

Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Via email to lgd@dpac.tas.gov.au

Friday, 12 October 2018

Dear Madam / Sir,

RE: SUBMISSION – DRAFT *BURIAL AND CREMATION AMENDMENT BILL 2018 (TAS)* – STEVE IRONS – CONARA CHURCH

Please be advised that I am the sole owner of the Conara Church located at [REDACTED]. Attached to this covering letter is my submission in relation to the above-mentioned proposed legislative amendments.

I am on the Aged Pension and bought this property approximately three (3) years ago. At this time I was not made aware of any obligations that came with being the owner of an old church, with a cemetery attached.

The proposed changes, as outlined in the draft *Burial and Cremation Amendment Bill 2018 (TAS)*, will dramatically reduce the value of my property. As you have specifically stated these amendments are designed to exclude individuals from purchasing property, which has a cemetery attached. Only body corporates will be able to purchase my property should I – or my estate – wish to sell it. These changes will significantly reduce the amount of potential buyers for my property, and increase the expense and ‘red-tape’ through which they must pass in order to purchase.

The one significant asset I own is this property. My life savings went into its purchase. And should these amendments be passed I will be left with almost nothing.

I ask for serious consideration on the proposed amendments, and what they will mean for ordinary individual owners such as myself.

If you have any questions about my submission please contact me on [REDACTED].

Sincerely,

Steve Irons

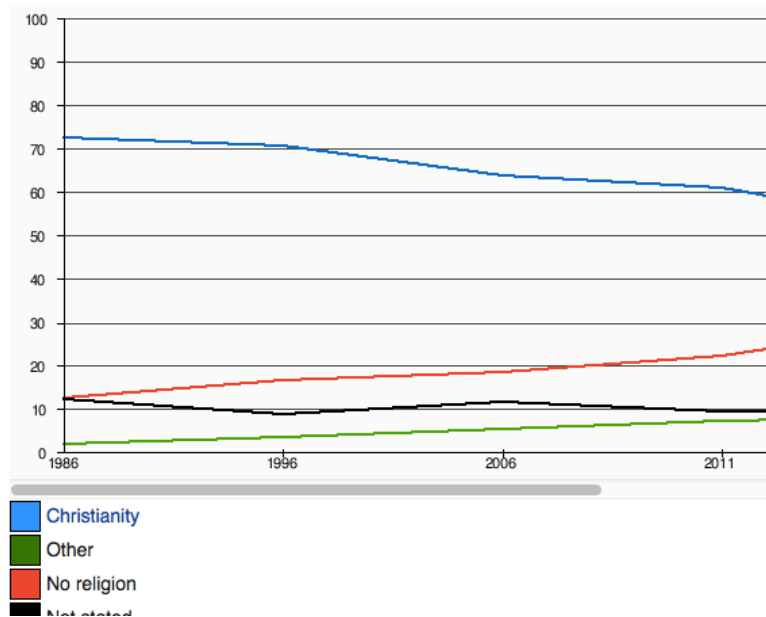
Submission from Individual owner of Conara Church (Christ Church) cemetery manager

Background

The sale of churches is not a new phenomenon. It has been happening seriously now for two decades.

Religiosity is on the decline in Australia.

Line and bar charts [\[edit \]](#)



Churches have been sold over the last 20 years (1998-2018 as shown in the Census details above) as their parishes diminish and religious congregations find it difficult to raise enough money from their donations and their activities to even pay for the priest to attend service on Sunday.

Up until these amendments to the *Burial and Cremation Act 2002* (the Act), addressing community concerns about how cemeteries that are sold will be managed, and what will happen to gravesites, the selling of churches by faith-based organisations has received little regulation from those governmental bodies overseeing:

- burial & cremation,
- heritage listing, even
- purchase and sale of real estate, and
- definition of 'freehold'.

My real estate agent who sold me the church has been assisting religious faith organisations to sell their churches in Tasmania and he tells me that many of churches sold in Tasmania to date, over the last decade or more, have cemeteries attached. So the impact of this legislation on people who have bought churches, no longer required by church congregations, for residential or other purposes, is not an isolated incident. In fact, there is

a sense in which the character of the changes being promoted by these Amendments directly acknowledges this fact.

So it seems clear that The Act (2002) (legislation 16 years old) being amended now in 2018 should have addressed this issue.

I am not able to suggest the number of privately owned cemeteries that were purchased in the last 16 years by someone purchasing a church to turn the church into a residence, shop or workspace. But the Premier's Department probably has some idea.

I say this because last year the Premier's Department contacted me by phone and said I had not contacted them to apply to be cemetery manager. That was 2 years after purchase.

Up until that point I was completely unaware of the need for me, as owner of the cemetery, to be the cemetery manager. I was even unaware that the cemetery was still considered to be a cemetery by the Department. I thought that since the church was closed, then this applied to the cemetery as well. I was completely unaware of the Burial & Cremations Act 2002 and its associated Regulations.

In the same week, I was also visited for an inspection of the cemetery by Heritage Tasmania, who told me, during that inspection, that the cemetery is "heritage listed", that this listing is considered to be "in perpetuity", and that I had a responsibility to maintain that cemetery in good condition, in perpetuity.

