

Samaritans Housing Amendment Ordinance 2014

Whereas the members of the Board wish to amend the Samaritans Housing Ordinance 2013 to comply with the Community Housing Providers National Law.

Be it ordained by the Diocesan Council of the Diocese of Newcastle as follows-

Short Title

1. This Ordinance is the Samaritans Housing Amendment Ordinance 2014.

Interpretation

2. Words used in this Ordinance shall have the same meaning as in the Samaritans Foundation Diocese of Newcastle Ordinance 1984.
3. National Law will mean the Community Housing Providers National Law.

Amendment

4. Sections 13.1 and 13.2 of the Samaritans Housing Ordinance 2013 are deleted and replaced with the following sections:

"13.1 If Samaritans Housing is being wound up then the following steps will be carried out:

- (a) first, all remaining community housing assets (to the extent funded by a party other than Samaritans Housing and its related bodies Anglican) in a particular jurisdiction on the winding up will be transferred to another registered community housing provider or to a Housing Agency (as defined in the National Law) in the jurisdiction in which the asset is located ("Community Transferee");
- (b) second, where the community housing asset has been funded in part by Samaritans Housing or its related bodies Anglican, the proposed Community Transferee must either:
 - (i) purchase the interest of Samaritans Housing in that community housing asset at fair market value; or
 - (ii) enter into an agreement with the successor in title to Samaritans Housing, as determined by the Diocesan Council under section 13.1 (c), on the management of that community housing asset.

If 13.1 (b)(ii) applies, the Diocesan Council must, acting reasonably, approve the proposed Community Transferee.

- (c) If upon winding up there remains 'surplus property' (ie property remaining after satisfaction of the debts and liabilities of Samaritans Housing and the costs, charges and expenses of the winding up), such surplus property shall be distributed among those charities, non-profit organisations or associations as the Diocesan Council may determine which have similar purposes to Samaritans Housing

- 13.2 If Samaritans Housing is an Endorsed Deductible Gift Recipient at the time of its winding up, surplus property (excluding community housing assets to the extent transferred to a Community Transferee) may be transferred to one or more entities as the Diocesan Council may determine, which have similar purposes to Samaritans Housing and which have status as an Endorsed DGR."

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

PASSED BY DIOCESAN COUNCIL on the 27th day of November 2014.



Mr John Cleary
Secretary, Diocesan Council

The Assent of the Bishop of the Diocese was given to the Ordinance on the 27th day of November, 2014 in the 8th year of our Consecration and in the 1st year of our Translation to this See.



The Right Reverend Gregory Thompson
President