

# Parramatta Variation of Trusts and Amendment Ordinance 2023

No 55, 2023

## Long Title

An Ordinance to vary the trusts on which certain property is held and to amend the *Parramatta Trust Ordinance 2017*.

## Preamble

A. The Anglican Church Property Trust Diocese of Sydney is the trustee of the property in the Schedule comprising the St John's Parramatta Endowment Fund (the "Endowment Fund").

B. The Endowment Fund is church trust property and is held on the trusts set out in *The St John's Parramatta Endowment Fund Ordinance 1930*.

C. It is proposed that the trusts of the property comprising the Endowment Fund be varied so that it may be added to the capital of the ACPT – Parramatta Trust under the *Parramatta Trust Ordinance 2017*.

D. By reasons of circumstances which have arisen after the creation of the trusts on which the Endowment Fund is held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Endowment Fund for the same or like purposes and it is expedient that those trusts be varied 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 Parramatta Variation of Trusts and Amendment Ordinance 2023.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Endowment Fund is held, it is inexpedient to carry out or observe those trusts or to deal with or apply the Endowment Fund for the same or like purposes as those trusts and it is expedient that those trusts be varied in the manner set out in clause 3.

### 3. Variation of Trusts

The trusts of the property comprising the Endowment Fund are varied so it is held on the trusts set out in clause 5 of the *Parramatta Trust Ordinance 2017* as part of the capital of the ACPT – Parramatta Trust.

### 4. Amendment

The *Parramatta Trust Ordinance 2017* is amended as follows –

- (a) insert a new subclause 3(b) as follows –
  - “(b) the real and personal property in the Schedule to the *Parramatta Variation of Trusts and Amendment Ordinance 2023* (the “Endowment Fund Property”), and”,
- (b) in clause 7(1), after the matter “income referred to in clause 7(2)” insert the matter “and clause 8”, and
- (c) in clause 7(2), delete the number “9” and insert instead the number “10”, and
- (d) insert a new clause 8 as follows (and consequentially renumber the existing clause 8 and other remaining clauses) –

#### “8. Application of the income of the Endowment Fund Property

The income of the Endowment Fund Property, after paying all rates, taxes and charges incurred by the ACPT in relation to the Endowment Fund Property, any property forming part of the Endowment Fund Property or any transaction with property forming part of the Endowment Fund, is to be applied as follows –

- (a) 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

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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.”, and

- (e) insert the following matter before the hyphen in the renumbered clause 10(1) –  
“(except in the case of the Endowment Fund Property)”.

### 5. Allocations from the ACPT – Parramatta Trust

(1) The ACPT is directed under clause 6(2)(d) of the *Parramatta Trust Ordinance 2017* that it may make payments from that part of the capital of the ACPT – Parramatta Trust comprising the Endowment Fund Property for the purposes set out in clause 6 of the *St John's Parramatta Endowment Fund Land Sale and Variation of Trusts Ordinance 2019*.

(2) The ACPT is further directed - in addition to subclause 5(1) - that the part of the capital of the ACPT – Parramatta Trust comprising Client Fund 0755 may be applied for one or more of the following –

- (a) maintenance and repairs which may happen to exceed current year income,
- (b) development expenses related to the Endowment Fund Property,
- (c) to supplement the income of the Parish during development to replace the income lost from the Endowment Fund Property during development, and
- (d) such other purpose as determined by the Standing Committee by resolution from time to time at the request of the Parish Council of the Parish.

### 6. Repeal

*The St John's Parramatta Endowment Fund Ordinance 1930* is repealed without affecting or invalidating any act undertaken under that ordinance prior to the repeal.

#### Schedule

Auto Consol 15461-22 known as Lots E, F, G, H, I, J, K and M in DP 15108 and 65-79 Macquarie Street, Parramatta and 191 Church Street, Parramatta.
Client Fund 0758
Client Fund 0755
Client Fund 0733 (being that part comprising proceeds of sale under the <i>St John's Parramatta Endowment Fund Land Sale and Variation of Trusts Ordinance 2019</i> ).

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 11 December 2023.

B BOUNDS  
Secretary

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I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

11/12/2023