None of this showed up in my initial investigations, prior to my purchase of the property. I knew that the community would be coming to visit the graves because there were fresh flowers on poorly maintained gravesites (suggesting upon inspection prior to purchase no cemetery manager, at all), and was committed to 'public access', as this was obviously important to them, but 'cemetery management' was not part of the issue. The real estate agent selling me the property had not raised it with me, and searches by my solicitor conducting conveyancing of the property had no idea that this was a key feature of owning this property.

This means that the Department, putting together the original bill 2002, left out this issue, and completely overlooked the predicament a private owner could find themselves in, if changes were subsequently made by the Department to cemetery management.

So, while the amendments properly deal with community concerns for access to the graves for 100 years after the last body is interred, and after the cemetery is closed, it still fails to address the huge impact that these changes will have on the value of the property for those who purchased thinking they were purchasing 'freehold' property. Since 2002, at least, the sale of a cemetery could not be considered freehold, because it came with 'strings attached' to cemetery management.

My submission is about unintended consequences contained within these amendments.

I ask that the Act includes clear acknowledgement that certain changes to the Act, if they benefit one party, will cost another party, (through no fault of theirs), and may have already cost that party, dearly. The Act needs to compensate for that cost and consider other remedies.

Problems with the Amendments for certain owners

Introduction

For individuals who have already purchased a derelict church with a cemetery attached, thinking that the cemetery was 'closed' because the church was closed, and thinking that the requirements the new owner takes on by owning the cemetery are just to ensure access to community members to visit the graves of their loved ones, there are real problems in these amendments. These are contained within the section of the Public Consultation Draft under **2.7 Past sales and transfers**:

2.7 Past sales and transfers

The new arrangements for the sale of cemeteries will not apply to past sales or transfers of cemetery management responsibility, consistent with the principle that legislation should not be applied retrospectively.

This means that existing cemetery managers (including private owners) can continue to carry on their business, even if they are not a body corporate with perpetual succession.

However, existing cemetery managers will be required to:

- continue to meet their existing obligations in terms of maintaining the cemetery, allowing access and honouring exclusive rights of burial (the increased penalties will apply); comply with the sale requirements if they wish to sell the cemetery;
- undertake an audit every five years;
- follow the new process for closing the cemetery; and
- follow directions issued by the Regulator, or they could receive infringement notices for failing to comply with the Act.

Retrospective & Unintended consequences - Saleability

If these changes to the Act go ahead, the fact that the legislation does not seek to change purchases, sales, ownership, and responsibilities, retrospective to these changes, has unintended consequences.

The Act modifies closure of the cemetery to "100 years from the last interment" and "restricts sale of the cemetery to a body corporate" set up for the purpose of proper ownership and maintenance of the cemetery.

These sound like very good outcomes. But, upon reflection, they mean that the value of the property is likely to be seriously impacted by these changes. The Act acts as a caveat against any sale of the property in the future, which can only occur under very specific conditions, as specified by the Act. This not only limits the sale of churches being contemplated by the Anglican Church at present, but also limits the possibility of sale of churches purchased in the last 16 years under the presumption of 'freehold'.

My real estate agent, who sold me the property 3 years ago, said (yesterday) that he thinks it highly unlikely that under these new conditions, as stipulated by the Act, my property would ever be able to be sold. This means that I 'own' a property but this 'ownership' is not 'freehold' because after these amendments go through:

- I cannot sell for individual or residential purpose,
- I cannot close for 100 years from now,
- I cannot close anyway because of heritage listing in perpetuity,
- I cannot sell to a new cemetery manager because there is no viable body corporate with perpetual succession, and
- I am being forced, purely by ownership, to be cemetery manager, meaning to adopt responsibilities under the Act that I might find more and more difficult as I grow older, or that I might not be able to afford to adopt on a meagre pension, like 5 year audits, and failure to perform might inadvertently incur penalty points that I cannot afford to pay.

As an aged pensioner, I am left in an untenable position, from which I have no way of extricating myself.

Even if the Act was to allow purchase of the cemetery in the next 100 years by a purchaser other than a body corporate, which it does not, such a sale is now highly unlikely. Anyone thinking of purchasing the property from me will now see me in this untenable position I find myself in and will not want to find themselves in a similar position.

Critical & problematic issues arising

‘Timing’ is critical to understanding the problems contained in these amendments for past sales and transfers over the last 16 years.

If the proposed amendments had been included in the 2002 Act now being amended, I could not have purchased the property; nor would I have wanted to.

The critical and problematic issues arise when I am looking at selling the property (or upon my death the beneficiaries of my Will & trustee of my estate is wanting to sell the property). The proposed changes will likely reduce the value of my property dramatically. The property can only be sold to a body corporate, and to someone who is deemed a ‘fit and proper person’ to be a cemetery manager. There are also other burdensome bureaucratic changes that would need to be followed.

These, to me, appear to be heavily burdensome requirements on sellers / purchasers. Possibly expensive too, if a potential future buyer needs to become a body corporate in order to purchase the property / obtain insurance / legal fees, etc. Some creative conveyancing would also be needed if the sale of property can only proceed on the conditional precedent of someone / a body corporate being approved.

