

# Christ Church Inner West Trust Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

The Ashfield Trust Ordinance 2001 as amended by the Parish Trust Fund (Amendment) Ordinance 2004, the Ashfield Trust Ordinance 2001 Amendment Ordinance 2006, the Ashfield, Five Dock and Haberfield Variation of Trusts and Amendment Ordinance 2020, and the Christ Church Inner West Variation of Trusts and Amendment Ordinance 2022.

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## Long Title

An Ordinance to vary the trusts on which certain property is held and to establish the ACPT – Christ Church Inner West Trust.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "ACPT") is the trustee of the property described in each of the cells in column 1 of the table in the Schedule (the "Existing Property").

B. The property described in a cell in column 1 of the table in the Schedule is held on the trusts described in the corresponding cell in column 2 of the Schedule.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held, it is inexpedient to carry out and observe those trusts.

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

### 1. Name of this ordinance

This Ordinance is the Christ Church Inner West Trust Ordinance 2001.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held, it is inexpedient to carry out and observe those trusts, and

- (a) it is inexpedient that the Existing Property be held for the same or like purposes as the trusts on which the Existing Property is held; and
- (b) it is expedient that power be given to the ACPT to lease or licence from time to time any part of the real property forming part of the trust fund; and
- (c) it is expedient that the part of the real property forming part of the trust fund comprised in Lot 1 Deposited Plan 208481 be subdivided and that power be given to the ACPT to grant an equitable interest in the nature of a charge over the

subdivided part.

### **3. Definition of “trust fund”**

In this Ordinance -

“trust fund” means –

- (a) the Existing Property; and
- (b) all real and personal property received or acquired by the ACPT from time to time as an addition to the trust fund.

### **4. Name of the trust fund**

The trust fund is to be known as the Christ Church Inner West Trust.

### **5. New trusts**

Subject to the terms of this Ordinance, the trust fund is held upon trust for the purposes of the parish of Christ Church Inner West (the “Parish”).

### **6. Capital of the trust fund**

(1) Any real property which forms part of the capital of the trust fund, may be used for one or more of the following purposes –

- (a) a church;
- (b) a residence for the minister, an assistant minister or any person employed by the wardens of a church in the Parish;
- (c) a hall or halls;
- (d) a school (including a preschool) or other place of assembly;
- (e) any purpose incidental to a purpose referred to in paragraph (a), (b), (c) or (d).

(2) Any personal property which forms part of the capital of the trust fund may be applied by the ACPT for one or more of the following purposes –

- (a) the payment of all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund; and
- (b) the costs of maintenance and repair of any property forming part of the trust fund required to meet minimum standards of maintenance and repair prescribed by legislation and applying to that property; and
- (c) to the extent such personal property arises from a payment made to the ACPT by the wardens of a church in the Parish for the purposes of the ACPT investing the amount, for such purposes as a majority of the parish council may from time to time determine; and
- (d) to the extent such personal property arises from a payment made to the ACPT by the wardens of a church in the Parish for the purpose of enabling the ACPT to make a payment under a contract made or to be made by the ACPT as trustee of the trust fund with the approval of a majority of the parish council, for that purpose; and
- (e) for such purposes as the Standing Committee may direct by ordinance or resolution, provided that any such purposes directed by resolution must be within the purposes of the Parish in accordance with clause 5.

(3) Pending application under clause 6(2), any personal property which forms part of the capital of the trust fund is to be invested.

(4) If the wardens of a church in the Parish make a payment to the ACPT as an addition to the trust fund for the purpose of enabling the ACPT to make a payment under any contract made or to be made by the ACPT as trustee of the trust fund and –

- (a) the full amount of the payment made by the wardens is not required by the ACPT for that purpose, the ACPT may pay to the wardens an amount equal to the excess; or
- (b) the ACPT claims an input tax credit (as defined in the *New Tax System (Goods and Services) Act 1999*) in respect of the payment made under the contract, the ACPT may pay to the wardens an amount equal to the amount of the input tax credit (or proportionate part thereof where the payment made by the wardens is less than the payment made by the ACPT).

