

Ingleburn with Glenquarie Trust Ordinance 2001

(Reprinted under the *Interpretation Ordinance 1985*.)

The Glenquarie Trust Ordinance 2001 as amended by the Glenquarie Land Sale Ordinance 2002, the Parish Trust Fund (Amendment) Ordinance 2004, and the Ingleburn with Glenquarie Variation of Trusts and Amendment Ordinance 2022, and Ingleburn with Glenquarie Trust Ordinance 2001 Amendment Ordinance 2023.

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Long Title

An Ordinance to vary the trusts on which certain property is held and to establish the ACPT – Ingleburn with Glenquarie Trust.

Whereas

A. Anglican Church Property Trust Diocese of Sydney (the “ACPT”) is the trustee of the property described in each of the cells in column 1 of the table in the Schedule (the “Existing Property”).

B. The property described in a cell in column 1 of the table in the Schedule is held on the trusts described in the corresponding cell in column 2 of the Schedule.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held, it is inexpedient to carry out and observe those trusts.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name of this ordinance

This Ordinance is the Ingleburn with Glenquarie Trust Ordinance 2001.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held, it is inexpedient to carry out and observe those trusts, and

- (a) it is inexpedient that the Existing Property be held for the same or like purposes as the trusts on which the Existing Property is held; and
- (b) it is expedient that power be given to the ACPT to lease or licence from time to time any part of the real property forming part of the trust fund.

3. Definition of “trust fund”

In this Ordinance -

“trust fund” means -

- (a) the Existing Property; and
- (b) all real and personal property received or acquired by the ACPT from time to time as an addition to the trust fund.

4. Name of the trust fund

The trust fund is to be known as the ACPT – Ingleburn with Glenquarie Trust.

5. New trusts

Subject to the terms of this Ordinance, the trust fund is held upon trust for the purposes of the parish of Ingleburn with Glenquarie (the “Parish”).

6. Capital of the trust fund

(1) Any real property which forms part of the capital of the trust fund, may be used for one or more of the following purposes -

- (a) a church;
- (b) a residence for the minister, an assistant minister or any person employed by the wardens of a church in the Parish;
- (c) a hall or halls;
- (d) a school or other place of assembly;
- (e) any purpose incidental to a purpose referred to in paragraph (a), (b), (c) or (d).

(2) Any personal property which forms part of the capital of the trust fund may be applied by the ACPT for one or more of the following purposes -

- (a) the payment of all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund; and
- (b) the costs of maintenance and repair of any property forming part of the trust fund required to meet minimum standards of maintenance and repair prescribed by Act, Regulation, Order or other law and applying to that property; and
- (c) to the extent such personal property arises from a payment made to the ACPT by the wardens of a church in the Parish for the purpose of the ACPT investing the amount, for such purposes as a majority of the parish council may from time to time determine,
- (d) to the extent such personal property arises from a payment made to the ACPT by the wardens of a church in the Parish for the purpose of enabling the ACPT to make a payment under a contract made or to be made by the ACPT as trustee of the trust fund with the approval of a majority of the parish council, for that purpose; and
- (e) for such purposes as the Standing Committee may direct by ordinance or resolution, provided that any such purposes directed by resolution must be within the purposes of the Parish in accordance with clause 5.

(3) Pending application under clause 6(2), any personal property which forms part of the capital of the trust fund is to be invested.

(4) If the wardens of a church in the Parish make a payment to the ACPT as an addition to the trust fund for the purpose of enabling the ACPT to make a payment under any contract made or to be made by the ACPT as trustee of the trust fund and -

- (a) the full amount of the payment made by the wardens is not required by the ACPT for that purpose, the ACPT may pay to the wardens an amount equal to the excess; or
- (b) the ACPT claims an input tax credit (as defined in the *New Tax System (Goods and Services) Act 1999*) in respect of the payment made under the contract, the ACPT may pay to the wardens an amount equal to the amount of the input tax credit (or proportionate part thereof where the payment made by the wardens is less than the payment made by the ACPT).

