

St James' Sydney Phillip Street Property Amendment Ordinance 2011

No 3, 2011

Long Title

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

Preamble

A. The St James' Sydney Phillip Street Property Ordinance 1962 (the "Principal Ordinance") provides for the leasing of the property known as 169 Phillip Street Sydney (the "Property"), and the distribution of the income earned therefrom.

B. Clause 9 of the Principal Ordinance requires that the churchwardens of St James' Church, King Street, Sydney on or before 31 December 2009 promote an ordinance for the purpose of considering and if thought fit varying the provisions of clause 7 of the Principal Ordinance which deal with the distribution of income for a period commencing from and including 1 January 2010.

C. It is expedient to vary the provisions of the Principal Ordinance to provide for the distribution of income for the period of 5 years from and including 1 January 2010.

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

1. Name

This Ordinance is the St James' Sydney Phillip Street Property Amendment Ordinance 2011.

2. Amendments

The Principal Ordinance is amended as follows –

- (a) in clause 1 –
 - (i) insert the following new definition in subclause (1) –

"Church building" means all improvements erected upon the whole of the land comprised in Schedule 2, and
 - (ii) in the definition of "Churchwardens" the word "churchwardens" is deleted and the word "wardens" is inserted, and
 - (ia) in the definition of "Land" delete "Schedule" and insert "Schedule 1" instead, and
 - (iii) the definition of "Price Index" is deleted in subclause (1), and
 - (iv) subclause (2) is deleted, and
- (b) in clause 2 –
 - (i) in sub-clause (d), the word "and" is deleted, and
 - (ii) insert a new sub-clause "(e) to carry out repairs and maintenance to the Church building to a limit of \$1,200,000", and
 - (iii) in sub-clause (e), delete "(e)" and insert "(f)", and
- (c) before clause 3 the heading "Leasing Powers" is inserted, and
- (d) before clause 4 the heading "Parish Area" is inserted, and
- (e) before clause 5 the heading "Application of Income (ex Parish Area)" is inserted, and
- (f) in clause 5 –
 - (i) in sub-clause (c) deleting the word "and" where last appearing, and
 - (ii) inserting a new clause "(d) in paying all costs (including legal costs) and expenses of and incidental to this Ordinance and the withdrawn St James' Sydney Phillip Street Property Amendment Ordinance 2009", and
 - (iii) in sub-clause (d), delete "(d)" and insert "(e)".

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- (g) in clause 5 the matter "2009" is deleted and the matter "each of the years 2010 to 2014 inclusive" is inserted instead, and
- (h) before clause 6 the heading "Refurbishment Fund" is inserted, and
- (i) in clause 7 –
 - (i) in paragraph (a) –
 - (A) the matter "64%" is deleted and "80%" is inserted instead, and
 - (B) the following words are inserted after the word "Parish" –

"except payment of the stipend, allowances and benefits paid or provided to the Minster of the Parish", and
 - (ii) in paragraph (b) the matter "36%" is deleted and "20%" is inserted instead, and
 - (iii) inserting a new final paragraph to read:

"While ever the second and third floors of the Parish Area are not occupied by the Parish and let to a third party, the income from those floors will be regarded as income for the purposes of clause 5 and distributed to the Parish and the Synod in the percentages authorised in this clause 7."
- (j) in clause 9 the matter "2009" where appearing is deleted and "2014" is inserted instead, and the matter "2010" where appearing is deleted and "2015" is inserted instead, and
- (k) insert the following matter at the end of Schedule 2 –

"and most recently comprised in Certificate of Title Folio Identifier 1/1022557".

3. Saving Provisions

Nothing in this Ordinance affects the distribution of income earned from the Property prior to 1 January 2010, and such income is to be applied in accordance with the provisions of the Principal Ordinance in effect immediately prior to the commencement of this Ordinance.

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 21 February 2011.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
23/02/2011