” except with the prior written permission of Bishop-in-Council

Bishop-in-Council will not give that permission unless the applicants for permission enter into a binding covenant that the Village, the subject of the application,

- i. will be subject to this Ordinance and
- ii. that person, parish or organisation will abide by the reasonable directions of the Anglican Retirement Villages Council in and about all aspects of the operations of the Village including but not limited to advertisement construction and financial affairs of the Village and
- iii. shall not borrow nor enter into any agreement with government or semi-government bodies including local government councils without the consent of the Anglican Retirement Villages Council and Bishop-in-Council.

Amended by Ordinance 2008

15. The Council shall oversee management of each Retirement Village in the Diocese of Bathurst. And for more effective local administration the Council shall pass by-laws providing for a Committee for each Retirement Village to be known as “The Village Committee for (name of Retirement Village)”

Amended by Ordinance 2008

16. Subject to the responsibilities and rights of the respective parish and the directions of the Council, the Village Committee shall have the responsibility to -

- i. prepare recommendations on strategic planning for the Village and submit them for approval to (1) the relevant Parish Council or Organisation, (2) the Anglican Retirement Villages Council and (3) the Anglican Property Trust Diocese of Bathurst;
- ii. implement any strategic plan approved by each of the bodies in clause 16(i) including the purchase, construction or lease of properties of any Village;
- iii. manage the day to day affairs of the Village;
- iv. attend to the concerns and welfare of the relevant Village and the residents thereof;
- v. retain such officers, employees and consultants as are necessary to undertake the Committee responsibilities.

Amended by Ordinance 2008

17. Each Committee shall comply with the provision of all relevant legislation, regulations and guidelines promulgated by the Governments of the State of New South Wales and of the Commonwealth of Australia, all local government directives and regulations and all ordinances and regulations issued by or in the name of the Anglican Diocese of Bathurst.

POWERS OF THE COUNCIL

18. The Council shall ensure that all such Retirement Villages in the Diocese are conducted in a responsible and efficient but understanding and caring fashion and that each Committee has appropriate financial and human resources to undertake its responsibilities.

Amended by Ordinance 2008

19. The Council shall make regulations as to the proper procedures for the establishment, development, management and operating policies of Retirement Villages in the Diocese.
20. The Council shall retain such officers, employees and consultants as are necessary to undertake the Council responsibilities.
21. (1) The Council shall comply with the provisions of all relevant legislation, regulations and guidelines promulgated by the Governments of the State of New South Wales and of the Commonwealth of Australia, all local government directives and regulations and all ordinances and regulations issued by or in the name of the Anglican Diocese of Bathurst.

(2) In particular the Council shall comply with the provisions of the Retirement Villages Act and legislation and regulations concerning charitable collections and charitable fundraising.

Amended by Ordinance 2008

NOTE: Under the Charitable Fundraising Act, 1991, religious organisations that are recognised under the Marriage Act, 1961 are exempt from all the requirements of the [Charitable Fundraising Act, 1991](#). This exemption may also be passed on to organisations and bodies associated with the religious organisation if the organisation's principal or executive officer gives approval in writing

Inserted by Ordinance 2008

- (3) Should any provision of the Ordinance conflict with a requirement of the said Acts, this Ordinance shall not apply in the area of such conflict.

TRUSTEE

22. Anglican Property Trust Diocese of Bathurst shall be the sole Trustee of each Village for all the purposes of this Ordinance.

23. The assets of all Anglican Villages in the Diocese both real and personal shall be vested in the Anglican Property Trust Diocese of Bathurst to be held and dealt with in such manner as the Council shall from time to time determine by resolution (of which an entry in the Council's minute book shall be conclusive evidence) within the scope of its power and duties and the said Corporate Trustees acting in accordance with such directions shall at all times be indemnified against all risk and expense by the Council provided that the Council will only determine to deal with Village assets after being authorised by the Parish or Organisation on whose behalf the asset is held.

Amended by Ordinance 2008

24. No part of the income or property of any Village shall be distributed to the members of the Council or to the members of any Village Committee except for reimbursement of bona fide expenditure on behalf of the organisation.

CHIFLEY VILLAGE

25. The management by Anglicare Western NSW of Chifley Retirement Village, a Village owned by an independent incorporated body and erected on land belonging to the State Government or one of its instrumentalities.
- a. is, to avoid any doubt, authorised by this Ordinance on terms agreed to by the Anglicare Council
 - b. provided that by 30th April 2009 a replacement written agreement between Chifley Village and the Anglicare Western NSW Council, that has been approved in draft by Bishop-in-Council, shall come into effect and replace the previous agreement;
 - c. does not make Chifley Village subject to the Anglican Retirement Villages Council. The Chifley Village, its governing or management structure or any of its officers are not a member or members of the Anglican Retirement Villages Council.
 - d. does not thereby make Anglicare Western NSW, the Anglican Diocese of Bathurst Anglicare Council, or any Anglicare officer or employee subject to or a member or members of the Anglican Retirement Villages Council.

REPEAL

26. The Retirement Village Ordinance 1981-1987 is hereby repealed.

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

(sgd) ? PJ Young

Chairman of Committees

(sgd) ? R Norman R P Howell

I assent to this Ordinance.

+ *Richard Bathurst*

Bishop of Bathurst. Date: 11th August 2004

Note: The above Ordinance is printed as amended by:

Miscellaneous Amendments Ordinance 2007

Anglican Retirement Villages Ordinance 2004-2007 Amendment Ordinance 2008