

St Matthew's Manly Ordinance 1994

No 6, 1994

Long Title

An Ordinance to further amend the St Matthew's Manly Ordinance 1941.

Preamble

Whereas

A. The land described in the First Schedule of the St Matthew's Manly Ordinance 1941 (the "1941 Ordinance") is vested in the Property Trust and is church trust property held for the sole benefit of the parish of St Matthew's Manly (the "Parish") upon the trusts and for the purposes more particularly described in the 1941 Ordinance.

B. There is erected on the said land inter alia certain shops and offices (the "Shops").

C. The 1941 Ordinance has been varied from time to time and was last varied by the St Matthew's Manly Ordinance 1990 (the "1990 Ordinance").

D. The 1990 Ordinance required the churchwardens for the time being of St Matthew's Church, Manly ("Churchwardens") on or before 30 September 1993 to present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof for the purpose of varying the provisions therein contained for the period as from and including 1 January 1994 having regard to the needs of the Parish and the Diocese.

E. By reason of circumstances which have arisen after the creation of the trusts in the 1941 Ordinance as last varied by the 1990 Ordinance it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in the manner set out in this ordinance.

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.

Citation

1. This ordinance may be cited as the "St Matthew's Manly Ordinance 1994".

Declaration of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts in the 1941 Ordinance as last varied by the 1990 Ordinance it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in the manner set out in this ordinance.

Amendments to the Principal Ordinance

3. The net income for the period of 4 years commencing on 1 January 1994 from the Shops after the payment of all rates, taxes, repairs and maintenance expenses, commissions and other outgoings charged, or to be charged, against the said land and/or buildings, insofar as the same are not recoverable from any tenant under any lease or leases, and after the payment of all moneys to the Diocesan Secretariat which represent the proportion of any increased assessments imposed by the Diocese and referable to moneys previously received by or on behalf of the Parish pursuant to the St Matthew's Manly Ordinance 1988 or the 1990 Ordinance or this Ordinance as the case may be (the "net income"), shall be paid to, received, held, applied and/or distributed by the Churchwardens for the time being of the said church as follows -

- (a) as to 47.5% thereof, such amount shall be paid to the Synod of the Diocese of Sydney, or the Standing Committee thereof, for such purpose or purposes as the Synod may determine through ordinances promoted each year under clause 9 of the Assessment Authorisation Ordinance 1975;
- (b) as to 47.5% thereof, such amount as to capital and income thereon shall be retained and held by the Churchwardens upon trust for, in or towards any purpose or purposes of, or in connection with, the Parish whether within or outside the Parish, and whether within or outside the Diocese, as the parish council may determine, and without limiting the generality of the aforesaid provisions, a purpose of or in connection with the Parish shall include the remuneration and support of lay or clerical workers, wherever they may be, the support of missionary societies or organisations and the promotion of Christian education, scripture distribution, pastoral work, evangelism, counselling and Christian publications, provided that no such money shall be paid or applied for in or towards the stipend or allowances payable to the rector for the time being of the Parish; and
- (c) as to the balance, namely 5% thereof, such amount as to the capital and income thereon shall be retained and held by the Churchwardens upon trust for payment in or towards the costs and expenses incidental to and incurred in connection with the alteration, extension, addition, demolition and/or redevelopment of existing buildings and structures, and the construction of new buildings or structures whether inside or adjacent to, or in replacement of, the Shops and to the provisions of fixtures and fittings therein, or adjacent to, or incidental to, such alteration, extension, addition, redevelopment or construction, together with all work ancillary thereto.

4. Pending any application set out in paragraphs (b) and (c) of clause 3 the Churchwardens shall invest the said money.

5. Any reference to the "Parish" in this ordinance means and includes any parochial unit into which the Parish may subsequently be formed or form a part.

6. The Churchwardens shall on or before 30 September 1997 present an ordinance to the Synod of the Diocese of Sydney or to the Standing Committee thereof for the purpose of varying the provisions hereinbefore contained for the period as from and including 1 January 1998 having regard to the needs of the Parish and the Diocese.

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

N.M. Cameron
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 21 February 1994.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
21/2/1994