7. Application of the income of the trust fund

(1) The income of the trust fund (other than income referred to in clause 7(2)), after paying all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund, is to be applied as follows -

- (a) if, from time to time, the personal property of the trust fund –
 - (i) is predominantly invested in the ACPT's Long Term Pooling Fund – no portion is to be capitalised, or
 - (ii) is not predominantly invested in the ACPT's Long Term Pooling Fund – 30% is to be capitalised, and
- (b) the balance is to be paid to the wardens of the church of the Parish or, if there is more than one church, the wardens of the principal church of the Parish, to be applied for such purposes of the Parish as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister.

(2) The income of the trust fund arising from a lease or licence granted pursuant to clause 9(1)(a)(ii) is to be applied in accordance with clause 7(1)(b).

(3) The income of the trust fund arising from a lease or licence pursuant to clause 9(1)(a)(i) is to be applied towards the following, as determined by the Wardens and Parish Council of the Parish from time to time –

- (a) expenses incidental to the subject property, including both capital and operational costs,
- (b) property-related expenses associated with property being leased by, or on behalf of, the Parish,
- (c) repayments and expenses related to loans arising from any property listed in, or reasonably anticipated to be listed in, the Schedule,
- (d) expenses related to property maintenance and improvement projects related to any property listed in, or reasonably anticipated to be listed in, the Schedule,
- (e) investment for future use in line with subclauses 7(3)(a), 7(3)(b), 7(3)(c), 7(3)(d), or
- (f) any such other purpose of the Parish as the Parish Council of the Parish may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister, and subject to a limitation that no more than 10% of the income received in any given year is to be used for this purpose.

(4) Income of the trust fund arising from a lease or licence pursuant to clause 9(1)(a)(i) is to be paid to the wardens of the church of the Parish or, if there is more than one church, the wardens of the principal church of the Parish. The wardens are to provide an account of the application of the funds pursuant to clause 7(3) as a part of the Annual Financial Statements of the Parish.

8. Review

(1) The authority to apply income under clause 7(1)(b) earned after the review date terminates on the review date.

(2) For the purposes of subclause (1) "review date" means the date which is 10 years after the date this Ordinance commences or such later date as the Standing Committee approves from time to time by resolution.

(3) Any review of the application of income under clause 7(1)(b) must take into account the repair and maintenance of any building or other improvement situated on any real property which forms part of the capital of the trust fund in order to comply with the Heritage Act 1977.

9. Powers - leasing and licensing of real property

(1) With the written consent of the parish council of the Parish, the ACPT may lease or license any part of the real property forming part of the trust fund, except any part which is consecrated or licensed for use as a church, if –

- (a) the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed -

- (i) 32 years in the case of leasing or licensing the land contained in folio identifier 46/14/1993 and 30/14/1391 known as the corner of Second Avenue and Edgar Street Macquarie Fields, being the site of St Alban's Church, and
- (ii) 5 years in any other case, and
- (b) the rental payable by the lessee or licensee is not more than any limit that is determined by the Standing Committee by resolution from time to time for the purposes of this clause.

(2) Nothing in this clause limits the powers of the ACPT under the *Anglican Church Property Trust Ordinance 1965* or under any other ordinance.

10. Amendment

The matter contained in Items 2, 3 and 4 of Schedule 1 of the New Areas Variation of Trusts Ordinance 1999 is deleted.

11. Commencement

This Ordinance commences on the date of assent to this Ordinance.

