

Endowment of the See Ordinance 1977

(Reprinted under the Interpretation Ordinance 1985.)

Endowment of the See Ordinance 1977 as amended by the Anglican Church Property Trust Diocese of Sydney (Change of Name) Ordinance 1982, Endowment of the See Amendment Ordinance 1983, the Diocesan Officers (Retirement) Ordinance 1987, the Diocesan Officers (Retirement) Repeal Ordinance 2001 and the Endowment of the See Ordinance 1977 Amendment Ordinance 2002.

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Long Title

An Ordinance to provide for the management of certain property and to vary the trusts on which that property is held and to vest certain property.

Preamble

Whereas

A. Glebe Administration Board (hereinafter called the "Board") is the trustee of the property described in the First Schedule hereto.

B. Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the trustee of the property described in the Second Schedule hereto.

C. The Corporate Trustee is also the trustee of the property described in the Third Schedule hereto.

D. St. Andrew's House Corporation is the trustee of the property described in the Fourth Schedule hereto.

E. The property described in the First and Second Schedules hereto is held upon the trusts set forth in the Fifth Schedule hereto being the trusts declared in relation to the same in the Bishopthorpe and Moorebank Variation of Trusts and Mortgaging Ordinance 1960-1975.

F. The property described in the Third Schedule hereto is held upon the trusts set forth in the Fifth Schedule hereto being the trusts declared in relation to the same in the said ordinance.

G. One undivided half of the property described in the Fourth Schedule hereto is held upon the trusts set forth in the Sixth Schedule hereto being the trusts declared in relation to that part of the property in the St. Andrew's House Site Ordinance 1976.

H. It is expedient that the property described in the First Schedule hereto be vested in the Corporate Trustee.

I. It is expedient that a committee of management be constituted for the purpose of giving directions to the Corporate Trustee on the investment of the property described in the First, Second and Third Schedules hereto and any proceeds from any realisation from time to time of the same.

J. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the property described in the First, Second, Third and Fourth Schedules hereto is held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

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

1. Payment of Proceeds of Sale and vesting of property

(1) Upon the Board selling any part of the land described in Part A of the First Schedule hereto, the Board shall pay the proceeds from the sale (after meeting all costs incidental to the same) to the Corporate Trustee which moneys shall be held by the Corporate Trustee upon the trusts hereinafter declared in relation to the same.

(2) The property described in Part B of the First Schedule hereto is hereby vested in the Corporate Trustee.

2. Variation of Trusts

(1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the property described in the First, Second, Third and Fourth Schedules hereto is held, it is inexpedient to carry out the same to the extent that the same are hereby varied.

(2) The property described in the First, Second and Third Schedules hereto and the one undivided half of the property described in the Fourth Schedule hereto which is held upon the trusts set forth in the Sixth Schedule hereto shall henceforth be held upon the trusts set forth in the Seventh Schedule hereto except that, in the case of the said one undivided half of the property described in the Fourth Schedule hereto, the same shall also be held in trust to permit the same to be mortgaged in accordance with the St. Andrew's House Site Ordinance 1976.

3. Functions of the Endowment of the See Committee

(1) In this clause –

“Committee” means the Endowment of the See Committee constituted by clause 4; and

“Property” means the property held upon the trusts set forth in the Seventh Schedule.

(2) The functions of the Committee are –

(a) to direct the investment policy of the Property, including the retention or realisation of any part of the corpus of the Property;

(b) to care for, repair, renovate and refurbish so much of the Property, from time to time, as is real property; and

(c) to recommend to the Archbishop how he should exercise the discretions referred to in the Seventh Schedule.

(3) The Committee has such powers as are necessary to enable it to perform its functions including, without limiting the generality of the foregoing, power to appoint a property manager. The costs and expenses incurred by the Committee in carrying out its functions are to be paid from the Property.

(4) Unless it has good and substantial reasons for refusing so to do, the Corporate Trustee is to –

(a) act in accordance with the investment policy as directed by the Committee; and

(b) carry out all determinations of the Standing Committee approved by the Archbishop as to the disposal of any income from the Property.

(5) If the Corporate Trustee refuses to –

(a) carry out a direction made by the Committee; or

(b) carry out a determination of the Standing Committee,

it must forthwith notify in writing its refusal and its reasons for the refusal to both the Committee and to the Standing Committee.

4. Constitution and Proceedings of the Endowment of the See Committee

(1) There shall be a Committee comprising –

(a) the Archbishop,

(b) three persons appointed by the Archbishop, and

(c) three persons appointed by the Standing Committee.

