

St Luke's Liverpool Ordinance 1976

(Reprinted under the Interpretation Ordinance 1985.)

The St Luke's Liverpool Lease Ordinance (No 2) 1976 as amended by and under the St Luke's Liverpool Ordinance 1981, the Anglican Church Property Trust Diocese of Sydney (Change of Name) Ordinance 1982, the Area Deanery Ordinance 1985, the St Luke's Liverpool Ordinance 1986, the St Luke's Liverpool Ordinance 1987; the St Luke's Liverpool Ordinance (No 2) 1988, the St Luke's Liverpool Ordinance 1989, the St Luke's Liverpool Ordinance 1991, the St Luke's Liverpool Ordinance 1976 Amendment Ordinance 1997, the St Luke's Liverpool Ordinance 1976 Further Amendment Ordinance 1997, the St Luke's Liverpool Ordinance 2001, the St Luke's Liverpool Ordinance 1976 Amendment Ordinance 2006 and the St Luke's Liverpool Ordinance 1976 Amendment Ordinance 2011.

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Long Title

An Ordinance An Ordinance to vary the trusts on which certain land at Liverpool is held and for purposes incidental thereto.

Preamble

Whereas

A. The St Luke's Liverpool Dedication and Leasing Ordinance 1961 (hereinafter called the "1961 Ordinance") authorised Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") to grant a lease of certain land at Liverpool (which land is hereinafter called "Lot A") and directed that the rents to be paid in respect of the said lease be applied in the manner indicated therein.

B. The St Luke's Liverpool Leasing Ordinance 1964 (hereinafter called the "1964 Ordinance") authorised the Corporate Trustee to accept surrender of the lease granted pursuant to the 1961 Ordinance (which lease is hereinafter called the "first lease") and to grant a new lease in respect of Lot A and of certain adjoining land (hereinafter called "Lot B") and directed that the rents to be paid in respect of the said new lease be applied in the manner indicated therein.

C. Notwithstanding the provision of the 1964 Ordinance, the first lease was not surrendered but the terms, covenants and provisions thereof were amended and a lease was granted in respect of Lot B (which lease is hereinafter called the "second lease").

D. Disputes have arisen as to the meaning of certain of the provisions in the first lease and in the second lease.

E. Glebe Administration Board has been appointed trustee of Lot A and of Lot B in the place of the Corporate Trustee.

F. The St Luke's Liverpool Lease Ordinance 1976 (hereinafter called the "1976 Ordinance") authorised and empowered Glebe Administration Board to agree to and effect amendments to the first lease and to the second lease.

G. The 1976 Ordinance further provided that all income (not being rents to which clause 3 of that Ordinance applied) received in respect of Lot A or Lot B should be applied in meeting certain costs and that the balance should be invested by the Glebe Administration Board pending the passing of an ordinance by the Synod or the Standing Committee thereof dealing with such balance.

H. By reason of the circumstances which have arisen subsequent to the creation of the trust on which Lot A and Lot B are held it is expedient that the same be varied to the extent (if any) that the same are hereby varied.

I. Lot A and Lot B have been sold and the proceeds from the sale have been re-invested.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Rules and Directs as follows.

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

Citation

1. This Ordinance may be cited as "St Luke's Liverpool Ordinance 1976".

Declaration of Inexpediency

2. By reason of circumstances which have arisen subsequent to the creation of the trusts on which Lot A and Lot B and all investments from time to time made from the proceeds arising from the realisation thereof are held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied. The income from Lot A and Lot B and the said investments shall be applied in accordance with the provisions of this ordinance as amended from time to time.

Application of Income

3. So much of the said income as is derived on or prior to the 31st December 1976 shall be applied as follows –

- (a) \$125,000 shall be applied towards the cost of restoration, maintenance and repair work on the Church of St Luke, Liverpool;
- (b) \$100,000 shall be applied towards the cost of erecting a new hall near the Church of St Luke, Liverpool;
- (c) \$10,956.35 shall be applied in repaying an advance of that amount made by Glebe Administration Board for the purpose of repaying a debt due to the Commonwealth Savings Bank of Australia; and
- (d) the balance shall be paid to the churchwardens of the Church of St Luke Liverpool and applied by them for the maintenance of the ministry (excluding the stipend of the rector of the parish of Liverpool) and in the relief of need and distress.

