

ST. SAVIOUR'S SOUTH SYDNEY ORDINANCE 1978No. 23 1978

AN ORDINANCE to amend the St. Paul's Redfern with St. Silas' Waterloo Declaration of Trusts Variation of Trusts and Mortgaging Ordinance 1968.

WHEREAS the land described in the Second Schedule to the St. Paul's Redfern with St. Silas' Waterloo Declaration of Trusts Variation of Trusts and Mortgaging Ordinance 1968 (hereinafter called "the 1968 Ordinance") is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate

5 Trustee") and is held upon trust for the erection of factory premises as provided in the 1968 Ordinance in connection with the Church of England in Australia at Waterloo in the Parish of St. Paul, Redfern or any other Parish in which the land may subsequently be included AND WHEREAS in pursuance of the 1968 Ordinance

10 factory premises have been erected on the land AND WHEREAS in pursuance of the 1968 Ordinance the Corporate Trustee was authorised to mortgage the land, lease the factory premises and apply the annual net income from the factory premises upon the terms, conditions, restrictions and in the manner therein appearing AND

WHEREAS the 1968 Ordinance required the Churchwardens of the Parish of St. Paul, Redfern and the Standing Committee of the Synod of the Diocese of Sydney, on the

15 termination of the ninth year of the first lease of the factory premises, to reach agreement as to the allocation and distribution of income arising under any lease of the factory premises during the next succeeding ten years and the Standing Committee to thereupon by ordinance determine the allocation and distribution of the income in the manner agreed upon AND WHEREAS the termination of

20 the ninth year of the first lease occurred on 10th February, 1978 AND WHEREAS the Parish of St. Paul, Redfern has been renamed the Parish of St. Saviour, South Sydney AND WHEREAS it has become inexpedient to carry out and observe the trusts as aforesaid in their entirety and it is expedient to vary those trusts in the manner hereinafter appearing NOW the Standing Committee of the Synod of the

25 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 declared by the 1968 Ordinance it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner hereinafter provided.

2. Subject to the payments provided in subclauses (a), (b) and (c) of clause 7(i) of the 1968 Ordinance, the annual net income paid under any lease or leases of the factory premises in respect of the use or occupation of those premises on or after 10th February, 1978, shall be applied by the Corporate Trustee by payment to the churchwardens of the Parish of St. Saviour, South Sydney, for parochial purposes, such payment not to exceed thirty-three and one-third per centum ($33\frac{1}{3}\%$) of the gross annual income prior to any deductions therefrom (herein called "the Parochial Fund") and thereafter of any net income in excess of the Parochial Fund in equal portions to the Sydney Church of England New Areas Committee for such purposes of the Committee as the Sydney Church of England New Areas Committee may determine and the Inner City Committee for such purposes of that Committee as the Inner City Committee may determine PROVIDED THAT in making the first distribution of the annual net income under this Ordinance, the Corporate Trustee:-

- (a) shall pay to the Standing Committee of Synod the amount of any arrears of diocesan assessments then due and payable by the Parish of St. Saviour, South Sydney; and
- (b) shall reduce each of the payments to the churchwardens and the Committees that would otherwise be made under the foregoing provisions of this clause by an amount which bears to the amount of the arrears referred to in paragraph (a) the same proportion as the amount of the payment bears to the annual net income.

3. The churchwardens for the time being of St. Saviour's South Sydney shall on or before 10th February, 1988, present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee for the purpose of varying the provisions of this Ordinance as to the allocation and distribution of income arising under any lease of the factory premises having regard to the needs and commitments of the Parish and organisations within the Diocese of Sydney.

60 4. This Ordinance may be cited as the "St. Saviour's South Sydney Ordinance 1973".

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

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 31st day of July 1978.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance

A.J. DAIN
Commissary
31/7/1978