

POINT CLARE LAND SALE ORDINANCE 2019

AN ORDINANCE to authorise the sale of certain lands at **Point Clare** in the Parish of **Patonga** in the County of **Northumberland** and to provide for the disposition of the proceeds of that sale.

BE IT THEREFORE Ordained by the Diocesan Council of the Diocese of Newcastle as follows: -

PART 1 – PRELIMINARY

Title

1. This Ordinance may be cited as the ***Point Clare Land Sale Ordinance 2018***.

Background

2. The Trustees of Church Property for the Diocese of Newcastle is the registered proprietor of the land contained in folio identifier 13/3/758848 at Point Clare.
3. The Land is Church Trust Property.
4. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.
5. The Synod has conferred on the Diocesan Council the authority to exercise the powers contained in the *Anglican Church of Australia Trust Property Act 1917*.

PART 2 – DEFINITIONS

6. In this Ordinance, unless the contrary intention appears:

GST	means Goods and Services Tax as defined in <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> .
Land	means the land contained in Folio Identifier 13/3/758848.
Diocesan Mission and Ministry Trust	The trust established in accordance with the Diocesan Mission and Ministry Trust Ordinance 2018.

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PART 3 – SALE OF LAND

Declaration of Opinion

7. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this Part 3.

Authority to Sell

8. The Trustees are authorised to sell the Land or any part or parts thereof by public auction or by private contract, and for such sum or sums and upon such terms and conditions as may be determined by the Board of the Newcastle Anglican Church Corporation but freed from the said trusts which trusts shall by force of this ordinance cease and determine.

Sale process

9. The Trustees is hereby authorised to execute and do all necessary deeds, conveyances, transfers, assurances and other instruments acts and things for giving full and complete effect to the provisions of this ordinance according to its true intent and meaning.

Disposition of proceeds

10. The proceeds of sale, after payment of the costs of and incidental to this Ordinance and the sale of the Land, are to be paid to the Trustees and allocated as follows:
- firstly, to the costs of and incidental to this Ordinance and the sale of the Land;
 - secondly, in payment of GST payable in connection with the sale of the Land; and
 - thirdly, 40% of the proceeds of sale to be held by the Trustees of Church Property for the payment of redress or related purposes as the Diocesan Council may direct,
 - the remainder of the funds to be disbursed by resolution of the Diocesan Council.

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

PASSED BY DIOCESAN COUNCIL on the 31 January 2019.



Mrs Linda Wilson
Secretary, Diocesan Council

THE ASSENT of Peter Derrick James Stuart, Bishop of the Diocese was given to the above Ordinance on the 31st day of **January 2019** in the Tenth year of our Consecration.



PRESIDENT

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PART 4- ORDINANCE ADMINISTRATION

Effective from	31 January 2019
Approved by	Diocesan Council acting as Synod
Policy Owner	Diocesan Council
Policy Administrator	Chief Operating Officer
Application	Members of Diocesan Boards, Diocesan Councils and Committees
Last review date	31 January 2019
Next review date	Not Applicable
Version	1
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Published externally	Yes

Table of Amending Instruments

Date	Instrument and Date of Commencement

Related Documents

- Administration of Parishes Ordinance 2010*
- Diocesan Management Ordinance 2003*
- Newcastle Anglican Church Corporation Ordinance 2017*
- Synod (Delegation of Powers) Ordinance 2009*
- The Church Trust Property Ordinance 1929*
- Anglican Church of Australia Trust Property Act 1917*
- A New Tax System (Goods and Services Tax) Act 1999 (Cth)*

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