

1907.

A BILL

To provide for the amalgamation of the Clergy Widows and Orphans Fund and the Clergy Superannuation Fund into one fund, called "The Clergy Provident Fund (Sydney)"; and to provide for the administration of such fund, and for payment of contributions thereto, and to vest the property thereof in a board of directors to be incorporated hereby; and for other purposes.

WHEREAS by divers ordinances of the Synod of the then styled Preamble.
United Church of England and Ireland for the Diocese of
Sydney, a fund called the Clergy Superannuation Fund was formed to
provide annuities for bishops and clergymen of any diocese in Australia,
5 Tasmania, or New Guinea: And whereas by a deed of settlement,
dated the thirtieth day of July, one thousand eight hundred and
sixty-eight, it was provided that a fund called the Clergy Widows and
Orphans

Orphans Fund, formed for the purpose of making provision for the widows and orphans of the clergymen of the Church of England within the then Colony of New South Wales, should be under the management of the Lord Bishop of the diocese and eight others: And whereas it is expedient that the said two funds should be amalgamated 5 into one fund, to be called "The Clergy Provident Fund (Sydney)," and to be held and administered upon the trusts and in the manner set forth in an ordinance passed by the Church of England Synod in the diocese of Sydney, in the State of New South Wales, in its session of one thousand nine hundred and six, and assented to by His Grace 10 the Archbishop of Sydney on the ninth day of October in the same year, and styled "The Clergy Provident Fund Ordinance of 1906 (Sydney)": And whereas it is expedient that power to enforce the payment of subscriptions in the twenty-first, twenty-second, and twenty-fourth clauses of the said ordinance should be granted to the 15 board of directors mentioned in such ordinance: And whereas it is expedient, to prevent expense and complication of titles, that the investments of the said fund should be vested by operation of law in the board of directors to be appointed under the said ordinance, and to duly incorporate such board: And whereas these objects cannot 20 be effected without the aid and authority of the Legislature: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:— 25

Short title.

1. This Act may be cited as the "Church of England Clergy Provident Fund (Sydney) Act, 1907."

Amalgamation of funds and date when ordinance to come into operation.

2. On the first day of the month succeeding the month in which this Act is assented to, the said Clergy Provident Fund Ordinance of 1906 (Sydney) (hereinafter referred to as the said ordinance) shall come 30 into operation, and thenceforward the respective funds, known as the Clergy Superannuation Fund and the Clergy Widows and Orphans Fund, and the investments representing the same, shall be deemed to form one amalgamated fund known as "The Clergy Provident Fund (Sydney)," and shall be held upon the trusts and administered in the 35 manner set forth in the said ordinance, or in any ordinance amending the same, but otherwise freed and discharged from the trusts upon which the said respective funds have heretofore been held.

Incorporation of board of directors.

3. So soon as the board of directors of the Clergy Provident Fund (Sydney) has been duly elected in accordance with the provisions 40 of the said ordinance, the said board of directors shall be and they are hereby constituted a body politic and corporate by the name of "The Board of Directors of the Clergy Provident Fund (Sydney)" (hereinafter referred to as the said board), and shall have perpetual succession and a common seal, and may sue and be sued, and may take and hold to 45 them.

them and their successors by grant, assignment, will, or otherwise, any property, real or personal (including the present investments representing the said funds); and may let any such real property on lease for any term of years not exceeding ninety-nine years, or in any case (where originally a power of sale shall have been given) may absolutely sell any such real or personal property. Power to let and sell.

4. The directors for the time being forming the said board shall have the custody of the common seal of the said board, and the form thereof, and all other matters relating thereto shall from time to time be determined at a meeting of the said board, and the directors present at any meeting of the said board shall have the power to use the common seal of the said board for the affairs and concerns of the said fund. Seal.

5. (1) Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the said board in pursuance of a resolution of the said board, and under the common seal of the said board, shall be as effectual as if the same had been executed, signed, or done by all the members of the said board. Execution of documents.

(2) The receipt in writing under the seal of the said board, and signed by any three members of the said board, shall be a legal discharge for the money therein acknowledged to have been received, and all persons paying such money shall be exonerated from all liability in respect of the application thereof. Receipts.

