

MALABAR (PHILLIP BAY PROPERTY) ORDINANCE 1988

NO 40, 1988

AN ORDINANCE to authorise the distribution of sale proceeds of certain property and to vary certain trusts accordingly.

WHEREAS

A. By the terms of the All Saints' Matraverse (St Andrew's Phillip Bay) Declaration and Variation of Trusts and Land Sale Ordinance 1973 (herein called "the Prior Ordinance") the Corporate Trustee was authorised and empowered to sell, inter alia, certain lands therein described as Lot 1 in a certain plan of subdivision of Land Grant Volume 5258 Folio 157 and more recently described as the land shown in the Schedule hereto (herein called "the subject land").

B. The Prior Ordinance made certain provisions for the manner in which the sale proceeds from the subject land were to be applied, namely that, after the discharge of certain liabilities as therein set out, the said proceeds should be paid to the Churchwardens of St Andrew's Church Phillip Bay for certain purposes and subject thereto, as to any balance, such moneys are to be paid to the said Churchwardens to be applied by them for such purposes as may be determined by resolution of the Parish Council of the Provisional District of Matraverse with Phillip Bay and approved by resolution of the Standing Committee.

C. Since the Prior Ordinance the said Provisional District of Matraverse with Phillip Bay was amalgamated with the Parish of Malabar.

D. The Church of All Saints Matraverse, which was comprised within such Provisional District has been de-licensed.

E. The said amalgamated parish is now called the Parish of Malabar in respect of which the principal church is St Mark Malabar and the only branch church is St Andrew's Phillip Bay.

F. There are no Churchwardens currently in office in respect of St Andrew's Phillip Bay.

G. In the aforesaid circumstances it is inexpedient to carry out and observe the provisions of the Prior Ordinance in regard to the manner in which the sale proceeds in respect of the subject land are to be distributed and it is accordingly expedient to vary such provisions in the manner hereinafter mentioned and to make further provisions hereinafter contained.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. This Ordinance may be cited as the "Parish of Malabar (Phillip Bay Property) Ordinance 1988".

2. By reason of circumstances which have arisen subsequent to the provisions hereinbefore mentioned it is inexpedient to carry out and observe certain of the provisions of the Prior Ordinance.

3. The proceeds arising from the sale of the subject land, after paying thereout the costs of and incidental to this Ordinance, and, of the sale or transfer in pursuance thereof, and all outgoings to which the subject land may be subject, shall be held by the Corporate Trustee and invested by the Corporate Trustee and seventy per centum (70%) of the net income therefrom in each year shall be paid or

applied in or towards the stipend, salary, remuneration or other allowances of a lay or clerical person exercising a ministry substantially within the Parish of Malabar or such other ecclesiastical district with which the said Parish may be amalgamated, or of which it may form part, or otherwise in or for such purposes as the Standing Committee, at the written request of a majority of the Parish Council of the said Parish, may by resolution from time to time determine. Pending any such payment or application as aforesaid, then such income shall be capitalised. The residue of such net income, namely thirty per centum (30%) thereof in each year, shall be capitalised.

SCHEDULE

ALL THAT piece or parcel of land situate at Yarra Road, Phillip Bay, in the Municipality of Randwick, Parish of Botany, County of Cumberland formerly being Lot 1 in a Plan of Subdivision of land grant Volume 5258 Folio 157 prepared by Mr. Surveyor G.W. Oborn on 30 August, 1973, containing 555.6m² or thereabouts and now described as Lot 1 in Deposited Plan No. 570035 and comprising the whole of the land in Certificate of Title Volume 12772 Folio 232 subject to a right of carriageway affecting part of the land being 3.66m wide and variable width created by registration of the said Deposited Plan.

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 12th day of December 1988.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance

DONALD ROBINSON
Archbishop of Sydney
12 /12 /1988