

**ST ANDREW'S CATHEDRAL VARIATION OF TRUSTS ORDINANCE 1990**

No 14, 1990

**AN ORDINANCE to vary the trusts in respect of specified funds presently held in relation to St Andrew's Cathedral.**

**WHEREAS**

A. Pursuant to the Will of the late Irene Poulton certain moneys are currently held by the Property Trust upon trust for "the purposes of the St Andrew's Restoration Appeal" the present capital balance of which moneys is set out in the First Part of the First Schedule hereto, which said moneys (comprising capital and income) is herein called the "Poulton Bequest".

B. Within the terms of the Saint Andrew's Cathedral Property Investment Ordinance of 1906 certain funds were recited to be held upon trust that the income be used in and towards the support, maintenance, upholding and repairs of the building, decoration, ornaments and furniture of the said Cathedral Church for the purpose of public worship so long as the said Cathedral Church should be solely used and appropriated for the celebration of public worship therein which said funds in various circumstances which have arisen became intermingled with other moneys and which could not be separately identified.

C. Certain land adjacent to the George Street frontage of the land of St Andrew's Cathedral more particularly described in the Second Schedule (herein referred to as "the State Rail Authority resumed land") and held by the Property Trust upon trust for all or any of the following purposes that is to say, a site for a Cathedral Church, a residence for the Chief Officiating Minister of the Cathedral, a Church House and offices and otherwise in connection with the Cathedral and the administration of the affairs of the Church of England in the Diocese of Sydney is currently proposed to be resumed by the State Rail Authority for its purposes and certain compensation moneys (herein referred to as the resumption proceeds) are now or will become payable to the Chapter of the Cathedral in respect of such land.

D. Pursuant to the Will of the late Verlie Bartlett certain moneys are currently held by the Property Trust upon trust for "the maintenance of St Andrew's Cathedral" the present capital balance of which moneys are set out in the Third Part of the First Schedule hereto, which said moneys (comprising capital and income) is herein called "The Bartlett Bequest".

E. Pursuant to the St Andrew's Cathedral and School Property Leasing and Variation of Trusts Ordinance 1958 certain funds were therein referred to as "the balance of income from the corpus" and in relation to such funds certain trusts were declared namely, that such moneys "shall be paid to the St Andrew's Cathedral Chapter which shall apply the same -

- (a) in furtherance or in aid of evangelistic mission work;
- (b) for parochial purposes; and
- (c) for education purposes,

in connection with the Church of England in the Ecclesiastical District of St Andrew Sydney in equal proportions between the said three objects and in such manner with respect to each object as the said Chapter may determine" and the present capital balance of which moneys is set out in the Fourth Part of the

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First Schedule hereto, which said moneys (comprising capital and income) is herein called the "Stafford House Trust".

F. Certain moneys are presently held and invested by the Property Trust representing the net proceeds of sale of the deanery property known as number 46 Church Street, Lilyfield by the Chapter to the Endowment of the See, the present capital balance of which moneys are set out in the Fifth Part of the First Schedule hereto, which said moneys (comprising capital and income) is herein called the "Deanery Sale Proceeds".

G. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the various hereinbefore recited funds and moneys are respectively held it is in each case impossible or inexpedient to carry out and observe the same and it is expedient that the same be varied in the manner and to the extent herein provided.

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 trusts upon which the moneys as to capital and income comprised in the Poulton Bequest are held it is impossible or inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is agreed that such moneys shall be paid to the trustee of the Cathedral Buildings Endowment Fund and be held upon the trusts thereof.

2. By reason of circumstances which have arisen as particularly described in recital B hereof and taking into consideration the further circumstances referred to in recital C hereof subsequent to the creation of the trusts upon which the State Rail Authority resumed land is held it is impossible or inexpedient to carry out and observe the same to the extent that the same are hereby varied and such land and the resumption proceeds when received shall be held upon trust to pay, transfer or divide the same upon, to or between all or any one or more of the following purposes in such manner or proportions as the Chapter of the Cathedral may in its discretion at any time or from time to time determine by resolution or resolutions passed at a duly convened meeting of the Chapter, that is to say:

- (a) the hereinbefore recited trusts set forth in recital B hereof as set forth in the terms of the Saint Andrew's Cathedral Property Investment Ordinance of 1906 in respect of the Thomas Moore Trust; and/or
- (b) the trusts of the Cathedral Buildings Endowment Fund and/or the trusts of the Cathedral Ministry Endowment Fund; and/or
- (c) such purpose or purposes in respect of the business of the Chapter of the Cathedral as the said Chapter may determine at its discretion by a resolution passed a duly convened Chapter Meeting.

PROVIDED that any determination for payment or application of any such moneys for any of the trusts set out in paragraph (b) hereof shall not be subsequently revoked or modified by the said Chapter.

3. By reason of circumstances which have arisen subsequent to the trusts upon which the moneys as to capital and income comprised in the Bartlett Bequest are held it is impossible or inexpedient to carry out and observe the same to the

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extent that the same are hereby varied and it is agreed that such moneys shall be paid to the trustee of the Cathedral Buildings Endowment Fund and be held upon the trusts thereof.

4. By reason of circumstances which have arisen subsequent to the trusts upon which the corpus and the income comprised in the Stafford House Trust are held it is impossible or inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is agreed that an equal one-third share of the said balance of the said income shall be paid by the Property Trust to the Council of St Andrew's Cathedral School to be applied by the said Council for such educational purposes of the said School as the said Council shall in its absolute discretion determine and the remaining income and the whole of the corpus thereof shall be transferred and paid to the Cathedral Ministry Endowment Fund and held upon the trusts thereof.

5. By reason of circumstances which are arisen subsequent to the trusts upon which the moneys as to capital and income comprised in the Deanery Sale Proceeds are held it is or may be impossible or inexpedient to carry out and observe the same to the extent that the same are hereby varied and such moneys shall be paid to the Cathedral Ministry Endowment Fund and held upon the trusts thereof.

6. This Ordinance may be cited as the "St Andrew's Cathedral Variation of Trusts Ordinance 1990".

**FIRST SCHEDULE**

<u>First Part (Irene Poulton Estate) Fund No 748</u>	\$
Capital Amount	157,887.00
<u>Second Part (Thomas Moore Trusts)</u>	
Capital Amount	42,567.00
<u>Third Part (Bartlett Bequest) Fund No 747</u>	
Capital Amount	10,899.83
<u>Fourth Part (The St Andrew's Church and School Trust) (Stafford House Trust) Fund No 396</u>	
Capital Amount	433,636.84
<u>Fifth Part (St Andrew's Cathedral Chapter Endowment Fund) (Deanery Sale Proceeds) Fund No 751</u>	
Capital Amount	342,433.44

**SECOND SCHEDULE**

~~Lots 1 to 4 inclusive Deposited Plan 785173 which are sub-strata lots following a subdivision of Lot 2 Deposited Plan 568444.~~

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I CERTIFY that this 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 23rd day of April 1990.

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

I ASSENT to this Ordinance.

**DONALD ROBINSON**  
Archbishop of Sydney  
23 / 4 / 90