

EMMANUEL ANGLICAN COLLEGE CONSTITUTION (AMENDING) ORDINANCE 1998

AN ORDINANCE to amend Clause 7.3.1 and 7.3.2 of the Emmanuel Anglican College Constitution 1998 with respect to the winding up of the College.

PREAMBLE

WHEREAS pursuant to Clause 7.2.0 of the Emmanuel Anglican College Constitution, the Emmanuel Anglican College Council has requested Bishop-in-Council to make certain amendments to Clauses 7.3.1 and 7.3.2 of the Constitution.

AND WHEREAS by the provisions of the Anglican Church of Australia (Bodies Corporate) Act and the Bodies Corporate (Delegation of Powers) Ordinance 1988 the Bishop-in-Council is empowered during a recess of Synod to exercise certain powers and such a recess now exists.

THEREFORE the Bishop-in-Council in pursuance of such powers and in the name of the Synod hereby ordains declares directs and rules as follows:

AMENDMENT

1. Clause 7.3.1 is hereby deleted and the following new clause inserted;

7.3.1 All monies and property received or derived in connection with the college shall be applied solely towards the promotion of the objects of the College, and no portion thereof shall be paid or transferred directly or indirectly by any means whatsoever by way of profit to members of the Council; provided that nothing herein shall prevent the payment in good faith to any person, including a member or employee of the College Council,

- (a) of reasonable and proper remuneration in return for any services actually rendered to the Council;
- (b) for good supplied in the ordinary and usual conduct of the Council;
- (c) of interest at rates not exceeding those for the time being prevailing in the community on money borrowed for the objects of the Council;
- (d) of reasonable and proper rent for premises demised or let to the Council for the objects of the Council.

2. Clause 7.3.2. is hereby deleted and the following new clause inserted;

7.3.2 If upon the winding upon or dissolution of the Council there remains after satisfaction of all its debts and liabilities, any property or monies whatsoever, the same shall not be paid to, or distributed among members of the Council, but the same shall be given or transferred to some other body having objects similar to those of the Council and by its constituent rules prohibiting the distribution of its income and property amongst its members to an extent at least as great as is imposed upon the Council, as determined by the members by majority vote at or before the winding up or dissolution, or in default of such determination by a member of a court of competent jurisdiction.

SHORT TITLE

This Ordinance may be cited as the Emmanuel Anglican College Constitution (Amending) Ordinance 1998.

4. 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.

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Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the 7th day of May, 1998.

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Registrar

I assent to this Ordinance.

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Bishop.