

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF CANBERRA AND COULBURN

BINDA (TUENA) LANDS (DECLARATION OF NEW TRUSTS ANN LAND SALE) ORDINANCE 1997 ¹

AN ORDINANCE

To declare the opinion that it is inexpedient to carry out or observe certain trusts in respect of church lands at Tuena, to declare other trusts in their place, to authorise the sale a portion of those lands, and for other purposes.

RECITALS

- 1 The Synod of the Diocese is empowered by section 32 of the Anglican Church of Australia Trust Property Act 1917 to declare by ordinance:
 - (a) its opinion that it is inexpedient to carry out or observe any trust to which church trust property is subject, and
 - (b) another trust for the use, belief, or purposes of the Anglican Church of Australia within the Diocese in place of the first mentioned trust.
- 2 The Synod is empowered by section 40 of the Anglican Church of Australia Trust Property Act 1917 to delegate its powers and functions to such committee, council of other body of persons as it shall appoint for the purpose by or under ordinance.
- 3 The Synod has, by section 4 of the Anglican Church Property Trust Ordinance 1944 as amended, appointed the Standing Committee of the Synod to exercise its powers and functions under section 32 of the Anglican Church of Australia Trust Property Act 1917 during the recess of the Synod.
- 4 The lands described in the Schedule (the "trust land") were granted by the Crown on 3 September 1883 to trustees upon trust for tile purposes of a site for a dwelling house, garden and other appurtenances for the clergyman duly appointed to officiate in the church of the United Church of England and Ireland erected at Tuena in the colony, of New South Wales,
- 5 The United Church of England and Ireland is now entitled the Anglican Church of Australia and the trust land is now vested in the Anglican Church Property Trust, Diocese of Canberra and Goulburn.
- 6 Tuena is now within the Parish of Binda in the Diocese of Canberra and Goulburn.
- 7 By reason of changes in circumstances and in the administration of the Parish of Binda, the trust land is no longer required for a residence for a member of the clergy at Tuena.

¹ Please note that this is a copy of the original ordinance recorded in the Ordinance books of the Diocese of Canberra and Goulburn. If you have any concern about this ordinance please contact; ordinances@anglicands.org.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 provided only for information

- 8 The rector and churchwardens and parochial councillors of the Parish of Binda have consented to this Ordinance

THEREFORE

The Standing Committee of the Synod of the Diocese, in the exercise of the powers conferred on it during a recess of the Synod pursuant to sections 26, 27 and 40 of the Anglican Church of Australia Trust Property Act 1917 (NSW) therefore enacts:

1. Short Title

- 1.1 This Ordinance may be cited as the Binda (Tuena) Lands (Declaration of New Trusts and Lands Sale) Ordinance 1997.

2. Repeal

- 2.1 The Binda (Tuena) Lands Sale Ordinance 1996 is repealed

3. Declaration of inexpediency

- 3.1 The Standing Committee of the Synod declares its opinion that, by reason of circumstances subsequent to the grant of the trust land, it has become inexpedient to carry out or observe the trust established by that grant.

4. Declaration of new trust

- 4.1 The trust land shall be held by the trustee upon the following trusts:
- (a) as to that portion of the trust land upon which St Mark's Church, Tuena, has been built *and to be more particularly described in a plan of subdivision proposed to be lodged with the Crookwell Shire Council*, upon trust for the purposes of the Parish of Binda, Diocese of Canberra and Goulburn
 - (b) as to the remainder of the trust land, upon trust for sale and the proceeds of the sale, after deduction of the costs of sale, applied for the restoration of St Mark's Church, Tuena, and its continuing maintenance.

5. Sale of land

- 5.1 The trustee is directed to sell that portion of the trust land referred to in section 4.1(b)
- (a) at such time or times, and
 - (b) in such manner, and
 - (c) on such terms and conditions as to payment or otherwise as the trustee thinks fit.

SCHEDULE

ALL THAT piece of land described as Lot 9., Section 14. Tuena, county of Georgiana, Parish of Tuena, and more particularly referred to in Certificate of Title Volume 675-Folio 216.

Notes:

Passed by Bishop-in-Council without amendment on 4 April 1997 and assented to by Bishop George on 4 April 1997