## **7. Application of the income of the trust fund**

(1) The income of the trust fund (other than income referred to in clause 7(2)), after paying all rates, taxes and charges incurred by the ACPT in relation to the trust fund, any property forming part of the trust fund or any transaction with property forming part of the trust fund, is to be applied as follows –

- (a) 30% is to be capitalised, and
- (b) the balance is to be paid to the wardens of the church of the Parish or, if there is more than one church, the wardens of the principal church of the Parish, to be applied for such purposes of the Parish as the parish council may from time to time determine, except the payment of the stipends, allowances and benefits paid or provided to the minister.

(2) The income of the trust fund arising from a lease or licence granted pursuant to clause 9(1) is to be applied in accordance with clause 7(1)(b).

## **8. Review**

(1) The authority to apply income under clause 7(1)(b) earned after the review date terminates on the review date.

(2) For the purposes of subclause (1) “review date” means the date which is 29 years after the date this Ordinance commences or such later date as the Standing Committee approves from time to time by resolution.

## **9. Powers – leasing and licensing of real property**

(1) With the written consent of the parish council of the Parish, the ACPT may lease or licence any part of the real property forming part of the trust fund, except any part which is consecrated or licensed for use as a church, if –

- (a) the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed five years, and
- (b) the rental payable by the lessee or licensee is not more than any limit that is determined by the Standing Committee by resolution from time to time for the purposes of this clause.

(2) Nothing in this clause limits the powers of the ACPT under the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* or under any other ordinance.

## **10. Powers – subdivision of and equitable interest in certain real property**

(1) The ACPT may –

- (a) subdivide part of the real property forming part of the trust fund comprised in Lot 1 Deposited Plan 208481 to create the preschool lot with such changes as are required by local government and statutory authorities including access over Lot 2 Deposited Plan 208481, and
- (b) grant an equitable interest in the nature of a charge over the pre-school lot.

(2) In this clause “preschool lot” means a new lot upon which the preschool (currently situated on Lot 1 Deposited Plan 208481) can be situated which –

- (a) is adjacent to Lot 2 Deposited Plan 208481, and
- (b) excludes the land on which St John’s Church, Ashfield is situated.

## **11. Commencement**

This Ordinance commences on the date of assent to this Ordinance.

## Schedule

Column 1	Column 2
Folio Identifier 2/208481 known as 64 Bland Street, Ashfield	By Deed Book 9 No 662 the land is held on trust for the erection thereon of a Church for the performance of Divine Service according to the rites of the United Church of England and Ireland and also for the erection of a residence for a Clergyman in Holy Orders to be licenced by the Bishop of Australia for the time being to the cure of the church and for a burial ground according to the use of the said United Church.
Lot 1 in Deposited Plan 208481 partly known as the site of St John the Baptist Church and cemetery, Alt Street, Ashfield, and partly known as 74 Bland Street, Ashfield.	By Deed Book 9 No 662 the land is held on trust for the erection thereon of a Church for the performance of Divine Service according to the rites of the United Church of England and Ireland and also for the erection of a residence for a Clergyman in Holy Orders to be licenced by the Bishop of Australia for the time being to the cure of the church and for a burial ground according to the use of the said United Church.

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### Notes

1. The original form of ordinance was assented to on 3 October 2001.
2. At its meeting on 15 September 2011 the Finance Committee resolved under clause 8(2) under delegation from the Standing Committee, to approve extension of the review date to 3 October 2016.

### Table of Amendments

Long Title	Amended by Ordinance No 53, 2020 and No 49, 2022.
Clause 1	Amended by Ordinance No 53, 2020 and No 49, 2022.
Clause 2	Amended by Ordinance No 53, 2020.
Clause 3	Amended by Ordinance No 53, 2020.
Clause 4	Amended by Ordinance No 53, 2020 and No 49, 2022.
Clause 5	Amended by Ordinance No 53, 2020 and No 49, 2022.
Clause 6	Amended by Ordinance No 52, 2004 and No 49, 2022.
Clause 7	Amended by Ordinance No 9, 2006.
Clause 8	Amended by Ordinance No 53, 2020.
Clause 9	Amended by Ordinance No 53, 2020.
Clause 10	Amended by Ordinance No 53, 2020.

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21 NOVEMBER 2022