

# ANGLICAN CHURCH OF AUSTRALIA

## DIOCESE OF CANBERRA AND GOULBURN

### **<sup>1</sup>PARISH OF BATEMANS BAY (MOGO LAND) VARIATION OF TRUSTS ORDINANCE 1992**

#### **AN ORDINANCE<sup>2</sup>**

To vary the trusts on which certain land within the Parish of Batemans Bay is held and for related purposes.

**Whereas** the lands described in the Schedule (hereinafter referred to as the "trust land") are vested in the Bishop of Canberra and Goulburn (hereinafter referred to as the "Trustee") upon trust for the erection thereon of a church of the Anglican Church of Australia:

**And whereas** subsequently to the creation of the trusts, the land and the church ceased to be used as a church of the Anglican Church of Australia but was used by the Aboriginal Evangelical Fellowship of Australia for the purposes of christian outreach to Aboriginal people until it was destroyed by fire in 1991:

**And whereas**, by reason of changes in the administration of the Parish of Batemans Bay, it has become unnecessary to use the trust land for the purposes of maintaining thereon a church of the Anglican Church of Australia:

**And whereas** the Parish of Batemans Bay sees the transfer of the trust land to the Aboriginal Fellowship of Australia as a significant step in its christian ministry to the Aboriginal people in its Parish:

Be it therefore ordained by the Standing Committee of the Synod of the Diocese of Canberra and Goulburn, in pursuance of the powers conferred on it during the recess of the Synod under sections 26, 27 and 32 of the Anglican Church of Australia Trust Property Act, 1917 of New South Wales and all other powers it thereunto enabling, as follows:

#### **Short title**

1. This Ordinance may be cited as the Parish of Batemans Bay (Mogo Land) Variation of Trusts Ordinance 1992.

#### **Declaration of opinion**

- 2 <sup>3</sup>The Bishop-in-Council declares:
  - (a) that, by reason of circumstances subsequent to the establishment of the trusts on which the trust land is held, it is of the opinion that it has become inexpedient to carry out or observe those trusts;
  - (b) that it is of the opinion that the trusts set out in section 3 are trusts for the benefit of the Anglican Church of Australia in the Parish of Batemans Bay; and
  - (c) that, to the extent, if any, to which those trusts are not for the benefit of the Anglican Church of Australia in that Parish, by reason of circumstances subsequent to the establishment of the trusts on which the trust land is held, it is of the opinion that it has

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<sup>1</sup> Please note that this is a scanned copy of the original version of in the Ordinance books of the Diocese of Canberra and Goulburn. If you have any concern about this version please contact; [rupert.hammond@netspeed.com.au](mailto:rupert.hammond@netspeed.com.au)

This version of the Ordinance has not been approved by the Chancellor in accordance with section 75 of the Diocesan Legislation Ordinance 2007 and is only for information

<sup>2</sup> passed without amendment and assented to by Bishop Owen on 12 June 1992

<sup>3</sup> Inserted by the Diocesan Legislation Ordinance Consequential Amendments Ordinance 2009

become inexpedient to apply the trust land for the use or benefit of the Parish of Batemans Bay.

<sup>4</sup> **Note:** The Diocesan Legislation Ordinance 2007 provides a definition of the following terms:

- Bishop-in-Council

#### **Declaration of trusts**

3 The trust land shall be held by the Trustee upon trust for sale, at a nominal consideration, to the Aboriginal Evangelical Fellowship of Australia, a body corporate incorporated in Victoria.

#### **Sale of Land**

4 The Trustee is directed to sell the trust land to the Aboriginal Evangelical Fellowship of Australia for a nominal consideration.

### **SCHEDULE**

All that parcel of land comprising Lot 540 Deposited Plan 792575 situated at Mogo in New South Wales and comprised in Certificate of Title 540/792575.

ALL THAT piece of land described as portion 55, Mogo, Parish Gaba, County of St Vincent and more particularly referred to Certificate of Title Volume 269 folio 63.<sup>5</sup>

#### **Notes**

See also - Parish of Batemans Bay Church Insurance Fund) Variation of Trusts Ordinance 1992 Amended by the Parish of Batemans Bay (Mogo Land) Variation of Trusts Ordinance 1992 Amendment Ordinance 1993

Diocesan Legislation Ordinance Consequential Amendments Ordinance 2009 Assented to by Bishop Stuart 18/9/2009

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<sup>4</sup> Inserted by the Diocesan Legislation Ordinance Consequential Amendments Ordinance 2009

<sup>5</sup> Inserted by the Parish of Batemans Bay (Mogo Land) Variation of Trusts Ordinance 1992 Amendment Ordinance 1993