

# St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 1991

No 49, 1991

An Ordinance to amend the St James' Sydney Phillip Street Property Ordinance 1962.

Whereas

A. The Glebe Administration Board (hereinafter called "the Trustee") is registered as proprietor of the whole of the land comprised in Certificate of Title Volume 1352 Folio 218 upon which are erected buildings and improvements known as No 169 and 171 Phillip Street Sydney.

B. The said land is church trust property held for the sole benefit of the Parish of St James', Sydney.

C. The St James' Sydney Phillip Street Property Ordinance 1962 as amended by the St James' Sydney Phillip Street Property Amendment Ordinance 1990 is herein referred to as the "Principal Ordinance".

D. Various repairs, renovations, refurbishment and improvements in respect of the buildings erected on the said land have been carried out and various leases have been or are proposed to be entered shortly to enable income to be provided to the Trustee.

E. In accordance with the provisions of clause 8 of the Principal Ordinance it is now desired to supplement the provisions of clause 7 thereof by amendment in the manner hereinafter provided.

F. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the real and personal property herein referred to is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply the said property in the manner therein set forth and the trusts are accordingly varied to the extent which they are varied by the terms hereof and it is expedient to vary the same accordingly.

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) This Ordinance may be cited as "St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 1991".

(2) The Principal Ordinance, as amended by this Ordinance may be cited as "St James' Sydney Phillip Street Property Ordinance 1962".

2. By reason of circumstances which have arisen subsequent to the creation of the trust upon which the real and personal property herein referred to is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply the said property in the manner therein set forth and the trusts are accordingly varied to the extent to which they are varied by the terms hereof and it is expedient to vary the same accordingly.

3. Clause 1 of the Principal Ordinance is amended by deleting the words "Parish Land" and substituting the words "Parish Area".

4. Clause 7 of the Principal Ordinance is amended by the insertion of the following additional paragraphs immediately after paragraph (b):

"(c) The payment of all costs, expenses and outgoings in respect to or arising from the preparation and promotion of the St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 1991.

(d) In 1991, payment of the sum of \$226,000 to the Churchwardens for the use and benefit of the Parish by equal quarterly instalments in advance.

(e) In 1991, payment of the sum of \$286,000 to the Sydney Diocesan Secretariat for the use and benefit of the Anglican Church of Australia, Diocese of Sydney as determined from time to time by the Synod.

**St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance 1991**

- (f) In 1991, payment of the sum of \$50,000 to the Churchwardens for the restoration, preservation, renovation, refurbishment and improvement of St James' Church by equal quarterly instalments in advance.
  - (g) In 1991, the payment of the interest and establishment fees on moneys borrowed by the Churchwardens in 1990 prior to the date of assent to the St James' Sydney Phillip Street Property Amendment Ordinance 1990.
  - (h) In each of the years 1991 to 1997 inclusive, the payment of moneys payable in respect of the years 1991 to 1997 by the Churchwardens under clause 4(4).
  - (i) In each of the years 1991 to 1997 inclusive, the payment of such moneys as are required to reimburse the Churchwardens for costs incurred arising from the inability for any reason, other than that mentioned in clause 4(2) hereof, to use or to authorise the use of any part or parts of the Parish Area.
  - (j) In each of the years 1992 to 1997 inclusive the same amounts referred to in paragraphs (d), (e) and (f) to the respective persons and purposes but varied in accordance with the Price Index."
5. Clause 8 of the Principal Ordinance is deleted and the following clause substituted therefor:
- "8. The Churchwardens shall on or before 31 December 1997 promote an ordinance to the Synod of the Diocese or to the Standing Committee thereof for the purpose of varying the provisions hereof for the period from and including 1 January 1998."

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

N.M. Cameron  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of October 1991.

W.G.S. Gotley  
Secretary

I Assent to this Ordinance.

Donald Robinson  
Archbishop of Sydney  
28/10/1991