

St James' Sydney Phillip Street Property Amendment Ordinance 2008

No 38, 2008

Long Title

An Ordinance to amend the St James' Sydney Phillip Street Property Ordinance 1962.

Preamble

A. The St James' Sydney Phillip Street Property Ordinance 1962 (the "Principal Ordinance") provides for the leasing of the property known as 169 Phillip Street Sydney (the "Property"), and the distribution of the income earned therefrom.

B. Clause 9 of the Principal Ordinance requires that the churchwardens of St James' Church, King Street, Sydney on or before 31 December 2008 promote an ordinance for the purpose of considering and if thought fit varying the provisions of clause 7 of the Principal Ordinance which deal with the distribution of income for a period commencing from and including 1 January 2009.

C. It is expedient to vary the provisions of the Principal Ordinance to provide for the distribution of income for the year of 2009.

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

1. Name

This Ordinance is the St James' Sydney Phillip Street Property Amendment Ordinance 2008.

2. Amendments

The Principal Ordinance is amended as follows –

- (a) In clause 1, a new subclause (3) is inserted as follows –

"(3) For the purposes of this Ordinance, any revaluation of the Land or the Building is not to be taken into account in determining the income of the Building or any part thereof."

- (b) In clause 4 –

- (i) at the end of paragraph (b) of subclause (4) the semi-colon is deleted and a full stop is inserted instead, and the remainder of the matter in that subclause is deleted.

- (ii) a new subclause (5) is inserted in the following terms –

"(5) All income from a lease, licence or exercise of other right to occupy the Parish Area or any part thereof granted to another party under clause 3(b) is to be applied in the following order of priority –

- (a) in or towards the appropriate share to be borne by the Parish Area or part so occupied of all rates, taxes and other outgoings and expenses assessed or charged on, or in relation to the Land or the Building, or incurred in connection with the derivation of such income, or the management of the Building, and

- (b) the residue is to be paid to the Churchwardens for the use and benefit of the Parish."

- (c) Clause 5 of the Principal Ordinance is amended as follows –

- (i) the matter "any of the Years 1999-2008 inclusive" is deleted and the matter "2009" is inserted instead, and

- (ii) after paragraph (b) the following new paragraph (c) is inserted with the following paragraphs relettered as a consequence –

"(c) by crediting to the Refurbishment Fund an amount considered by the GAB to be appropriate to be applied or set aside for the repair, renovation, refurbishment or improvement of the Building; and", and

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- (iii) at the end of the existing paragraph (c) (relettered as paragraph (d)) the matter “; and” is deleted and “.” is inserted instead, and
 - (iv) existing paragraph (d) is deleted.
- (d) In clause 6 –
 - (i) clause 6(1)(a) is deleted, and
 - (ii) clause 6(1)(b) the matter “Clause 5(d)” is deleted and “Clause 5(c)” is inserted instead, and
 - (iii) clauses 6(3)(a) and (b) are deleted.
- (e) Clause 7 is deleted and the following is inserted instead –
 - “7. The following distributions are authorised –
 - (a) an amount equal to 64% of the balance remaining is to be paid to the Churchwardens for the use and benefit of the Parish, and
 - (b) an amount equal to 36% of the balance is to be paid to the Sydney Diocesan Synod Fund, for the use and benefit of the Anglican Church of Australia in the Diocese of Sydney as determined from time to time by the Synod.”
- (f) Clause 7A is deleted.
- (g) In Clause 9 the matter “2008” where appearing is deleted and “2009” is inserted instead, and the matter “2009” where appearing is deleted and “2010” is inserted instead.

3. Saving Provisions

Nothing in this Ordinance affects the distribution of income earned from the Property prior to 1 January 2009, and such income is to be applied in accordance with the provisions of the Principal Ordinance in effect immediately prior to the commencement of this Ordinance.

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

R TONG
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 8 December 2008.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
09/12/2008