



Australian Capital Territory

# Anglican Church of Australia Trust Property Act 1917

A1917-21

**Republication No 4**

**Effective: 27 December 2007**

Republication date: 27 December 2007

Last amendment made by [A2007-39](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Anglican Church of Australia Trust Property Act 1917* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 December 2007. It also includes any amendment, repeal or expiry affecting the republished law to 27 December 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Anglican Church of Australia Trust Property Act 1917

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Australian Capital Territory

# Anglican Church of Australia Trust Property Act 1917

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Anglican Church of Australia Trust Property Act 1917*.

### 2 Application of Legislation Act

The *Legislation Act 2001* does not apply to instruments made under this Act.



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## Part 2 Trustees—constitution and succession

### 5 Existing corporate bodies

- (1) The following bodies:
- (a) Church of England Property Trust Diocese of Sydney;
  - (b) Church of England Property Trust Diocese of Goulburn;
  - (c) The Corporate Trustees of the Diocese of Grafton and Armidale;
  - (d) Church of England Property Trust Diocese of Bathurst;
  - (e) Trustees of the Church Property for the Diocese of Riverina;
  - (f) The Corporate Trustees of the Diocese of Grafton,

are declared to have been duly constituted as bodies politic and corporate by those respective names, under the provisions of the *Church of England Trust Property Incorporation Act 1881*, and notwithstanding the repeal of that Act they shall remain so constituted, and, except so far as there is anything in this Act inconsistent with that Act, this Act shall apply to them as if this Act has been in force at the time they were constituted and they were constituted under it.

The bishop of a diocese shall ex officio be a member of the corporate body so constituted for the diocese, and the number of members shall be increased by 1 for that purpose.

### 6 New corporate bodies

The synod of each diocese, other than the diocese for which the bodies mentioned in section 5 were and remain so constituted, may at any time elect the persons that the synod desires, should together with the bishop of the diocese, ex officio, be incorporated as trustees for the diocese, and the bishop of the diocese shall notify the

election in the Gazette, and immediately on the notification and afterwards the persons and the persons that may from time to time be members of the body, together with the bishop of the diocese, ex officio, shall be and they are hereby constituted a body politic and corporate, by the name of incorporation mentioned in the notification, and by that name they shall have perpetual succession and a common seal, and shall sue and be sued, or shall otherwise appear and answer and be answered, and may take and hold to them and their successors by grant, will, or otherwise any real or personal property, and for any estate or interest in real or personal property.

**7 Common seal and quorum**

The members for the time being of each corporate body of trustees shall have the custody of the common seal of such corporate body, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members for the time being of the said corporate body shall constitute a quorum.

**8 Authority of members of corporate bodies**

Any deed or instrument, executed or signed, and any other act, matter, or thing done by any three members of any such corporate body as aforesaid, in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body, shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.

**9 Variation by synod**

It shall be lawful for the synod of a diocese from time to time, by ordinance, to vary the provisions of sections 7 and 8, so far as they relate to the diocese, and the provisions shall, with reference to the diocese and to all the church trust property matters and things of or held for or pertaining to the diocese, be read from time to time as so varied by ordinance.

**10 Change of name**

It shall be lawful for the synod of a diocese from time to time, by ordinance, to change the name of the corporate body of trustees constituted for the diocese.

**11 Alteration of number of members of corporate body**

It shall be lawful for the synod of a diocese from time to time, by ordinance to declare what shall be the number of members of the corporate body of trustees constituted for the diocese, and in case of increase in the number the increase shall be effected by the synod of the diocese electing an additional member, or additional members, and in case of decrease in the number the decrease shall be effected by the synod of the diocese not electing a person, or persons, to fill a vacancy, or vacancies, declared under the provisions of this Act.

**12 Vacancies in membership of corporate bodies**

It shall be lawful for the synod of a diocese from time to time, by resolution, to declare the existence of a vacancy, or vacancies, in the office of member of the corporate body of trustees of the diocese because 1 or more of the members for the time being of the corporate body having died, resigned office, refused or neglected or having become incapable to act in the office, or having for the space of 6 months ceased to reside within the diocese, or because of some other matter to be specified in the resolution, and thereupon or at any time afterwards the synod of the diocese may elect a person or persons to be, and the person or persons shall thereupon become a member or members of the body in the place or places of the member or members referred to in the resolution.

**13 Alteration of number of trustees**

It shall be lawful for the synod of a diocese for which any church trust property is for the time being held from time to time, by ordinance, to declare what shall be the number of trustees of the property, and in case of increase in the number the increase shall be

effected by the synod of the diocese electing a new trustee, or new trustees, by way of addition, and in case of decrease in the number the decrease shall be effected by the synod of the diocese not electing a person, or persons, to fill a vacancy, or vacancies, declared under the provisions of this Act.

