

# St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 2021

No 29, 2021

## Long Title

An Ordinance to amend the *St James' Sydney Phillip Street Property Ordinance 1962*.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the property defined as the "Land" and "Building" in the *St James' Sydney Phillip Street Property Ordinance 1962* (the **Principal Ordinance**).

B. The Land and Building are church trust property held on trusts set out in the Principal Ordinance held for the sole benefit of the Parish of St. James'.

C. It is expedient to further amend the Principal Ordinance to provide for the continued distribution of income from the Land and Building and for matters incidental thereto.

D. By reason of circumstances that have arisen after the creation of the trusts on which the income from the Land and Building are held, it is inexpedient to carry out and observe the trusts or to deal with or apply the income from the Land and Building solely for the use of benefit of the Parish and it is expedient that the 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 "St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 2021".

### 2. Declarations

By reason of circumstances that have arisen after the creation of the trusts on which the income from the Land and Building are held, it is inexpedient to carry out and observe the trusts or to deal with or apply the income from the Land and Building solely for the use of benefit of the Parish and it is expedient that the trusts be varied in the manner set out in clause 3.

### 3. Variation of Trusts

The trusts with respect to the income from the 'Land' and 'Building' (as defined in the Principal Ordinance) are varied to the extent necessary to permit the application set out in the amendment in clause 4(o).

### 4. Amendment

The Principal Ordinance is amended by:

- (a) deleting "Churchwardens" and replacing with "Wardens" wherever it occurs,
- (b) deleting in clause 1 the definition of "Committee of Management" and replacing it with a new definition as follows:

"Board of Management" means the committee established pursuant to clause 3A(2).',
- (c) deleting in clause 1 the definition of "Building" and replacing it with a new definition as follows:

"Building" means, separately and, where the context requires, collectively –

  - (i) the building and other improvements from time to time erected on the Land described in the Schedule 1, and
  - (ii) such parts of the building and other improvements from time to time erected on Land as may be acquired by the Trustee.',
- (d) deleting in clause 1 the definition of "Land" and replacing it with a new definition as follows:

"Land" means, separately and, where the context requires, collectively –

  - (i) the land described in the Schedule 1, and

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- (ii) the land referred to in clause 2(e)(ii) as may be acquired by the Trustee.’,
- (e) deleting in clause 1 the definition of "Parish Area" and replacing it with a new definition as follows:
  - “Parish Area" means the parts of the Building erected on the Land described in the Schedule 1 reserved by this ordinance for the purposes of the Parish.’,
- (f) deleting from clause 1 the definition of “Trigger Event”,
- (g) deleting from clause 2(e)(ii) the words “adjacent, or nearby, to the Building, known as 82 Elizabeth Street Sydney and Berger House” and inserting instead the words “contiguous or in close proximity to the Building”,
- (h) deleting from clause 2(e) the amount “\$2,000,000.00” and inserting instead the amount “\$3,000,000.00”,
- (i) deleting from clause 4(1)(a) the words “second and third floors” and inserting instead “floor”,
- (j) deleting from clause 5(c) the word “Committee” and inserting instead “Board”,
- (k) deleting from clause 5(d)(i) the words “for 2015 and each year thereafter”,
- (l) renumbering clause 5”(g)” Clause 5”(i)”,
- (m) deleting the text in clause 7(a) prior to the dash and inserting instead “The following distributions are authorised for the period commencing 1 July 2021 to 30 June 2026”,
- (n) deleting from clause 7(a)(i) “80%” and inserting instead “70%”,
- (o) deleting from clause 7(a)(ii) “20%” and inserting instead “30%”,
- (p) deleting clause 7(b),
- (q) deleting clause 7(c), and
- (r) deleting clause 8 and inserting instead “The Wardens will promote an Ordinance to the Synod of the Diocese or to the Standing Committee for the purpose of considering and if thought fit varying the provisions of clause 7 on or before 30 June 2026 for a period commencing from and including 1 July 2026”.

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

M STEAD  
Deputy Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 12 July 2021.

D GLYNN  
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL  
Archbishop of Sydney

05/08/2021