



## **Emu Plains and Cambridge Park Variation of Trusts Ordinance 1995**

No 3, 1995

### **Long Title**

An Ordinance to vary the trusts on which certain property is held.

### **Preamble**

Whereas

- A. The St Paul's Emu Plains with Castlereagh, Llandilo and Cranebrook Glebe Sale and Declaration of Trust Ordinance 1965 ("1965 Ordinance") authorised the sale of certain land at Castlereagh and provided for the proceeds of sale to be held by the Property Trust with the income to be used or applied for the stipend of the rector or any curate, assistant minister, catechist or deaconess within the Parish of Emu Plains with Castlereagh, Llandilo and Cranebrook or for any one or more of them to the exclusion of any other or others of them.
- B. By authority of clause 4 of the 1965 Ordinance, the Property Trust has made an interest free loan to the churchwardens of St Paul's Church Emu Plains from the proceeds of sale for the purposes specified in that clause.
- C. St Paul's Church Emu Plains is now situated in the parish of Emu Plains and Christ Church Castlereagh, St Thomas' Church Cranebrook and St David's Church Llandilo are each now situated in the parish of Cambridge Park.
- D. It is inexpedient to deal with or apply the proceeds of sale for the use or benefit of either the parish of Emu Plains or the parish of Cambridge Park or for the same or like purposes as the trusts on which those proceeds are presently held.

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 "Emu Plains and Cambridge Park Variation of Trusts Ordinance 1995".

### **Declaration of Inexpediency**

2. By reason of circumstances which have arisen after the creation of the trusts on which, under the 1965 Ordinance, the proceeds of sale are held it is inexpedient to carry out and observe those trusts and it is inexpedient that the proceeds of sale be held wholly for the use or benefit of either the parish of Emu Plains or the parish of Cambridge Park or for the same or like purposes as the trusts on which the proceeds of sale are presently held.

### **Repayment of Loan**

3. Notwithstanding anything contained in the 1965 Ordinance, the outstanding balance of the loan made by the Property Trust under clause 4 of the 1965 Ordinance is repayable to the Property Trust on demand.

### **Application of Remaining Proceeds of Sale**

4. Notwithstanding anything contained in the 1965 Ordinance, the proceeds of sale referred to in that Ordinance shall be held on the following trusts and be applied as follows -

(a) \$3,200 of the amount repaid under clause 3 shall, on the day such amount is repaid, be paid by the Property Trust to the churchwardens of Christ Church Castlereagh or as they may direct and such sum must then be applied in accordance with clause 5;

(b) the balance of the amount repaid under clause 3 shall, on the day such amount is repaid, be paid by the Property Trust to the churchwardens of St Paul's Church Emu Plains to be applied by them for such purposes of the parish of Emu Plains as the parish council of that parish may from time to time determine; and

(c) the balance of the proceeds of sale (and any undistributed income thereon) held by the Property Trust under the 1965 Ordinance shall be applied toward payment of the costs of and incidental to this ordinance and any balance remaining shall be paid to the churchwardens of Christ Church Castlereagh to be applied for such charitable purposes of that church as the churchwardens of that church may from time to time determine.

5. (1) On the day that payment is made to the churchwardens of Christ Church Castlereagh under paragraph (a) of clause 4, those churchwardens must lend that sum to the churchwardens of St Paul's Church Emu Plains to be used by them for such purposes of the parish of Emu Plains as the parish council of that parish may from time to time determine.

(2) Such loan shall be interest free and is repayable no later than 31 December 1997.

(3) Until such loan is repaid in full, the churchwardens of St Paul's Church Emu Plains shall include an amount equal to the amount of the loan outstanding from time to time as a liability in the accounts presented to the annual vestry meeting of that church.

(4) All amounts repaid shall be applied for such charitable purposes of Christ Church Castlereagh as the churchwardens of that church may from time to time determine.

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 1 February 1995.

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

I Assent to this Ordinance.

**R.H. Goodhew**  
*Archbishop of Sydney*  
1/2/1995