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*St. Alban's Five Dock Ordinance 1942.*

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No. 6, 1942.

AN ORDINANCE to amend certain Ordinances in connection with the Parish of St. Alban's Five Dock, the Presentation Ordinance 1933, the Sydney Church Ordinance 1912, to vary the trusts of the Centennial Church Extension Fund and of the Church Buildings Loan Fund and for matters incidental thereto if and so far as the same or any of them affect the Parish of St. Alban's Five Dock.

WHEREAS by or under the provisions of "The St. Alban's Five Dock Mortgaging and Leasing Ordinance 1925" and/or the "St. Alban's Five Dock Sale and Mortgage Ordinance 1930" and/or the "St. Alban's Five Dock Sale and Mortgage (Amendment) Ordinance 1930" and/or the "St. Alban's Five Dock Sale Ordinance 1939" (hereinafter referred to as the said Ordinances) certain lands therein described vested in the Church of England Property Trust Diocese of Sydney hereinafter referred to as "The Corporate Trustees" and held upon the trusts therein described were authorised to be mortgaged and/or sold and/or granted and/or leased.

AND WHEREAS a residue of the lands is mortgaged to the Bank of New South Wales.

AND WHEREAS there are erected on the said residue of the lands a Rectory and a Parish Hall.

AND WHEREAS the Parish of St. Alban's Five Dock has liabilities exclusive of those incurred in connection with the centres thereof known as Abbotsford and Russell Lea of approximately Eight thousand pounds.

AND WHEREAS it is expedient that the said liabilities or part of them should be liquidated by advancing sufficient moneys out of funds under the control of the Synod of the Diocese of Sydney subject to suitable arrangements being made by the said Parish for the repayment of the same.

AND WHEREAS it is expedient to further amend the said Ordinances to enable the said Parish Hall known as The Majestic Hall to be sold and/or leased.

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AND WHEREAS it is expedient that so long as the advances made out of Diocesan funds remain unpaid

- (a) the operation of the "Presentation and Exchange Ordinance 1933" shall so far as the Parish of Five Dock is concerned be suspended,
- (b) and the provisions of the "Sydney Church Ordinance 1912" shall be suspended so far as is necessary to enable the Archbishop-in-Council to appoint one of the Churchwardens who shall also be the Treasurer.

AND WHEREAS in accordance with the provisions of "The Home Mission Society Ordinance of 1911" the Church Buildings Loan Fund is a branch of the said Society and by the said lastmentioned Ordinance provision is made for the Council to make Rules, Regulations or By-laws for carrying out the provisions of the said lastmentioned Ordinance and respecting matters not therein provided for and particularly for, inter alia, regulating the management of the said Church Buildings Loan Fund.

AND WHEREAS certain Rules or Regulations have been made from time to time respecting the said Church Buildings Loan Fund.

AND WHEREAS it is expedient to suspend the operation of such Rules or Regulations so far as the same are inconsistent with the provisions of this Ordinance.

AND WHEREAS by the provisions of "The Church Trust Property Governing and Controlling Ordinance 1921," "The Centennial Church Extension Fund" was vested in the Corporate Trustees subject to the trusts to which the said property was then subject and by the same Ordinance the said Church Trust Property was committed to the government and control of the "Sydney Diocesan Board of Finance."

AND WHEREAS by "The Centennial Church Extension Fund Ordinance 1922" and "The Centennial Church Extension Fund Amendment Ordinance 1925" the trusts of the said Centennial Church Extension Fund were declared,

AND WHEREAS it is expedient to suspend the operation of so much of the said last mentioned Ordinances as would preclude the Corporate Trustees advancing certain moneys for the purpose of liquidating the whole or part of the said liabilities of the said Parish of Five Dock subject to suitable arrangements being made by the said Parish for the repayment of the same.

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Now the Synod of the Diocese of Sydney ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts of the land upon or in connection with which the Parish Hall known as The Majestic Hall is built or used hereinafter referred to as "the said land," it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied.

2. The Corporate Trustees at the request of the Archbishop-in-Council may sell the said land or the reversion subject to any lease thereof by public auction or private contract at such price and upon such terms and conditions as the Archbishop-in-Council may determine with power to vary or rescind any contract for sale and to buy in at any auction.

3. Pending such sale the Corporate Trustees are hereby authorised to lease the said land from time to time for such term or terms and upon such conditions as the Archbishop-in-Council from time to time may determine.

4. The proceeds arising from such sale and/or leasing as aforesaid shall be applied in the manner hereinafter appearing.

5. By reason of circumstances subsequent to the creation of the trusts of the Church Trust Property known as the Church Buildings Loan Fund it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied.

