

ST. ANDREW'S CATHEDRAL SITE ORDINANCE 1975

No. 10, 1975

AN ORDINANCE to vary the trusts on which certain land and moneys are held.

WHEREAS

A. The land described in the First Schedule hereto is held upon the trusts set forth in the Second Schedule hereto except to the extent that those trusts have been varied by the St. Andrew's Cathedral Site Development Ordinance 1970, by the St. Andrew's Cathedral Site and Glebe Estates Variation of Trusts Ordinance 1971 and by the St. Andrew's Cathedral Site Ordinance 1973.

B. By the St. Andrew's Cathedral Site Development Ordinance 1970, the income from the said land remaining after certain outgoings, expenditure, interest and repayments referred to in that Ordinance have been met (such remaining income being described in that Ordinance as a "gross surplus") is directed to be applied in the manner indicated in the Third Schedule hereto.

C. Glebe Administration Board (hereinafter called the "Board") holds certain moneys upon trust (which trust is hereinafter called the "Glebe Trust") to apply the income therefrom in accordance with clause 14 in the Glebe Administration Ordinance 1930-1974.

D. The Board holds the sum of Seven million five hundred thousand dollars (\$7,500,000) upon the trusts set forth in the Fourth Schedule hereto which trusts are commonly called the "Endowment of the Sec".

E. By the St. Andrew's House Ordinance 1975, the Board is directed to lend part of the said moneys and all of the said sum to a corporation after the same has been incorporated pursuant to the Church of England (Bodies Corporate) Act 1938.

F. The Chapter of St. Andrew's Cathedral has incurred debts particulars whereof are set forth in the Fifth Schedule hereto.

G. By reason of circumstances which have arisen since the creation of the trusts upon which the said land is held, it is inexpedient to carry out and observe the same.

H. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said sum is held, it is inexpedient to carry out and observe the same to the extent (if any) to which such trusts 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. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held, it is inexpedient to carry out and observe the same.

(2) The said land shall henceforth be held, as to one undivided half thereof, on the Glebe Trust and, as to the other one undivided half thereof, on the same trusts as the trusts upon which the said Seven million five hundred thousand dollars (\$7,500,000) is held.

(3) The income from the said land shall be applied in accordance with the St. Andrew's House Ordinance 1975 as amended by this Ordinance.

(4) Clause 9 (1) of the St. Andrew's House Ordinance 1975 is hereby amended by the insertion of the following paragraph after paragraph (j):-

"(k) eleventh, in establishing a sinking fund for the replacement of the improvements standing at any time and from time to time on the said land."

2. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said sum of Seven million five hundred thousand dollars (\$7,500,000) is held, it is inexpedient to carry out and observe the same to the extent (if any) to which the same are hereby varied.

(2) The Board shall forthwith discharge the debts described in the Fifth Schedule hereto, from the said Seven million five hundred thousand dollars (\$7,500,000). All moneys applied pursuant to this clause shall be deemed to be moneys paid by the Board towards the erection of buildings and other improvements upon the said land.

3. The provisions of clause 10 of the St. Andrew's Cathedral Site Development Ordinance 1970 are hereby repealed.

4. (1) This Ordinance may be cited as "St. Andrew's Cathedral Site Ordinance 1975".

(2) The St. Andrew's Cathedral Site Development Ordinance 1970-1973, as amended by this Ordinance, may be cited as "St. Andrew's Cathedral Site Development Ordinance 1970-1975".

FIRST SCHEDULE

ALL THAT land situated in the City of Sydney, Parish of St. Andrew and County of Cumberland being the whole of the land in Certificates of Title Volume 12100 Folio 74, Volume 12100 Folio 75 and Volume 12572 Folio 246.

SECOND SCHEDULE

Upon trust for all or any of the following purposes, that is to say, a site for a Cathedral Church, a residence for the chief officiating minister of the Cathedral, a Church House and offices and otherwise in connection with the Cathedral and the administration of the affairs of the Church of England in the Diocese of Sydney.

THIRD SCHEDULE

Each gross surplus shall be applied by the Standing Committee for such purposes in connection with the St. Andrew's Cathedral and the administration of the affairs of the Church of England in Australia within the Diocese of Sydney as the Standing Committee and the Chapter shall from time to time agree upon, PROVIDED THAT to the extent to which the Standing Committee and the Chapter shall not agree as to the application of such gross surplus or any part thereof, such gross surplus or part thereof shall be applied for such of the aforesaid purposes as the Synod shall from time to time by resolution determine.

FOURTH SCHEDULE

Upon trust

- (a) to pay the stipend of the Archbishop of Sydney, the expenses in relation to his official residence and travelling, secretarial and other expenses in respect of his office;

- (b) during the absence of the Archbishop or during any vacancy in the See to pay:-
- (i) an allowance to his Commissary or the administrator of the Diocese for the time being;
 - (ii) the expenses incurred in the discharge of episcopal functions within the Diocese;
 - (iii) the expenses incurred on filling up the vacancy of the See;
 - (iv) travelling and other expenses and allowances to the incoming Archbishop;
- (c) subject as aforesaid to pay such other amounts in connection with the Diocese for such purpose as may from time to time be determined.

FIFTH SCHEDULE

The sum of One hundred and ninety two thousand four hundred and nineteen dollars (\$192,419) (together with any interest on this sum which may accrue thereon prior to the date on which this sum is repaid) owing to The Commercial Banking Company of Sydney Limited, to Sydney Church of England Investment Trust and to sundry other creditors.

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

D. Cameron

Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 26th day of May, 1975.

W. Gotley

Secretary

I ASSENT to this Ordinance.

M.L. Loane

Archbishop of Sydney
26/5/1975