
Glebe Administration Ordinance 1930.

No. 15, 1930.

AN ORDINANCE to provide for the vesting trusts management and control of St. Philip's Glebe and St. James's Glebe and for other purposes incidental thereto.

(Assented to 20th October, 1930.)

WHEREAS by Crown Grant dated the thirteenth day of September One thousand eight hundred and forty-two certain land was granted to Trustees upon trust for the appropriation thereof as the Glebe annexed to the Church erected at Sydney and known as St. Philip's.

AND WHEREAS in or about the year One thousand eight hundred and eighty-four part of the said land was resumed and a sum of Nine hundred and seventy-five pounds was received in respect thereof.

AND WHEREAS a further part of the said land was recently resumed but the compensation moneys payable in respect thereof have not yet been received.

AND WHEREAS the said land excluding the resumed areas and the said sum of Nine hundred and seventy-five pounds became vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustees").

AND WHEREAS by St. Philip's Glebe Land Vesting and Management Ordinance 1920 one portion of the said land (hereinafter referred to as "Portion A") became and still is vested in the Board of Trustees constituted thereunder and was thereby placed under its management and control.

AND WHEREAS the remaining portion of the said land (hereinafter referred to as "Portion B") is still vested in the Corporate Trustees subject however to a certain Lease the term of which expires on the thirty-first day of July One thousand nine hundred and thirty-one and by The St. James's Glebe Vesting and Management Ordinance 1926 the government and control thereof was committed to the Sydney Diocesan Board of Finance.

AND WHEREAS portions A and B and all moneys received or receivable in respect of the resumed areas are hereinafter referred to as St. Philip's Glebe.

Glebe Administration Ordinance 1930.

AND WHEREAS by Crown Grant dated the third day of September One thousand eight hundred and forty-two two parcels of land containing respectively twenty-nine acres and eleven acres as therein described were granted to Trustees upon trust for the appropriation thereof as the Glebe annexed to the Church erected at Sydney and known as St. James's.

AND WHEREAS in or about the year One thousand eight hundred and fifty-eight a parcel of land containing about three roods five perches forming portion and known as Lot 8 of the said twenty-nine acres of land was granted to the Trustees of St. Mark's Church, Double Bay as a site for a School-house, and in lieu thereof the Crown granted to the Trustees of St. James's Glebe a parcel of land also containing three roods five perches fronting Old South Head Road and adjoining the said eleven acres of land which since then has been deemed to be part of St. James's Glebe and has been held upon the trusts thereof (and which together with the said eleven acres of land and the remainder of the said twenty-nine acres of land is hereinafter referred to as "St. James's Glebe").

AND WHEREAS St. James's Glebe is subject to several leases for terms of ninety-nine years which expire on the thirty-first day of December One thousand nine hundred and sixty-four.

AND WHEREAS by The St. James's Glebe Vesting and Management Ordinance 1926 St. James's Glebe became and still is vested in the Corporate Trustees and the government and control thereof was also thereby committed to the Sydney Diocesan Board of Finance.

AND WHEREAS certain Ordinances mentioned in the Schedule hereto provide for the vesting trusts management and control of the said Glebes.

AND WHEREAS it is expedient that the said Ordinances should be consolidated and amended and that other provision should be made for and in respect of St. Philip's Glebe and St. James's Glebe hereinafter referred to as "the said Glebes."

AND WHEREAS by reason of circumstances subsequent to the creation of the trusts to which the said Glebes are now subject it has become inexpedient to carry out and observe such trusts in so far as the same are hereby varied and it is expedient to vary such trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained.

Glebe Administration Ordinance 1930.

Now therefore the Synod of the Diocese of Sydney ordains, directs, declares and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the said Glebes are now subject it has become inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts should be varied accordingly.

2. (1) The Ordinances mentioned in the Schedule hereto are hereby repealed to the extent therein set forth, but such repeal shall not affect any matter or thing done under or pursuant to any such Ordinance.

(2) Except so far as there is anything in this Ordinance inconsistent therewith this Ordinance shall apply to all matters and things made done or commenced under the Ordinances mentioned in the Schedule hereto and at the commencement of this Ordinance of any force or effect or capable of acquiring any force or effect by virtue of the Ordinances mentioned in the Schedule hereto as if this Ordinance had been in force at the time they were made done or commenced and they were made done or commenced hereunder.

3. The Synod hereby consents to Portion "A" of St. Philip's Glebe being vested and the same is vested accordingly in the Corporate Trustees.

4. There shall be a Board to be known as the "Glebe Administration Board" (hereinafter called "the Board").

5. The Board shall consist of seven persons of whom not less than four shall be laymen and who shall be elected by the Standing Committee. The first election shall be held within two months after this Ordinance has been assented to by the President and subsequent elections shall be held within two months after the first session of every succeeding Synod. Members for the time being of the Board shall continue to hold office until their successors are elected.

