

## LOSTOCK LAND SALE ORDINANCE 2019

AN ORDINANCE to authorise the sale of certain lands at **Lostock** in the Parish of **St Julian** in the County of **Durham** 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 ***Lostock Land Sale Ordinance 2019***.

Background

2. The Trustees of Church Property for the Diocese of Newcastle is the registered proprietor of the land contained in folio identifiers 1/394913, 10/1145202 and 1/316255 at Lostock.
- ~~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:

**Cemetery**

means a building or place including a burial ground, memorial garden or columbaria used primarily for the interment and memorialisation of human remains, including ashes, as defined in the Cemeteries and Crematoria Act 2013 No 105 [NSW].

**GST**

means Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

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<b>Land</b>	means the land contained in Folio Identifiers 1/394913, 10/1145202 and 1/316255.
<b>Diocesan Mission and Ministry Trust</b>	means the trust established by the Diocesan Mission and Ministry Trust Ordinance 2018

### 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 provide for the care of the Cemetery

8. The Trustees are authorised to execute any instrument required to protect all parts of the land which is utilised as a cemetery, or otherwise, to ensure compliance with *The Cemeteries and Crematoria Act 2013 (NSW)*.

#### Authority to Sell

9. 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 provided that the Bishop is satisfied with the arrangements for the ongoing care of the Cemetery.

#### Sale process

10. 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

11. 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 disbursed by resolution of the Diocesan Council.

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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

<b>Effective from</b>	31 January 2019
<b>Approved by</b>	Diocesan Council acting as Synod
<b>Policy Owner</b>	Diocesan Council
<b>Policy Administrator</b>	Chief Operating Officer
<b>Application</b>	Members of Diocesan Boards, Diocesan Councils and Committees
<b>Last review date</b>	31 January 2019
<b>Next review date</b>	Not Applicable
<b>Version</b>	1
<b>File reference</b>	Y 001
<b>Published externally</b>	Yes

### Table of Amending Instruments

<b>Date</b>	<b>Instrument and Date of Commencement</b>

### Related Documents

*Administration of Parishes Ordinance 2010*  
*Diocesan Management Ordinance 2003*  
*Newcastle Anglican Church Corporation Ordinance 2017*  
*Synod (Delegation of Powers) Ordinance 2009*  
*Ordinance Interpretation Ordinance 2011*  
*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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