

THE NEW LAMBTON (FLEET STREET) LAND SALE INDEMNITY ORDINANCE 2019

AN ORDINANCE to authorise the Trustees to grant an indemnity in favour of the purchaser of the All Saints Close Village, Fleet Street, New Lambton and for the Diocesan Council to ensure that the Trustees are provided sufficient funds to satisfy any claim under such indemnity.

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 *New Lambton (Fleet Street) Land Sale Indemnity Ordinance 2019*.

PART 2 – DEFINITIONS

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

Claim	means actions, causes of actions, disputes, causes, proceedings, arbitrations, debts, costs, claims, demands and judgments either at law, in equity or under statute.
Indemnity	means the indemnity against “...any liability, loss or damage suffered by the New Operator as a result of: <ul style="list-style-type: none"> (i) any representations made by the Current Operator as to whether the Retirement Village has at any time operated or maintained a Capital Works Fund; and (ii) any non-compliance by the Current Operator with the requirements of the RV Legislation in respect of the operation or maintenance of the Village Operating Account or Capital Works Fund (if any), <p style="text-align: center;"><i>prior to the date of Completion</i>”</p>
Land	means the land contained in the folio identifier Lot 120/P 839223 situated at 25 Fleet Street, New Lambton.

PART 3 – AUTHORISATION TO TRUSTEES TO GRANT INDEMNITY AND FOR DIOCESAN COUNCIL TO ENSURE FUNDS ARE ALLOCATED TO SATISFY ANY INDEMNITY LIABILITY

3. The Trustees is authorised to execute any agreement relating to the sale of the Land that grants the Indemnity in favour of the purchaser.

THE NEW LAMBTON (FLEET STREET) LAND SALE INDEMNITY ORDINANCE 2019

4. In the event that the lawful and proper operation of the Indemnity results in a Claim against the Trustees, the Diocesan Council shall ensure that sufficient funds are allocated for the benefit of the Trustees from the New Lambton Anglican Parish Consolidated Trust Fund to satisfy any liability owed by the Trustees to satisfy any such Claim.

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

PASSED BY DIOCESAN COUNCIL on the 28th day of March 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 28th day of March 2019 in the Tenth year of our Consecration.



PRESIDENT

PART 4- ORDINANCE ADMINISTRATION

Effective from	28 March 2019
Approved by	Diocesan Council
Policy Owner	Diocesan Council
Policy Administrator	Chief Operating Officer
Application	The Trustees and the Diocesan Council
Last review date	27 March 2019
Next review date	Two years after the dated the document enters into force
Version	1
File reference	Y 012
Published externally	Yes

This document is a controlled document and is maintained electronically by the Anglican Diocese of Newcastle Document Controller and will become uncontrolled when printed

Y012	Issue Date: 28/03/2019	Version 1
	Review Date: 28/03/2021	Page 2 of 3

THE NEW LAMBTON (FLEET STREET) LAND SALE INDEMNITY ORDINANCE 2019

Table of Amending Instruments

Date	Instrument and Date of Commencement

Related Documents

Administration of Parishes Ordinance 2010
Synod (Delegation of Powers) Ordinance 2009
The Church Trust Property Ordinance 1929

Anglican Church of Australia Trust Property Act 1917

This document is a controlled document and is maintained electronically by the Anglican Diocese of Newcastle Document Controller and will become uncontrolled when printed

Y012

Issue Date: 28/03/2019

Version 1

Review Date: 28/03/2021

Page 3 of 3