

## WIDDEN STUD LAND SALE ORDINANCE 2021

**AN ORDINANCE** to authorise the sale of certain lands at **Muswellbrook** in the Parish of **McDonald** in the County of **Phillip** 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

- This Ordinance may be cited as the ***Widden Stud Land Sale Ordinance 2021***.

Background

- The Trustees of Church Property for the Diocese of Newcastle is the registered proprietor of the land contained in folio identifier Lots 53 and 54 in DP 755441 at Widden Valley.
- The Land is Church Trust Property-
- 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.
- 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

- In this Ordinance, unless the contrary intention appears:

|             |  |
|-------------|--|
| <b>GST</b>  | means Goods and Services Tax as defined in <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> . |
| <b>Land</b> | means the land contained in Folio Identifiers 53/755441 and 54/755441.                                       |

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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 Newcastle Anglican Church Corporation but freed from the said trusts which trusts shall by force of this ordinance cease and determine subject to the property first being returned to secular use.

### 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:
  - a. firstly, to the costs of and incidental to this Ordinance and the sale of the Land;
  - b. secondly, in payment of GST payable in connection with the sale of the Land; and
  - c. 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,
  - d. the remainder of the funds to be placed upon temporary trust for the purposes of maintaining land or buildings held for church purposes in the Parish as approved by the Diocesan Chief Executive.

**PASSED BY DIOCESAN COUNCIL** on the **29<sup>th</sup> day of April 2021.**

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