

SHELLHARBOUR (BUSH ESTATE) VARIATION
OF TRUSTS ORDINANCE 1986

NO. 11, 1986

AN ORDINANCE to vary the trusts on the balance of the proceeds of the estate of the late Harry Bush and to provide for the application thereof.

WHEREAS

A. By his Will dated 14th June, 1969 and Codicil dated 4th April, 1972 the late Harry Bush made certain provisions and then provided that "the balance then remaining be paid to the CHURCH OF ENGLAND at Shellharbour to be used by such Church in the first place in the installation in such Church of a Stained Glass Window to be suitably inscribed as being in memory of HENRIETTA BUSH, HAZEL ADELE BUSH and HARRY BUSH and the balance to be used in the discretion of such Church for general Church purposes" the said balance being hereinafter called "the residue".

B. The residue which is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended) has been paid to the Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") and is held by it on the trusts recited above.

C. Doubts have arisen as to whether any of the residue so held can be applied for general church purposes other than for the church at Shellharbour.

D. By reason of this and other circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied and it is also inexpedient to deal with or apply the sum of fifty thousand dollars (\$50,000) for the sole use and benefit of the Parish of Shellharbour.

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 the circumstances which have arisen subsequent to the creation of the trusts upon which the residue is held it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied.

(2) By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the residue is held it is inexpedient to deal with or apply the sum of fifty thousand dollars (\$50,000) for the sole use and benefit of the Parish of Shellharbour

2. Fifty thousand dollars (\$50,000) of the residue shall be applied by the Corporate Trustee towards the purchase of land for use by the Provisional Parish of Bomaderry. Such application shall be by way of an unsecured loan without interest for an initial period of ten years from the date hereof. Any variation of the terms of this loan including any extension of the period for repayment shall be made by resolution of the Standing Committee upon written request by a majority of the Church Committee of St. Paul's Shellharbour. Where agreement cannot be reached on any variation any party may refer the matter to the Synod for determination.

3. This Ordinance may be cited as the "Shellharbour (Bush Estate) Variation of Trusts Ordinance 1986".

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

E.D. 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 April 1986.

W.G.S. GOTLEY
Secretary.

I ASSENT to this Ordinance.

JOHN R. REID
Archbishop of Sydney.
7/5/1986
Commissary