6. The operation of the Rules and/or Regulations of the Church Buildings Loan Fund is hereby suspended in so far as the same are inconsistent with this Ordinance and the controlling body for the time being of such Fund is hereby authorised to advance to the Corporate Trustees on behalf of the Parish of St. Alban's Five Dock such sum or sums of money as the Archbishop-in-Council may from time to time determine not exceeding in the aggregate the total sum of Four thousand pounds (£4000).

7. By reason of circumstances subsequent to the creation of the Trust of the Church Trust Property known as the Centennial Church Extension Fund it has become inexpedient to carry out and observe the trusts declared in section One of "The Centennial Church Extension Fund Ordinance 1922" in so far as such trusts are hereby varied.

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8. The Synod hereby authorises the Sydney Diocesan Board of Finance, being the body created by "The Church Trust Property Governing and Controlling Ordinance 1921" to approve of the advance of such sum or sums of money out of the capital moneys controlled by such Board in connection with the said Centennial Church Extension Fund, either in cash or securities or both to the Corporate Trustees on behalf of the Parish of St. Alban's Five Dock, as the Archbishop-in-Council may from time to time determine not exceeding in the aggregate the total sum of Four thousand pounds (£4000).

9. The moneys and/or securities referred to in Clauses six and eight of this Ordinance shall be received and held by the Corporate Trustees upon trust to apply the same in liquidation or part liquidation of the liabilities of the Parish of St Alban's Five Dock in such manner as the Archbishop-in-Council may from time to time determine.

10. The Archbishop-in-Council may make such arrangement or arrangements from time to time with the Parish of St. Alban's Five Dock for the repayment of such advances with or without interest as the Archbishop-in-Council from time to time may determine.

11. The proceeds arising from the sale and/or leasing referred to in Clauses two and three of this Ordinance shall be applied by the Corporate Trustees in such manner as the Archbishop-in-Council from time to time may determine.

12. So long as any advances made by the Diocese as referred to in Clauses six and eight of this Ordinance remain unpaid the Synod hereby directs:

- (a) That the provisions of the "Presentation and Exchange Ordinance 1933" or any Ordinance amending or taking the place of the same shall be suspended so far as the Parish of St. Alban's Five Dock is concerned so that the right of the appointment of a Rector or other Clergyman shall vest absolutely in the Archbishop of Sydney.
- (b) So much of the provisions of the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same, as relates to the appointment of Churchwardens, shall be suspended so far as the Parish of St Alban's Five Dock is concerned, so that the said

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Parish at each Annual Vestry Meeting shall appoint one Churchwarden only, and thereafter the Archbishop-in-Council may appoint the second Churchwarden who shall also be the Treasurer and for such purposes the said "Sydney Church Ordinance" is hereby amended accordingly.

The Archbishop-in-Council may from time to time declare a vacancy in the office of Churchwarden so appointed by the Archbishop-in-Council and thereupon or at any time thereafter appoint another Churchwarden to fill such position.

13. The Archbishop-in-Council may from time to time call upon the Churchwardens of the Parish of St. Alban's Five Dock to furnish full accounts of all financial transactions but in any case so soon after the thirty-first day of March in each and every year as is practicable accounts duly audited by at least one of the Auditors appointed by the Synod shall be furnished by the Churchwardens to the Standing Committee of Synod.

14. The Synod hereby directs that so long as the advances made by the Diocese remain unpaid the said Parish shall not borrow any additional moneys by way of mortgage or loan on the security of real or personal property or otherwise by debentures bank overdraft or otherwise without first having obtained the approval of the Archbishop-in-Council.

15. Interpretation.

In this Ordinance unless inconsistent with the context

- (a) "Archbishop of Sydney" means the Archbishop for the time being of the Diocese of Sydney or the person for the time being entitled to exercise the powers vested in the Archbishop by the Constitutions.
- (b) "Archbishop-in-Council," "Annual Vestry Meeting" and "Churchwarden(s)" shall have the same meanings as in the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same.
- (c) "Parish of St. Alban's Five Dock" shall not be deemed to include any area which shall be severed from the Parish as at present existing and formed into a Provisional or Parochial District.

16. This Ordinance may be cited as the "St. Alban's Five Dock Ordinance 1942."

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

R. C. ATKINSON,  
Chairman of Committees.

We certify that this Ordinance was passed this Twenty-fifth day of November, 1942.

S. H. DENMAN }  
A. L. BLYTHE } Secretaries of  
the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

26th November, 1942.