

CHURCH OF ENGLAND PROPERTY TRUST DIOCESE OF SYDNEY  
(SMALL ACCOUNTS) ORDINANCE 1975

No. 33 1975

AN ORDINANCE to provide for the management and use of certain church trust property and to vary the trusts on which some of this property is held.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the trustee of all of the amounts (or of the investments representing the same) specified in part one of the schedules to this ordinance AND WHEREAS each amount specified in part one of a schedule to this ordinance is held (or is believed to be held) upon the trusts set forth in part two of that schedule AND WHEREAS the income from each amount specified in part one of a schedule to this ordinance (or from the investments representing the same) is subject to the direction (if any) set forth in part three of that schedule AND WHEREAS the cost of maintaining accounts in respect of each of the said amounts exceeds or is a substantial part of the income derived from the said amounts AND WHEREAS it is expedient that other provision be made for the management and use of the said amounts and the income therefrom and that the trusts on which each of the said amounts are held be varied to the extent hereinafter provided NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS RULES DECLARES AND DIRECTS 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 one 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 moneys and other property which have been held upon the trusts set forth or referred to in parts two and three of each schedule and which have been applied or are being applied in any manner inconsistent with those trusts shall be deemed to have been held upon trusts for the purposes for which the same have been applied or are being applied.

3. Each amount specified in part one of the schedules to this ordinance and all income thereon which (whether before or after this ordinance is assented to) has not been distributed by the Corporate Trustee shall be paid (unless, in part four of the schedule, the Corporate Trustee is directed to retain the same) to the person persons or corporation named or described in part four of that schedule and shall be applied by the payee for the purposes set forth in part five of that schedule provided that, where the amount has been invested, the Corporate Trustee may either realise the investments immediately or on some date which the Corporate Trustee considers appropriate (and either in one lot or in several lots) and pay the proceeds of such realisation (after meeting all costs thereof) in lieu of the said amount or transmit the investments to the said person, persons or corporation.

~~4. (1) The obligations imposed by Clause 4 of the St. Stephen's Parish Sale Ordinance 1950, as regards all instalments and interest directed to be paid to the Corporate Trustee by that Clause and which have not been paid prior to the date on which this ordinance is assented to, shall cease on this ordinance being assented to.~~

~~(2) The obligations imposed by Clause 4 of the St. Mary's Land Sale Ordinance 1958-1959, as regards all instalments directed to be paid to the Corporate Trustee by that clause and which have not been paid prior to the date on which this ordinance is assented to, shall cease on this ordinance being assented to.~~

5. This ordinance may be cited as "Church of England Property Trust Diocese of Sydney (Small Accounts) Ordinance 1975".

#### FIRST SCHEDULE

##### PART I

\$153.25

##### PART 2

Parish of Blacktown

##### PART 3

Nil

PART 4.

The churchwardens of the church known as Christ Church in the Parish of Blacktown.

PART 5

For such purposes in the Parish of Blacktown as the Parish Council thereof considers fit.

SECOND SCHEDULEPART 1

\$200

PART 2

Upon the trusts, uses, intents and purposes declared by the provisions of a certain Act of the Governor in Council of the Colony of New South Wales being the third of the seventh year of the reign of His late Majesty King William the Fourth and entitled "An Act to Promote the Building of Churches and Chapels and to provide for the Ministers of Religion in New South Wales" as Glebe annexed to the Church of St. Stephen the Martyr at Penrith.

PART 3

As set forth in the said Act.

PART 4

The churchwardens of the church known as St. Stephen the Martyr Penrith.

PART 5

For such purposes in the Parish of Penrith as the Parish Council thereof considers fit.

THIRD SCHEDULEPART 1

\$229.49

PART 2

For the Parish of St. Mary's.

PART 3

Nil

PART 4

The churchwardens of the church known as St. Mary Magdalene in the Parish of St. Mary's.

PART 5

For such purposes in the Parish of St. Mary's as the Parish Council thereof considers fit.

SECOND SCHEDULE

PART 1

\$906.64

PART 2

Upon trust

- (a) to pay to the Minister for the time being of the Parish of Holy Trinity Sydney the sum of fifteen pounds per year until the first day of January 1972,
- (b) to accumulate the balance of the income arising from such moneys in excess of the sum of fifteen pounds and invest the same at compound interest until the first day of January 1972.
- (c) from and after the first day of January 1972 to apply the total income as the Synod of the Diocese of Sydney from time to time directs.