I am raising here an issue that is not ancillary to but fundamental to these amendments. The proposed amendments have been *specifically* drafted to exclude individuals from purchasing land with cemeteries attached – again this would reduce the pool of people who would be willing to consider a purchase of the property in the future.

Most of the purchasers of cemeteries from 2002 to the present will not understand the loss in value that these changes represent. Timing is essential to them, too.

It is essential that present private owners understand their losses now and those losses are dealt with now, rather than keeping quiet about it and them only realising the character and extent of their losses when they try to sell the cemetery. The Department has a duty of care

to these owners to help them understand the situation they are in and help them recover their losses, now, rather than this being put off to the future.

Financial Loss

If we assume that my real estate agent David Headlam is correct when he says that future sales of the property are virtually impossible to achieve, as we go into the future, then my losses would be represented by the market value of a sale that was possible before the amendments were first proposed. This is pure speculation, now.

It would, though, be possible to calculate a 'loss' that includes the money I paid to purchase the site and funds used in developing living quarters and an art studio on the site. In my case this is a small amount, not easily determined at short notice but in the vicinity of \$75k + \$50k = \$125k, maybe more. I would have to go over real transactions over 3 years to get a real figure.

Many of the other purchasers in a similar position to myself would have paid a lot more, but I am a poor man and this is a lot of money to me, as all my savings I had 3 years ago are tied up in this venture. David Headlam talks of mine, and a similar sale of \$200k, in an Australian Weekend Article on this matter shown in the following Appendix, see p3 of the article.

I do not have the money in the bank to start again and this asset represents the only key asset I have at present and into the future. An asset that has just lost its value.

Opportunity Cost

This calculation 'financial loss' may work for me because, in my case, the values are minimal, it is only over 3 years, and, as an artist and a pensioner, my objectives are limited. But for others, taking this policy of 'financial loss' may be extremely inadequate.

For example, if I had bought 16 years ago for \$10k, spent \$100k in development, and in June my property could have sold for \$500k, it is clear that the loss to me (or my family upon my death) is not \$110k. It is closer to what it would cost to purchase a similar asset on the market, in this example \$500k.

This 'opportunity cost' needs to be taken into account when determining the concept of 'losses'.

Compensation

When you consider both 'financial loss' and 'opportunity cost', it means that, at the very least, amendments to the Act should include a fund to be established by the Government to compensate individuals who are facing financial loss because of these changes.

Other remedies

As the loss in value is immediate, upon passage of the bill into law, not in 100 years from the last interment, the funds for compensation should be made available immediately to those incurring the loss.

It should be up to me whether I use those funds to move to a new residence or whether I continue to use the site as my principal place of residence.

My decision to stay, or to move on, should not impact on the payment of compensation, which should be calculated and recognised purely as compensation for 'loss in value' for future benefits foregone from possible future sale of the property.

If I decide to stay, I should be offered life tenancy of the property, requiring me to make good arrangements for cemetery management, by me or by agreement with a new 'fit and proper person', but life tenancy should only be extinguished when I die, and not to be dependent upon subsequent decisions of the Minister, the Department, or the cemetery manager.

Appendix – Details of the Purchase by RealEstate Agent David Headlam



David G. Headlam <[redacted]>

to [redacted]

12 October 2018

To Whom It May Concern

Re Steve Irons purchase of Conara Chapel, [redacted]

As Real Estate Agent, I acted as selling Agent for the above property, which Mr Irons subsequently purchased at 31/07/2015.

It was the third time the property had been offered for public sale over approximately a 6 year period after the Anglican Church decided to sell the property because of a dwindling congregation and the building no longer being actively used.

It is a building of some 60 m² and has a small burial ground that was at the time of purchase in a very poorly cared for state of repair and no recent burials evident.

Prior to purchasing the property, Mr. Irons had a Local Government & Heritage specialist consultant ([redacted]) do all due diligence on the property to ensure that there was no implications from the "Burial Act 2002 " that would impact on the long term value of the property.

Since owning the property Mr Irons has undertaken repairs and capital improvements to his

property on the basis of the knowledge he had at the time of purchasing.

