

Manly Lease Distribution Ordinance 2002

No 9, 2002

Long Title

An Ordinance to provide for the application of the rentals from the lease of property at Manly.

Preamble

A. The land (the "Land") described in the First Schedule of the St Matthew's Manly Ordinance 1941 (the "1941 Ordinance") is vested in Anglican Church Property Trust Diocese of Sydney (the "Property Trust") and is church trust property held for the sole benefit of the parish of Manly (the "Parish") upon the trusts and for the purposes described in the 1941 Ordinance.

B. Shops and offices (the "Shops and Offices") are erected on part of the Land and the 1941 Ordinance authorises the granting of leases of those Shops and Offices.

C. The St Matthew's Manly Ordinance 1998 required the churchwardens for the time being of St Matthew's Church, Manly ("Churchwardens") on or before 30 September 2001 to present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof providing for the application of the income from leases of the Shops and Offices from and including 1 January 2002 having regard to the needs of the Parish and the Diocese.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is inexpedient that the proceeds of leases of the Shops and Offices be applied solely for the purposes of the Parish or solely for the same or like purposes as the trusts on which the Land is held.

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

1. Name of Ordinance

This Ordinance is the Manly Lease Distribution Ordinance 2002.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is inexpedient to apply the proceeds of leases of the Shops and Offices solely for the purposes of the Parish or solely for the same or like purposes as the trusts on which the Land is held.

3. Application of income

(1) The trusts upon which the Land is held are varied to permit the application of the proceeds of leases of the Shops and Offices in the manner set out in clauses 3(2), 3(3) and 4.

(2) For the period of 1 January 2002 to 31 December 2006, the Churchwardens will pay from the income of the leases of the Shops and Offices -

- (a) all rates, taxes, repairs and maintenance expenses, commissions and other outgoings charged, or to be charged, against the Land or any building erected upon the Land, insofar as the same are not recoverable from any tenant under the leases; and
- (b) an amount to Sydney Diocesan Secretariat which represents the proportion of any increased assessments or cost recoveries charge imposed by the Diocese and referable to moneys previously received by or on behalf of the Parish under -
 - (i) the St Matthew's Manly Ordinance 1988; or
 - (ii) the St Matthew's Manly Ordinance 1994; or
 - (iii) the St Matthew's Manly Ordinance 1998; or
 - (iv) this Ordinance.

(3) After application under clause 3(2) the balance of the income of the leases of the Shops and Offices shall be applied as follows -

- (a) 47.5% shall be paid to the Synod of the Diocese of Sydney, or the Standing Committee thereof, for such purpose or purposes in Australia as the Synod may determine through ordinances promoted under clause 3 of the Synod Estimates Ordinance 1998;
- (b) 47.5% shall be paid to the Churchwardens upon trust to be applied in Australia for the purposes of, or in connection with, the Parish whether within or outside the Parish, and whether within or outside the Diocese, as the parish council of the Parish may determine; and
- (c) 5% shall be paid to the Churchwardens upon trust to be applied towards the payment of the costs and expenses of or incidental to -
 - (i) the alteration, extension, addition, demolition and/or redevelopment of buildings and structures erected on land held on trust for the general or specific purposes of the Parish; and
 - (ii) the construction of new buildings or structures whether inside or adjacent to, or in replacement of, the Shops and Offices; and
 - (iii) the provisions of fixtures and fittings in, or adjacent to, or incidental to, such alteration, extension, addition, redevelopment or construction.

4. Investment

Pending application under clauses 3(2) and 3(3) the net income shall be invested and the income capitalised.

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5. Interpretation

In this Ordinance -

- (a) A reference to the "Parish" means and includes any parochial unit into which the Parish may subsequently be formed or form a part.
- (b) A purpose of, or in connection with, the Parish includes the remuneration and support of lay or clerical workers, wherever they may be, the support of missionary societies or organisations and the promotion of Christian education, scripture distribution, pastoral work, evangelism, counselling and Christian publications, provided that no such money shall be paid or applied for in or towards the stipend or allowances payable to the rector for the time being of the Parish.

6. Review

On or before 30 September 2006 the Churchwardens must present an ordinance to the Synod of the Diocese of Sydney or to the Standing Committee thereof for the purpose of providing for the application of the income from leases of the Shops and Offices for the period from and including 1 January 2007 having regard to the needs of the Parish and the Diocese of Sydney.

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

NM CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 18 February 2002.

MA PAYNE
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
25/2/2002