

# *Camden Residents' Action Group*

*Incorporated*

*Camden – Still a Country Town*

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**Media Release**

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## **WHO OWNS ST. JOHN'S PRECINCT CAMDEN?**

The sons of John Macarthur, James and William and Surveyor General Sir Thomas Mitchell founded the township of Camden with St John the Evangelist's Church as the jewel in the crown of their design. James and William Macarthur purposely positioned the building on the hill dominating the town and surroundings. **They deliberately surrounded the Church with space, the sense of place being as much an essential design element as its iconic spire.**

According to recent correspondence from the NSW Government, the lots of the St John's Anglican Church Precinct are held by Charitable Trusts. This means they are not owned by the local congregation.

The documents establishing the trusts are publicly available from NSW Land Registry Services. The oldest document (1841) places a condition on the Church requiring it to hold the land of the precinct 'for ever'. The oldest document also contains a note by the registrar of the NSW Supreme Court attesting the Bishop of Australia swore to observe the requirement to keep the land 'for ever'. (At this time sworn statements were likely in the form of an oath sworn by Almighty God.)

James and William Macarthur were members of Parliament, magistrates and successful businessmen. Their private establishment of Camden village (1840) aligned with their entrepreneurial interests and reflected their world view of society. The building of St John's was largely funded by the Macarthurs and

the NSW Government. At the time it was described as a public building and was one of the largest buildings in NSW.

The Church intends to sell two of the three lots comprising the precinct, the lot on which the Rectory stands and the Horse Paddock (Glebe). The Rectory was built in 1859 by James and William and the Macarthur family donated the property into a charitable trust in 1905. The Horse Paddock was gifted by the Macarthur family into a charitable trust in 1911 on the condition that it be used “as a Glebe annexed to the Church”.

The Macarthurs were well versed in law and it is reasonable to assume they deliberately protected their interests and investments using the most potent legal mechanisms. It is reasonable to assume these attempts included the deliberate measure of protecting their legacy ‘for ever’.

So, it is reasonable to assume, the original Macarthur trusts provide more protection for the land of the precinct than any heritage listing.

We have questioned the local church leadership on their legal and biblical right to break the promise given to the Macarthur Family and sell the land.

The local church leadership have admitted the information formally presented to their congregation on ownership and boundaries was wrong. It was not correctly disclosed that all the precinct land was gifted and is held by Charitable Trusts, not purchased and owned. The boundary map presented a proposed subdivision and not the property on sale which conforms to the current legal titles.

The local church leadership cite an old piece of legislation called The Anglican Church of Australia Trust Property Act 1917 (“1917 Act”) which they claim gives them the right to vary the original Macarthur Family trusts and sell the land for any purpose **because it is ‘expedient’ and no other justification was required.**

In a submission to the Royal Commission into Institutional Responses to Child Sexual Abuse the Primate of the Anglican Church stated trust assets might not be available to compensate victims. Also, in a submission to the NSW Supreme Court the Anglican Bishop of Bathurst asserted trust assets could not be used to repay debt.

Because their statements seem to contradict the formal submissions made to the Royal Commission and the NSW Supreme Court by senior Anglican Bishops, we researched the 1917 Act. We cannot see anything in the 1917 Act which permits the Church to vary the original Macarthur trusts to allow the sale of the land with proceeds going toward a new worship centre and general Diocesan funds.

We have asked the local church on more than one occasion for a detailed explanation of the legal and biblical basis for their actions. We have yet to receive a reply.

Apart from the Macarthur Family, many citizens have made gifts and entrusted property to the Church, but the Church’s commitment to honour the donors’ trust and intentions seems unreliable at best. We

suggest the entrustment of the property to the Church was founded in a belief in the integrity of the Church to honour its promises and follow the tenets of the Bible.

The general belief in the community that the Precinct belongs to the people is correct according to the terms of the original trust documents. It is very clear from social media and media reports that most in the community oppose the sale of the Rectory and Horse Paddock. Commercial development by a purchaser would mean the loss of valuable open space and untold damage to the integrity of the most symbolic site of the Macarthur region.

Other community members must abide by the usual rule of law which would not allow trusts to be broken except in exceptional circumstance and even then, only by permission of the courts. The courts require a full and public disclosure of the circumstance and reasons requiring the variation of a trust.

**We call upon the leaders of our local Anglican Church to publicly give a detailed explanation of the legal and biblical basis for varying the original Macarthur Family trusts and the breaking of the explicit promise to keep the land 'for ever'.**

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