6. (1) The chairman of the said board for the time being or, in the case of his absence, inability, or refusal, one of the other members of the said board for the time being (appointed by resolution of the said board for this purpose) shall, within thirty days after the election of the members of the said board, cause a memorial of the names of the members of the said board for the time being in the form or to the effect for that purpose set forth in Schedule A to this Act annexed to be recorded in the office of the Registrar General of this State at Sydney, and when and so often as any person or persons shall become a member of the said board, then the chairman of the said board for the time being, or, in case of his absence, inability, or refusal, one of the other members of the said board for the time being (appointed by resolution of the said board for the purpose) shall, within thirty days thereafter, cause a like memorial of the names of the then members of the said board, including such new member, to be recorded as aforesaid. Memorial of members of board of directors to be recorded.

(2) Every such memorial shall be verified by the solemn declaration of the chairman of the said board for the time being, or, in case of his absence, inability, or refusal, then by the solemn declaration of one of the other members of the said board appointed as aforesaid. Memorial to be verified.

Memorial to be evidence.

(3) The memorial so recorded shall be conclusive evidence of the persons named in such memorial as members of the said board being such members for the time being and of the regularity of their appointment.

Certificate of members of board to be conclusive evidence.

(4) A certificate purporting to be signed by the chairman 5 for the time being of the said board, or by a member appointed as aforesaid, shall be conclusive evidence in favour of the persons dealing with the said board, or with such alleged members of the said board, or with any three or more of them, that the said board has been incorporated, and that such members have been and still are duly 10 appointed members of the said board, and are authorised to act as they then do by the instrument bearing such certificate.

Validation of certain clauses of ordinance.

7. The provisions of the twenty-first, twenty-second, and twenty-fourth clauses of the said ordinance shall, upon the said ordinance coming into operation, become binding upon all persons therein 15 referred to, and may be enforced by an action or suit by and in the name of the said board.

Power of synod to amend ordinance.

8. It shall be lawful for the Church of England Synod of the diocese of Sydney, in the State of New South Wales, from time to time, by ordinance duly passed by the said synod, to alter or amend 20 the said Clergy Provident Fund ordinance of one thousand nine hundred and six (Sydney), or any clause or Schedule thereof.

SCHEDULE A.

MEMORIAL of the names of the members of the board of directors of the "Clergy Provident Fund (Sydney)" to be recorded in the office of the Registrar General of 25 New South Wales pursuant to an Act of Parliament of the said State, passed in the seventh year of the reign of His present Majesty, to be cited as the "Church of England Clergy Provident Fund (Sydney) Act, 1907."

(Names of members of the board of directors.)

I, _____, of _____, do solemnly and sincerely declare that the above 30 memorial contains the names of the present members of the board of directors of the abovenamed fund. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Declared at _____, in the State aforesaid, the _____ day of _____, in 35 the year one thousand nine hundred and _____, before me .

Legislative Council.

1907.

A BILL

To provide for the amalgamation of the Clergy Widows and Orphans Fund and the Clergy Superannuation Fund into one fund, called "The Clergy Provident Fund (Sydney)"; and to provide for the administration of such fund, and for payment of contributions thereto, and to vest the property thereof in a board of directors to be incorporated hereby; and for other purposes.

(As agreed to in Select Committee.)

WHEREAS by divers ordinances of the Synod of the then styled Preamble.
United Church of England and Ireland for the Diocese of
Sydney, a fund called the Clergy Superannuation Fund was formed to
provide annuities for bishops and clergymen of any diocese in Australia,
5 Tasmania, or New Guinea: And whereas by a deed of settlement,
dated the thirtieth day of July, one thousand eight hundred and
sixty-eight, it was provided that a fund called the Clergy Widows and
Orphans

Orphans Fund, formed for the purpose of making provision for the widows and orphans of the clergymen of the Church of England within the then Colony of New South Wales, should be under the management of the Lord Bishop of the diocese and eight others: And whereas it is expedient that the said two funds should be amalgamated into one fund, to be called "The Clergy Provident Fund (Sydney)," and to be held and administered upon the trusts and in the manner set forth in an ordinance passed by the Church of England Synod in the diocese of Sydney, in the State of New South Wales, in its session of one thousand nine hundred and six, and assented to by His Grace the Archbishop of Sydney on the ninth day of October in the same year, and styled "The Clergy Provident Fund Ordinance of 1906 (Sydney)": And whereas it is expedient that power to enforce the payment of subscriptions in the twenty-first, twenty-second, and twenty-fourth clauses of the said ordinance should be granted to the board of directors mentioned in such ordinance: And whereas it is expedient, to prevent expense and complication of titles, that the investments of the said fund should be vested by operation of law in the board of directors to be appointed under the said ordinance, and to duly incorporate such board: And whereas these objects cannot be effected without the aid and authority of the Legislature: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Church of England Clergy Provident Fund (Sydney) Act, 1907."