4. So much of the said income as is derived on and from the 1st January 1977 shall be applied as follows –

- (a) 15% shall be paid to the churchwardens for the time being of the Church of St Luke Liverpool to be applied for the maintenance of the ministry (excluding the stipend of the rector) and relief of need and distress;
- (b) 5% shall be paid to the said churchwardens to be applied by them for payment towards such extra parochial purposes as shall be decided by resolution of the Parish Council of the Parish of Liverpool;
- (c) 5% shall be paid to Sydney Diocesan Secretariat and applied for such purposes as shall be determined by the Synod;
- (d) 10% shall be appropriated to a special account for application towards the restoration maintenance and repair of the Church of St Luke, Liverpool;
- (e) an amount shall be applied towards such capital purposes in any parish, provisional parish, provisional district or new housing district the area of which was part of the Parish of Liverpool, on the 1st July 1964 as may be approved from time to time by resolution of the Parramatta Anglican Regional Council which Council shall also determine the amount to be applied under this paragraph provided that no more than \$50,000 shall be applied from the said income derived during any period of twelve months commencing on the 1st January; and
- (f) the residue shall be applied for such purposes as may be determined by the Synod.

5. (1) So much of the said income as is derived on and from the 1st January 1981 and before the 1st January 1982 shall be applied as follows –

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- (a) Ten per centum (10%) per annum shall be paid to the churchwardens for the time being of the Church of St Luke Liverpool to be applied for the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
 - (b) Two and one half per centum (2.5%) per annum shall be paid to the said churchwardens to be applied for payment towards such extra parochial purposes as shall be decided by resolution of the Parish Council of the Parish of Liverpool;
 - (c) Five per centum (5%) per annum shall be paid to the said churchwardens and appropriated to a special account to be applied towards the restoration, maintenance and repair of the grounds and Church of St Luke Liverpool;
 - (d) Seven and one half per centum (7.5%) per annum shall be paid to the said churchwardens to be applied in or towards the repayment of a sum of Ninety nine thousand dollars (\$99,000) and interest thereon proposed to be borrowed for the purposes of constructing a building or buildings to be known as a 'Church Centre' in the Parish of Liverpool;
 - (e) Forty five per centum (45%) per annum shall be paid to the Sydney Diocesan Secretariat to be applied for such purposes as shall be determined by the Synod;
 - (f) Twenty per centum (20%) per annum shall be paid to the Parramatta Anglican Regional Council to be applied from time to time as the said Council may determine towards all or any of the following –
 - (i) educational or missionary purposes (except stipends of incumbents) in any parish or other ecclesiastical district which was part of the Area Deanery of Liverpool on the 1st day of July 1964; or
 - (ii) meeting the cost of purchasing land, erecting buildings or other improvements where such land, buildings or improvements are held or are to be held on trust for any such parish or other ecclesiastical district; or
 - (iii) repaying monies borrowed to meet such costs and the interest thereon; and
 - (g) Ten per centum (10%) per annum shall be paid to the Sydney Anglican Home Mission Society Council to be applied to the establishment and maintenance of a full time Hospital Chaplaincy at Liverpool, Fairfield and Campbelltown Hospitals.
- (2) So much of the said income as is derived on and from the 1st January 1982 and before the 1st January 1987 shall be applied as follows –
- (a) Ten per centum (10%) per annum shall be paid to the churchwardens for the time being of the Church of St Luke Liverpool to be applied for the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
 - (b) Two and one half per centum (2.5%) per annum shall be paid to the said churchwardens to be applied for payment towards such extra parochial purposes as shall be decided by resolution of the Parish Council of the Parish of Liverpool;
 - (c) Five per centum (5%) per annum shall be paid to the said churchwardens and appropriated to a special account to be applied towards the restoration, maintenance and repair of the grounds and Church of St Luke Liverpool;
 - (d) Seven and one half per centum (7.5%) per annum shall be paid to the said churchwardens to be applied in or towards the repayment of a sum of Ninety nine thousand dollars (\$99,000) and interest thereon proposed to be borrowed for the purposes of constructing a building or buildings to be known as a 'Church Centre' in the Parish of Liverpool;
 - (e) Twenty per centum (20%) per annum shall be paid to the Sydney Diocesan Secretariat and applied for such purposes as shall be determined by the Synod;
 - (f) Fifteen per centum (15%) per annum shall be paid to the Sydney Diocesan Secretariat for the benefit of the Sydney Church of England New Areas Committee to be applied to the furtherance of its objectives and work as defined by the ordinance which constitutes that Committee but having regard to the needs of parishes and other ecclesiastical districts in the Area Deanery of Liverpool as constituted on the 1st day of July 1964;
 - (g) Thirty per centum (30%) per annum shall be paid to the Parramatta Anglican Regional Council to be applied from time to time as the said Council may determine towards all or any of the following –

