

ST. ANDREW'S HOUSE SITE ORDINANCE 1976

No. 49 1976

AN ORDINANCE to declare the trusts on which certain land is held and to vary the trusts on which certain other land is held and to authorise the mortgaging of certain land.

WHEREAS

A. Prior to the date on which assent was given to the St. Andrew's House Ordinance 1975, the land described in the first and second schedules hereto was vested in Glebe Administration Board (hereinafter called "GAB").

B. By the St. Andrew's House Ordinance 1975 a council was constituted for the purpose of holding, managing and dealing with the said land.

C. The said council has been constituted a body corporate under the Church of England (Bodies Corporate) Act 1938. The name of the said body corporate is "St. Andrew's House Corporation" and the said body corporate is hereinafter called "the corporation".

D. By reason of Section 9(2) of the said Act, the said land has not vested in the corporation.

E. By virtue of the St. Andrew's Cathedral Site Ordinance 1975, the said land was held, as to one undivided half thereof on the trusts set forth in the fourth schedule hereto and as to the other undivided half thereof on the trusts set forth in the fifth schedule hereto.

F. Pursuant to the St. Andrew's Site Ordinance 1972, the land described in the second schedule hereto has been exchanged for the land described in the third schedule hereto. The land described in the first and third schedules hereto is hereinafter called "the site".

G. GAB has spent substantial sums on the construction of improvements on the site.

H. The said sums were held, in part, on the trusts set forth in the fourth schedule hereto and, as to the balance on the trusts set forth in the fifth schedule hereto.

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I. It is anticipated that GAB will be called upon to lend further moneys to the corporation from the moneys held by GAB upon the trusts set forth in the fourth schedule hereto.

30 J. GAB has borrowed substantial amounts from the public on the security of debentures issued by GAB and to secure the repayment of those amounts has granted mortgages over land vested in GAB and held upon the trusts set forth in the fourth schedule to Permanent Nominees Limited as trustee for those debenture holders.

35 K. The land described in the first schedule hereto is subject to a legal mortgage to the Bank of New South Wales and the land described in the third schedule hereto is subject to an equitable mortgage to the Bank of New South Wales.

40 L. GAB has asked that a mortgage be granted over the site to Permanent Nominees Limited to provide security for the repayment of the amounts which GAB has borrowed from the public on the security of debentures issued by GAB.

45 M. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the site is held it is inexpedient to carry out and observe the same to the extent that 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 DECLARES RULES ORDAINS AND DIRECTS as follows:-

50 1. (1) By reason of circumstances subsequent to the creation of the trusts on which the site is held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

(2) The site shall be held as to one undivided half thereof on the trusts set forth in the fourth schedule hereto and as to the other undivided half hereof on the trusts set forth in the fifth schedule hereto but subject thereto on trusts to permit the same to be mortgaged to Permanent Nominees Limited (or to any corporation which,

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after the date on which assent is given to this Ordinance, is acting as trustee for holders of debentures issued by GAB) to secure the repayment of moneys borrowed by GAB from the public on the security of debentures issued by GAB.

(3) The amount secured by any mortgage granted pursuant to sub-clause (2) shall not exceed the amount of the GAB debt and

- (a) notwithstanding Clause 9 of the St. Andrew's House Ordinance 1975, if any rents issues or profits from the site would (but for this provision) become payable to GAB in reduction of the GAB debt, the same shall not be paid to GAB if, thereafter, the GAB debt would be less than the amount secured by any such mortgage, and
- (b) if the mortgagor under any such mortgage is called upon to pay to the mortgagee any of the principal moneys secured thereby, the amount of the GAB debt shall be deemed to have been reduced by an amount equal to the amount which the mortgagor pays to the mortgagee.

(4) In this clause the expression "GAB debt" has the meaning attributed thereto by the St. Andrew's House Ordinance 1975.

2. This Ordinance may be cited as "St. Andrew's House Site Ordinance 1976".

FIRST SCHEDULE

ALL THAT land situated in the City of Sydney Parish of St. Andrew and County of Cumberland being Lot 4 in Deposited Plan 557600 and the whole of the land in Certificate of Title Volume 12100 Folio 75 and all that land situated in the City of Sydney Parish of St. Lawrence and County of Cumberland being Lot 6 in Deposited Plan 557601 and being part of the land in Certificate of Title Volume 12572 Folio 246.

SECOND SCHEDULE

ALL THAT land situated in the City of Sydney Parish of St. Andrew and County of Cumberland being Lot 3 in Deposited Plan 557600 and being the whole of the land in Certificate of Title Volume 12100 Folio 74 and all that land situated in the City of Sydney Parish of St. Lawrence and County of Cumberland being Lot 4 in Deposited Plan 557601 and being part of the land in Certificate of Title Volume 12572 Folio 246.

THIRD SCHEDULE

ALL THAT land situated in the City of Sydney Parish of St. Andrew and County of Cumberland being Lot 1 in Deposited Plan 557600 and being the whole of the land in Certificate of Title Volume 12100 Folio 72 and all that land situated in the City of Sydney Parish of St. Andrew and County of Cumberland being Lot 5 in Deposited Plan 557601.

FOURTH SCHEDULE

Upon trust to apply the income in accordance with Clause 14 of the Glebe Administration Ordinance 1930 (as amended).

FIFTH SCHEDULE

Upon trust

- (a) to pay the stipend of the Archbishop of Sydney, the expenses in relation to his official residence and travelling, secretarial and other expenses in respect of his office;
- (b) during the absence of the Archbishop or during any vacancy in the See to pay:-
 - (i) an allowance to his commissary or the administrator of the diocese for the time being;
 - (ii) the expenses incurred in the discharge of episcopal functions within the diocese;
 - (iii) the expenses incurred on filling up the vacancy of the See;
 - (iv) travelling and other expenses and allowances to the incoming Archbishop.
- (c) Subject as aforesaid to pay such other amounts in connection with the diocese for such purpose as may from time to time be determined.

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 22nd day of November 1976.

W. Gotley
Secretary

I ASSENT to this ordinance.

M.L. Loane
Archbishop of Sydney
22/11/76