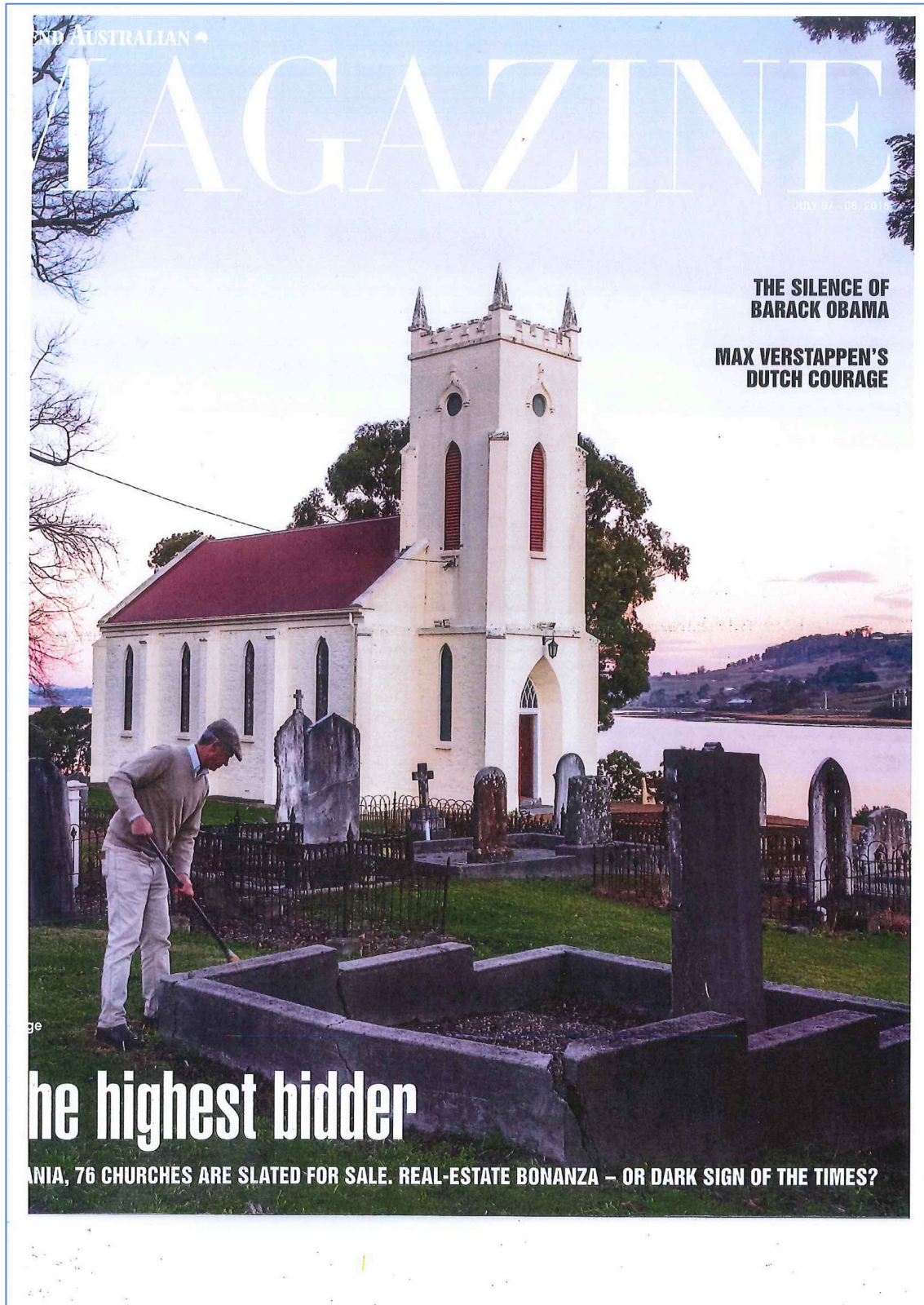
Should the proposed changes to the act be made retrospective, the value of his property and the ability to resell will be greatly impacted. I consider he will suffer a significant financial disadvantage if these proposed changes are adopted to include EXISTING owners of properties with sites that previously had burial grounds attached to them.

The "retrospective " imposing of this new burial ground management legislation captures all new sales but does not give due consideration to those sites purchased under the previous Act and consequentially does not give consideration to the financial impact to existing owners whose asset will be potentially devalued if caught up in the revised legislation.

Sincerely

David Headlam

Appendix – Comments by RealEstate Agent David Headlam on this matter in Weekend Australian Magazine p3



NON SONNERS

rough the tombstones and crosses that a gentle grassy slope, stopping just shy of it into St Peter's, an elegant Georgian church on a hill overlooking the Tasmanian village of Hamilton. He wants to show me graves but the most frequented plot in the of this heritage-listed Anglican church is in the ground where his niece's son lies. He brings flowers and her unfathomable grief a week, seeking solace. He knows when the cold, packed earth because he does not care for this place, proud of the new gates, the old wooden door rehung, the old replaced and recarpeted, improved levelling of the flagstone entrance, all volunteer money and labour. The passage of convicts, free settlers and their tombs form a shallow dip across the threshold of the stone through almost two centuries of time since the church opened in 1838. Tested by vicissitudes of fortune and faith, the dwindling congregation scraped by cheerfully enough until now, when parishioners learnt St Peter's was one of 76 churches in Tasmania – more than the total 133 – slated for auction to fund litigation for victims of child sex abuse by the clergy. Forget “temporal things” such as old mortar, Tasmania's Anglican Bishop, Reverend Richard Condie, urged clergy members of the governing synod that the scheme last month. “What a miserable pathetic gospel we would have if it could be saved by the loss of a building. Our

discipleship, our following of Jesus, our trust and hope and life is so much more than real estate.”

Sixty-one of the churches under threat are in pinched rural hamlets. Five of the six Anglican churches in the vast central midlands parish of Hamilton have a “for sale” sticker. These towns have lost services, post offices, banks and now churches that in many cases dominate the skyline, the main street, occupying parcels of land donated in perpetuity by private citizens, built through subscriptions, maintained for 100 years or more by the collection plate and the sweat of parishioners.