Amended
No. 10. 1935

6. It shall be lawful for the Standing Committee by resolution to declare the existence of a vacancy or vacancies on the Board by reason of one or more of its members having died or resigned office refused neglected or having become incapable to act in the said office or having for a space of six months

Glebe Administration Ordinance 1930.

ceased to reside within the Diocese or by reason of some other matter to be specified in such resolution and thereupon or, at any time thereafter the Standing Committee may elect a person or persons to be and such person or persons shall upon such election become a member or members in the place or places of the member or members referred to in the said resolution.

7. No omission to elect any member or members nor any informality or error in the method of such election nor any vacancy or vacancies in the office of a member shall affect the authority or powers of the Board and Subject to the provisions as to a quorum such authority and powers may be exercised by the members for the time being holding office.

8. At Meetings of the Board three members shall form a quorum.

9. Each year a Chairman may be appointed by the Board from among its members who shall preside at all meetings of the Board and in his absence the members present shall from amongst their number elect a Chairman of the day.

10. Subject to the provisions hereof the Board may regulate its own proceedings and for that purpose shall have power to make rescind or alter regulations from time to time.

11. The members of the Board shall be indemnified out of the revenues of the said Glebes against all loss or liability to which they or any of them may be subject by reason only of his being or having been a member of the Board.

12. The Board at least once in each year and also when required by resolution of the Synod shall report their proceedings to the Synod and at the same time present a statement of receipts and disbursements duly audited by auditors appointed by the Synod and such other accounts and information as may be required by resolution of Synod.

13. The Board shall have absolute and full powers of managing and controlling the said Glebes and without limiting the generality of such powers the Board and so far as may be necessary or convenient in the name and on behalf of the Corporate Trustees may:—

Glebe Administration Ordinance 1930.

- (a) Let or demise the said Glebes or any part or parts thereof for any term not exceeding ten years or on building lease for any term not exceeding fifty years at such rents fixed or progressive and subject to such conditions as the Board shall think fit save and except as hereinafter provided.
- (b) Accept surrenders of leases and tenancies and release tenants from claims thereunder.
- (c) Receive and give effectual receipts for all moneys accruing from the said Glebes for rent or on any account whatsoever.
- (d) Sub-divide the said Glebes or any part or parts thereof and lay out and make roads streets and ways to be dedicated to the Public or not and close existing roads streets and ways and grant easements rights of way or drainage.
- (e) Carry out repairs renovations and alterations of existing buildings in the said Glebes and erect thereon new building or buildings.
- (f) Borrow such sum or sums of money on the security of the said Glebes or of the future rents profits and other income arising therefrom as it may deem necessary for any of the purposes set forth in this clause.
- (g) Use the revenues of the Glebes not otherwise appropriated for any of the purposes aforesaid and for the payment of all costs charges and expenses of and incidental to the management and control of the said Glebes.
- (h) Appoint and remove officers servants and agents and fix their remuneration if any.
- (i) Determine by whom and in what manner all or any documents and instruments shall be signed and executed by for or on behalf of the Board.
- (j) Give or procure the giving of indemnities guarantees or undertakings.
- (k) Establish special funds in the nature of reserve funds sinking funds or otherwise.
- (l) Provided that no part of the said Glebes shall be let or used for the manufacture sale or distribution of any wine spirits beer or other intoxicating liquors nor for

Glebe Administration Ordinance 1930.

Sunday trading of any kind except in the case of qualified chemists or restaurants.

14. The rents issues and profits of St. Philip's Glebe shall be applied yearly as from the thirty-first day of December One thousand nine hundred and thirty within the Diocese of Sydney as follows:—

- (1) Up to and inclusive of the thirty-first day of July One thousand nine hundred and thirty-one in the same manner as they are now being applied under and pursuant to the Ordinances mentioned in the First Schedule hereto or otherwise.
- (2) After the thirty-first day of July One thousand nine hundred and thirty-one.
 - (a) In paying and satisfying all rates taxes and other statutory outgoings and obligations payable in respect of St. Philip's Glebe or its revenues.
 - (b) In satisfying the amounts which are charged thereon by virtue of the original trusts of St. Philip's Glebe and the Church Acts Repealing Act of 1897.
 - (c) In discharging all obligations incurred by the Board in the exercise of its powers in respect of St. Philip's Glebe.
 - (d) In repayment of the principal sums borrowed under the authority of sub-clause (f) of clause thirteen of this Ordinance or in the formation of a sinking fund or sinking funds for the repayment of such principal sums by means of equal annual amounts spread over a period not exceeding twenty years from the date of borrowing. Provided that such annual amounts so paid and the contributions to the sinking fund shall not in the aggregate exceed one-fifth of the total amount received in rents during the preceding financial year.
 - (e) In paying an additional One hundred and fifty pounds (£150) yearly to the Minister for the time being of the said St. Philip's Church and in paying One hundred and fifty pounds (£150) yearly to the curate or other assistant of such Church.
 - (f) In paying wholly or in part as directed by the Standing Committee the stipend of the Bishop

Glebe Administration Ordinance 1930.

