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# St Saviour's South Sydney Ordinance 1978

(Reprinted under the Interpretation Ordinance 1985.)

The St Saviour's South Sydney Ordinance 1978 as amended by the Anglican Church Property Trust Diocese of Sydney (Change of Name) Ordinance 1982, the St Saviour's South Sydney Ordinance 1978 Amending Ordinance 1988, the St Saviour's South Sydney Ordinance 1978 Amending Ordinance 1990, the St Saviour's South Sydney Ordinance 1978 Amendment Ordinance 1995 and the St Saviour's South Sydney Ordinance 1978 Further Amendment Ordinance 1995.

## Long Title

An Ordinance to amend the St Paul's Redfern with St Silas' Waterloo Declaration of Trusts Variation of Trusts and Mortgaging Ordinance 1968.

## Preamble

<sup>1</sup> Whereas the land described in the Second Schedule to the St Paul's Redfern with St Silas' Waterloo Declaration of Trusts Variation of Trusts and Mortgaging Ordinance 1968 (hereinafter called "the 1968 Ordinance") is vested in the Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") and is held upon trust for the erection of factory premises as provided in the 1968 Ordinance in connection with the Anglican Church of Australia at Waterloo in the Parish of St Paul, Redfern or any other Parish in which the land may subsequently be included And Whereas in pursuance of the 1968 Ordinance factory premises have been erected on the land And Whereas in pursuance of the 1968 Ordinance the Corporate Trustee was authorised to mortgage the land, lease the factory premises and apply the annual net income from the factory premises upon the terms, conditions, restrictions and in the manner therein appearing And Whereas the 1968 Ordinance required the Churchwardens of the Parish of St Paul, Redfern and the Standing Committee of the Synod of the Diocese of Sydney, on the termination of the ninth year of the first lease of the factory premises, to reach agreement as to the allocation and distribution of income arising under any lease of the factory premises during the next succeeding ten years and the Standing Committee to thereupon by ordinance determine the allocation and distribution of the income in the manner agreed upon And Whereas the termination of the ninth year of the first lease occurred on 10th February, 1978 And Whereas the Parish of St Paul, Redfern has been renamed the Parish of St Saviour, South Sydney And Whereas it has become inexpedient to carry out and observe the trusts as aforesaid in their entirety and it is expedient to vary those trusts in manner hereinafter appearing Now therefore the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod Ordains and Declares as follows -

## Declaration of Expediency

1. By reason of circumstances which have arisen subsequent to the creation of the trusts declared by the 1968 Ordinance it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner hereinafter provided.

## Distribution of Rental

<sup>2</sup> 2. Subject to the payments provided in subclauses (a), (b) and (c) of clause 7(l) of the 1968 Ordinance, the annual net income paid under any lease or leases of the factory premises in respect of the use or occupation of those premises on or after 10th February 1978, shall be applied by the Corporate Trustee by payment to the churchwardens of the Parish of St Saviour, South Sydney, for parochial purposes, such payment not to exceed thirty-three and one-third per centum (33 $\frac{1}{3}$ %) of the gross annual income prior to any deductions therefrom (herein called "the Parochial Fund") and thereafter of any net income in excess of the Parochial Fund in equal portions to the Sydney Church of England New Areas Committee for such purposes of the Committee as the Sydney Church of England New Areas Committee may determine or the Sydney Anglican Home Mission Society or to whichever other body, in the opinion of the Property Trust, is carrying on the work formerly carried on by that Committee (the said Society or other body is herein called "New Areas") for the purposes of the New Areas and the Inner City Committee for such purposes of that Committee as the Inner City Committee may determine provided that in making the first distribution on the annual net income under this Ordinance, the Corporate Trustee -

- (a) shall pay to the Standing Committee of Synod the amount of any arrears of diocesan assessments then due and payable by the Parish of St Saviour, South Sydney; and
- (b) shall reduce each of the payments to the churchwardens and the Committees that would otherwise be made under the foregoing provisions of this clause by an amount which bears to the

amount of the arrears referred to in paragraph (a) the same proportion as the amount of the payment bears to the annual net income.

Provided further that -

- (1) the annual net income derived after the 10th February 1988 shall be applied as follows -
  - (i) fifty five per cent (55%) shall be credited to the Parochial Fund;
  - (ii) fifteen per cent (15%) shall be paid to New Areas after passing through the Income and Expenditure Ordinance; and
  - (iii) thirty per cent (30%) shall be paid to the Inner City Committee after passing through the Income and Expenditure Ordinance; and
- (2) the annual net income derived after the 31st December 1989 shall be applied in accordance with the provisions of an ordinance presented pursuant to clause 3.

Provided further that -

- (1) the annual net income derived after the 31st December 1989 shall be applied in the proportions set out in the Schedule,
- (2) any amounts paid to the Anglican Home Mission Society for new areas or the Inner City Committee shall first pass through the Income and Expenditure Ordinance, and
- (3) the annual net income derived after 31st December 1994 shall be applied in accordance with the provisions of an ordinance presented pursuant to clause 3.

Provided further that -

- (1) The annual net income derived on and from 1 January 1995 shall be applied as follows -
  - (a) 70% to the Parochial Fund;
  - (b) 10% to the Inner City Committee;
  - (c) 10% to the Anglican Home Mission Society for aboriginal ministry in the Diocese of Sydney; and
  - (d) 10% to be retained by the Property Trust to be applied on the request of the Churchwardens in writing, for the maintenance and development of church trust property in the Parish of St Saviour, South Sydney.
- (2) The annual net income derived after 31 December 1997 shall be applied in accordance with the provisions of an ordinance presented pursuant to clause 3.

### Review of Ordinance

3. The churchwardens for the time being of St Saviour's South Sydney shall on or before the 10th February, 1988, and on or before 31st December 1989 and on or before 31st December, 1994 and on or before 31 December 1997 present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee for the purpose of varying the provisions of this Ordinance as to the allocation and distribution of income arising under any lease of the factory premises having regard to the needs and commitments of the Parish and organisations within the Diocese of Sydney.

### Citation

4. This Ordinance may be cited as the *St Saviour's South Sydney Ordinance 1978*.
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Year	Schedule		
	Parochial Fund	New Areas	Inner City Committee
	%	%	%
1990	60	15	25
1991	65	15	20
1992	70	10	20
1993	70	10	20
1994	70	10	20

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**Endnotes**

**W.G.S. GOTLEY**  
**Diocesan Secretary**

**MARK PAYNE**  
**Legal Officer**

**23 May 1995**

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1. Amended by Ordinance No.29, 1982 and pursuant to the Interpretation Ordinance 1985.
  2. Amended by Ordinances Nos 36, 1988, 21, 1990 and 9, 1995.
  3. Amended by Ordinances Nos 36, 1987, 21, 1990 and 9, 1995.
  4. Amended by Ordinance No.21, 1990.
  5. Inserted by Ordinance No 8, 1995 and repealed by Ordinance No 9, 1995.
  6. Inserted by Ordinance No.21, 1990.