

***St Cuthbert's Retirement Living Complexes Constitution Ordinance  
1993(Amending) Ordinance 2009 (no 14 /2009)***

**AN ORDINANCE** to amend the St Cuthbert's Retirement Living Complexes Constitution Ordinance 1993 to: remove doubt as to the ability of the Board to make donations and gifts to other Diocesan organisations; make consequential amendments following passage of the Governance Ordinance 2008; and state a benefactor's intentions.

**PREAMBLE**

WHEREAS conflicting legal advice has been provided to the Board of St Cuthbert's Retirement Living Complexes Incorporated as to the ability of the Board to authorise gifts or donations to other organisations, especially those within the Anglican Diocese of Grafton; and

WHEREAS the Board of St Cuthbert's Retirement Living Complexes Incorporated has requested that the organisation's Constitution be amended to put beyond doubt the ability of the Board to "make donations and gifts to Diocesan entities" and to amend the Constitution to reflect changes to its land holdings because of sale, changes to the nomenclature of other Diocesan Ordinances and to provide for the wishes of an original benefactor to be clearly stated; and

WHEREAS Part 17 of the St Cuthbert's Retirement Living Complexes Constitution provides for Bishop-in-Council to make such changes

THEREFORE Bishop-in-Council hereby ordains declares directs and rules as follows:

**AMENDMENTS**

1. Delete from clause 1.1 the following words, "St Cuthbert's Lodge"
2. Insert the following new clause 8.7  
"8.7 To fulfil the wishes of the founding benefactor, Mrs Elizabeth Morley, two (2) units of the Board's choice in Elizabeth Morley Court shall be retained for occupation on a rental basis by persons who cannot afford to purchase a licence to occupy a unit."
3. In clause 9.4 delete "Part V the Church Trust Property Ordinance 1934-62" and insert in its stead "Chapter 15 of the Grafton Diocese Governance Ordinance 2008."
4. In clause 9.7 delete "Church Trust Property Ordinance" and insert in its stead "Grafton Diocese Governance Ordinance 2008."
5. Insert the following new clause 9.7(a)

"The Board may make such gifts to the Diocesan Bishop, Diocese of Grafton or other Diocesan bodies or entities as the Board shall from time to time determine by resolution."

6. Delete clause 11.2 and insert in its stead the following words:

“11.2 Within three (3) months after the end of the Calendar Year, the Board shall submit to Bishop-in-Council the reports required by Chapter 20 of the Grafton Diocese Governance Ordinance 2008.”

**SHORT TITLE**

7. This Ordinance may be cited as the St Cuthbert’s Retirement Living Complexes Constitution Ordinance 1993 (Amending) Ordinance 2009

**COMMENCEMENT**

8. This Ordinance shall come into effect upon receiving the assent of the Bishop.

**ASSENT**

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

*Lenny Shorten*  
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Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the 26 day of November, 2009.

*[Signature]*  
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Registrar

I assent to this Ordinance.

*+ Keith Gifford*  
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Bishop.