

**ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY (SUNDRY ACCOUNTS)
ORDINANCE 1991**

No 20, 1991

AN ORDINANCE to vary the trusts on which certain property is held, to provide for the management and use of certain property and to provide for the amalgamation of certain trusts.

WHEREAS

A. The Property Trust is the trustee of the amounts (or the investments representing the same) specified in Part 1 of each of the Schedules to this Ordinance.

B. Each amount specified in Part 1 of a Schedule to this Ordinance is held (or is believed to be held) upon the trusts set forth in Part 2 of that Schedule.

C. The income from each amount specified in Part 1 of a Schedule to this Ordinance (or from the investments representing the same) is subject (or is believed to be subject) to the direction set forth in Part 3 of that Schedule.

D. By reason of circumstances subsequent to the creation of the trusts on which the amounts (and the investments representing the same) specified in Part 1 of each of the Schedules to this Ordinance are held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.

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 on which each of the amounts (or the investments representing the same) specified in Part 1 of each of the Schedules to this Ordinance are held, it is inexpedient to carry out the same to the extent to which the same are hereby varied.

2. All monies and other property referred to in Part 1 of a Schedule which have been held upon the trust set forth or referred to in Parts 2 and 3 of that Schedule and which have been applied in any manner inconsistent with those trusts shall be deemed to be held upon trust for the purposes for which the same have been applied.

3. Each of the amounts (and the investments representing the same) specified in Part 1 of each Schedule to this Ordinance shall now be held upon the trusts set forth in Part 4 of that Schedule and shall be applied in accordance with the direction in Part 4 of that Schedule.

4. This Ordinance may be cited as the "Anglican Church Property Trust Diocese of Sydney (Sundry Accounts) Ordinance 1991".

FIRST SCHEDULE CLIENT FUND 430

Part 1 - \$234.03

Part 2 - To apply the income earned on the capital sum towards the maintenance, renewal, replacement of the memorial flags given to the Holy Trinity Church at Berrima by the Reynolds family.

Part 3 - To be paid to the Churchwardens for the time being of Holy Trinity Berrima.

Part 4 - That the capital and income be paid to the Churchwardens of Holy Trinity Church at Berrima to be held on trust towards the maintenance, renewal and replacement of the memorial flags given to the Church by the Reynolds family.

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SECOND SCHEDULE CLIENT FUND 648

Part 1 - \$1,125.99

Part 2 - To invest the capital sum and pay the income thereof to the Rector and Churchwardens for the time being, of the Parish of St Stephen Newtown to be applied by them for such charitable purposes for the benefit of the said Parish of St Stephen Newtown as they in their absolute discretion shall think fit. The foregoing bequest shall continue as long as the said Rector and Churchwardens shall out of the income expend sufficient thereof to enable the grave and gravestones of the Woolley family within the Camperdown cemetery commonly known as "The Woolley Enclosure" to be kept in good order and the letters thereon to be kept legible and for that purpose to be re-cut from time to time.

Upon the failure of the said Rector and Churchwardens to expend sufficient of this said income to enable the said grave or gravestones to be kept in good order and repair and the letters thereon to be kept legible and for that purpose to be recut from time to time the foregoing bequest shall determine and the monies or investment representing the same shall be paid and transferred to the Home of Peace for the Dying at Petersham.

Part 3 - The directions noted in Part 2 of this Schedule.

Part 4 - That the capital and income to be paid to the Rector and Churchwardens of St Stephen Church at Newtown to be applied by them upon the trusts detailed in Part 2.

THIRD SCHEDULE CLIENT FUND 556

Part 1 - \$936.50

Part 2 - To invest the capital sum with income arising therefrom being paid to the Churchwardens for the time being of St John the Evangelist Church Hartley to be applied by them towards the upkeep and maintenance of the fabric of the said Church.

Part 3 - The direction noted in Part 2 of this Schedule.

Part 4 - That the capital and income be paid to the Parish Council of the Parish of Littleton to be invested in the Parish Capital Works Fund and used on capital works with the Parish.

FOURTH SCHEDULE CLIENT FUND 637

Part 1 - \$222.78

Part 2 - Upon trust for the Parish of Cobbitty with a request that the Caretaker of the Cobbitty Church maintain and care for graves of the parents of Mary Coulliard Wales in that Cemetery.

Part 3 - To be paid to the Churchwardens for the time being of St Paul's Church Cobbitty.

Part 4 - That the capital and income be paid to the Churchwardens for the time being of St Paul's Church at Cobbitty to be held upon the trusts set out in Part 2.

