

# Anglican Church Property Trust Diocese of Sydney (Sundry Accounts) Ordinance 1995

No 45, 1995

An Ordinance to vary the trusts on which certain property is held, to provide for the management and use of certain property and to provide for the amalgamation of certain trusts.

## Preamble

### Whereas

- A. The Property Trust is the trustee of the amounts (or the investments representing the same) specified in Part 1 of each of the Schedules to this Ordinance.
- B. Each amount specified in Part 1 of a Schedule to this Ordinance is held (or is believed to be held) upon the trusts set forth in Part 2 of that Schedule.
- C. By reason of circumstances which have arisen after the creation of the trusts on which the amounts (and the investments representing the same) specified in Part 1 of each of the Schedules to this Ordinance are held it is inexpedient to carry out and observe those trusts to the extent to which those trusts are hereby varied.

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

## Citation

1. This Ordinance may be cited as the "Anglican Church Property Trust Diocese of Sydney (Sundry Accounts) Ordinance 1995".

## Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which each of the amounts (or the investments representing the same) specified in Part 1 of each of the Schedules to this Ordinance are held, it is inexpedient to carry out those trusts to the extent to which those trusts are hereby varied.

## New trusts

3. All monies and other property referred to in Part 1 of a Schedule which have been held upon the trust set forth or referred to in Part 2 of that Schedule and which have been applied in any manner inconsistent with those trusts are deemed to be held upon trust for the purposes for which the same have been applied.
4. The amount (and the investments representing the same) specified in Part 1 of each Schedule to this Ordinance is now to be held upon the trusts set forth in Part 3 of that Schedule and applied in accordance with any direction in Part 3 of that Schedule.

### First Schedule - Client Fund 337

- Part 1: \$7,251.19
- Part 2: As set out in clause 2 of the Chinese Ministry Ordinance 1976.
- Part 3: In accordance with clause 2 of the Chinese Ministry Ordinance 1976 but as amended by the substitution of "All such moneys and investments and the" for "The" at the beginning of the second sentence.

### Second Schedule - Client Fund 339

- Part 1: \$6,447.98
- Part 2: Upon trust "..... for the use of St. Matthews Anglican Church Windsor ..... with the request but without imposing any trust thereby that the bequest be used to provide a suitable Memorial to my father the late Reverend S.G. Fielding. I also request but without imposing any trust thereby that a memorial plate be placed in a suitable position stating that the memorial is in Memory of The Reverend S.G. Fielding, rector of St. Matthews Church 1893-1904".
- Part 3: To pay the capital and accumulated income for the churchwardens of St. Matthew's Church Windsor to be applied for such the purposes of the parish of Windsor as are determined from time to time by resolution of the parish council of the parish.

### Third Schedule - Client Fund 387

- Part 1: \$9,044.73
- Part 2: Upon trust for the income to be applied by Sydney Anglican Home Mission Society in or towards the payment or augmentation of pensions of clergymen as may be from time to time determined by the council of the Society.
- Part 3: Upon trust for both capital and income to be applied by Sydney Anglican Home Mission Society in or towards the payment or augmentation of pensions of clergymen as may from time to time be determined by resolution of the council of the Society.

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### Fourth Schedule - Client Fund 435

- Part 1: \$12,181.66
- Part 2: Upon trust "..... as a permanent endowment for St. Aidan's Anglican Church at Blackheath and to pay the whole of the income therefrom annually to the joint account of the Rector and Wardens for the time being of the said Church to be applied by them at their absolute discretion for the general purpose of the said Church and without restricting the generality thereof such purposes shall be deemed to include -
- (a) the augmentation of the Rector's stipend;
  - (b) the maintenance, repair, renovation or replacement of the church furniture, equipment and buildings including the church hall and rectory;
  - (c) the keeping down of interest on monies borrowed for capital improvement.
- Part 3: To be paid to the Churchwardens of St Aidan's Church Blackheath, to be applied towards the general purposes of that church.

### Fifth Schedule - Client Fund 450

- Part 1: \$19,153.17
- Part 2: As set out in Clause 2(3) of Ordinance No.21 of 1977.
- Part 3: To pay the capital and any accrued income as follows -
- (a) 10% to the Wollongong Endowment Fund;
  - (b) 90% to the churchwardens of the Church of St. Simon and St. Jude Bowral to be applied for such purposes of the parish of Bowral as are determined from time to time by resolution of the parish council of the parish.

### Sixth Schedule - Client Fund 465

- Part 1: \$124,640.88
- Part 2: As set out in Clause 5 of the St. John's Camden Sale Ordinance 1934.
- Part 3: On trust to apply the income as follows -
- (a) as to 60% - to the churchwardens of St. John's Church Camden for the maintenance and improvement of parish buildings and properties;
  - (b) as to 10% - to the churchwardens of St John's Church Camden for the purposes of the parish of Camden; and
  - (c) by capitalising the balance.

### Seventh Schedule - Client Fund 466

- Part 1: \$12,142.98
- Part 2: As set out in Clause 4 of Ordinance No 53 of 1971
- Part 3: To be amalgamated (with any accumulated income) with and held upon the same trust as the fund referred to in Schedule 6.