Amalgamation of funds and date when ordinance to come into operation.

2. On the first day of the month succeeding the month in which this Act is assented to, the said Clergy Provident Fund Ordinance of 1906 (Sydney) (hereinafter referred to as the said ordinance) shall come into operation, and thenceforward the respective funds, known as the Clergy Superannuation Fund and the Clergy Widows and Orphans Fund, and the investments representing the same, shall be deemed to form one amalgamated fund known as "The Clergy Provident Fund (Sydney)," and shall be held upon the trusts and administered in the manner set forth in the said ordinance, or in any ordinance amending the same, but otherwise freed and discharged from the trusts upon which the said respective funds have heretofore been held.

Incorporation of board of directors.

3. So soon as the board of directors of the Clergy Provident Fund (Sydney) has been duly elected in accordance with the provisions of the said ordinance, the said board of directors shall be and they are hereby constituted a body politic and corporate by the name of "The Board of Directors of the Clergy Provident Fund (Sydney)" (hereinafter referred to as the said board), and shall have perpetual succession and a common seal, and may sue and be sued, and may take and hold them

them and their successors by grant, assignment, will, or otherwise, any property, real or personal (including the present investments representing the said funds); and may let any such real property on lease for any term of years not exceeding ninety-nine years, or in any case (where originally a power of sale shall have been given) may absolutely sell any such real or personal property.

Power to let and sell.

4. The directors for the time being forming the said board shall have the custody of the common seal of the said board, and the form thereof, and all other matters relating thereto shall from time to time be determined at a meeting of the said board, and the directors present at any meeting of the said board shall have the power to use the common seal of the said board for the affairs and concerns of the said fund.

Seal.

5. (1) Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the said board in pursuance of a resolution of the said board, and under the common seal of the said board, shall be as effectual as if the same had been executed, signed, or done by all the members of the said board.

Execution of documents.

(2) The receipt in writing under the seal of the said board, and signed by any three members of the said board, shall be a legal discharge for the money therein acknowledged to have been received, and all persons paying such money shall be exonerated from all liability in respect of the application thereof.

Receipts.

6. (1) The chairman of the said board for the time being or, in the case of his absence, inability, or refusal, one of the other members of the said board for the time being (appointed by resolution of the said board for this purpose) shall, within thirty days after the election of the members of the said board, cause a memorial of the names of the members of the said board for the time being in the form or to the effect for that purpose set forth in Schedule A to this Act annexed to be recorded in the office of the Registrar General of this State at Sydney, and when and so often as any person or persons shall become a member of the said board, then the chairman of the said board for the time being, or, in case of his absence, inability, or refusal, one of the other members of the said board for the time being (appointed by resolution of the said board for the purpose) shall, within thirty days thereafter, cause a like memorial of the names of the then members of the said board, including such new member, to be recorded as aforesaid.

Memorial of members of board of directors to be recorded.

(2) Every such memorial shall be verified by the solemn declaration of the chairman of the said board for the time being, or, in case of his absence, inability, or refusal, then by the solemn declaration of one of the other members of the said board appointed as aforesaid.

Memorial to be verified.

Memoria to be evidence.

(3) The memorial so recorded shall be conclusive evidence of the persons named in such memorial as members of the said board being such members for the time being and of the regularity of their appointment.

Certificate of members of board to be conclusive evidence.

(4) A certificate purporting to be signed by the chairman 5 for the time being of the said board, or by a member appointed as aforesaid, shall be conclusive evidence in favour of the persons dealing with the said board, or with such alleged members of the said board, or with any three or more of them, that the said board has been incorporated, and that such members have been and still are duly 10 appointed members of the said board, and are authorised to act as they then do by the instrument bearing such certificate.

Validation of certain clauses of ordinance.

7. The provisions of the twenty-first, twenty-second, and twenty-fourth clauses of the said ordinance shall, upon the said ordinance coming into operation, become binding upon all persons therein 15 referred to, and may be enforced by an action or suit by and in the name of the said board.