At Windermere, on the Tamar River north of Launceston, a psychologist and stalwart of St Matthias says: “I've cried and prayed every night over this decision.” In the West Coast town of Queenstown, where the local mine has closed, volunteer preacher and businessman Kevin Bailey admits to being “very stressed” about the potential loss of St Martin's, which would force folk to drive 50km on winding roads to the nearest alternative. The church warden of St Marks at Cressy, south of Launceston, hasn't slept for three weeks: “It tears the heart out of you.” In Pyengana, a speck in the state's far north-east, the tiny white clapboard church, recently painted and reclaimed by locals, offers sanctuary to a dairy farmer who goes there anytime he feels the need to be close to the graves of his two teenage children.

“Country people vote with their feet. They just leave and they don't come back,” says Nichola Ball, whose family have been baptised, wed and buried at St John the Baptist in Ouse, 15km north-west of Hamilton, for four generations. With its pressed tin spire, wooden fretwork and chunky blue stone, the tiny church was built by her great-great-grandfather in 1843. “Whoever buys this is going to have to buy Walter Ross Bethune,” she hoots of her great-uncle's resting place under the altar. The blackwood lid of the stone baptismal font was carved by revered Tasmanian arts and crafts artist Ellen Payne. “We love this church,” Ball sighs, pausing to read the rapturous comments from tourists and others tracing their ancestral footprints who have signed a leatherbound book in the porch. “Door is not locked. Visitors welcome,” says the sign.

Ball has joined Sonners on the frontline. Her cultivated manner camouflages a soldiering bloodline. “Unconscionable... disingenuous,” she says of the bishop's plan to sell “our light on the hill”.

Parishes have until December to secure an exemption. Once churches are sold there'll be the

sweetener of diocese funds available to bankroll new ministry in school halls, living rooms, coffee shops, wherever. The fate of the graveyards is anyone's guess; the state government is urgently reviewing its Burial and Cremation Act. Plots have been paid for everywhere I visit. Trust deeds are being pored over. Meetings are underway. This could be the saving grace of Tasmania's Christendom or its death knell. Heritage, history, culture, religion: the social fabric of an island state is up for grabs.

Huge inverted red neon crucifixes menace the night sky on Hobart's waterfront for Dark Mofo, the annual winter festival of the Museum of Old and New Art, a cultural phenomenon that has turbocharged Tasmania's tourism-led economic recovery. The upside-down motif decried as blasphemous by Christian leaders is a neat metaphor for the turmoil triggered by the Royal Commission into Institutional Responses to Child Sexual Abuse.

At Anglican church headquarters in nearby Macquarie Street, next to St David's Cathedral, the fallout is written in Bishop Condie's taut composure. “I've worked pretty much seven days a week for the last couple of months on this, as much as is possible humanly to do,” he tells me. “I've been trying to lead calmly but sometimes I think people have understood that to mean that I don't care about this. I've wept over this. This is the hardest thing I could do and I'm incredibly sad that the Anglican Church in Tasmania is in this position. Evil people in our history did these terrible crimes and now our generation is paying for it, but I'm also filled with compassion for survivors of child abuse who have sat in this room and told me their stories. I can't ignore that.”

Proud: Ron Sonners

his office in a city precinct of blue-chip real estate bears none of the lustre of corporate foyers. A worn carpet, cheap framed prints and mismatched furnishings are testament to a cash-poor purse as well as a nobler disregard for material trappings. Burdened by an annual deficit of \$95,000, Condie insists he could neither borrow the \$8 million for redress nor raise money through the sale of commercial assets, since these provide essential ongoing revenue for an institution in decline. "It would cripple us and we'd go out of business pretty quickly," he says.

Tasmania has the lowest religious affiliation of any state and falling, according to the latest census, though the proportion of Anglicans compared with other religions, while also shrinking, is higher than the national average. To prepare for a looming compensation bill, the state synod last year introduced a sustainability test to determine parochial viability. Churches had to demonstrate attendance by 30 households; sufficient funds to pay a full-time minister; pathways to encourage families and children; and evangelical and outreach activities. Survival of the fittest doomed the frailest

his only exposure to a rural community occurred during an early two-year posting in a parish in northern NSW. Anglican officials around the country are monitoring his ambitious reversal of authority. Traditionally, veto over the sale of church property is vested with the parish councils but the Tasmanian synod handed the bishop power over the fate of 108 properties.

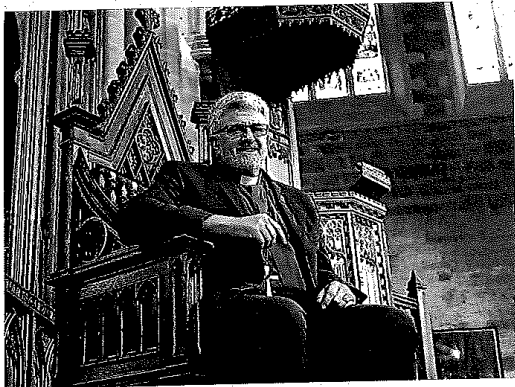
Newcastle in NSW is the other diocese on a shoestring budget facing multiple claims. Bishop Peter Stuart of Newcastle anticipates the diocese's initial estimate of \$4 million in redress will climb, requiring the sale of church property and drawing on trust funds. Parishes have until August to propose alternative strategies in a consultative phase distinguished by a calmer mindset. "Many of the metropolitan dioceses have enough cash reserves to deal with this but a number of the rural dioceses are in very precarious financial straits all around the country," Condie says. "For some of them redress claims will spell the end. What we are trying to do is sustain the future of the Anglican Church in Tasmania at the same time as we are meeting our obligations."

the sale of churches and land that will be held by the Hobart diocese to support programs in parishes with a will for reimagining religious connection.

