

Five Dock/Haberfield Ordinance 2004

No 21, 2004

Long Title

An Ordinance to vary trusts and to authorise the application of funds.

Preamble

- A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") holds funds known as Client Fund 561 pursuant to the Five Dock/Haberfield Ordinance 1999 (the "Funds").
- B. The Funds are held on trust for the purposes of the provisional parish of Haberfield although there are no written trusts.
- C. The provisional parish of Haberfield now forms part of the parish of Five Dock/Haberfield (the "Parish").
- D. By clause 5 of the Five Dock/Haberfield Ordinance 1999, the application of income under clause 4(b) of the trust ordinance will expire on 23 September 2004 and the churchwardens of St Oswald's, Haberfield must before that date present an ordinance to the Standing Committee for the application of the Funds.
- E. By reasons of circumstances which have arisen after the creation of the trusts on which the Funds are held –
- (i) it is inexpedient to carry out or observe those trusts or to deal with or apply the Funds for the same or like purposes as those trusts or to deal with or apply the Funds wholly for the use or benefit of the Parish, and
 - (ii) it is expedient to vary those trusts in the manner set out in this ordinance, and
 - (iii) it is expedient to apply the Funds in the manner set out in this ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Five Dock/Haberfield Ordinance 2004.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Funds are held –

- (a) it is inexpedient to carry out or observe those trusts or to deal with or apply the Funds for the same or like purposes as those trusts or to deal with or apply the Funds wholly for the use or benefit of the Parish, and
- (b) it is expedient to vary those trusts in the manner set out in clause 3 of this Ordinance.

3. Variation of Trusts

- (1) Subject to subclause (2), the Funds are held upon trust for the purposes of the Parish.
- (2) The trusts of the funds are further varied to the extent necessary to permit the applications under clauses 4(c) and (d).

4. Application of the Funds

The Funds shall be applied as follows –

- (a) \$400 to the Sydney Diocesan Secretariat in payment of the fee prescribed by the Standing Committee for this Ordinance, and
- (b) up to \$130,000 for capital works and repairs on the St Albans Five Dock site and the St Oswald's Haberfield site, and
- (c) \$20,000 to the South Sydney Regional Council for expenditure by them on new ministry initiatives, and
- (d) the balance then remaining to the fund established under the Mission Property Ordinance 2002.

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

PETER YOUNG
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 30 August 2004.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
2/9/2004