PART 3

Nil.

PART 4

The Churchwardens of the church known as Holy Trinity Sydney

PART 5

For such purposes in the Parish of Holy Trinity Sydney as the Parish Council thereof considers fit.

THIRD SCHEDULE

PART 1

\$274.95

PART 2

Upon trusts for the Parish of St. Stephen the Martyr Penrith.

PART 3

In and towards the erection of a kindergarten hall adjoining the parish hall of St. Stephen the Martyr, Penrith and for the extension of the church building of St. Stephen the Martyr, Penrith.

PART 4

The churchwardens of the church known as St. Stephen the Martyr Penrith

PART 5

For such purposes in the Parish of Penrith as the Parish Council thereof considers fit.

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~~FOURTH~~  
SIXTH SCHEDULEPART 1

\$16

PART 2

Upon trusts for the area of which the church known as St. Stephen's Belrose is part.

PART 3

Nil.

PART 4

The churchwardens of the church known as St. Stephen's Belrose.

PART 5

For such purposes in the Parish of French's Forest as the said churchwardens consider fit.

~~FIFTH~~  
SEVENTH SCHEDULEPART 1

\$278.91

PART 2

Upon trust for the purpose of establishing a mission hall in the Parish of St. Paul Redfern.

PART 3

Nil

PART 4

The churchwardens of the church known as St. Silas Waterloo.

PART 5

For such purposes in the Parish of St. Paul Redfern as the Parish Council thereof considers fit.

~~SIXTH~~  
EIGHTH SCHEDULEPART 1

\$213.91

PART 2

Upon a trust for the Church of England in the Diocese of Sydney the terms of which are not known.

PART 3

Not known.

PART 4

Sydney Diocesan Secretariat

PART 5

To permit the same to be applied in reducing any overdraft of the Sydney Diocesan Secretariat or the Standing Committee.

SEVENTH SCHEDULE

PART 1

\$838.35

PART 2

Upon a trust for the purpose of erecting a memorial hall or church in the Dover Heights-Rose Bay area.

PART 3

Nil.

PART 4

The churchwardens of the church known as St. Paul's Rose Bay.

PART 5

For such purposes in the Parish of St. Paul's Rose Bay as the Parish Council thereof considers fit.

EIGHTH SCHEDULE

PART 1

\$124.44

PART 2

Upon trusts in connection with the Parish of Burwood East.

PART 3

Nil.

PART 4

The churchwardens of the church known as St. Peter's Burwood East.

PART 5

For such purposes in the Parish of East Burwood as the Parish Council thereof considers fit.

NINTH SCHEDULE

PART 1

\$814.68

PART 2

Upon trust to be applied in and towards the purchase of land within the Parish of St. Peter Campbelltown as sites for a church parsonage or parish hall or partly for one and partly for another or others of such purposes as the Parish Council of such Parish may determine.

PART 3

Nil.

PART 4

The churchwardens of the church known as St. Peter's Campbelltown.

PART 5

For such purposes in the said Parish of Campbelltown as the Parish Council thereof considers fit.

TENTH SCHEDULE

PART 1

\$4.42

PART 2

Upon a trust for the Church of England in the Diocese of Sydney the terms of which are not known.

PART 3

Not known.

PART 4

Sydney Diocesan Secretariat

PART 5

To permit the same to be applied in reducing any overdraft of the Sydney Diocesan Secretariat or the Standing Committee.

ELEVENTH SCHEDULE

PART 1

\$200

PART 2

Upon a trust in connection with St. Thomas' Church of England, North Sydney Cemetery

PART 3

Nil

PART 5

To the Council referred to in Section 3 (4)(a)(i) of the St. Thomas' Church of England North Sydney Cemetery Act 1967.

PART 5

Upon trust for the land described in the Schedule to the St. Thomas' Church of England North Sydney Cemetery Act 1967.

~~TWELFTH~~  
FOURTEENTH SCHEDULE

PART 1

\$400

PART 2

Upon a trust in connection with St. Thomas' Church of England, North Sydney Cemetery.

PART 3

Nil.

PART 4

To the Council referred to in Section 3(4)(a)(i) of the St. Thomas' Church of England North Sydney Cemetery Act 1967.

PART 5

Upon trust for the land described in the Schedule to the St. Thomas' Church of England North Sydney Cemetery Act 1967.