Coadjutor for the time being until his appointment is determined; and thereafter on the direction of the Standing Committee, in paying wholly or in part such stipend to him if his appointment determines with the voidance of the See during such time, if any, as he shall be the Administrator of the Diocese, or, not being Administrator, shall be required by the Administrator to continue to perform episcopal duties.

See Amending
Ordinance
No. 10, 1935
(ff)

- (g) In paying all or any of the rates taxes and other outgoings in respect of St. James's Glebe and in making payments in relief of any onerous conditions to which it is or may be subject and so far as it may be necessary in making up to the full amount the endowment of One hundred and fifty pounds per annum payable to the Minister for the time being of St. James's Church and of One Hundred pounds per annum payable to the Minister for the time being of St. David's Church Surry Hills.
- (h) As to an amount not exceeding Two thousand pounds in any one year in payment to such of the persons hereinafter mentioned of such amounts not exceeding One hundred pounds per annum for each such person as the Home Mission Society of the Diocese of Sydney with the sanction of the Archbishop shall direct.

The aforesaid persons shall be as follows:—

- (i.) Clergymen licensed to a Parish or Mission or other recognised Ecclesiastical District.
 - (ii.) Clergymen licensed in any form as assistants to such first-mentioned Clergymen.
 - (iii.) Catechists.
 - (iv.) Deaconesses.
- (i) In payment to each of the Clergymen comprised within the class hereinafter mentioned for each half-year ending respectively on the last days of June and December all such sums as during such half-year he shall pay for subscriptions to the Clergy Provident Fund (Sydney) in respect of such half-year, provided as follows:—

Glebe Administration Ordinance 1930.

- (i.) Whenever a clergyman is in arrear with his subscription the Board may pay such arrears or portion thereof to the said Fund; and
 - (ii.) No payment hereunder to or for the benefit of any Clergyman shall exceed Fifteen pounds (£15) for any one half-year; and
 - (iii.) The class of clergyman referred to shall comprise those who for the time being are licensed to a Parish or Mission or other recognised Ecclesiastical District and those licensed in any form as assistants to such first-mentioned clergymen and who are also members whether old or new of both a Superannuation Fund and a Widows' and Orphans' Fund under the Clergy Provident Fund Ordinance of 1906 (Sydney) or any Ordinance amending or taking the place of the same; and
 - (iv.) All such payments whether made to a clergyman himself or to the Clergy Provident Fund in respect of such clergyman shall be deemed to be and be in the nature of an addition to the stipend of such clergyman.
- (j) In paying to the Diocesan Missioner or Missioners a stipend or stipends at such rate or rates and during such periods as shall be determined by the Standing Committee and sanctioned by the Archbishop.
 - (k) In continuing the payment to Mrs. Yeates the wife of the Reverend Ainslie Arthur Yeates of the allowance at the rate of Three hundred and fifty pounds (£350) per annum now being paid to her pursuant to St. John's Ashfield Repayment Ordinance 1929 for so long as the Standing Committee may direct.
 - (l) In paying to the Board of Education of the Diocese of Sydney a sum not exceeding one thousand pounds per annum by such instalments as the Board shall determine.

Glebe Administration Ordinance 1930.

- (m) In paying a sum not exceeding three thousand five hundred pounds per annum for the purpose of making such payments by way of pensions or retiring allowances to retired and incapacitated clergymen to the widows of clergymen and to retired deaconesses as may be determined by the Home Mission Society of the Diocese of Sydney and be sanctioned by the Archbishop.
- (n) In setting aside a sum not exceeding Five hundred pounds per annum for establishing a Free Fund which shall be applied by the Board in such manner and for such religious or charitable purposes as the Archbishop shall decide.
- (o) To an amount not exceeding Five hundred pounds per annum in making grants for the erection or repair of buildings as may be determined by The Home Mission Society of the Diocese of Sydney and be sanctioned by the Archbishop.
- (p) To setting aside a sum not exceeding Three hundred pounds per annum to provide for the superannuation of the members of the Staff of the Diocesan Registry and which Fund shall be applied as directed by the Standing Committee.
- (q) In paying to the Trustees of Moore Theological College a sum not exceeding Five hundred pounds per annum by such instalments as the Board shall determine to be applied by the Trustees in assisting students to secure a theological training at the said College.
- (r) As to the remainder of the said rents issues and profits for such purposes as shall be determined by Synod.