**14 Vacancies in office of trustees**

It shall be lawful for the synod of a diocese for which any church trust property is for the time being held from time to time by resolution to declare the existence of a vacancy or vacancies in the office of trustee of the property, because 1 or more of the trustees having died, resigned office, refused or neglected, or having become incapable to act in the office, or having for the space of 6 months ceased to reside within the diocese, or because of some other matter to be specified in the resolution, and thereupon or at any time thereafter the synod of the diocese may elect or by resolution provide for the election of a person or persons to be, and the person or persons shall on the election become a trustee or trustees in the place or places of the trustee or trustees referred to in the resolution.

**15 New trustees for allocated property**

It shall be lawful for the synod of a diocese to elect a new trustee or new trustees respectively for church trust property, which may be allocated under the provisions of this Act for the diocese.

**16 Separate trustees**

- (1) It shall be lawful for the synod of a diocese for which any church trust property is for the time being held by ordinance to provide for the election of separate trustees for any part or parts of the property, and to elect such separate trustees.
- (2) Without limiting the application of subsection (1), the synod of the Diocese of Canberra and Goulburn may appoint, by ordinance, an incorporated trustee company to be the sole trustee, or 1 of the trustees, of any church trust property held for that diocese.

(3) In subsection (2):

*incorporated trustee company* means an incorporated company the objects of which include the object of acting as trustee of church trust property held for the Diocese of Canberra and Goulburn under an appointment made by ordinance of the synod of that diocese.

### **17 Provision cumulative**

The provisions contained in section 14 are in addition to any other provision for the time being applicable to any church trust property.

### **18 Bishops**

Every person for the time being acting and recognised as being the bishop of a diocese, and having been consecrated according to the manner and form prescribed and used by the Church of England, the Church of England in Australia or the Anglican Church of Australia, shall in the construction of all Statutes, Acts, grants, deeds, and other instruments be deemed to be and shall be the successor of the bishop of the diocese, notwithstanding that the bishop may not have been appointed under letters patent from the Crown, or may have been consecrated in New South Wales or elsewhere without any mandate or licence being issued by the Crown for the consecration, and shall in all respects within the diocese have and enjoy all and singular the same rights, powers, and privileges, whether created by Statute, Act, grant, deed, or other instrument whatsoever as were enjoyed or possessed therein by the bishops his predecessors, and in the case of the diocese of Sydney the Most Reverend John Charles Wright, D.D, the present Archbishop, and all other persons for the time being acting and recognised and consecrated and aforesaid, shall in the construction of such instruments as aforesaid be deemed to be and shall be the successors from time to time of the Bishop of Australia and the Bishop of Sydney.

## **Part 3 Trust property—management, investment and dealings**

### **24 Management**

It shall be lawful for the synod of a diocese for which any church trust property is for the time being held, from time to time by ordinance, to provide and to vary any provision now or afterwards made for governing and controlling the management and user of such property for the purposes for which the same is for the time being held in trust, and for all things incidental to such government and control, including constitutions of councils, committees, and other bodies, whether incorporated or not, and the property shall be held, managed, and used under and in accordance with such ordinance accordingly, the provisions of the trust instrument or instruments (if any) to the contrary notwithstanding.

### **25 Investment**

It shall be lawful for the synod of a diocese for which any church trust property is for the time being held, from time to time by ordinance, to provide and to vary any provision now or afterwards made for the investment of such property, and for the pooling of separate church trust properties for the purpose of investment, and for averaging gains, losses, and interests, and for all other matters and things incidental to the investment and pooling.

### **26 Synod may direct sales etc**

- (1) It shall be lawful for the synod of the diocese for which any church trust property is for the time being held if it shall appear to the synod expedient because of circumstances subsequent to the creation of the trusts of the property by ordinance to direct that the property be sold, exchanged, mortgaged, or let on mining, building, occupation, or other leases, or otherwise dealt with in way provided by ordinance, and to provide for accepting the surrender of any lease of the property and for laying out and dedicating parts of the

property for any purpose or purposes, and to provide for the application of the real and personal property arising from any sale, exchange, mortgage, letting, or other dealing as aforesaid.

- (2) However, in the cases of the dioceses of Sydney and Canberra and Goulburn no such ordinance in relation to property held for the sole benefit of some particular parish shall be assented to under the *Anglican Church of Australia Constitutions Act 1902*, in its application in the ACT, without the written consent of a majority of the members of the parish council (if any) for the time being of the parish, and for property gratuitously granted or assured within 20 years before the time being by any private donor without the like consent of the donor if living.