Sonnens' flinty blue eyes narrow as he lists the portfolio of commercial properties owned by the church that will be spared the auctioneer's hammer: a Burnie motel, a city carpark, two fuel stations, a Spring Bay holiday home for clergy. He would far rather trade these than the place where he worships and tends for the love of his faith. "The bishop says he has no alternative but to sell our churches to fund redress. That is clearly not the case... the Anglican Church in Tasmania is a rich entity," he rails. "This is our spiritual home, it is a sacred and holy place. It's where our ancestors and children are buried. We need to hang on to our churches, build from their foundation, go forth and engage the community, as we are doing. We've overcome the damage inflicted by the despicable actions of clergy. We're bringing young families back into our church. We protect vulnerable people. We maintain an effective ministry with our own team of volunteers. We get involved in the schools, the local health centre, the disadvantaged in our midst... The evangelical ministry, if it goes ahead, will be a flash in the pan. I don't decry it... but not at the expense of what we've already got."

When I mention Sonnens' belief that it shouldn't be a case of church or ministry when both could continue by rearranging assets and finances to pay solely for redress, Condie twists testily in his chair. "Church buildings that raise \$15,000 a year, that barely can pay maintenance, with a minister in her 80s who hasn't been paid for 14 years... I've not come up with arbitrary things that I've thrown at people." The last church census taken on a Sunday found 15 people worshipping in Hamilton. "That is not a sustainable model in anyone's language because I don't have an endless supply of clergy who want to work for nothing... no one's denying they feel great grief that is real and palpable but at the same time nobody has come up with an alternative plan."

Some parishes get it, he says, but others can't see past the loss of the church building. Condie selects Evandale outside of Launceston as a beacon of hope. Weekly worship had dwindled to 11 and the community is dreaming up ideas for ministry funded by the sale of the church. "They are now filled with excitement... they've already decided they'll continue to meet together and pray and read the scriptures... and they're thinking we could do something really interesting; perhaps buy a shop and run a little business in the main street and connect with the local people."



No alternative: Bishop Richard Condie

**Evil people
in our history
did these
terrible crimes
and now our
generation is
paying for it**

rural congregations for auction despite the best efforts of parishioners to make ends meet. In Hamilton, for example, the elderly priest is part-time and unpaid. She earns a small salary from school chaplaincy work and the parish bought her car and covers petrol expenses as she rotates Sunday services between churches.

Ministry matters more than church buildings in the figuring of Bishop Condie, an evangelical Christian aligned with the GAFCON (Global Anglican Future Conference) strand of conservative Anglicanism. Melbourne born and bred,

From his windswept parapet, Sonnens insists that no one opposes the redress scheme. His anger shoots at the bishop, who has harnessed this moral imperative to raise many millions more than is required for redress in the interests of fostering the spread of a new evangelical ministry. Only 25 per cent of the money raised by selling 108 properties, including churches, halls and vacant land, will go towards the redress bill, estimated at about \$8 million for up to 200 claims. The rest will be drawn from a levy on trusts held by the diocese, and direct contributions. That leaves \$14 million from

Condie characterises the synod vote in support of the scheme as "pretty close to unanimous" with 80 per cent of laity and 90 per cent of clergy in favour of him. An envious politician told him that he had no kind of support for a proposal as radical as the scheme as unheard of in the political sphere. The haste with which it was stitched together for the June synod and the July start of the scheme hindered extensive consultation and brainstorming. Opponents say they have been silenced and accuse the diocese of playing hardball. Before the start of a protest in Hamilton, the parish rector told Sonner he'd been directed by Bishop Condie to sit on him of the chair". Two weeks later when he met, Sonners, who is a lay member of the church's decision-making body, was one of a handful who argued passionately against the scheme. "I was told before the meeting started, 'Don't bother, we have the numbers'" He was given five minutes. The bishop and the registrar held the floor for almost an hour. Passed on, there was no formal vote count. "I don't think anybody's been shut down," the

alongside their dearly departed spouses. Ignore the fate of treasured heirlooms, memorial stained glass windows, chancery carvings, organs, an ancient bell from a shipwrecked East India clipper. Discount the community crowdfunding over centuries to purchase pews, pulpits and heaters, for you can't possibly unpick who gave what once these buildings go under the gavel.

City dwellers are familiar with churches split into apartments, restaurants, galleries and cafes but these properties were sold by suburban parishes with another place of worship nearby. The diocese has used government valuations in its arithmetic but according to David Headlam, manager of Roberts Real Estate, the question of what each church might fetch is vexed. "Some of them come with a fair amount of baggage," Headlam says, listing a swag of impediments from the graveyards to community zoning restrictions that inhibit residential use, heritage overlays, and the possibility of covenants governing the original donation of land to be used for church worship in perpetuity. "Anyone buying these things needs to have their eyes wide open as to what they're letting

December at a press conference saying that we'll only have to sell 20 churches or five churches or 40. I hope I'm nowhere near 108 properties. That would be the greatest delight if parishes can see this as an opportunity to do it. Maybe if we had our time over again and gone out and talked to people..."

