
Bishopthorpe and Moorebank Variation of Trusts and Mortgaging Ordinance, 1960.

No. 46, 1960.

AN ORDINANCE to vary the trusts and authorise the mortgaging of the Bishopthorpe Estate and the Archbishop's portion of the Moorebank Estate.

WHEREAS: 1. The lands comprised in an indenture dated the second day of January, 1839 and made between Thomas Moore of the one part and the Right Reverend William Grant Broughton, Doctor of Divinity, Lord Bishop of Australia, and the land comprised in Crown Grant dated the ninth day of July, 1846, and known as the Bishopthorpe Estate (except so much thereof as has been appropriated, sold or resumed) is vested in the Church of England Property Trust Diocese of Sydney (herein called "the Property Trust") subject to trusts in favour of the Bishop of Australia and his successors as respectively set out in the said indenture and in the said Crown Grant as varied by the Sydney Diocesan Revenues Act 1905 as varied from time to time by various ordinances.

2. It is expedient to vary the trusts on which the said lands are held and authorise the mortgaging of the said land in manner herein provided.

The Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. This Ordinance may be cited as the "Bishopthorpe and Moorebank Variation of Trusts and Mortgaging Ordinance, 1960."

2. By reason of circumstances subsequent to the creation of the trusts on which the Archbishop's portion of the Moorebank Estate and the Bishopthorpe Estate are now subject—

- (a) it has become inexpedient to carry out and observe such trusts in so far as the same are varied by this ordinance;
- (b) it is expedient to mortgage the said lands or any of them and to apply the money arising from any such mortgage for the purpose set out in this Ordinance.

3. The Property Trust shall hold the said lands subject to any present or future mortgage of the same on trust for the following purposes—

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- (a) to pay the stipend of the Archbishop of Sydney, the expenses in relation to his official residence and travelling, secretarial and other expenses in respect of his office;
- (b) during the absence of the Archbishop or during any vacancy in the See to pay:—
 - (i) an allowance to his commissary or the administrator of the diocese for the time being;
 - (ii) the expenses incurred in the discharge of episcopal functions within the diocese;
 - (iii) the expenses incurred in filling up the vacancy of the See;
 - (iv) travelling and other expenses and allowances to the incoming Archbishop.
- (c) Subject as aforesaid to pay such other amounts in connection with the diocese for such purposes as may from time to time be determined.

4. The amounts to be paid in pursuance of the last preceding clause shall be such as are from time to time determined by the Standing Committee and in the case of payments made under sub-paragraph (a) and (c). of that clause, approved by the Archbishop and in case of payments made under sub-paragraph (b) approved by the Archbishop or his Commissary or Administrator as the case may be.

- 5. The Property Trust is hereby authorised to mortgage the said lands or any part or parts thereof to provide for and secure the repayments of such amounts to be applied for such purposes either with respect to the trusts on which the said lands are held or otherwise as may from time to time be determined by resolution of the Standing Committee with the approval of the Archbishop, Commissary or Administrator as aforesaid but the Standing Committee shall not direct such mortgage unless it is satisfied that the moneys intended to be thereby secured will be duly repaid in accordance with the terms and conditions on which they are lent and without enforcing the security.

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6. Nothing in this Ordinance affects the application of the rents and profits of the Bishopthorpe Estate in accordance with previous ordinances to the extent to which the operation of such previous ordinances has not become exhausted or the liability under any such ordinances still exists or an obligation under this ordinance is substituted for an obligation under any previous ordinance.

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

ATHOL RICHARDSON,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 19th day of December, 1960.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

19/12/1960.