

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF CANBERRA AND GOULBURN

PARISH OF BINDA (TUENA) LANDS (DECLARATION OF NEW TRUSTS) ORDINANCE 2018¹

AN ORDINANCE to declare the opinion that it is inexpedient to carry out or observe certain trusts in respect of church trust property for the benefit of the church at Tuena in the Parish of Binda and to declare certain other trusts.

RECITALS

1. The Synod of the Diocese is empowered by section 32 of the Anglican Church of Australia Trust Property Act 1917 (NSW) 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, benefit or purposes of the Anglican Church of Australia within the Diocese in place of the first mentioned trust.
2. The Synod of the Diocese is empowered by section 40 of the Anglican Church of Australia Trust Property Act 1917 (NSW) to delegate its power and functions to such committee, council or other body of persons as it shall appoint for the purposes by or under ordinance.
3. The Synod has, by section 4 of the Anglican Church Property Trust Ordinance 1944, appointed Bishop-in-Council to exercise its powers and functions under section 32 of the Anglican Church of Australia Trust Property Act 1917 (NSW).
4. Certain funds being church trust property are held in trust for the Parish of Binda under trusts established by the Binda (Tuena) Lands (Declaration of New Trusts and Lands Sale) Ordinance 1997.
5. By reason of changes in circumstances and in the administration of the Parish of Binda, the purposes for which the trust property described in Recital 4 is currently held is no longer in accordance with the needs of the Parish if it is to remain viable.
6. Further, the Binda Glebe Trust has been established for the purposes of providing a parish stipend, but such use is no longer viable as a result of changes in circumstances in the administration of the Parish of Binda.
7. The Churchwardens and members of the Parish Council of the Parish of Binda have consented to this Ordinance.

THEREFORE Bishop-in-Council in its capacity as the Standing Committee of the Synod during the recess of the Synod and in the exercise of its powers under sections 32 and 40 of the Anglican Church of Australia Trust Property Act 1917 (NSW) and section 4 of the Anglican Church Property Trust Ordinance 1944, enacts

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

1. Name of Ordinance

- 1.1 This Ordinance is the Parish of Binda (Tuena) Lands (Declaration of New Trusts) Ordinance 2018.

2. Dictionary

- 2.1 In this Ordinance, unless it is clear that another meaning is intended:

Trust property means the property the subject of the Trusts;

Trusts means the trusts established by the Binda (Tuena) Lands (Declaration of New Trusts and Land Sales) Ordinance 1997

Parish means the Parish of Binda

Note: The Dictionary to the Diocesan Legislation Ordinance 2007 provides a definition of the following terms:

- *Bishop-in-Council*
- *Parish Council*
- *Property Trust*
- *Synod*

3. Declaration of Inexpediency

- 3.1 Bishop-in-Council as the Standing Committee of the Synod during the recess of the Synod declares its opinion that, by reason of circumstances subsequent to the creation of the Trusts, it has become inexpedient to carry out or observe the terms of the Trusts.

4. Declaration of New Trust

- 4.1 The Trust Property shall be held by the Property Trust upon the following trusts:
- a) as to 40% of the Trust Property for the maintenance and upkeep of the church buildings within the Parish; and
 - b) as to 60% of the Trust Property for the purposes of ministry within the Parish and, in particular, to support the deployment of ministry personnel and leaders to work within the Parish.

Notes:

Passed without amendment by Bishop-in-Council on 19 October 2018 and assented to by Bishop Trevor on 19 October 2018.