

SYDNEY CHURCH OF ENGLAND GIRLS' GRAMMAR
SCHOOLS ASSISTANCE ORDINANCE 1974

No. 42 1974

AN ORDINANCE to provide assistance for the schools managed by Sydney Church of England Girls' Grammar School Council and to vary the trusts upon which various church trust property is held.

WHEREAS

A. Sydney Church of England Girls' Grammar School Council is a body corporate constituted by the Church of England (Bodies Corporate) Act 1938.

B. The said body corporate manages five schools.

C. The said body corporate has substantial debts.

D. It is desirable that certain of these schools be continued during the years 1974 and 1975.

E. It is desirable that certain of these schools be continued after the year 1976.

F. The schools cannot be continued in the year 1974 or thereafter unless moneys are made available to the said body corporate.

G. By virtue of the Hostel for University Students (Drummoyne) Sale Ordinance 1972-1974 the proceeds from the sale of certain land at Drummoyne, after payment thereof of certain costs and expenses are to be held upon the trust set forth in the first Schedule hereto.

H. By virtue of the Bishopthorpe and Moorebank Variation of Trusts and Mortgaging Ordinance 1960, certain church trust property known as the Archbishop's portion of the Moorebank Estate and the Bishopthorpe Estate are held upon the trusts set forth in the second Schedule hereto.

I. By reason of circumstances which have arisen it is inexpedient to carry out and observe the said trusts and it is expedient that the said trusts be varied to the extent hereinafter provided

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) Where used herein, unless repugnant to the context or inconsistent therewith

- (a) the word "Council" means the said body corporate called Sydney Church of England Girls' Grammar School Council,
- (b) the term "Moss Vale school" means the school conducted by the Council at Moss Vale and includes all land situated in the Municipalities of Moss Vale Bowral and Wingicarrabee vested in the Council,
- (c) the term "Loquat Valley school" means the school conducted by the Council at Loquat Valley and includes all land situated in the Shire of Warringah vested in the Council,
- (d) the term "Wollongong school" means the school conducted by the

Council at Wollongong and includes all land situated in the City of Greater Wollongong vested in the Council other than so much thereof as the Council may determine to be surplus land,

- (e) the term "Redlands school" means the school conducted by the Council at Cremorne and includes all land situated in the Municipality of North Sydney vested in the Council other than so much thereof as the Council may determine to be surplus land,
- (f) the term "Darlinghurst school" means the school conducted by the Council at Darlinghurst and includes all land situated in the City of Sydney vested in the Council other than so much thereof as the Council may determine to be surplus land, and
- (g) the term "schools" means the Darlinghurst school, Redlands school, Wollongong school, Loquat Valley school and the Moss Vale school and "school" means any of the schools,
- (h) the term "new council" means the Council or whichever other body manages the schools in 1975,
- (i) the term "Secretariat" means Sydney Diocesan Secretariat a body corporate constituted pursuant to the Church of England (Bodies Corporate) Act 1938, and
- (j) the term "trust fund" means the trust fund constituted by Clause 5 hereof.

(2) If, at any time after this ordinance is assented to, the Council, by resolution thereof, declares any land vested in it to be surplus land, the land so declared shall be deemed to be surplus land for the purposes of the definitions in sub-clause (1) of this clause.

(3) This ordinance may be cited as "Sydney Church of England Girls' Grammar Schools Assistance Ordinance 1974".

2. If, in the ordinary course of managing the schools, other than the Moss Vale school, in 1975, the moneys received by the new council are less than the outgoings incurred by the new council (other than interest on moneys borrowed by the Council) the trust fund shall be applied, by payment to the new council, upon demand being made by the new council therefor, to the extent necessary to ensure that the moneys received by the new council are the same as those outgoings (other than interest on moneys borrowed by the Council).

3. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the schedule to the Hostel for University Students (Drummoyne) Sale Ordinance 1972-1974 (which ordinance is hereinafter in this clause referred to as "the said ordinance") is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

(2) The balance of the proceeds from the sale of the said land, after payment of the amounts referred to in paragraphs (a), (b) and (c) of the said ordinance, shall be held upon the trusts hereafter declared in relation to the trust fund.

4. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the church trust property known as the Archbishop's portion of the Moorebank Estate and the Bishopthorpe Estate is held it is inexpedient to carry out and observe the same to the extent

that those trusts are hereby varied.

(2) In the event that in the year ending on the 31st of December 1975 or in any subsequent year, the income from the said church trust property exceeds the income from the same in the year ending on the 31st of December 1974, the whole of each excess shall be held upon the trusts declared hereafter in relation to the trust fund provided that, upon the Secretariat notifying the trustee or trustees of the said church trust property that no further moneys are required for the trust fund, the whole of any such excess for the year in which such notification is given and thereafter shall be held upon the trusts set forth in the second Schedule hereto.

(3) In addition thereto, one hundred thousand dollars (\$100,000) of the income derived from the said church trust property during the year ending on the 31st of December 1974 shall be held upon the trusts declared hereafter in relation to the trust fund.

5. (1) The trust fund shall be held upon the following trusts:--

- (a) to meet the interest on any mortgage given by the Council to secure any loan of \$100,000 or less up to 31 August 1975.
- (b) to pay thereout the sum of Three hundred and twelve thousand dollars (\$312,000) to be advanced by Sydney Church of England Finance and Loans Board to the Secretariat,
- (c) to meet the purchase price and all costs incurred by the Secretariat in pursuance of a resolution of Standing Committee in purchasing any debt secured by a mortgage, from the mortgagee thereunder, granted by the Council over any land vested in the Council to secure an advance to the Council.
- (d) for the purpose defined in Clause 2 hereof,

in such proportions, as between those trusts and to the complete or partial exclusion of any one or more of them, as the Council may determine from time to time by a resolution thereof.

(2) All moneys directed to be held upon the trusts declared in relation to the trust fund shall be paid to the Secretariat.

(3) The Secretariat shall apply the Three hundred and twelve thousand dollars (\$312,000) advanced to it by Sydney Church of England Finance and Loans Board and all moneys paid to it and forming part of the trust fund in accordance with such directions as may be given to it by the Council from time to time.

(4) Upon the sale of any land which, prior to the sale, was subject to a mortgage acquired by the Secretariat pursuant to this ordinance, the amount paid to the Secretariat on the discharge of the mortgage over that land shall be added to the trust fund.

(5) If, at any time, in the opinion of the Secretariat, no further applications need to be made from the trust fund and, at that time, an amount stands to the credit thereof, the said amount shall be applied as if the said amount is a gross surplus (as defined in Clause 14 of the Glebe Administration Ordinance 1930-1974) and this ordinance had not been enacted.

6. The Secretariat is hereby authorised and empowered

- (a) to act as trustee of the trust fund,

- (b) to acquire by purchase where approved by the Standing Committee by resolution thereof; any mortgage granted by the Council over any land vested in it,
- (c) to make grants out of the Trust fund from time to time to the Council, and
- (d) to do all things which, expressly or by implication, it is called upon to do by this ordinance.

FIRST SCHEDULE

Upon trust for a Hostel for University Students under the control of the Synod of the Diocese of Sydney.

SECOND 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 in 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 purposes as may from time to time be determined.

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

R.H. Boyt

Acting 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 1974

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance

M.L. Loane
Archbishop of Sydney
29 /10/1974