### Eighth Schedule - Client Fund 489

- Part 1: \$13,314.28
- Part 2: Upon trust for the use and benefit of St. Mary's Anglican Church Concord North.
- Part 3: To pay the capital and accumulated income to the churchwardens of St. Mary's Anglican Church Concord North to be applied for such purposes of the parish of Concord West with Concord North as are determined from time to time by resolution of the parish council of the parish.

### Ninth Schedule - Client Fund 496

- Part 1: \$16,603.87
- Part 2: As set forth in Clause 4 of Ordinance No 20 of 1973.
- Part 3: To pay the capital and income to the churchwardens of St. Nicholas' Church Croydon Park and to be applied by them for such purposes in the Diocese of Sydney as are determined by the parish council of the provisional parish of Croydon Park.

### Tenth Schedule - Client Fund 544

- Part 1: \$6,604.12
- Part 2: On the trust set forth in Clause 3(e) of Ordinance No 54 of 1975.
- Part 3: To pay the capital and income to the churchwardens of the principal church of the Provisional Parish of Homebush West with West Strathfield to be applied by them in such manner within the Diocese of Sydney as may be approved from time to time by resolution of the parish council

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of the provisional parish.

### Eleventh Schedule - Client Fund 567

- Part 1: \$12,769.31
- Part 2: Upon the trust set forth in Clause 3(iii) of Ordinance No 60 of 1969.
- Part 3: To pay the capital and income to the churchwardens of All Saints' Anglican Church Hunters Hill to be applied for such purposes of the parish of Hunters Hill as are determined from time to time by resolution of the parish council of the parish.

### Twelfth Schedule - Client Fund 607

- Part 1: \$10,000.00
- Part 2: Upon trust to pay the income derived there from to the parish council of the parish of Manly Vale with Allambie Heights to be applied for the benefit of the said parish as the parish council considers fit.
- Part 3: To pay the capital and income to the churchwardens of St Martin's Church Allambie Heights to apply the capital and income for such purposes of the parish of Manly Vale with Allambie Heights as are determined from time to time by resolution of the parish council of the parish.

### Thirteenth Schedule - Client Fund 702

- Part 1: \$10,043.93
- Part 2: Upon the trusts set forth in Clause 3 of Ordinance 11 of 1950 as varied by Ordinance 13 of 1958.
- Part 3: To pay the capital and income to the churchwardens of St Thomas' Church Rozelle to be applied for such purposes of the provisional parish of Rozelle as are determined from time to time by resolution of the parish council of the provisional parish.

### Fourteenth Schedule - Client Fund 716

- Part 1: \$12,204.23
- Part 2: Upon the trust set forth in Clause 3(c) of Ordinance No 11 of 1979.
- Part 3: To pay the capital and any accumulated income -
- (a) as to 75% to Moore Theological College Council to be applied in accordance with a resolution of that Council towards the maintenance of students carrying out a course of study at Moore Theological College which sum may be amalgamated with any other scholarship fund held upon the same or like purposes; and
- (b) as to 25% to the Federal Council of the Church Missionary Society of Australia to be applied in accordance with a resolution of that Council towards the maintenance, support and assistance of a full or part time student or students carrying out a course of study at a theological or bible college outside Australia nominated by the Council.

### Fifteenth Schedule - Client Fund 745

- Part 1: \$14,989.58
- Part 2: On the trust set forth in Clause 5 of Ordinance 27 of 1976.
- Part 3: To be amalgamated with and held upon the same trust as the fund constituted by Schedule 16.

### Sixteenth Schedule - Client Fund 748

- Part 1: \$25,375.68
- Part 2: Upon trust for the general purposes of Christ Church St Lawrence Sydney.
- Part 3: Upon trust to be paid to the churchwardens of Christ Church St Lawrence Sydney to be applied towards the purposes of the parish.

### Seventeenth Schedule - Client Fund 756

- Part 1: \$5,309.87
- Part 2: For bell ringers of St Philip's Church, Church Hill Sydney.
- Part 3: Upon trust to pay the income to the churchwardens of St. Philip's Sydney to be applied by them towards the purposes of the parish as are determined from time to time by resolution of the parish council of the parish.

### Eighteenth Schedule - Client Fund 758

- Part 1: \$12,439.50
- Part 2: Upon the trust set forth in Clause 3 of Ordinance 43 of 1960.
- Part 3: To be amalgamated with and held upon the same trust as the fund constituted by Schedule 17.

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### **Nineteenth Schedule - Client Fund 760**

- Part 1: \$3,235.80
- Part 2: Upon the trust set forth in Clause 4 of Ordinance No 43 of 1954.
- Part 3: To amalgamate 50% of the capital and income with and to be held upon the same trust as the fund constituted by Schedule 17 and to pay the balance to the churchwardens of Holy Trinity Church Millers Point to be applied for such purposes of the parish as are determined from time to time by resolution of the parish council of the parish.

### **Twentieth Schedule - Client Fund 774**

- Part 1: \$5,029.05
- Part 2: Upon the trust set forth in Clause 6 of Ordinance No 4 of 1921.
- Part 3: To pay both capital and income to the churchwardens of St. Mary's Church Waverley to be applied for such purposes of the parish of Waverley as are determined from time to time by resolution of the parish council of the parish.

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 11 December 1995.

W.G.S. GOTLEY  
Secretary

I Assent to this Ordinance.

R.H. GOODHEW  
Archbishop of Sydney  
11/12/1995