

THE DIOCESE OF NEWCASTLE ASSISTANCE WITH THE RECOVERY FROM THE CORONAVIRUS (COVID-19) PANDEMIC ORDINANCE 2020

WHEREAS the Diocesan Council has formed the view that to ensure the order and good government of the Diocese of Newcastle it is impossible and inexpedient to hold the personal property forming part of the trusts (with the exclusion of trusts set out Schedule 1) on the existing trusts.

Be it ordained by the Diocesan Council as follows: –

1. This Ordinance may be cited as the “Diocese of Newcastle Assistance with the Recovery from the Coronavirus (COVID-19) Pandemic Ordinance 2020”.
2. In this Ordinance the term “additional trust purpose” shall mean:

“The Diocesan Council, with the concurrence of the Board of the Newcastle Anglican Church Corporation, may apply the trust capital and/or the income on that capital for the purpose of supporting the recovery and/or ongoing viability of parishes and other ministries in the Diocese (including all entities and organisations affiliated with or controlled by the Diocese) arising from the financial impact of the Coronavirus (COVID-19) pandemic.”
3. The Diocesan Council declares that:
 - (a) the trust purposes for the funds held by the Trustees forming part of any trust (with the exclusion of the trusts that are set out in Schedule 1) be amended to include the additional trust purpose; and
 - (b) to the extent that any existing trust purpose for the funds held by the Trustees forming part of any trust (with the exclusion of the trusts that are set out in Schedule 1) negates or otherwise impedes the Diocesan Council from giving effect to the additional trust purpose, that existing trust purpose is, to the extent of any inconsistency, modified to allow the additional trust purpose or, if necessary, repealed.
4. The Diocesan Council may give effect to the purposes of this Ordinance by ordinary resolution transferring funds to the Coronavirus (COVID-19) Pandemic Recovery Trust (**the Trust**) to be held by the Trustees or in such other manner as the Diocesan Council shall determine. In taking any steps under this clause, the Diocesan Council shall seek the concurrence of the Newcastle Anglican Church Corporation.
5. The Diocesan Council shall give 14 calendar days notice to the Incumbent and Parish Council Secretary of any parish of its intention to use the income or capital from any trusts for the purpose outlined in clause 2.
6. The Diocesan Council shall report any resolution made in accordance with Clause 4 to the next ordinary session of the Synod.
7. Any doubt about the application of this Ordinance shall be resolved by the Bishop whose decision shall be final.

SCHEDULE 1

Trusts under the control of the Newcastle Anglican Church Redress Corporation

Exceptional Special Purpose Trust – ASDF account no: 24110

Exceptional Special Purpose Trust No. 2 – ASDF account no: 41089

Tyrrell Trust B0019 – Diocesan Budget Support Endowment 2004

Tyrrell Trust B0029 – Bishop’s Registry Expenses Endowment

Trust under the control of the Trustees of Church Property

EREACS Trust – Newcastle Grammar School Property

Endowment of the See – Fund Units – D0278

Endowment of the See – non pooled assets (including Bishops’ residences and cash)