- (i) educational or missionary purposes (except stipends of incumbents) in any parish or other ecclesiastical district within the said region; or
- (ii) meeting the cost of purchasing land, erecting buildings or other improvements where such land, buildings or improvements are held or are to be held on trust for the said region; or
- (iii) repaying moneys borrowed to meet such costs and the interest thereon; and
- (h) Ten per centum (10%) per annum shall be paid to the Sydney Diocesan Secretariat for the benefit of the Sydney Anglican Home Mission Society Council and applied to the establishment and maintenance of a full time Hospital Chaplaincy at Liverpool, Fairfield and Campbelltown Hospitals.
6. So much of the said income as is derived on and from 1 January 1957 and before 1 January 1990 shall be applied as follows –
- (a) Nine per centum (9%) per annum shall be paid to the churchwardens for the time being of the Church of St Luke Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
- (b) Two and a half per centum (2.5%) per annum shall be paid to the said churchwardens to be applied for payment towards such extra parochial purposes including ethnic work based at the Church of St Luke Liverpool as shall be decided by resolution of the Parish Council of the Parish of Liverpool;
- (c) Five per centum (5%) per annum shall be paid to the said churchwardens and appropriated to a special account to be applied towards the restoration, maintenance and repair of the church, the buildings and the grounds of St Luke Liverpool;
- (d) Seven and one half per centum (7.5%) per annum shall be paid to the said churchwardens to be applied in or towards the repayment of the sum of Fifty thousand dollars (\$50,000) and interest thereon borrowed for the purposes of constructing the building known as the "Church Centre" in the Parish of Liverpool, such repayments to continue until the debt on the said church centre is liquidated and after payment of such sum and interest thereon shall be applied in accordance with paragraph (c);
- (e) Twenty per centum (20%) per annum shall be paid to the Sydney Diocesan Secretariat and applied for such purposes as shall be determined by Synod;
- (f) Fifteen per centum (15%) per annum shall be paid to the Sydney Diocesan Secretariat for the benefit of the Sydney Church of England New Areas Committee to be applied to the furtherance of its objectives and work as defined by the Ordinance which constitutes that Committee, but having regard to the needs of parishes and other ecclesiastical districts in the Parramatta Region;
- (g) Thirty per centum (30%) per annum shall be paid to the Parramatta Anglican Regional Council for 1987 and to that Council through the Diocesan Income and Expenditure Ordinance for the balance of the effective period of this Ordinance to be applied from time to time as the said Council may determine towards all or any of the following –
- (i) educational, pastoral, ethnic, or evangelistic purposes (except stipends of incumbents) in any parish or other ecclesiastical district within the said Region; or
- (ii) meeting the cost of purchasing land, erecting buildings or other improvements where such land, buildings or improvements are held or are to be held on trust for the said Region; or
- (iii) repaying monies borrowed to meet such costs and the interest thereon;
- (h) Ten per centum (10%) per annum shall be paid to the Sydney Diocesan Secretariat for the benefit of the Sydney Anglican Home Mission Society Council and applied to the establishment and maintenance of full or part time hospital chaplaincies in the said Region; and
- (i) One per centum (1%) per annum shall be paid to the Sydney Diocesan Secretariat for the benefit of the Archbishop of Sydney's Vision for Growth Appeal Fund.
7. (1) Notwithstanding clauses 5 and 6, so much of –

