

Neutral Bay Rectory Sale Ordinance 1989 Amending Ordinance 1992

No 9, 1992

An Ordinance to vary the trusts on which the proceeds from the sale of certain land are held.

Whereas

A. The Property Trust is the trustee of certain moneys and holds the same on the trusts set forth in the Neutral Bay Rectory Sale Ordinance 1989 (the "1989 Ordinance").

B. By reason of circumstances which have arisen subsequent to the creation of the said trusts 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 Directs and Rules as follows.

1. This Ordinance may be cited as "Neutral Bay Rectory Sale Ordinance 1989 Amending Ordinance 1992".

2. The 1989 Ordinance is amended as follows -

(1) By the omission of "and any income derived therefrom" from clause 4.

(2) By the substitution of:

"Pending application pursuant to clause 4 the said proceeds are to be"

for

"Subject to the provisions of clause 4 hereof the balance of the said moneys shall be held paid, applied or"

in clause 5.

(3) By the substitution of "31 December 1992" for "the date being three (3) years thereafter" in clause 5.

(4) By the omission of "firstly for payment of assessments on moneys received pursuant to this ordinance and secondly" from paragraph (iv) of clause 5.

(5) By the insertion of the following after clause 5 -

"6. Pending application pursuant to clause 4, the income derived from the balance of the said moneys during the period from 1 January 1993 to 31 December 1996 is to be applied in the following order of priority -

(a) first, 15% is to be capitalised;

(b) second, for so long as, during this period, there is a person engaged to assist the rector of the Parish in ministry at St Augustine's Neutral Bay (not being the pastoral assistant), income to be paid at the rate of \$30,000 per annum or such lesser amount as may be available by way of income in respect of the period that there is such an assistant, is to be paid to the churchwardens of St Augustine's Church for the stipend allowances and support of such assistant;

(c) third, one half of the income for any year which is not capitalised or distributed as aforesaid is to be paid to the Board of Education - Diocese of Sydney for the purposes thereof; and

(d) lastly, the other one half of any such income is to be paid to the said churchwardens for such purposes as the Standing Committee may

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approve upon written application of a majority of the church committee of St Augustine's Church.

For the purposes of this clause 6, "pastoral assistant" means:

- (i) the person who on 27 February 1992 was the assistant minister assisting the rector of the Parish of St Augustine's, Neutral Bay; and
 - (ii) any person appointed to replace such person or any other such person referred to in this definition.
7. A bill for an ordinance to provide for income derived after 31 December 1996 or for the disposition of the balance of the said moneys or both must be presented by the churchwardens of St Augustine's Church prior to 31 December 1995."

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

N.M. 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 6th day of April 1992.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
6/4/1992