

Manly Leasing Ordinance 2008

No 3, 2008

Long Title

An Ordinance to authorise the leasing of certain land in the Parish of Manly and to provide for the application of the income.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land in folio identifier 14/15278 known as 16 Iluka Avenue, Manly (the "Land").

B. The Land is church trust property and is held on trust for the purposes of the Parish of Manly (the "Parish") although there are no written trusts.

C. By reason of circumstances which have arisen after the creation of the trusts under which the Land is held it is expedient that the Land be leased and that the income be applied in the manner set out in this Ordinance.

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

1. Name

This Ordinance is the Manly Leasing Ordinance 2008.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts upon which the Land is held it is expedient that the Land be leased and the income be applied in the manner set out in Clause 4.

3. Power to Lease or Licence

The Property Trust is authorised to enter into a lease or leases of the Land at any time or times within 3 years after the date of assent to this Ordinance for a term of up to 5 years on such terms and conditions as the Property Trust considers appropriate after consultation with the churchwardens of St Matthew's Manly (the "Churchwardens").

4. Application of rental or licence income

(1) The income from any lease granted under clause 3 shall be paid to the Property Trust and applied as follows –

- (a) firstly, in payment of any goods and services tax (as defined in A New Tax System (Goods and Services Tax) Act 1999) payable in connection with the lease, and
- (b) secondly, to be applied to the General Fund of the parish to offset the cost of providing a housing allowance to any ministry staff member of the Parish in accordance with diocesan guidelines for the remuneration of parish ministry staff, and
- (c) thirdly, to be applied for the general repair, payment of rates and taxes, renovation, and maintenance of the Land during the period of rental, and
- (d) the balance, shall be applied for such purposes of the Parish as are determined from time to time by resolution of the parish council excluding the stipend, allowance and benefits paid or provided to the Minister.

(2) If the Property Trust by resolution directs, the Churchwardens are authorised and directed to make the payments referred to in paragraph 4(1)(a) as agent of the Property Trust and for that purpose –

- (a) all income arising from the lease is be paid directly to the Churchwardens in that capacity, and
- (b) after the application of moneys under paragraph 4(1)(a), the remaining balance is taken to have been paid to the Churchwardens pursuant to paragraphs 4(1)(b), (c) and (d).

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 18 February 2008.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
19/2/2008