Power of synod to amend ordinance.

8. It shall be lawful for the Church of England Synod of the diocese of Sydney, in the State of New South Wales, from time to time, by ordinance duly passed by the said synod, to alter or amend 20 the said Clergy Provident Fund ordinance of one thousand nine hundred and six (Sydney), or any clause or Schedule thereof.

SCHEDULE A.

MEMORIAL of the names of the members of the board of directors of the "Clergy Provident Fund (Sydney)" to be recorded in the office of the Registrar General of 25 New South Wales pursuant to an Act of Parliament of the said State, passed in the seventh year of the reign of His present Majesty, to be cited as the "Church of England Clergy Provident Fund (Sydney) Act, 1907."

(Names of members of the board of directors.)

I, _____, of _____, do solemnly and sincerely declare that the above 30 memorial contains the names of the present members of the board of directors of the abovenamed fund. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

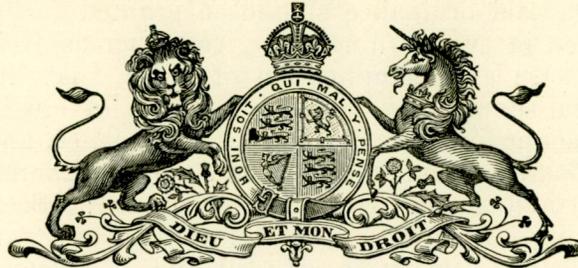
Declared at _____, in the State aforesaid, the _____ day of _____, in _____, the year one thousand nine hundred and _____, before me . 35

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 10th December, 1907.*)

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEPTIMO

EDWARDI VII REGIS.

An Act to provide for the amalgamation of the Clergy Widows and Orphans Fund and the Clergy Superannuation Fund into one fund, called "The Clergy Provident Fund (Sydney)"; and to provide for the administration of such fund, and for payment of contributions thereto, and to vest the property thereof in a board of directors to be incorporated hereby; and for other purposes.

WHEREAS by divers ordinances of the Synod of the then styled Preamble. United Church of England and Ireland for the Diocese of Sydney, a fund called the Clergy Superannuation Fund was formed to provide annuities for bishops and clergymen of any diocese in Australia, Tasmania, or New Guinea: And whereas by a deed of settlement, dated the thirtieth day of July, one thousand eight hundred and sixty-eight, it was provided that a fund called the Clergy Widows and Orphans

Church of England Clergy Provident Fund (Sydney).

Orphans Fund, formed for the purpose of making provision for the widows and orphans of the clergymen of the Church of England within the then Colony of New South Wales, should be under the management of the Lord Bishop of the diocese and eight others: And
 5 whereas it is expedient that the said two funds should be amalgamated into one fund, to be called "The Clergy Provident Fund (Sydney)," and to be held and administered upon the trusts and in the manner set forth in an ordinance passed by the Church of England Synod in the diocese of Sydney, in the State of New South Wales, in its session
 10 of one thousand nine hundred and six, and assented to by His Grace the Archbishop of Sydney on the ninth day of October in the same year, and styled "The Clergy Provident Fund Ordinance of 1906 (Sydney)": And whereas it is expedient that power to enforce the payment of subscriptions in the twenty-first, twenty-second, and
 15 twenty-fourth clauses of the said ordinance should be granted to the board of directors mentioned in such ordinance: And whereas it is expedient, to prevent expense and complication of titles, that the investments of the said fund should be vested by operation of law in the board of directors to be appointed under the said ordinance, and
 20 to duly incorporate such board: And whereas these objects cannot be effected without the aid and authority of the Legislature: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the
 25 authority of the same, as follows:—

1. This Act may be cited as the "Church of England Clergy Short title. Provident Fund (Sydney) Act, 1907."

2. On the first day of the month succeeding the month in which this Act is assented to, the said Clergy Provident Fund Ordinance of
 30 1906 (Sydney) (hereinafter referred to as the said ordinance) shall come into operation, and thenceforward the respective funds, known as the Clergy Superannuation Fund and the Clergy Widows and Orphans Fund, and the investments representing the same, shall be deemed to form one amalgamated fund known as "The Clergy Provident Fund
 35 (Sydney)," and shall be held upon the trusts and administered in the manner set forth in the said ordinance, or in any ordinance amending the same, but otherwise freed and discharged from the trusts upon which the said respective funds have heretofore been held.