- (a) any income to be applied pursuant to clauses 5(2)(e) or 6(e) in relation to which a determination has not been made pursuant to those clauses prior to 25 May 1987; and
- (b) any income to be applied pursuant to clause 5 which has not been distributed prior to that date;

as is necessary to pay interest on all moneys borrowed to enable the Corporate Trustee to purchase the properties known as 103 Hemphill Avenue, Mount Pritchard and 8 Westchester Avenue, Casula (to the extent that such interest has not been paid prior to that date) shall be applied in paying that interest.

(2)

8. So much of the said income as is derived on and from 1 January 1988 and before 1 January 1992 shall be applied as follows –

- (a) Nine per centum (9%) per annum shall be paid to the churchwardens for the time being of the Church of St Luke Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
- (b) Two and half per centum (2.5%) per annum shall be paid to the said churchwardens to be applied for payment towards such extra parochial purposes including ethnic work based at the Church of St Luke Liverpool as shall be decided by resolution of the Parish Council of the Parish of Liverpool;
- (c) Five per centum (5%) per annum shall be paid to the said churchwardens and appropriated to a special account to be applied towards the restoration, maintenance and repair of and in erecting improvements to the church, the buildings, and the grounds of St Luke Liverpool;
- (d) Seven and one half per centum (7.5%) per annum shall be paid to the said churchwardens to be applied in or towards the repayment of the sum of Fifty thousand dollars (\$50,000) and interest thereon borrowed for the purposes of constructing the building known as the "Church Centre" in the Parish of Liverpool, such repayments to continue until the debt on the said church centre is liquidated and after payment of such sum and interest thereon shall be applied in accordance with paragraph (e);
- (e) Twenty per centum (20%) per annum shall be paid to the said churchwardens to be applied in or towards the repayment of the sum of approximately Sixty Thousand dollars (\$60,000) and interest thereon borrowed to enable the Property Trust to purchase the properties known as 103 Hemphill Avenue, Mount Pritchard and 8 Westchester Avenue, Casula and, after payment of that debt and the interest thereon, shall be applied for such purposes as shall be determined by the Synod;
- (f) Ten per centum (10%) per annum shall be paid to Sydney Anglican Home Mission Society as shall be determined by the Synod to be applied in furtherance of objectives of and the work formerly conducted by the organisation know as "Sydney Church of England New Areas Committee" but having regard to the needs of parishes and other ecclesiastical districts in the Parramatta Region;
- (g) Five per centum (5%) per annum shall be paid to Moore Theological College Council as shall be determined by the Synod for the purpose of providing housing for married students attending and members of staff of Moore Theological College;
- (h) Thirty per centum (30%) per annum shall be paid to the Parramatta Anglican Regional Council as shall be determined by the Synod to be applied from time to time as the said Council may determine towards all or any of the following –
 - (i) educational, pastoral, ethnic, or evangelistic purposes (except stipends of incumbents) in any parish or other ecclesiastical district within the said Region; or
 - (ii) meeting the cost of purchasing land, erecting buildings or other improvements where such land, buildings or improvements are held or are to be held on trust for the said Region; or
 - (iii) repaying moneys borrowed to meet such costs and the interest thereon;
- (i) Ten per centum (10%) per annum shall be paid to the Sydney Anglican Home Mission Society Council as shall be determined by the Synod and applied to the establishment and maintenance of full or part time hospital chaplaincies; and

