

**THE BUNDOCK FAMILY CEMETERY TRUST
VARIATION OF TRUST ORDINANCE 2005.**

3/2005

AN ORDINANCE to vary a Trust known as the Bundock Family Cemetery Trust in certain particulars.

PREAMBLE

WHEREAS the Bundock Family Cemetery Trust was purported to be created by a Deed dated 30th July 1912 and a subsequent amendment in 1916 and an amount of five hundred pounds was apparently settled on the purported Trust for the express purpose of maintaining the private cemetery at Wiangaree in which prior to 1912 the Bundock family were interned in the then Diocese of Grafton and Armidale AND WHEREAS following the passing of *Local Government (Control of Cemeteries) Amendment Act 1966* the Corporate Trustees of the Diocese of Grafton entered into an Agreement with the Council of the Shire of Kyogle AND WHEREAS by that Agreement the Trustees requested the Council to "accept the care control and management of the cemetery" and the Council did accept such request AND WHEREAS senior legal Counsel did by Advice dated 23rd December 1965 provide an opinion that "the Bundock trust established in 1912 is almost certainly invalid and unenforceable."

AND WHEREAS there exists in the accounts of the Corporate Trustees two amounts of money, being accounts 9 & 10, connected with the original settlement monies, containing \$8,195 and \$7,336 respectively AND WHEREAS it is considered that by reason of the circumstances subsequent to the creation of the said Trust it has become inexpedient to carry out the said Trust for the sole purpose for which it was created AND WHEREAS by the *Anglican Church of Australia Trust Property Act 1917* and *The Church Trust Property Ordinance of 1934* the Bishop-in-Council is empowered during recess of Synod to exercise certain powers of Synod including the powers conferred by Section 32 of the said Act AND WHEREAS such recess now exists:

NOW THEREFORE the Bishop-in-Council in pursuance of such powers and in the name of the Synod directs and rules as follows:

OPINION

1. It has become and is inexpedient, by reason of circumstances subsequent to the creation of the said Bundock Family Cemetery Trust, to carry out the said Trust for the sole purpose for which it was created.

VARIATION OF TRUST

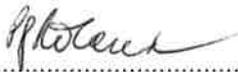
2. (a) In lieu of the said purported Trust it is hereby directed that the funds held together with any interest further accrued less any payments made in accordance with the original Trust, are to be given to the Parish of Kyogle to be used for the purpose of maintaining the Church of St James, Kyogle

SHORT TITLE

3. This Ordinance may be cited as the "Bundock Cemetery Trust, Variation of Trust Ordinance 2005".

ASSENT

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.



Deputy Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the 24th February 2005.



Registrar

I assent to this Ordinance.



Bishop.