The Archbishop may revoke any appointment made by him. Every appointment and revocation of appointment made by the Archbishop shall be made in writing signed by the Archbishop. The Standing Committee may revoke any appointment made by it. Every appointment and revocation of appointment made by the Standing Committee shall be effected by resolution of the Standing Committee.

- (2) At the meetings of the Committee four members shall be a quorum.
- (3) The Committee shall keep (or cause to be kept) minutes of all of their proceedings which minute book shall be available for inspection by the Archbishop and by the Corporate Trustee (or its representative) at any time.
- (4) Subject to subclause (2) and (3), the members of the Committee may meet and regulate their affairs as they consider fit.
- (5) As soon as practicable after the expiration of each calendar year the Committee shall report to the Standing Committee the total amount expended pursuant to paragraph (d) of the Seventh Schedule.

5. Name of Ordinance

This ordinance is the Endowment of the See Ordinance 1977.

First Schedule Part A

All Those properties situated in the Municipality of Leichhardt Parish of Petersham and County of Cumberland and comprising –

Lots 5, 8 and 9 in the Deposited Plan 245402 being the whole of the land in Certificate of Title Volume 12534 Folios 114 to 116.

Lots 4 and 5 in Deposited Plan 239867 being the whole of the land in Certificate of Title Volume 11746 Folios 18 and 19.

Lots 21 to 40 in Deposited Plan 245403 being the whole of the land in Certificate of Title Volume 12395 Folios 55 to 74.

Lots 14 to 16 in Deposited Plan 245405 being the whole of the land in Certificate of Title Volume 12459 Folios 138 to 140.

Part B

Such of the assets listed in the balance sheet and accounts prepared as at the 31st of December 1976 in respect of the Endowment of the See and described as C/F 4722 as are vested in the Board other than those described in Part A of this Schedule.

Second Schedule

Such of the property known as the Bishopthorpe Estate as is not described or referred to in the First Schedule hereto being part of the assets listed in the said balance sheet and accounts.

Third Schedule

The remainder of the assets listed in the said balance sheet and accounts commonly known as “The Archbishop’s Portion of the Moorebank Estate”.

Fourth Schedule

All That land situated in the City of Sydney Parish of St. Andrew and County of Cumberland being the land comprised in –

- (a) Certificate of Title Volume 12100 Folio 72,
- (b) Certificate of Title Volume 12100 Folio 75,
- (c) Lot 6 in Deposited Plan 557601 being part of the land in Certificate of Title Volume 12572 Folio 246, and
- (d) Real Property Application 52792.

Fifth Schedule

Upon trust –

- (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 on 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 purpose as may from time to time be determined.
- (d) Subject as aforesaid to pay such other amounts for such purposes of the Diocese beyond the Diocese as may be determined by resolution of the Synod or by ordinance of the Standing Committee.

The amounts to be paid pursuant to these provisions shall be such as are from time to time determined by the Standing Committee and in the case of payments made under paragraphs (a) and (c) approved by the Archbishop and in the case of payments made under paragraph (b) approved by the Archbishop or his Commissary or Administrator as the case may be.

Sixth Schedule

Upon trust –

- (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 on 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 purpose as may from time to time be determined.

Seventh Schedule

Upon trust -

- (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 on 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 purpose as may from time to time be determined.
- (d) Subject as aforesaid to pay such other amounts not exceeding \$10,000 in the year 1984 and in each subsequent calendar year or such greater amount per annum as may be determined from time to time by resolution of the Standing Committee on or towards such purposes of the Anglican Church of Australia in the Diocese of Sydney as may from time to time be specified by the Archbishop.
- (e) Subject as aforesaid to pay such amounts for such purposes of the Diocese beyond the Diocese as may be determined by resolution of Synod or by ordinance of Standing Committee but only insofar as those purposes include the provision of a capital sum to endow the see of another diocese.

The amounts to be paid pursuant to paragraphs (a), (b) and (c) shall be such as are from time to time determined by the Standing Committee and in the case of payments made under paragraphs (a) and (c) approved by the Archbishop and in the case of payments made under paragraph (b) approved by the Archbishop or his Commissary or Administrator as the case may be.

Notes

At its meeting on 27 April 2003 the Standing Committee, by resolution, increased the amount referred to in paragraph (d) of the Seventh Schedule to \$25,000.

Table of Amendments

Preamble	Amended by Ordinance No 36, 1982.
Clause 3	New clause inserted by Ordinance No 23, 2002.
Clause 4	Amended by Ordinances Nos 37, 1983; 28, 1987 and 59, 2001.
Clause 5	Original clause amended by Ordinance No 37, 1983 and new clause inserted by Ordinance No 23, 2002.

MARTIN THEARLE
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ROBERT WICKS
Diocesan Secretary

24 March 2011