Repealed by Ordinance No. 2016

- (j) One per centum (1%) shall be paid to the Archbishop of Sydney's Vision for Growth Appeal fund as shall be determined by the Synod.
9. So much of the said income as is derived on and from 1 January 1992 and before 1 January 1997 shall be applied as follows –
- (a) Twenty per centum (20%) per annum shall be paid to the churchwardens for the time being of the Church of St Luke Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
 - (b) Fifteen per centum (15%) per annum shall be paid to the said churchwardens and appropriated to a special account to be applied towards –
 - (i) the restoration, maintenance and repair of and in effecting improvements to the church, the buildings, and the grounds of St Luke Liverpool;
 - (ii) the repayment of moneys borrowed and applied towards such restoration, maintenance and repair of and in effecting improvements; or
 - (iii) the payment of interest payable on such moneys;
 - (c) Twenty-Five per centum (25%) per annum shall be applied to Sydney Diocesan Secretariat and applied for such purposes as may be determined by the Synod;
 - (d) Five per centum (5%) per annum shall be paid to Moore Theological College Council as shall be determined by the Synod to be applied for the purposes of Moore Theological College;
 - (e) Thirty per centum (30%) per annum shall be paid to Parramatta Anglican Regional Council as shall be determined by the Synod to be applied from time to time as the said Council may determine; and
 - (f) Five per centum (5%) per annum shall be capitalised.
10. So much of the said income as is derived on and from 1 January 1997 and before 1 January 2002 shall be applied as follows –
- (a) 58% shall be paid to the Churchwardens and appropriated to a special account to be applied towards –
 - (i) the restoration, maintenance and repair of and in effecting improvements to the church, the buildings, and the grounds of St Luke's Church, Liverpool;
 - (ii) making good damage, caused by subsidence, to the walls of the rectory;
 - (iii) the repayment of moneys borrowed and applied towards the restoration, maintenance and repair referred to in (i);
 - (iv) the payment of interest payable on the moneys referred to in (iii); or
 - (v) the payment not exceeding \$20,000 of underpinning the Rectory at 103 Hemphill Avenue, Mount Pritchard or the repayment of a loan not exceeding \$20,000 taken out for that purpose; and
 - (b) 20% shall be paid to the churchwardens for the time being of St Luke's Church, Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
 - (c) 17% per annum shall be paid to the Georges River Regional Council as shall be determined by the Synod to be applied from time to time as the said Council may determine.
 - (d) 5% per annum shall be paid to Moore Theological College Council as shall be determined by the Synod to be applied to the purposes of Moore Theological College.
11. Subject to Clause 13 so much of the said income as is derived on and from 1 January 2002 and before 1 January 2007 shall be applied as follows –
- (a) 58% per annum shall be paid to the churchwardens for the time being of the Church of St Luke's Liverpool to be applied towards –
 - (i) the restoration, maintenance and repair of, and effecting improvements to that church, its grounds and adjacent buildings;
 - (ii) the repayment of moneys borrowed and applied towards the purposes described in paragraph (i);
 - (iii) payment of interest on such borrowings;

- (b) 20% per annum shall be paid to the churchwardens for the time being of the church of St Luke's Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
- (c) 5% per annum shall be paid to the churchwardens of Hoxton Park Anglican Church to be applied for the purposes of that Church; and
- (d) 17% per annum shall be paid to Georges River Regional Council to be applied from time to time as the said Council may determine.

12. Subject to Clause 15 so much of the said income as is derived on and from 1 January 2007 and before 1 January 2012 shall be applied as follows –

- (a) 58% per annum shall be paid to the churchwardens for the time being of the Church of St Luke's Liverpool to be applied towards –
 - (i) the restoration, maintenance and repair of, and effecting improvements to –
 - A. St Luke's Liverpool, its grounds and its adjacent buildings, and
 - B. residential property situated on land that is held on trust for the Parish;
 - (ii) the repayment of moneys borrowed and applied towards the purposes described in paragraph (i);
 - (iii) payment of interest on such borrowings;
- (b) 20% per annum shall be paid to the churchwardens for the time being of the church of St Luke's Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
- (c) 5% per annum shall be paid to the churchwardens of Hoxton Park Anglican Church to be applied for the purposes of that Church; and
- (d) 17% per annum shall be paid to Georges River Regional Council to be applied from time to time as the said Council may determine.