Schedule

Column 1	Column 2
Folio Identifier 84/226591 known as 9 Brooks Street, Macquarie Fields.	The land was purchased with the proceeds of sale of the land referred to in the Glenquarie Land Sale Ordinance 1994. Pursuant to clause 4(b) of that ordinance, the land is held on trust for a minister or assistant minister (or other person or persons employed by the churchwardens of any church in the provisional parish of Glenquarie engaged in ministry).
Folio Identifier 30/14/1391 known as 32 Edgar Street, Macquarie Fields.	By clause 3 of the New Areas Variation of Trusts Ordinance 1999 the land is held upon trust by the Anglican Church Property Trust Diocese of Sydney for the Wollongong Regional Council to be applied in providing a pastoral ministry in areas which by reason of rapid increase in population are or were unable in their early development to support a ministry.
Folio Identifier 46/14/1993 being the land situated at the corner of Second Avenue and Edgar Street, Macquarie Fields.	By clause 3 of the New Areas Variation of Trusts Ordinance 1999 the land is held upon trust by the Anglican Church Property Trust Diocese of Sydney for the Wollongong Regional Council to be applied in providing a pastoral ministry in areas which by reason of rapid increase in population are or were unable in their early development to support a ministry.

Column 1	Column 2
<p>Anglican Church Property Trust Diocese of Sydney Client Fund 340</p>	<p>Pursuant to clause 4 of the Glenquarie Land Sale Ordinance 1994 the net proceeds arising from the sale of land comprised in Certificate of Title Folio Identifier 12/8676 shall be applied in any one or more of the following ways -</p> <p>(a) in the repayment of outstanding loans made by parishioners which have been invested for the purpose of raising income for the general purposes of the provisional parish of Glenquarie;</p> <p>(b) to purchase a residence suitable for a minister or assistant minister (or other person or persons employed by the churchwardens of any church in the provisional parish and engaged in ministry) and to alter, renovate, furnish, and equip the same for ministry in addition to its function as a residence; and</p> <p>(c) in accordance with a resolution of the Standing Committee upon the request in writing of a majority of the parish council of the provisional parish of Glenquarie.</p>
<p>The land in folio identifier Auto Consol 6316-82 and Auto-Consol 881-203 known as Cumberland Road, Ingleburn and the site of St Barnabas Church and a church hall.</p>	<p>The land is held upon trust for the parish of Ingleburn although there are no written trusts.</p>
<p>The land in folio identifiers –</p> <p>(1) Auto-Consol 2727-151, and</p> <p>(2) Auto-Consol 13085-144</p> <p>known as 47 Lionel Street, Ingleburn and the site of a residence.</p>	<p>(1) By the preamble to the <i>Denham Court with Rossmore Mortgaging and Sale Ordinance 1980</i>, the land is held upon trust for use as a rectory for the sole purpose of the parish of Denham Court with Rossmore or such other purposes within the said parish as the Standing Committee may determine by resolution at the written request of a majority of the members of the parish council of said parish. The land is situated in the parish of Ingleburn.</p> <p>(2) The land is held upon trust for the parish of Ingleburn although there are no written trusts.</p>

Notes

1. The original form of ordinance was assented to on 26 November 2001.
2. At its meeting on 12 February 2021 the Finance Committee resolved to authorise an extension of the review date for the purposes of clause 8(2) of the Glenquarie Trust Ordinance 2001 to 20 November 2031.

Table of Amendments

Long Title	Amended by Ordinance No 26, 2022.
Whereas	Amended by Ordinance No 26, 2022.
Clause 1	Amended by Ordinance No 26, 2022.
Clause 2	Amended by Ordinance No 26, 2022.
Clause 3	Amended by Ordinance No 26, 2022.
Clause 4	Amended by Ordinance No 26, 2022.
Clause 5	Amended by Ordinance No 26, 2022.
Clause 6	Amended by Ordinances Nos 38, 2002, 52, 2004, and 26, 2022.
Clause 7	Amended by Ordinance No 26, 2022 and 59, 2023.
Clause 8	Amended by Ordinance No 38, 2002.
Clause 9	Amended by Ordinance No 26, 2022 and 59, 2023.
Schedule	Amended by Ordinance No 26, 2022.

NAOMIE NGUYEN

Lawyer

15 December 2023

BRIONY BOUNDS

Diocesan Secretary