

Miranda Leasing Ordinance 1995 Amendment Ordinance 2000

No 14, 2000

Long Title

An Ordinance to amend the Miranda Leasing Ordinance 1995.

Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land contained in Certificate of Title Folio Identifier 2/809270 (the "Land").

B. By clause 2 of St Luke's Miranda Declaration and Variation of Trusts and Lease Ordinance 1970 the Land is held upon trust for a church, parsonage or parish hall or partly for one or partly for another or others of such purposes in connection with the Church of England in Australia in the parish of St Luke Miranda or any parochial unit into which subsequently it may be formed.

C. By the Miranda Leasing Ordinance 1995 (the "Principal Ordinance") authority was given to lease part of the Land (the "Leased Site") for a term or terms which in aggregate do not exceed 25 years.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Leased Site is held it is inexpedient to carry out or observe such trusts or to deal with or apply the Leased Site wholly for the use or benefit of the Parish of Miranda.

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

1. Name

This Ordinance is the Miranda Leasing Ordinance 1995 Amendment Ordinance 2000.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Leased Site is held it is inexpedient to carry out or observe such trusts or to deal with or apply the Leased Site wholly for the use or benefit of the Parish of Miranda.

3. Amendment to Principal Ordinance

The Principal Ordinance is amended as follows -

- (a) in clause 4(1)(a) insert the following matter after the matter "first," -
"in payment of any taxes (including in the nature of goods and services tax) payable by reason of any lease of all or part of the Leased Site and";
- (b) in clause 4(1)(a) insert the words "and any amendments thereto" after the word "ordinance";
- (c) in clause 4(1)(a) delete the words "the lease" and insert instead the words "any such lease";
- (d) in clause 4(1)(b) insert the words "but subject to subclause (1A)" after the word "thereafter";
- (e) insert a new clause 4(1A) as follows -
"(1A) If the annual rental under the lease exceeds \$20,000 then 5% of the excess will be paid by the Churchwardens to the Property Trust for the Diocesan Endowment.";
- (f) clause 4(2) is deleted and the following inserted instead -
"(2) The authority contained in paragraph 4(1)(b) applies in relation to rental moneys and other moneys arising or accruing under any lease on or before 31 July 2005. The authority contained in paragraph 4(1)(b) applies in relation to the balance of rental moneys and other moneys accruing or arising after 31 July 2005 and on or before 31 July 2010 subject to the approval of the Standing Committee given by resolution. The balance of the rental moneys and other moneys accruing or arising after 31 July 2010 shall be applied in accordance with a further ordinance to be promoted by the Churchwardens."

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

P W YOUNG
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 June 2000.

M A PAYNE
Secretary

I Assent to this Ordinance.

R H GOODHEW
Archbishop of Sydney
26/6/2000