

12.4 DIOCESAN PROPERTY - TITLE DEEDS

BACKGROUND

Until 1996, the majority of land titles in the Diocese of Newcastle were vested in either the Trustees of Church Property or the *Diocese of Newcastle*, or the *Lord Bishop of Newcastle*, and the Trustees of Church Property are responsible for the recording and reservation of the documents.

In 1996, the Bishop of Newcastle executed a Deed of Consent consenting to all lands vested in the Lord Bishop of Newcastle becoming vested in the Trustees of Church Property for the Diocese of Newcastle. Section 19 of the Anglican Church of Australia Trust Property Act 1917 provides *inter alia*, a property vested in a trustee may upon the consent of the trustee 'become vested in the corporate trustees of (a) Diocese.'

As the Bishop holds title as a trustee his consent to the vesting of title in the Trustees of Church Property means that any land recorded as being vested in the Lord Bishop of Newcastle can be regarded as being vested in *Trustees of Church Property for the Diocese of Newcastle*. In this way, the handling of titles formerly vested in the Lord Bishop, is straightforward and less confusing.

The Bishop's Deed of Consent has been registered at the Land Titles Office at 4143 number 947.

All title deeds to church land in the Diocese of Newcastle are kept by the Trustees of Church Property in the Diocesan Office.

A land register is maintained by the Trustees and all movements of title deeds into and out of the Diocesan Office are recorded.

PARISH AND OTHER ENTITIES' RESPONSIBILITIES

Where title deeds are lodged with a lending institution in support of a loan advance to a parish or Diocesan entity and those title deeds are collected from the lending institution by either the Incumbent or Parish officer or officer of the Entity at the time the loan is repaid, it is the responsibility of Incumbent (or any other Parish officer to whom the deeds have been delivered), or an officer of the Entity to ensure they are returned to the Trustees at the Diocesan Office forthwith.