

Regents Park with Birrong Ordinance 1992

No 19, 1992

An Ordinance to authorise the joint use of certain property at Birrong.

Whereas

A. The Property Trust is the registered proprietor of the land ("the Land") being Lots 1 and 2 in Deposited Plan 19799 and located on the corner of Auburn Road and Rodd Street, Birrong and being situated in the Parish of Regents Park with Birrong ("the Parish").

B. Pursuant to clause 1 of the St John's Sefton (Birrong) Mortgage Ordinance 1955, Lot 1 in Deposited Plan 19799 is held on trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the parochial district of St John's Sefton.

C. Lot 2 in Deposited Plan 19799 is held on trust for the purposes of the Anglican Church of Australia, Diocese of Sydney in the Parish although no trusts have been declared in writing in relation thereto.

D. Erected on the Land is the church of St Matthew's Birrong and a church hall used in connection therewith.

E. The Land and the buildings thereon have been used in connection with the Anglican Church of Australia in the Parish for many years.

F. By Section 32B of the Trust Property Act the synod of a diocese may by ordinance make provision for the use of church trust property by a church of another denomination.

G. Under the Delegation of Powers and Ordinance Procedure Ordinance 1973 the Standing Committee has power to make ordinances pursuant to Section 32B of the Trust Property Act.

H. The Minister of Regents Park and the Churchwardens of St Matthew's Birrong have conferred with the proper authorities of a church of another denomination for the joint use of the church and the church hall from time to time as may be agreed.

I. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same and it is expedient that the trusts be 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. This Ordinance may be cited as "Regents Park with Birrong Ordinance 1992".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same and it is expedient that the trusts be varied as provided herein.

3. The Land shall be held on trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Anglican Church of Australia Diocese of Sydney in the Parish or such other parish into which the Parish may be amalgamated.

4. The Land may be used by the Anglican Church of Australia and by a church of another denomination in accordance with an agreement referred to in clause 5.

5. The Property Trust is authorised to enter into an agreement with the Trustees of the Christian Assembly in Birrong (or such other denomination as Standing Committee may by resolution approve) on such terms and conditions as may be determined by the Property Trust after consultation with the Minister of Regents Park and the Churchwardens of St Matthew's Birrong for the joint use of the Land from time to time by a church of that denomination and by the Anglican Church of Australia. Any such agreement must be on terms such that it may be terminated by either party upon that party giving written notice to the other specifying a date for termination which is not more than 12 months from the date of such notice.

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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 29th day of June 1992.

W.G.S. Gotley
Secretary

I Assent to this Ordinance.

Donald Robinson
Archbishop of Sydney
29/6/1992