The graveyards may frighten off potential buyers, though the bishop says he's had 10 to 12 expressions of interest from affluent history buffs offering to buy a church plus graves as a philanthropic gesture. "In some cases they say they would give the church back, not live in it." Buyers who wish to purchase church properties for homes or other commercial uses would otherwise become cemetery managers, but how this would work in practice is unclear.

In a void of uncertainty, fear excites worst-case scenarios. Under the current law headstones may be removed if there has been no burial for 30 years. Tasmanian historians say babies and children were often laid in unmarked church graves. Mortality and birth rates were high and penury common. The stories written on the weathered stone tablets draw professional researchers and amateurs tracking their ancestry. The bishop wants the government to take control of this problem. "They are an artefact of history that is in our hands." He cites Heritage Tasmania's view that historical sites may fare better in private hands. "I have been in many, many country churches that are falling down around your ears. They smell of possums."

An architectural survey commissioned by Tasmania's Anglican Church in 2005 found churches on the state's register "probably have the highest integrity of any class of heritage place" though the report noted they are often "unsuitable for contemporary styles of worship", expensive to maintain and not essential for missionary work.

The rivers of gold earmarked for new ministry may prove a stroke of genius if Christianity thrives free from the shackles of stone, steeples and stained glass. Condie points to growth corridors in Burnie and Cygnet, where rector Lesley Borowitzka sings from the bishop's song sheet. "He's stuck between a rock and a hard place. This is really the only way to go," Borowitzka argues. "We can still be the Anglican church. We don't need designated consecrated buildings. Jesus said, 'Go out and save people' - he didn't say, 'Go out and maintain heritage buildings.'" Try telling that to the worshippers who've kept possums at bay and buried their dead close.

The bishop says relations with two parishes and one member of the clergy are strained because of the "very aggressive way" they've reacted, but otherwise he's been pleased by the response in church



We get the redress thing. But the way forward promoted by the bishop is too harsh

Second home: Fae and Jason Cox

Condie says of opponents who've felt muzzled. "It's a risk in anything you do and there is huge risk in this about our reputation and I understand the emotions in it."

Condie asks the question of whether buyers will bid for heritage churches with a cemetery attached or as a plot for a casket buried beneath the altar. The case of the former premier Richard Dry, who died in 1998 and lies under St Mary's at Hagley, south-west of Adelaide, is a precedent. Disregard the problem of whether the owners will manage graveyards to allow access or honour plots sold to widows

themselves in for." Headlam has previously sold two churches in the midlands. A small brick chapel outside Longford went for \$70,000 while a prettier, larger building raised \$200,000. "I think the church has probably got a lot of other assets that would be far better called upon without the angst."

"The church is people, not bricks and mortar," Condie maintains, yet as our interview progresses he concedes the case for keeping certain churches because of distance or isolation, and appears open to persuasion by parishioners who conjure a different revenue stream for redress. "I hope that I'll be standing out on the lawn in the middle of

it then he hasn't yet visited Hamilton or Warramunga. He's stung when I mention raised eyebrows over his forthcoming trip to the Middle East for the next CON meeting of evangelical clergy, where he'll do a tour of holy sites. Martin Dumaresq, a local artist and parishioner fighting to spare Christ Church near Launceston, wonders why the bishop is visiting historic places of Christianity when he "has not given rural Tasmania much more than a drive-by... it is to be a better way. Rightful redress should not be associated with wrongful closure." Dumaresq chokes up as he talks of going to the town of Sheffield in the state's north, where churches are listed for sale. He met a dozen people there. "All they could talk about was how it was going to be for the survivors of the closure, then all they could do was say how much it would be for me having to tell people this and that. 'But you're the ones losing here' and 'We're more concerned about you.'"

winding road to the small town of Warramunga, the only traffic in the area is two tractors. In the cosy weather of the morning at St Marks, parishioners have the urn on a plate of scones with jam, and stories of the church that was built in 1858, its bell first used on a clipper between England and Australia and their part-time rector, Alan Bulmer, who works as a hospital chaplain, spoke against the proposed church sale at synod. He invited his pastor to speak with me but he's grown nervous of the press and leaves once I arrive. Treasurer Fae Cox, this place is sacred. From the time of picnics under the giant oak tree to the churching of the graveyard, through weddings, baptisms and Sunday services that attract regulars. "Our happinesses, our sadnesses, our grief has taken place in this church. It's been the foundation of our home. It is more than a building, it says, pointing to improvements including a new kitchen in the hall, multi-media facilities in the church, fresh paint and carpet. "We've not been in the diocese for a cent in 180 years. Everything done by the people behind this church." "Corporate takeover 101," says her son Jason, a local warden. "We get the redress thing. We don't know how difficult it is. Our founder was the principle of paying for the sins of the future, the way forward promoted by the bishop was too harsh. He's creating a whole set of problems in the process. He says we're unviable in a few years. We say as Christians our faith is as great if we're eight or 80."