FIFTH SCHEDULE CLIENT FUND 373

Part 1 - \$3,651.06

Part 2 - To pay the income to the Wardens for the time being of St Bede's Church of England at Drummoyne Sydney to be used by the said Wardens for such purposes of the said Church as they may think fit and as approved by the Rector for the time being of the said Church.

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Part 3 - To be paid to the Churchwardens for the time being of St Bede's Drummoyne.

Part 4 - That the capital and income be paid to the Churchwardens St Bede's Drummoyne for parochial purposes approved by a majority of the Parish Council.

SIXTH SCHEDULE CLIENT FUND 399

Part 1 - \$5,933.59

Part 2 - To apply the income on the recommendation of the Bishop of Sydney in or towards the maintenance, repair and upholding of Church of England Parochial Burial Grounds within the Diocese of Sydney and of the fences and buildings pertinent to such Burial Grounds.

Part 3 - To be paid as directed by the Archbishop of Sydney.

Part 4 - That the capital and income shall from time to time be applied on the recommendation of the Archbishop of Sydney in or towards the maintenance of Anglican Burial Grounds within the Diocese of Sydney including maintenance of fences and buildings pertinent to such Burial Grounds.

SEVENTH SCHEDULE CLIENT FUND 411

Part 1 - \$2,000

Part 2 - To pay the income in the first instance towards the upkeep and maintenance of the Preston Family Vault in the cemetery of St John's Church of England at Ashfield New South Wales and any balance remaining from the income to be applied to the maintenance of the said cemetery.

Part 3 - To pay the income to the Churchwardens for the time being of St John's Ashfield.

Part 4 - That the capital and income be paid to the Churchwardens of St John's Ashfield to be applied towards firstly the upkeep and maintenance of the Preston Family Vault in the cemetery of St John's Ashfield and secondly to the general maintenance of the said cemetery.

EIGHTH SCHEDULE CLIENT FUND 434

Part 1 - \$2,604.43

Part 2 - To be held in trust by the Anglican Church Property Trust Diocese of Sydney in trust for St Aidan's Church Blackheath.

Part 3 - To be paid to the Churchwardens for the time being of St Aidan's Church Blackheath.

Part 4 - That the capital and income be paid to the Churchwardens of St Aidan's Blackheath and to be applied for parochial purposes approved by a majority of the church committee.

NINTH SCHEDULE CLIENT FUND 460

Part 1 - \$8,734.46

Part 2 - To pay the income to the Churchwardens for the time being of St David's Burrawang for general church purposes.

Part 3 - To be paid to the Churchwardens of St David's Church Burrawang.

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Part 4 - That the capital and income be paid to the Churchwardens of St David's Church Burrawang to be applied by them for parochial purposes.

TENTH SCHEDULE CLIENT FUND 464

Part 1 - \$7,830.75

Part 2 - To be paid to the Churchwardens for the time being of the said Parish of St John's Camden to be applied by them in or towards the maintenance and support of a clergyman or of a living Agent or Agents employed in the work of the Church of England in the said Parish with the concurrence of the majority of the said Churchwardens and of the Parish Council (if any) and of the Rector for the time being of the said Parish.

Part 3 - To be paid to the Churchwardens of St John's Camden.

Part 4 - That the capital and income be paid to the Churchwardens of St John's Camden to be applied by them towards the maintenance and support of clergy or other staff employed by the Parish.

ELEVENTH SCHEDULE CLIENT FUND 471

Part 1 - \$3,421.21

Part 2 - To pay the income to the person who from time to time is licensed to the cure of souls in the Parish of Canterbury for such purposes in connection with that Parish as he may consider fit.

Part 3 - To pay the income to the Rector of the Parish of Canterbury.

Part 4 - That the capital and income be paid to the Churchwardens of St Paul's Canterbury to be applied for purposes in connection with the Parish of Canterbury with Hurlstone Park approved by the majority of the Parish Council.

TWELFTH SCHEDULE CLIENT FUND 534

Part 1 - \$5,444.16

Part 2 - To be applied towards the acquisition of another site for a church in Otford-Helensburgh area in the said Provisional Parish of Engadine with Heathcote, Helensburgh, Stanwell Park, Waterfall and Offord.

Part 3 - To be paid by the Property Trust for land acquisition in the Otford-Helensburgh area.

Part 4 - That the capital and income be applied by the Property Trust for the purposes of the Provisional Parish of Helensburgh.

