

Measure for an Ordinance to amend the Election of members of the Synod Ordinance 1985

Explanatory Memorandum

Background

The present Constitution of Anglicare SA Inc provides that the members of Anglicare include the members for the time being of the Synod who are taken to have agreed to be bound by the Constitution when they exercise any right under the Constitution, such as attending a general meeting of members of Anglicare. The statutory requirements for membership of a company limited by guarantee are different. They require, apart from the initial continuing membership, all future members of the company to sign a written application for membership of the company in a form approved by the Board. The purpose of this Measure is to amend the Election of Members of the Synod Ordinance 1985 ("the principal Ordinance") to ensure that, with two exceptions mentioned below, a layperson's membership of Synod is not effective until he or she signs an appropriate application for membership of Anglicare SA Limited and that a lay person's membership of Synod shall cease if the person resigns as a member of the company.

The provisions of the Measure

Clause 1 provides for the short title of the amending Ordinance.

Clause 2 effects the amendments referred to in Part 2.

Clause 3 provides for a date and time of operation for the same reasons as referred to in the Explanatory Memorandum relating to the Measure to amend the Incorporation of Anglicare SA Ordinance 2000 concerning clause 3 of that Measure.

Clause 4 provides for the insertion of a new section 11A in the principal Ordinance. That will require that the election or appointment to Synod of any layperson shall not be effective until the person signs an application for membership of Anglicare SA Limited, and that a person shall cease to be a member of Synod if he or she resigns as a member of that company. However, the provision will not apply to the Chancellor or Secretary of Synod who are members of Synod ex officio, and who, by virtue of their office, should always remain members of the Synod. That will not prevent either of them, however, from voluntarily applying for membership of the company.

Clause 5 amends section 12 of the principal Ordinance to include in the list of documents to be forwarded to the Secretary of Synod, on election or appointment of a lay member of Synod, an application for membership of Anglicare SA Limited.

A MEASURE FOR

AN ORDINANCE to amend the *Election of Members of the Synod Ordinance 1985*.

THE SYNOD HEREBY DETERMINES:

Part 1 – Preliminary

1 – Short Title

This Ordinance may be cited as the *Election of Members of the Synod Ordinance Amendment Ordinance 2014*.

2 – Amendment of principal Ordinance

The *Election of Members of the Synod Ordinance 1985* is amended in the manner set out in Part 2.

3 – Date of Operation

This Ordinance shall come into effect on a date and at a time to be determined by the President.

Part 2 – Amendment of the *Election of Members of the Synod Ordinance 1985*

4 – Insertion of new section 11A

After section 11 insert the following new section:

11A – Membership of Anglicare SA

- (1) The election or appointment of a person pursuant to the provisions of this Ordinance and of any person elected or appointed to a position mentioned in sections 10(d2), 10(d3) or 10(e) of the Constitution shall not be effective until the person shall have signed an application for membership of Anglicare SA Limited in accordance with the requirements of the Constitution of Anglicare SA Limited.
- (2) A person referred to in subsection (1) shall cease to be a member of the Synod if, during the period of such membership, the person resigns as a member of Anglicare SA Limited.

5 – Amendment of section 12 – Certificate of Election

Section 12 – insert after the word "Constitution" the words "and an application for membership of Anglicare SA Limited".

CERTIFIED as a copy of the Measure as recommended in Committee

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Chairperson of Committees

CERTIFIED as a copy of the Measure as passed

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Secretary of Synod