

***The PARISH OF KEMPSEY TRUST VARIATION AND ACCOUNTS  
CONSOLIDATION ORDINANCE 2005***

***No 21 of 2005***

AN ORDINANCE to vary the trusts relating to certain bequests and deposits held for the Parish of Kempsey.

**PREAMBLE**

WHEREAS: The following Trust Accounts are held by the Corporate Trustees of the Diocese of Grafton on behalf of the Parish of Kempsey and the monies they contain are held on the trusts stated:

- **William Clements** held for general Parish purposes;
- **AM Stone Memorial** held for maintenance work on All Saints Church Kempsey;
- **Estate WH Thurgood** held for maintenance of the Parish Church;
- **Dew Bequest** held for income to be used for the benefit of All Saints Church Kempsey;
- **Hanson Memorial Endowment** held for maintenance and furtherance of God's Kingdom;
- **Lillian Cheers Memorial Endowment** held for Ministry in the Upper Macleay;
- **Dyson JH Memorial** held for upkeep of St John's Sherwood;
- **B Davey Bequest** apparently held for St John's Sherwood;
- **J&D Laney Bequest** apparently held for St John's Sherwood;
- **TR Ward Memorial** held for the upkeep of St John's Sherwood;
- **Dulcie Allen Trust** apparently held for general purposes of Parish;
- **Estate AJ Davies** held for income to be used for the benefit of the Parish;
- **Rossiter Estate** held for (after previous variation) the maintenance of All Saints;
- **Estate Harold Whittaker** apparently held for general purposes of Parish;
- **Estate PM McKiernan** held for general purposes of Parish;
- **Estate Edith G Kemp** held for maintenance of All Saints Church;
- **Estate GR Hall** apparently held for general purposes of Parish;
- **Estate JR Randall** held for the general purposes of Parish;
- **Estate JA Fardy** apparently held for general purposes of Parish;
- **Estate Sylvia McGee** held for maintenance of All Saints Church;
- **Sherwood Land Sale Ordinance** held for building at St John's Sherwood;
- **Crescent Head Church Building** apparently held for general purposes of Parish;
- **Upper Macleay No 1** apparently held for the general purposes of the Parish;
- **Kempsey Anonymous Trust** held for the interest to be used for general purposes of the Parish;

AND WHEREAS: The monies held in these Trust Accounts total more than \$700,000.00;

AND WHEREAS: The Rector and Parish Council have lately requested the use of the money contained in these Trust Accounts to be used for the purpose of purchasing land for a new rectory, the construction of a new rectory and the repair of All Saints Parish Church;

AND WHEREAS: By reason of circumstances which have arisen after the creation of the numerous and diverse trusts listed above, including the closure of St John's Church, Sherwood, the reduction in the value of the monies held and the needs of the church, it is now expedient that the trusts be varied and consolidated for better management;

AND WHEREAS: By the Anglican Church of Australia Church Trust Property Act 1917 and the Church Trust Property Ordinance 1934 - 1995 the Bishop-in-Council is empowered during a recess of Synod to exercise certain powers of Synod;

AND WHEREAS: A recess of Synod now exists.

THEREFORE the Bishop-in-Council in pursuance of such powers and in the name of the Synod hereby ordains declares directs and rules on the twenty ninth day of September two thousand and five as follows:

**OPINION**

1. It has become and is expedient by reasons of circumstances subsequent to the creation of the trusts relating to the money held in trust and listed in the Preamble to vary the trusts relating to the said monies of the Parish of Kempsey

## VARIATION OF TRUSTS

2. The trusts listed in the Preamble are hereby varied so as to be held by the Corporate Trustees of the Diocese of Grafton for the purposes of the general use of the Parish of Kempsey and to be used in assisting in the purchase of land for a rectory, building of a rectory and the repair of All Saints Parish Church, Kempsey and to be available to the Parish for these purposes upon request. The monies held by the Corporate Trustees and mentioned in the Preamble may be consolidated into a single Trust Account held by the Corporate Trustees and called The Kempsey Parish Endowment.

## SHORT TITLE

3. This Ordinance may be cited as the Parish of Kempsey Trust Variation and Accounts Consolidation Ordinance 2005.

## ASSENT

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
.....  
Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the twenty ninth day of September, 2005.

  
.....  
Registrar

I assent to this Ordinance.

  
.....  
Bishop.