There are signs that rural towns will benefit from tourism and rising house prices in Tasmanian cities. Local mayor David Downie thinks the bishop's timing is awry. "Small towns are beginning to grow and prosper so the church should be embracing that, not trying to rip the guts out of these communities," he says.

Hurt and shattered by the sword hanging overhead, warden John Franks says: "It's really hard to know which step to take next." If St Marks is sold from under them they can't see a future. Jason Cox doubts there'll be a will to continue with a new ministry without a roof or a hall or an urn. "The bishop says some of the money will be redirected back at us, which he knows full well won't be taken up. People will break away from the church. They won't put resources in if it can be taken away again."

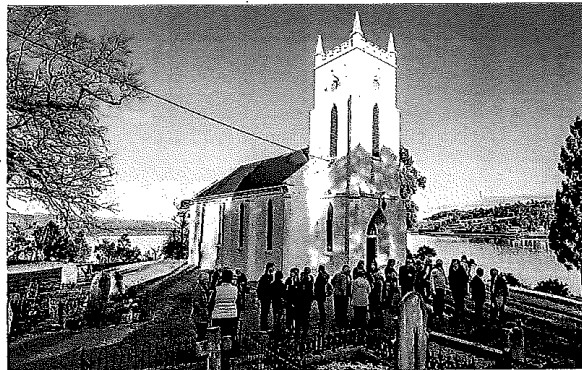
Further along the road at Illawarra, Martin Dumaresq is running the ruler over early trust deeds to arm the Longford parish for its struggle to keep Christ Church. Australian artist Tom Roberts is buried here beside his second wife, a local girl. A freshly minted sign explaining the significance of our best-known impressionist has been hammered

On a bend of the Tamar, north of Launceston, more than 100 people squeezed into the pews of St Matthias Church on the second last Sunday in June to brainstorm their campaign for exemption. The turnout floored a representative sent from the Hobart diocese. Clipboards were filled with the names of volunteers – musicians, photographers, professional fundraisers – who believe they can raise enough money for the redress so that the church may continue to serve the purpose for which it was built. "I don't want anybody to misinterpret our stand as a lack of support for victims of abuse. We have parishioners who have experienced this," says parishioner Jennifer Chandler, who worries about rural suicides. "We help a number of people who themselves are victims and have mental health issues. When times are tough, churches are always open and welcoming for people facing hard times." The prospect of losing this sanctuary has rocked her. "This is such a special and sacred place. It is the beating heart of our community."

The local men's shed recently made gates for the church. A new roof and screens for the stained glass windows were installed after a heritage

This is such a special and sacred place. It is the beating heart of our community

Sanctuary: St Matthias, Windermere



into the muddy turf. Inside the church a wooden screen painted with angels bears the signature of painter Arthur Boyd, another cultural icon.

Organist and church warden Thomas Cowell, in work shorts and boots, sits at the keyboard, his music filling the cavernous space. "The diocese does not understand what these little places represent historically in a contemporary world and for the future," he sighs. "Hand over the redress willingly. But for God's sake leave us alone. I'm very proud of my association with this community and this church and to think it will be denied to me strikes at my inner being."

review identified priorities for upkeep. Parishioners had been beavering away on next year's 175th anniversary celebration of this bluestone gothic chapel when the bishop's bombshell dropped. "We were all so shocked," Chandler says. "Everything was done so hastily. We were blindsided. This has been traumatic for everybody."

But the blowback has galvanised the custodians of St Matthias. Tears and turmoil have unleashed a wave of hope. Overjoyed by the response to their plight, Chandler feels rejuvenated by the possibilities ahead. The bishop's curse may prove to be a blessing in disguise. ●

Appendix – Details of the Purchase by Regional Development Advocate Rod Wall



Coastal **Design Link**

PROVIDING LINKS BETWEEN BUSINESS AND GOVERNMENT
*Consultant Coordinators *Architects *Town Planners *Engineers
ABN 61 648 858 785

C:\2018\D\CF\SI\Conara
Church let 13th October 2018

TELEPHONE: [REDACTED]
MOBILE: [REDACTED]
EMAIL: [REDACTED]

To whom it may concern

13th October 2018

Re; Steve Irons review of Conara Church @ [REDACTED]

I was commissioned by Steve Irons whilst he was overseas to attend upon the site of the subject church and review the condition of the structures and the issues related to North Midlands Council's attitude towards any future works or development upon the property.

Council's advice related to the land use issues and the structure (church building) being heritage listed, there was no advice related to the graveyard and curt ledge of the building.

I liaised with the Conveyancing Solicitor and Real Estate Agent and Steve Irons in regard to the condition of the property and the building and services.

I took a series of photographs for record.

During the review of legal disclosures there was no advice as to implications related to responsibility towards the graves upon the land.

Steve Irons had made accommodation improvements and services installations to the property and faces substantial loss of equity if onerous regulations are imposed upon his ownership which would negate any potential to sell the property

Rod Wall
Regional Development Advocate.

Page 1 of 1

Senior Practitioner Co-Ordinator
Regional Development & Local Government Advocate
RODNEY D. WALL

CORPORATE RELOCATION SPECIALISTS