THIRTEENTH SCHEDULE CLIENT FUND 540

Part 1 - \$3,037.81

Part 2 - To be paid at least annually to the Churchwardens of St Aidan's Church Exeter and applied by them in and towards the maintenance and upkeep of the said church building, its grounds and hall and any balance at the expiration of each church year shall be applied by them for such purposes in the said Parish as the Parish Council thereof considers fit.

Part 3 - To be paid to the Churchwardens of St Aidan's Church Exeter.

Part 4 - That the capital and income to be paid to the Churchwardens of St Aidan's Exeter to be applied by them towards the maintenance of buildings and grounds at St Aidan's Exeter.

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FOURTEENTH SCHEDULE CLIENT FUND 547

Part 1 - \$5,689.02

Part 2 - To pay the income as an increment to the stipend payable to the Rector or other the Incumbent for the time being of the Church of England Parish Church at Gladesville.

Part 3 - To be paid to the Rector of Christ Church Gladesville.

Part 4 - That the capital and income be paid to the Churchwardens of Christ Church Gladesville to be applied to the stipend of the Rector.

FIFTEENTH SCHEDULE CLIENT FUND 597

Part 1 - \$2,667.30

Part 2 - To be applied in or towards purchasing other real property in the Parish of Liverpool suitable for use as a rectory or as a residence for an assistant minister. Pending application of these proceeds any interest accruing thereon shall be capitalised.

Part 3 - To be paid by the Property Trust, towards the purchase of real property in the Parish of Liverpool.

Part 4 - That the capital and income be paid to the Churchwardens of St Luke's Liverpool for maintenance and improvement of parish buildings.

SIXTEENTH SCHEDULE CLIENT FUND 641

Part 1 - \$461.27

Part 2 - To be held upon trust for such of the following:

- (a) the purchase of real property,
- (b) meeting the costs of erecting a new building or new buildings or other improvements on land vested in the Property Trust and held on trust for the Parish of Naremburn with Cammeray or any parish or other ecclesiastical district into which the said Parish may be incorporated,
- (c) meeting the costs of renovating or otherwise improving buildings or other improvements on land vested in the Property Trust and held by it on trust for the Parish of Naremburn with Cammeray or any parish or other ecclesiastical district into which the said parish may be incorporated,

as a majority of the Parish Council of the said Parish shall request in writing addressed to the Property Trust.

Part 3 - To be applied by the Property Trust for construction of and improvement to buildings within the Parish of Naremburn with Cammeray.

Part 4 - That the capital and income be paid to the Parish of Naremburn with Cammeray to be applied towards the maintenance and improvement of church buildings within the Parish.

SEVENTEENTH SCHEDULE CLIENT FUND 647

Part 1 - \$7,661.23

Part 2 - To pay the income to the Churchwardens of the Parish of St Stephen Newtown for general parochial purposes.

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Part 3 - To be paid to the Churchwardens of St Stephen Newtown.

Part 4 - That the capital and income be paid to the Churchwardens of St Stephen Newtown to be applied by them for parochial purposes approved by the majority of the Parish Council.

EIGHTEENTH SCHEDULE CLIENT FUND 649

Part 1 - \$1,542.75

Part 2 - To be held in trust for the benefit of St Stephen's Anglican Church Newtown New South Wales.

Part 3 - To be paid to the Churchwardens for the time being of St Stephen's Newtown.

Part 4 - That the capital and income be paid to the Churchwardens of St Stephen's Newtown to be applied for parochial purposes approved by the majority of the Parish Council.

NINETEENTH SCHEDULE CLIENT FUND 725

Part 1 - \$6,000

Part 2 - To pay the income towards :-

- (1) The repayment to the Corporate Trustee of the sum of 261 pounds 2 shillings and 5 pence paid by it on account of rates to the Council of the Municipality of Fairfield.
- (2) The payment of all arrears due by the Parish of St James' Smithfield under and by virtue of any Synod assessment in respect of which such arrears are payable amounting to the sum of 1,497 pounds 3 shillings and 4 pence.
- (3) The payment of all rates and taxes and charges in respect of Church lands and buildings in the said Parish so far as the same be not paid by the Churchwardens of such Parish.
- (4) the repayment of any balance to the Churchwardens for the time being of St James' Smithfield for Parish purposes.

Part 3 - To be paid to the Churchwardens for the time being of St James' Smithfield.

Part 4 - That the capital and income be paid to the Churchwardens of St James' Smithfield to be applied for parochial purposes approved by a majority of the Parish Council.

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

**N.M. 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 24th day of June 1991.

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

I ASSENT to this Ordinance.

**DONALD ROBINSON
Archbishop of Sydney
24 / 6 / 1991**