



## **All Saints' Parramatta North Crawford Village Constitution Ordinance 1986 Amending Ordinance 1995**

No 6, 1995

### **Long Title**

An ordinance to amend the All Saints' Parramatta North Crawford Village Constitution Ordinance 1986.

### **Preamble**

Whereas

A. It is expedient to amend the constitution of the board of management of Crawford Village Parramatta and to amend the All Saints' Parramatta North Crawford Village Constitution Ordinance 1986 (the "Principal Ordinance").

B. Certain property (the "ARV Property") is church trust property held by Anglican Retirement Villages Diocese of Sydney ("ARV") upon trust for the purposes of ARV although there are no written trusts.

C. By reason of circumstances which have arisen after the creation of the trusts on which the ARV Property is held it is inexpedient to carry out and observe the same and it is expedient to amend the trusts in the manner set out in this ordinance.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

### **Part 1 - Citation**

#### **Citation**

1. This ordinance may be cited as "All Saints' Village Parramatta North Crawford Constitution Ordinance 1986 Amending Ordinance 1995".

### **Part 2 - Amendment of the Principal Ordinance**

#### **Amendment of the Principal Ordinance**

2. The Principal Ordinance is amended as follows -

(a) In the Long Title -

- (i) the words "to provide for the variation of the trusts of land at Parramatta and" are omitted; and
- (ii) the words "part of such land" are omitted and the words "certain land at Parramatta" are inserted instead.

(b) The preamble is omitted and the following inserted instead -

"Whereas it is expedient to establish and constitute a board for the purposes specified herein."

(c) The heading "Part 1 - Vesting and Variation of Trusts" is omitted and "Part 1 - Interpretation" inserted instead.

(d) Clause 1 is omitted and the following inserted instead -

### **"Definitions**

1. In this ordinance -

"Crawford Village" means the retirement village to be constructed on the Village Land.

"Village Land" means the land described in the first schedule to the Parramatta North Variation of Trusts Ordinance 1995."

(e) At the end of clause 5 the following words are inserted -

"or such other name as the Board of Management hereinafter constituted may determine from time to time."

(f) In clause 7(a) the words "by persons of the age of 55 years and over" (herein referred to as "the Crawford Village") are omitted and the words "older men and women" are inserted.

(g) Clause 9 is omitted and the following clause inserted instead -

### **"Membership**

9. The members of the Board shall be the persons who are from time to time the members of the Board of Anglican Retirement Villages Diocese of Sydney. A person who is elected or ceases to be a member of the Board of Anglican Retirement Villages Diocese of Sydney shall ipso facto become or cease to be (as the case may be) a member of the Board."

(h) Clause 9A is omitted.

(i) Clause 10 is omitted and the following clause is inserted instead -

"At meetings of the Board, 4 members present constitutes a quorum."

(j) The last sentence of clause 11 is omitted and the following sentence is inserted instead -

"The chairman or the acting chairman has a deliberative vote but does not have a casting vote."

(k) Clause 13 is omitted.

(l) Clause 24 is omitted and the following is inserted instead -

"24. This Ordinance may be cited as the 'Crawford Village Parramatta Constitution Ordinance 1986'."

(m) The First, Second and Third schedules are omitted.

## **Part 3 - Variation of Trusts**

### **Variation of Trusts**

3. By reason of circumstances which have arisen after the creation of the trusts on which the ARV Property is held it is inexpedient to carry out and observe those trusts and it is inexpedient to deal with or apply that property for the same or like purposes as the trusts on which that property is currently held. It is expedient to amend those trusts to permit ARV to undertake the actions referred to in clauses 5 and 6.

4. In this part "Board" means the board of management constituted by the Principal Ordinance.

5. (1) Subject to subclause (2), ARV must provide the Board with \$1.85 million from the ARV Property to enable the Board -

(a) to repay to the Property Trust the amount of any loan made by the Property Trust to the Board under the Endowment of the See (Crawford Village Parramatta) Ordinance 1992 and together with the payment of any interest due but which remains unpaid;

(b) to repay to the Property Trust the amount secured by registered mortgage Z134400;

(c) to repay to the Property Trust in relation to any loan made under or in connection with any lease agreement, whether oral or written in relation to units in the retirement village known as "Crawford Village Parramatta"; and

(d) after applications under (a), (b) and (c), to pay the balance to Sydney Diocesan Secretariat on account of amounts owing by the Board.

(2) The funds referred to in subclause (1) must be provided on the last to occur of -

(a) 14 days after the date of assent to this ordinance; and

(b) 14 days after the demolition of the parish hall on the land vested in the Board.

6. ARV must provide the Board with sufficient funds from the ARV Property to enable the Board to perform its obligations under clause 4 of the Parramatta North Variation of Trusts Ordinance 1995. Such funds are to be provided when requested by the Board.

7. The Endowment of the See (Crawford Village Parramatta) Ordinance 1992 is repealed but without affecting the liability of the Board in respect of any loan or financial accommodation provided or granted by the Property Trust under that ordinance.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

**N.M. Cameron**  
*Chairman of Committees*

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 27 February 1995.

**W.G.S. Gotley**  
*Secretary*

I Assent to this Ordinance.

**R.H. Goodhew**  
*Archbishop of Sydney*  
15/3/1995