~~THIRTEENTH~~  
FIFTEENTH SCHEDULE

PART 1

\$1,219.32

PART 2

Upon a trust in connection with St. Thomas' Church of England North Sydney Cemetery.

PART 3

Nil.

PART 4

To the Council referred to in Section 3(4)(a)(i) of the St. Thomas' Church of England North Sydney Cemetery Act 1967.

PART 5

Upon trust for the land described in the Schedule to the St. Thomas' Church of England North Sydney Cemetery Act 1967.

SIXTEENTH SCHEDULE

~~PART 1~~

\$400



PART 2

Upon a trust for a mission for seamen in the Port Kembla area.

PART 3

Nil.

PART 4

The churchwardens of the church building known as St. Stephen's Port Kembla.

PART 5

For such purposes in the Parish of Port Kembla as the Parish Council thereof considers fit.

~~FOURTEENTH~~  
~~SEVENTEENTH SCHEDULE~~

PART 1

\$737.81

PART 2

Upon trusts in connection with the Parish of Narrabeen.

PART 3

Nil.

PART 4

The churchwardens of the church building known as St. Faith's Narrabeen.

PART 5

For such purposes in the Parish of Narrabeen as the Parish Council thereof considers fit.

~~FIFTEENTH~~  
~~EIGHTEENTH SCHEDULE~~

PART 1

\$444.88

PART 2

Upon a trust for the Parish of Ryde

PART 3

Nil

PART 4

The churchwardens of the church building known as St. Anne's Ryde.

PART 5

For such purposes in the Parish of Ryde as the Parish Council thereof considers fit.

NINETEENTH SCHEDULE

PART 1

\$87.50

PART 2

Upon a trust for the Parish of Pymble

PART 3

Nil.

PART 4

The churchwardens of the church building known as St. Swithun's Pymble.

PART 5

For such purposes in the Parish of Pymble as the Parish Council thereof considers fit.

~~SIXTEENTH~~  
TWENTIETH SCHEDULE

PART 1

\$246

PART 2

Upon trust for the Parish of Mulgoa.

PART 3

Nil

PART 4

The churchwardens of the church building known as St. Thomas' Mulgoa

PART 5

For such purposes in the Parish of Mulgoa as the Parish Council thereof considers fit.

~~SEVENTEENTH~~  
TWENTY-FIRST SCHEDULE

PART 1

\$100

PART 2

Upon trust for the erection of a new church at McCallum's Hill

PART 3

Nil

PART 4

The churchwardens of the church building known as St. Philip's McCallum's Hill.

PART 5

For such purposes in the Provisional Parish of McCallum's Hill as the Parish Council thereof considers fit.

~~EIGHTEENTH  
TWENTY-SECOND SCHEDULE~~

PART 1

\$380

PART 2

Upon trust for the Parish of Drummoyne

PART 3

Nil

PART 4

The churchwardens of the church building known as St. Bede's Drummoyne

PART 5

For such purposes in the Parish of Drummoyne as the Parish Council thereof considers fit.

~~NINETEENTH  
TWENTY-THIRD SCHEDULE~~

PART 1

\$92.45

PART 2

Upon trust for the Parish of Drummoyne

PART 3

Nil

PART 4

The churchwardens of the church building known as St. Bede's Drummoyne

PART 5

For such purposes in the Parish of Drummoyne as the Parish Council thereof considers fit.

~~TWENTIETH  
TWENTY-FOURTH SCHEDULE~~

PART 1

\$799.82

PART 2

Upon trust for the Parish of Castle Hill

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PART 3

Nil

PART 4

The churchwardens of the church building known as St. Paul's Castle Hill

PART 5

For such purposes in the Parish of Castle Hill as the Parish Council thereof considers fit.

~~TWENTY FIFTH~~  
TWENTY FIFTH SCHEDULE

PART 1

\$107.68

PART 2

To be held and applied in or towards the provision of a rectory for part of the Parish of Carlingford.

PART 3

To be applied, pending the said application, towards the stipend of the Minister or Ministers of the said Parish.

PART 4

The churchwardens of the church building known as St. Paul's Carlingford

PART 5

For such purposes in the said Parish as the Parish Council thereof considers fit.

