

**NORTH COAST CHILDREN'S HOME (VARIATION OF TRUST and SALE) ORDINANCE
2016
Ordinance No. 13 of 2016**

An Ordinance to vary the trusts upon which the property described in the schedule hereto ("the land") is held and to provide for the sale of the land.

PREAMBLE

- A. Whereas** the Bishop-in Council of the Diocese of Grafton pursuant to the provisions of clauses 48.2 & 183.1 of the Diocesan Governance Ordinance 2008 is appointed a Council or Committee under section 40 of *Anglican Church of Australia Trust Property Act 1917* (NSW) ("the *Trust Property Act*") and may during the recess of the Synod of the Diocese of Grafton ("Synod") exercise in place of the Synod the powers and functions of the Synod under the provisions of sections 25, 26 & 32 *Trust Property Act*.
- B. And whereas** the land is vested in The Corporate Trustees of the Diocese of Grafton and is church trust property within the meaning of section 4 of the *Trust Property Act* and is held on trust for the purpose of providing and carrying on a home within the Diocese of Grafton in connection with the Church of England (now known as the Anglican Church of Australia) for children who are either temporarily or permanently without homes or not under parental control ("the Trust").
- C. And whereas** by reason of circumstances subsequent to the creation of the Trust it has in the opinion of Bishop-in-Council, as Standing Committee of Synod, become inexpedient to carry out and observe the Trust, at least by reason of the need to sell the land to defray the cost to the Diocese of Grafton of the substantial sums of money which the Diocese has paid by way of compensation to victims of abuse at the North Coast Children's Home.
- D. And whereas** Bishop-in-Council, as Standing Committee of Synod, accordingly intends to declare another trust of the land for the use, benefit and purposes of the Anglican Church within the Diocese of Grafton, namely a trust for the sale of the land and use of the net proceeds of sale, to defray the cost to the Diocese of the substantial sums of money which the Diocese has paid by way of compensation to victims of abuse at the North Coast Children's Home, which costs have fallen on the Diocese ("the Varied Trust").

Therefore, the Bishop-in-Council in pursuance of powers provided in clauses 48.2 & 183.1 of the Diocesan Governance Ordinance 2008 hereby decrees and enacts as follows:

1. Bishop-in-Council, as Standing Committee of Synod, hereby declares that it is of the opinion that it has become inexpedient, by reason of the circumstances referred to in the Preamble subsequent to the creation of the Trust, to carry out and observe the Trust relating to the land.
2. Bishop-in-Council, as Standing Committee of Synod, hereby declares it is of the opinion that it is inexpedient to deal with or apply such property for the same or the like purpose of the Trust, and that the land is to be held by the Corporate Trustees of the Diocese of Grafton for the use, benefit and purposes of the Anglican Church within the Diocese of Grafton on the Varied Trust, instead of the Trust referred to in clause 1.
3. The Corporate Trustees of the Diocese of Grafton in whom the said property is vested is hereby empowered and directed to sell the same by public auction or

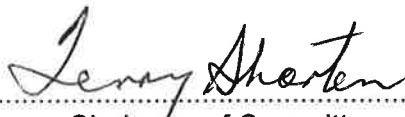
private contract for such sum or sums of money and upon such terms and conditions as may be determined by The Corporate Trustees of the Diocese of Grafton.

4. The Corporate Trustees of the Diocese of Grafton is hereby authorised to execute all necessary deeds conveyances transfers assurances and other instruments acts and do all things for giving full and complete effect to the provisions of this Ordinance.
5. The money arising out of such sale shall be paid to The Corporate Trustees of the Diocese of Grafton and, after provision has been made for all costs charges and expenses relating thereto, shall be applied at the direction of Bishop-in-Council for the purposes of the Varied Trust in such amounts as Bishop-in-Council shall determine. Pending application of funds, the funds may be invested and pooled with other trust accounts.
6. This Ordinance may be cited as the North Coast Children's Home (Variation of Trust and Sale) Ordinance 2016.

SCHEDULE

The land and improvements known as 17-19 Keen Street Lismore, being the properties comprised in Certificates of Titles Folio Identifiers respectively 2/1124463 and 12/4/758615 and the improvements thereon.


We hereby certify that this Ordinance was passed by Bishop-in-Council on the 18th day of August, 2016 and that the Ordinance as printed is in accordance with the Ordinance as passed.


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Chairman of Committees


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Registrar

I assent to this Ordinance.


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Bishop


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Date