

BROUGHTON COLLEGE VARIATION OF TRUSTS ORDINANCE 1985

No. 58 of 1985

AN ORDINANCE to vary the trusts on certain land at Menangle to provide that it be held upon trust for Campbelltown Anglican Schools Council and matters ancillary thereto.

WHEREAS:

- A. By Deed of Conveyance made the First day of April, 1963 between Ada Augusta Elizabeth Taber of the one part and Board of the Sydney Church of England Homes for Aged Persons (hereinafter called "the Board") of the other part the land described in the First Schedule hereto was conveyed to the Board. 5
- B. The Board has changed its name to Anglican Retirement Villages. *Diocese of Sydney (hereinafter called the "Anglican Retirement Villages")*
- C. Anglican Retirement Villages is a Body Corporate incorporated under the provisions of the Anglican Church of Australia (Bodies Corporate) Act, 1938. 10
- D. The land in the First Schedule is Church Trust Property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended) held for the sole benefit of the Anglican Retirement Villages but no trusts in writing have been declared concerning the same. 15
- E. The land in the Second Schedule is part of the land in the First Schedule.
- F. Campbelltown Anglican Schools Council (hereinafter called "the Council") was constituted by the Campbelltown Anglican Schools Ordinance 1985 to, inter alia, establish a school known as the Broughton Anglican College (hereinafter called "the School"). 20
- G. Anglican Retirement Villages is desirous of assisting the establishment of the School. 25
- H. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land in the Second Schedule is held it is inexpedient to carry out and observe the

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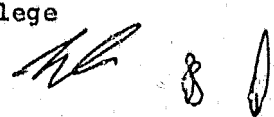
same to the extent that they are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney
in the name and place of the said Synod HEREBY ORDAINS DECLARES
DIRECTS AND RULES as follows:

1. By reason of the circumstances which have arisen subsequent
to the creation of the trusts upon which the land described in
the Second Schedule is held it is inexpedient to carry out and
observe the same and it is expedient that such trusts be varied
as hereinafter set out.

2. The land described in the Second Schedule (hereinafter called
"the said land") shall henceforth be held on trust for the sole
benefit of the Council to be used for the purpose of the School
and the management and use of the said land shall henceforth be
governed and controlled by the Council provided that if in the
opinion of the Standing Committee expressed in a resolution of
Standing Committee the School should fail to commence operating
as a school or having commenced failed to continue to operate as
a school the land shall upon the passing of that resolution
thereupon be held upon trust for the sole benefit of Anglican
Retirement Villages provided further that, if the School should
fail to commence or to continue as aforesaid, the said proviso
shall not apply until all debts and other obligations of the
Council or incurred in connection with the School have been paid
or discharged (as the case may be) and, if the said land needs to
be realised so that monies can be obtained to meet such debts or
obligations or part thereof, the said proviso shall apply only to
so much of the proceeds (if any) of such realisation as may
remain after all such debts or obligations have been met and
provided further that it shall be ensured as far as it may be
possible in the case the said lands are so realised that the
purpose to which they are subsequently put shall not be in
conflict with the purposes of the Anglican Retirement Villages.

3. This Ordinance may be cited as the "Broughton College
Variation of Trusts Ordinance 1985".



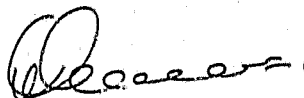
FIRST SCHEDULE

ALL THAT piece or parcel of land at Menangle in the City of Campbelltown Parish of Menangle and County of Cumberland being the land in Deed of Conveyance No. 487 Book 2647.

SECOND SCHEDULE


ALL THAT piece or parcel of land similarly situated being Lot 11 in a proposed Plan of Subdivision of Lot 1 in D.P. 596348 prepared by Michael W. Basile, Surveyor, Reference 4727 and proposed to be registered.

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



Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the ^{10th} day of December 1985.



Secretary

I ASSENT to this Ordinance



Archbishop of Sydney
20 / 12 / 1985

K. D.