~~TWENTY SIXTH~~  
TWENTY SIXTH SCHEDULE

PART 1

\$503.49

PART 2

To be applied towards the purchase of a dwelling situated within the Parish of Berrima cum Moss Vale for the use and occupation of an Assistant Minister or other parochial purposes in such Parish.

PART 3

To be applied pending the said application, towards general parochial purposes in the said Parish.

PART 4

The churchwardens of the church building known as <sup>St John's Moss Vale</sup> ~~Holy Trinity Berrima~~

PART 5

For such purposes in the said Parish as the said churchwardens consider fit.

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THIRD  
TWENTY SEVENTH SCHEDULE

PART 1

\$282.55

PART 2

Upon trusts for the Parish of Holy Trinity Sydney

PART 3

First, in providing for insurance, repairs, sinking fund, rates and other outgoings of and in connection with a certain rectory in the Parish of Holy Trinity Sydney.

Second, until otherwise determined by the Synod, to be paid to the churchwarden or churchwardens for the time being of the church known as Holy Trinity Sydney to be held and applied by them in accordance with the provisions of the Sydney Church Ordinance as Parochial Church Funds and property not excluded from control within the meaning of section twenty-seven of the said ordinance or any ordinance or ordinances amending or made in lieu of the same.

Provided however that the income as and when received shall in priority to all other purposes be applied in paying by way of stipend to the Rector for the time being licensed to officiate in the said Holy Trinity Church such sum or sums as shall secure to him from all sources a stipend at the rate of not less than three hundred nor more than four hundred pounds per annum.

PART 4

The churchwardens of the church known as Holy Trinity Sydney

PART 5

For such purposes in the Parish of Holy Trinity Sydney as the Parish Council thereof considers fit.

FOURTH  
TWENTY EIGHTH SCHEDULE

PART 1

\$330.39

PART 2

Upon a trust for the Parish of Holy Trinity Sydney

PART 3

To be paid until otherwise determined by the Synod to the churchwarden or churchwardens for the time being of the church building known as Holy Trinity Sydney and be held and applied by them in accordance with the provisions of the Sydney Church Ordinance (being that ordinance which was assented to on the 6th of May 1891) parochial church property not excluded from control within the meaning of sections 27 of the said ordinance or any ordinance or ordinances amending or made in lieu of the same. Provided however that the income as and when received shall in

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priority to all other purposes be applied in paying by way of stipend to the Rector for the time being licensed to officiate in the said church building such sum or sums as shall secure to him from all sources a stipend at the rate of not less than six hundred nor more than eight hundred dollars per annum

PART 4

The churchwardens of the church building known as Holy Trinity Sydney

PART 5

For such purposes in the Parish of Holy Trinity Sydney as the Parish Council thereof considers fit.

FIFTH  
TWENTY NINTH SCHEDULE

PART 1

\$609.90

PART 2

Upon trust for the Minister for the time being of the church of Holy Trinity Sydney

PART 3

Nil

PART 4

The churchwardens of the church known as Holy Trinity Sydney.

PART 5

For such purposes in the Parish of Holy Trinity Sydney as the Parish Council thereof considers fit.

~~TWENTY SIXTH~~  
THIRTIETH SCHEDULE

PART 1

\$946.10

PART 2

Upon a trust for a Chinese Christian congregation in connection with the Church of England.

PART 3

To be applied, with the advice of the Committee of the Church Missionary Society of Australia and Tasmania (N.S.W. Branch) and with the sanction of the Archbishop of Sydney for the time being in and towards any of the following purposes:-

- (a) The maintenance and repair of any building or buildings which may be erected as a church or school house for the use of the Chinese Christian congregation in connection with the Church of England

- (b) The hiring a building or buildings for the carrying on of Church of England work amongst the Chinese
- (c) The maintenance and support of any clergyman or clergymen catechist or catechists duly licensed by the Archbishop of Sydney for the time being to carry on Church of England work amongst Chinese in or in the vicinity of the City of Sydney
- (d) Or in such manner as the said Church Missionary Society shall recommend for the purposes of Chinese Mission work in the Diocese of Sydney.

PART 4

The said sum and all income thereon, until applied in accordance with Part 5 of this Schedule, shall be held by the Corporate Trustee.

PART 5

For such purposes as the Archbishop of Sydney after having regard to the trusts set forth in Parts 2 and 3 of this schedule, considers appropriate.

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

D. Cameron  
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of September 1975.

W.G.S. Gotley  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
29 /9 /1975.