3. So soon as the board of directors of the Clergy Provident
 40 Fund (Sydney) has been duly elected in accordance with the provisions of the said ordinance, the said board of directors shall be and they are hereby constituted a body politic and corporate by the name of "The Board of Directors of the Clergy Provident Fund (Sydney)" (hereinafter referred to as the said board), and shall have perpetual succession and
 45 a common seal, and may sue and be sued, and may take and hold to them

Church of England Clergy Provident Fund (Sydney).

them and their successors by grant, assignment, will, or otherwise, any property, real or personal (including the present investments representing the said funds); and may let any such real property on lease for any term of years not exceeding ninety-nine years, or in any case (where originally a power of sale shall have been given) may absolutely sell any such real or personal property. Power to let and sell.

4. The directors for the time being forming the said board shall have the custody of the common seal of the said board, and the form thereof, and all other matters relating thereto shall from time to time be determined at a meeting of the said board, and the directors present at any meeting of the said board shall have the power to use the common seal of the said board for the affairs and concerns of the said fund. Seal.

5. (1) Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the said board in pursuance of a resolution of the said board, and under the common seal of the said board, shall be as effectual as if the same had been executed, signed, or done by all the members of the said board. Execution of documents.

(2) The receipt in writing under the seal of the said board, and signed by any three members of the said board, shall be a legal discharge for the money therein acknowledged to have been received, and all persons paying such money shall be exonerated from all liability in respect of the application thereof. Receipts.

6. (1) The chairman of the said board for the time being or, in the case of his absence, inability, or refusal, one of the other members of the said board for the time being (appointed by resolution of the said board for this purpose) shall, within thirty days after the election of the members of the said board, cause a memorial of the names of the members of the said board for the time being in the form or to the effect for that purpose set forth in Schedule A to this Act annexed to be recorded in the office of the Registrar General of this State at Sydney, and when and so often as any person or persons shall become a member of the said board, then the chairman of the said board for the time being, or, in case of his absence, inability, or refusal, one of the other members of the said board for the time being (appointed by resolution of the said board for the purpose) shall, within thirty days thereafter, cause a like memorial of the names of the then members of the said board, including such new member, to be recorded as aforesaid. Memorial of members of board of directors to be recorded.

(2) Every such memorial shall be verified by the solemn declaration of the chairman of the said board for the time being, or, in case of his absence, inability, or refusal, then by the solemn declaration of one of the other members of the said board appointed as aforesaid. Memorial to be verified.

Church of England Clergy Provident Fund (Sydney).

(3) The memorial so recorded shall be conclusive evidence of the persons named in such memorial as members of the said board being such members for the time being and of the regularity of their appointment.

Memorial to be evidence.

5 (4) A certificate purporting to be signed by the chairman for the time being of the said board, or by a member appointed as aforesaid, shall be conclusive evidence in favour of the persons dealing with the said board, or with such alleged members of the said board, or with any three or more of them, that the said board has been incorporated, and that such members have been and still are duly appointed members of the said board, and are authorised to act as they then do by the instrument bearing such certificate.

Certificate of members of board to be conclusive evidence.

7. The provisions of the twenty-first, twenty-second, and twenty-fourth clauses of the said ordinance shall, upon the said ordinance coming into operation, become binding upon all persons therein referred to, and may be enforced by an action or suit by and in the name of the said board.

Validation of certain clauses of ordinance.

8. It shall be lawful for the Church of England Synod of the diocese of Sydney, in the State of New South Wales, from time to time, by ordinance duly passed by the said synod, to alter or amend the said Clergy Provident Fund ordinance of one thousand nine hundred and six (Sydney), or any clause or Schedule thereof.

Power of synod to amend ordinance.

SCHEDULE A.

MEMORIAL of the names of the members of the board of directors of the "Clergy Provident Fund (Sydney)" to be recorded in the office of the Registrar General of New South Wales pursuant to an Act of Parliament of the said State, passed in the seventh year of the reign of His present Majesty, to be cited as the "Church of England Clergy Provident Fund (Sydney) Act, 1907."

(Names of members of the board of directors.)

30 I, _____, of _____, do solemnly and sincerely declare that the above memorial contains the names of the present members of the board of directors of the abovenamed fund. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

35 Declared at _____, in the State aforesaid, the _____ day of _____, in the year one thousand nine hundred and _____, before me _____.