



PARISH PROPERTY - SALE OR SUBDIVISION OF PROPERTIES

Approved by Diocesan Council
Review due

23 November 2016
23 November 2019

INTRODUCTION

The Church Sites Fund Statute 1974 provides in section 8 that where a Parish Council recommends or agrees that land in the beneficial ownership¹ of a parish is not required or that it is expedient to dispose of such land and such land is sold, the proceeds of sale shall be applied by The Perth Diocesan Trustees on the recommendation of the Parish Council and with the consent of Diocesan Council towards:

- the purchase of other land in the Parish to be held by the Trustee pursuant to this Statute;
- the erection modification or completion of a building or buildings in the Parish;
- other purposes in the Parish.²

Where a property is beneficially owned by a Parish and is surplus to Parish Ministry requirements the Diocesan Council will only consent to the recommendations of a Parish Council where the following conditions have at least been met:

- Up to 70% of net sale proceeds will go to the Parish for purposes approved by Diocesan Council; and
- PDT in accordance with the Church Sites Fund Statute 1974, with the remainder to the Diocese for the Church Sites Fund.

In other situations, where an alteration or abolition in terms of The Parish Governance Statute 2016 has been affected:

- **Where property is surplus when Parishes amalgamate** - up to 25% of net sale proceeds to be put towards the Parishes amalgamation costs and the remainder to the Diocese for the Church Sites Fund, and
- **Where a Parish is abolished, and property is surplus to Diocesan requirements** – net sale proceeds to go to the Diocese for the Church Sites Fund.

Where Sale or subdivision of Church Property is proposed:

- The Diocesan Secretary in conjunction with the Diocesan Property Service Manager will arrange the sale with a licenced real estate agent, taking into consideration a current valuation undertaken by a licensed Valuer and if applicable a valuation as at 1/7/2000 (for purpose of applying the GST Margin Scheme).
- The parish need to be fully aware of areas of the sale that will incur costs to them e.g. selling of a church could incur GST, selling of vacant land and commercially used properties will incur GST.
- The Diocesan Property Service Manager will liaise with the Parish and discuss recommendations to be put to Diocesan Council taking into consideration the above.

¹ "All land acquired by the Trustee by grant or under the Church Lands Statute 1881 or The Church Sites Fund and Free of Interest Loans Fund Statute 1965 which has been in the beneficial use and occupancy of an ecclesiastical district and is free of debt to the Trustee is deemed to belong beneficially to such ecclesiastical district."

² Further, the Statute also provides that: "Proceeds of sale not so applied shall be paid by the Trustee to The Church Sites Fund free of any beneficial interest of such ecclesiastical district and to be used for the purposes of this Statute."

DIOCESAN COUNCIL POLICY 6.10



- The Parish will need to ensure the service providers e.g. Power and Telephone are advised of the sale date for disconnections, settlement agent will advise Water Authority and Local Authority. Final inspection of the house – Parish or body to ensure all services and appliances are in working order.
- When selling a Church there are certain liturgical and administrative procedures that are required and are the responsibility of the Parish. If a Church is to be deconsecrated by a Bishop and the license is issued by the Archbishop on the date set down for the service. It is important that the deconsecrating procedures outlined in Appendix 1 are followed.
- For subdivisions, Parishes must engage appropriate property consultants to assist them to carry out the process. The Diocesan Property Service Manager is available to assist to sourcing property/planning consultants, as well as providing general advice on property matters. All documents must be signed by the Perth Diocesan Trustees e.g. WA Planning Commission, Water Corporation.



CHECKLIST FOR DECONSECRATING AND SALE OF CHURCHES

PROCESS

Once the sale has been approved by Parish Council, Assistant Bishop, Archdeacon, Diocesan Council and The Perth Diocesan Trustees a letter is sent from the Diocesan Secretary to the Council Secretary (cc: The Rector) advising same.

The Parish will need to arrange for:

- a The Church to be deconsecrated by a Bishop
(Discuss this with the Assistant Bishop and arrange for a service to be held. A letter will be forwarded by the Archbishop's Office confirming the deconsecration)
- b A deconsecration license is issued by the Archbishop on the date set down for the service. It may be appropriate to advertise the service in The West Australian and local newspapers to ensure past Parishioners and their families have the opportunity to attend the service.
- c If a Memorial Garden containing ashes and/or memorials is present appropriate plans for the removal and relocation of earth and/or memorials to another consecrated site will be necessary
- d Advise family members and descendants of those interred in the garden. Locating family members and descendants can be done by contacting the local Historical Society or Electoral Role. It is recommended that the Parish place an advertisement in the "Public Notices" of The West Australian and local newspaper.

Removal of ecclesiastical items and items of significant or sentimental value to the Church, such as:

- Memorial plaque
- Foundation stone
- Stained glass windows
- Altar
- Pews
- Brassware
- Lecterns/Prayer Books/Banner
- Prayer Desk
- Font
- Bell/Tower
- Other

(these items can be relocated to another church in the Parish, donated to another Parish and /or organisation or returned to the family that donated the item [if applicable])

A Faculty form must be submitted for the removal of any items altering the fabric of the building.