

THE MANAGEMENT OF THE SEE ENDOWMENTS ORDINANCE 2013

Long Title

An Ordinance to declare the trusts on which the property comprising the Endowment of the See is held, and for purposes related thereto.

Preamble

- A. On 27 November 1916 certain real property was conveyed from Sidney Elizabeth Bode to Trustees of Church Property for the Diocese of Newcastle such that the said lands and any dwellings on that land might be set apart and used as a residence for the Lord Bishop of the Diocese of Newcastle and has been known as Bishops court.
- B. Since that time the Synod and the Trustees have provided additional endowments pursuant to the Bishop Tyrrell Acts and other ordinances.
- C. Since 1996 the Real Property has been held for such church purposes as the Trustees deem fit.
- D. By reason of circumstances which have arisen after the creation of the trusts on which the property is held it is inexpedient to carry out and observe those trusts.

The Diocesan Council of the Diocese of Newcastle now ordains as follows.

Name

- 1. This Ordinance is the Management of the See Endowments Ordinance 2013.

Definitions

- 2. In this Ordinance –

“Bishop” includes, during the absence of the Bishop or any vacancy in the See, the Commissary or the Administrator of the Diocese of Newcastle for the time being.

“See Fund” means such of the Existing Property as remains held by the Trustees from time to time, and such other property as may be paid to, applied or acquired by the Trustees to be held on the trusts set out in this Ordinance.

“Existing Property” means the property which is, immediately prior to the date of commencement of this Ordinance, held by the Trustees on the trusts set out in the 1st Schedule of this Ordinance.

Declaration of Inexpediency

- 3. By reason of circumstances which have arisen after the creation of the trusts on which the Existing Property is held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied.

Repeal

- 4. The following ordinances are hereby repealed –

- a) The Bishops court Leasing and Administration Ordinance 1986
- b) The Bishops court Newcastle Variation of Trust Ordinance 1996
- c) The Bishops court Ordinance 2000

Trusts

5. The See Fund shall be held by the Trustees on trust for the following purposes of the Anglican Church of Australia in the Diocese of Newcastle –
- (a) to provide accommodation for the Bishop of Newcastle,
 - (b) to apply the income generated by the See Fund in the following manner -
 - a. to pay the costs and expenses incurred by the Diocesan Council or Trustees in performing any functions under this Ordinance;
 - b. to retain such portion of the income as the Diocesan Council determines to assist in maintaining the capital value of the fund;
 - c. to provide a distribution to the Diocesan Council to be used for the following purposes –
 - i. To pay the stipend of the Bishop of Newcastle, the expenses of the official residence of the Bishop of Newcastle, travelling, and the provision of other benefits and allowances.
 - l. To pay the stipends of any assistant bishop, and the costs of, or associated with, the provision of their housing, travel and other benefits and allowances.
 - ll. To pay the expenses and other costs incurred to enable the Bishop and any assistant bishop to fulfil their functions.

Functions

6. The Trustees shall invest, manage and administer the See Fund and shall in connection therewith, care for, repair, renovate and refurbish any Real Property to an appropriate standard having regard to the age and use of the Real Property.

Powers of the Trustees

7. The powers of the Trustees in relation to the See Fund are those set out in the Church Trust Property Ordinance 2012 including the power to pool this Trust with other trusts.

Power to sell or purchase Real Property

- 8 (1) Subject to section 8(3) the Trustees may sell or purchase any Real Property for purposes related to this Ordinance at such price as the Diocesan Council, acting on the recommendation of the Trustees, approves by resolution.

- (2) The proceeds of any sale, after the payment of the costs and expenses of and incidental to the sale are to be paid to the Trustees and to be held as part of the See Fund.
- (3) The sale of any Existing Property may be approved by
 - (i) the Synod by ordinary resolution or
 - (ii) resolution of the Diocesan Council approved by a two-thirds majority of the members present and voting provided that such resolution
 - (a) has been communicated to the members of the Synod for 21 days prior to the Diocesan Council giving consideration to such resolution and
 - (b) may be referred to Synod by the Bishop; and
 - (c) must be referred to the Synod by the Bishop upon request in writing of any 5 members of the Diocesan Council.

Commencement

9. This Ordinance commences on the date of assent.

Schedule One

All property vested in the Trustees in accordance with the

The Bishopscourt Leasing and Administration Ordinance 1986

The Bishopscourt Newcastle Variation of Trust Ordinance 1996

The Bishopscourt Endowment Ordinance 2000