Provided however as follows:—

- (1) Any portion of rents issues or profits appropriated as aforesaid but not expended in any financial year may be used for the purpose to which it is so appropriated in the next or any succeeding financial year.
- (2) That after the thirty-first day of July One thousand nine hundred and thirty-one the rents from Portion "B" of St. Philip's Glebe or so much thereof as

Glebe Administration Ordinance 1930.

the Board shall determine shall be applied by the Board in paying the principal and interest moneys charged thereon and unless the Board shall otherwise determine no part of the nett rents of Portion "B" shall be otherwise applied until all such principal and interest has been paid and satisfied.

- (3) No appropriation or payment under this Ordinance shall be deemed to create a permanent endowment or a vested right in favour of the person or office in respect of which such appropriation or payment is made.

15. The rents issues and profits of St. James's Glebe shall be applied yearly as from the thirty-first day of December One thousand nine hundred and thirty within the Diocese of Sydney as follows:—

- (a) In paying and satisfying all rates taxes and other statutory outgoings and obligations payable in respect of St. James's Glebe or its revenues.
- (b) In discharging all obligations incurred by the Board in the exercise of its powers in respect of St. James's Glebe.
- (c) In satisfying the amounts which are charged thereon by virtue of the original trusts of St. James's Glebe and the Church Repealing Act of 1897 in favour of the respective Ministers of the said St. James's Church and the said St. David's Church.
- (d) As to the remainder of the said rents issues and profits for such purposes as shall be determined by Synod.

16. Any moneys receivable by the Board and not immediately required to be applied hereunder may until such application be invested in any one or more of the following investments that is to say:—

- (1) Investments for the time being allowed by law for investment of trust funds.
- (2) Purchase of real or leasehold estate situated within the Commonwealth.
- (3) Mortgage of land situated within the Commonwealth.
- (4) Debentures of any Harbour Trust or Board of Works within the Commonwealth.

Glebe Administration Ordinance 1930.

- (5) Mortgage Bonds under any of the Savings Bank Acts of the Federal Government or any State within the Commonwealth.
- (6) Deposit in any Government Savings Bank within the Commonwealth.
- (7) Fixed deposit in any Bank carrying on business within the State of New South Wales.

and the Board may from time to time vary release or raise money on the security of such investments.

17. The Synod hereby directs that any Lease for a term not exceeding ten years hereby authorised and entered into in the name of the Corporate Trustees may be executed on their behalf by any three members of the Board or any two members and the secretary thereof. Any lease so executed shall in favour of a lessee be conclusive evidence that such lease was duly executed on behalf of the Corporate Trustees and was in fact authorised by the Board.

18. The Board is authorised to take all appropriate steps for the incorporation of the Board and vesting the said Glebes in such corporation.

19. Nothing in this Ordinance shall vary any trust of either of the said Glebes if the variation would deprive any part of the same or of the income thereof of any exemption or immunity from taxation under any law of the Commonwealth or the State for the time being in force with respect to the taxation of land or income and any provision of this Ordinance which but for this provision might be construed as purporting to make any such variation shall to the extent if any that it might be so construed be of no force and effect and this Ordinance shall be construed accordingly.

20. This Ordinance shall not come into force until the first day of January One thousand nine hundred and thirty-one except so much of clause five hereof as provides for the first election of members of the Board.

21. This Ordinance may be cited as the "Glebe Administration Ordinance 1930."

Glebe Administration Ordinance 1930.

THE SCHEDULE

Short Title of Ordinance	Extent of Repeal
Sydney Church Ordinance 1912.	So far as relates to the said Glebes.
St. Philip's Glebe Land Vesting Management Ordinance 1920.	The Whole.
St. Philip's Glebe Land Amending and Supplemental Ordinance 1920.	The Whole.
The St. James's Glebe Vesting and Management Ordinance 1926.	The Whole.
St. Philip's Glebe Land Further Amending and Supplemental Ordinance 1927.	The Whole.
The Bishop Coadjutor Stipend Ordinance of 1925.	The Whole.
The Diocesan Missioners' Stipend Ordinance of 1927.	The Whole.
St. John's Ashfield Repayment Ordinance 1929.	The Whole.
The St. Philip's Glebe Mortgage Ordinance 1930.	The Whole.

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

A. J. GOULD,

Chairman of Committees.

We certify that this Ordinance was passed this seventeenth day of October, 1930.

S. H. DENMAN } Secretaries of
HARINGTON B. COWPER } the Synod.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE,

Bishop Coadjutor, Commissary.

20th October, 1930.