13. Subject to Clause 15 so much of the said income as is derived on and from 1 January 2012 and before 1 January 2017 shall be applied as follows –

- (a) 58% per annum shall be paid to the wardens for the time being of the Church of St Luke's Liverpool to be applied towards –
 - (i) the restoration, maintenance and repair of, and effecting improvements to –
 - A. St Luke's Liverpool, its grounds and its adjacent buildings, and
 - B. residential property situated on land that is held on trust for the Parish;
 - (ii) the repayment of moneys borrowed and applied towards the purposes described in paragraph (i);
 - (iii) payment of interest on such borrowings;
- (b) 20% per annum shall be paid to the wardens for the time being of the church of St Luke's Liverpool to be applied to the maintenance of the ministry (excluding the rector's stipend) and the relief of need and distress;
- (c) 5% per annum shall be paid to the wardens of the Provisional Parish of Fairfield with Bossley Park to be applied in and towards that parish's ministry to the Vietnamese community; and
- (d) 17% per annum shall be paid to Georges River Regional Council to be applied from time to time for such purposes of the as the said Council as it may determine.

14. The provisions of clause 13 shall be reviewed during 2016 and any amendments to the provisions arising out of such review shall take effect on and from 1 January 2017. The Corporate Trustee shall not distribute any income derived on or from 1 January 2017 until such time as such a distribution has been authorised by an ordinance passed after such review. The provisions contained in clause 13 shall not be taken as a precedent.

Heritage Buildings

- 15. If in relation to St Luke's Church Liverpool, its grounds and adjacent buildings –
 - (a) an order is made under the Heritage Act 1977; or

- (b) the condition of any building or other improvement is such that it is reasonable to conclude in accordance with recommendation(s) in reports commissioned from at least two independent heritage architects or other experts on heritage buildings, that an order may be made under that Act; or
 - (c) an offence is committed under that Act,
- the Property Trust may –
- (d) do all such works and other things as to comply with the order, avoid the issue of the order or to satisfy the omission or action which has given rise to the offence (as the case may be); and
 - (e) apply the whole or any part or parts of the income referred to in clause 15 in or towards meeting the cost of all such works and things.

Table of Amendments

Recital A	Amended by Ordinance No 36, 1982.
Recital I	Inserted by Ordinance No 66, 1986.
Clause 1	Amended by Ordinance No 66, 1986 and under the Interpretation Ordinance 1985.
Clause 2	Amended by Ordinance No 66, 1986.
Clause 5	Inserted by Ordinance No 1, 1981 and amended by Ordinance No 24, 1986.
Clause 6	Amended by Ordinances Nos 1, 1981 and 66, 1986.
Clause 7	Inserted by Ordinance No 7, 1987 and amended by Ordinance No 8, 1988.
Clause 8	Inserted by Ordinance No 13, 1989.
Clause 9	Inserted by Ordinance No 66, 1986. Amended and renumbered by Ordinance No 7, 1987. Amended and renumbered by Ordinance No 13, 1989 and amended by Ordinance No 48, 1991.
Clause 10	Original clause inserted by Ordinance No 48, 1991. New clause inserted by Ordinance No 6, 1997 and amended by Ordinance No 46, 1997.
Clause 11	Original clause inserted by Ordinance No 6, 1997. New clause inserted by Ordinance No 54, 2001.
Clause 12	Inserted by Ordinance No 42, 2006 and amended by Ordinance No 30, 2011.
Clause 13	Inserted by Ordinance No 30, 2011.
Clause 14	Inserted by Ordinance No 54, 2001. Amended and renumbered by Ordinances Nos 42, 2006 and 30, 2011.
Clause 15	Inserted by Ordinance No 54, 2001. Amended and renumbered by Ordinances Nos 42, 2006 and 30, 2011.

MARTIN THEARLE
Manager, Diocesan and Policy Services

ROBERT WICKS
Diocesan Secretary

26 September 2011