

Malabar Leasing and Amendment Ordinance 2024

No 29, 2024

Long Title

An Ordinance to authorise the leasing of certain land at Phillip Bay and the amendment to the *Malabar Trust Ordinance 2001*.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the 'ACPT') is the registered proprietor of the property comprised in Folio Identifier 3/570035 known as 17-19 Yarra Road, Phillip Bay and the site of St Andrew's Church (the 'Land').

B. By clause 5 of the *Malabar Trust Ordinance 2001*, the Land is held upon trust for the purposes of the Parish of Malabar (the 'Parish').

C. By reason of circumstances which have arisen after the creation of the trusts on which the Property is held, it is expedient to deal with the Land in the manner set out in this Ordinance.

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

1. Name of ordinance

This Ordinance is the Malabar Leasing and Amendment Ordinance 2024.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held, it is expedient that the whole or part of the Land be leased and the proceeds thereof be applied in the manner set out in this Ordinance.

3. Power of Leasing

(1) The ACPT is authorised to lease the whole or any part of the Land from time to time for a period of up to 30 years.

(2) The authority to lease the Land arises only after the license or sentence of consecration of the church on the Land has been revoked.

4. Application of Lease Proceeds

The income from any lease granted under clause 3 is income of the ACPT – Malabar Trust and is to be applied in accordance with clause 7(1)(c) of the *Malabar Trust Ordinance 2001*.

5. Amendment to the Malabar Trust Ordinance 2001

The *Malabar Trust Ordinance 2001* is amended by –

- (a) inserting in clause 7(2) the matter "or the *Malabar Leasing and Amendment Ordinance 2024*" after the matter "clause 9(1)", and
- (b) in clause 9(1)(b), deleting the entirety of the matter after "not more than", and inserting the matter "any limit that is determined by the Standing Committee by resolution from time to time for the purposes of this clause."

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

R TONG
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 21 October 2024.

B BOUNDS
Secretary

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I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

21/10/2024