
ST MATTHEW'S MANLY ORDINANCE 1988

No 3, 1988

AN ORDINANCE to further amend St. Matthew's Manly Ordinance 1941.

WHEREAS:

- A. The land described in the First Schedule of the St. Matthew's Manly Ordinance 1941 (hereinafter called "the 1941 Ordinance") is vested in the Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") and is Church trust property held for the sole benefit of the Parish of St Matthew Manly upon the trusts and for the purposes more particularly described in the 1941 Ordinance.
- B. There are erected on the said land inter alia certain shops and offices (hereinafter called "the said shops").
- C. The 1941 Ordinance has been varied from time to time and was last varied by St Matthew's Manly Ordinance 1986 (hereinafter called "the 1986 Ordinance").
- D. The 1986 Ordinance required the Churchwardens for the time being of St Matthew's Manly on or before the 30th Day of September 1987 to present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof for the purpose of varying the provisions therein appearing as to the allocation of the net income from the said shops as from and including 1st January, 1988 having regard to the needs and commitments of the said Parish and organisations within the Diocese of Sydney.
- E. It has become inexpedient to carry out and observe the trusts hereinbefore referred to in the 1941 Ordinance as last varied by the 1986 Ordinance and it is expedient to further vary the same in the manner hereinafter appearing.

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. By reason of circumstances which have arisen subsequent to the creation of the trusts declared by the 1941 Ordinance as last varied by the 1986 Ordinance it is inexpedient to carry out and observe the same and it is expedient to further vary such trusts in the manner hereinafter provided.
2. All moneys, whether capital or income, comprising in the aggregate the Retention Fund, the Equalization Fund and the Redevelopment and Repairs Fund in the accounts of the Churchwardens for the time being of the said Church as at 31st day of December, 1987 shall be held by them upon trust for payment in or towards the costs and expenses incidental to and incurred in connection with the alterations, additions and redevelopment of existing improvements on the land adjacent to the said Church and the construction of new improvements thereon and the provision of fixtures and fittings therein or adjacent thereto incidental to such alteration, addition, redevelopment or construction together with all works ancillary thereto.
3. The net income for the period of two (2) years commencing the 1st day of January, 1988 from the said shops after the payment of all rates, taxes and other outgoings charged or to be charged against the said land and/or buildings insofar as the same are not recoverable from any tenant under any lease or leases (hereinafter called "the net income") shall be paid to and applied by the Corporate Trustee as follows:-

In respect of the year ending 31st December, 1988:

- (a) to the Churchwardens for the time being of the said Church the sum of fifty thousand dollars (\$50,000) for general purposes relating to the Parish;
- (b) to the said Churchwardens for support of such missionaries or missionary societies either within or outside the Diocese as the Rector and Churchwardens may determine from time to time the sum of forty thousand dollars (\$40,000);
- (c) to the said Churchwardens in or towards the remuneration of a Social Worker in association with or under the auspices of the Sydney Anglican Home Mission Society who will work not only in the parish

but in other parts of the Diocese within the area covered by the Municipality of Manly and the Shire of Warringah the sum of thirty thousand dollars (\$30,000);

- (d) to the said Churchwardens in or towards the remuneration of a Teacher engaged by the MacKellar Scripture Board the sum of ten thousand dollars (\$10,000);
- (e) to the said Churchwardens for the operation and continuance of the Free Fund to be accumulated or distributed annually or from time to time at the discretion of the Rector and Churchwardens for the time being of such Church for such urgent diocesan or parochial purposes or purposes as the said Rector and Churchwardens in their absolute discretion shall see fit, the sum of six thousand dollars (\$6,000);
- (f) to the Synod of the Diocese of Sydney or the Standing Committee thereof the sum of one hundred and twenty thousand dollars (\$120,000) to be paid or applied for such purpose or purposes as the Synod may determine through the ordinances promoted each year under Clause 9 of the Assessment Authorization Ordinance 1975.

In respect of the year ending the 31st day of December, 1989 each of the sums mentioned in paragraphs (a) to (f) inclusive shall be increased by multiplying the same by the figure for Sydney of the Consumer Price Index (All Groups) published immediately prior to the commencement of that year and by dividing the resultant by the figure for such Consumer Price Index published immediately prior to 1st day of January 1988 and be distributed accordingly.

The Corporate Trustee may in the meantime make interim distribution.

4. As to the balance of the net income during each of such years the Corporate Trustee shall after deducting therefrom all amounts payable to the Corporate Trustee for commission or other charges in respect of any collection of income as aforesaid and, after deducting therefrom and paying the Diocesan Secretariat the amount which is determined by the said provisions representing the proportion of any increased assessments made by the Diocese and which are referable to moneys received by the said Church pursuant to this Ordinance, pay the same to the Churchwardens for the time being of St Matthew's Church aforesaid to be applied by them in the creation and maintenance of an Equalization Fund and operation thereon for the purpose of making good any deficit which may arise from time to time in the annual amount proposed to be distributed in pursuance of the provisions herein and thereafter towards effecting any repairs alterations or additions to existing improvements on the said land described in the First Schedule of the 1941 Ordinance, demolishing any such improvements and erecting any new improvements on the said land.

5. The Churchwardens for the time being of St Matthew's Church Manly shall on or before the 30th day of September, 1989 present an Ordinance to the Synod of the Diocese or to the Standing Committee thereof for the purpose of varying the provisions hereinbefore contained for the period as from and including the 1st day of January 1990 having regard to the needs of the said Parish and the Diocese and, in default then any surplus income accruing after the 1st day of January 1990 shall be distributed through the Diocesan Income and Expenditure Ordinance 1985 as amended from time to time.

6. This Ordinance may be cited as "St Matthew's Manly Ordinance 1988".

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

E.D. 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 22nd day of February 1988.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
22 /2 /1988