#### **26A Certain directions may be given in anticipation**

- (1) This section applies to the diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.
- (2) The synod of a diocese to which this section applies may by ordinance—
- (a) direct that, on specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and
  - (b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

#### **27 Deeds of conveyance etc**

It shall be lawful for the synod of a diocese by ordinance to direct what person or persons shall execute the deed or deeds or other instrument or instruments, and do all acts, measures, and things necessary for the purpose of carrying into effect the sale, exchange, mortgage, lease, or other dealing directed by ordinance of the synod

of the diocese under the provisions of this Act, and the deed or deeds, or other instrument or instruments executed, and the acts, measures, and things done by such person or persons shall take effect as if the trust instrument relating to the church trust property comprised in the ordinance had contained a power enabling the person or persons to effect the sale, exchange, mortgage, lease, or other dealing, and so as to operate, if necessary, by way of revocation and appointment of the use or otherwise as the ordinance shall direct.

**27A Certain directions may be given by resolution**

- (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.
- (2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—
  - (a) by resolution of its synod or of the standing committee of its synod; and
  - (b) for the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board;being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.
- (3) A direction may not be given under subsection (2) if—
  - (a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and
  - (b) that consent has not been given.



- (4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.
- (5) A resolution passed under subsection (2) shall be certified—
- (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or
  - (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

## **28 Power of corporate trustees to let in certain cases**

- (1) A corporate body of trustees may let the church trust property vested in the body on lease for the term or terms that shall from time to time be approved of by the synod of the diocese for which the corporate body is constituted, or if the synod be not in session than as shall be approved of by the standing committee of the diocese.
- (2) However, until the first session of the synod after this Act comes into force in the diocese the corporate body may let such church trust property for any term of years not exceeding 7.

## **31 Temporary investments**

Pending the application of any money to arise as aforesaid, the money may, after payment out of the money of all proper costs, charges, and expenses, be invested in Government or real securities in New South Wales or in the Commonwealth of Australia, or on fixed deposit in any bank, credit union or building society, or otherwise as the Act directing the dealing, or any Act of the synod of the diocese in force for the time being and applicable thereto may provide.

## Part 4 Variation of trusts

### 32 Power of synod to vary trusts etc

- (1) If because of circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any church trust property is for the time being subject, it has in the opinion of the synod of the diocese for which the property is held become impossible or inexpedient to carry out or observe the trusts, it shall be lawful for the synod of the diocese by ordinance to declare their opinion, and the same or any subsequent ordinance to declare other trusts for or for the use, benefit, or purposes of the Church of England within the diocese instead of the firstmentioned trusts and the firstmentioned trusts shall thereupon by force of the ordinance cease and determine, and the property shall thereupon be held on the other trusts accordingly.
- (2) However, the property shall be dealt with and applied for the benefit of the Church of England in the parish or parishes (if any) for the benefit of which the property was immediately before the ordinance held in trust, and for the same purposes as nearly as may be as the purposes for which the property was immediately before the ordinance held unless the synod of the diocese shall by ordinance declare that because of circumstances, subsequent to the creation of the firstmentioned trusts, it is, in the opinion of the synod, impossible or inexpedient to deal with or apply the property or some part of it for the use or benefit of such parish or parishes or for the same or the like purposes, in which case the property or the part of it may be dealt with and applied for the use and benefit of the Church of England for the other purposes and in the other parish or parishes in the diocese or otherwise that shall be declared by ordinance of the synod of the diocese.

**32A Limited substitution of trust of income**

- (1) In this section:

*church trust property* does not include church trust property held for the sole benefit of a particular parish.

*prescribed period* in relation to an ordinance made under subsection (3) means—

- (a) if the ordinance specifies a particular period of 12 months as the prescribed period for this section—that period of 12 months; or
  - (b) in any other case—the period of 12 months that next succeeds assent to the ordinance by the Bishop of the diocese.
- (2) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.
- (3) The synod of a diocese to which this section applies may by ordinance declare that it is temporarily inexpedient to carry out or observe the trusts to which the income from that property, or a specified part of that income, is subject.
- (4) If the synod of a diocese makes an ordinance under subsection (3) with respect to any income it may, by the same or a subsequent ordinance, declare that, during the prescribed period for the ordinance, that income is held on trusts, specified in the ordinance, for or for the use, benefit or purposes (whether within or beyond that diocese or the State) of the Anglican Church of Australia.
- (5) Income to which a declaration under subsection (4) relates shall, during the prescribed period for the ordinance by which the declaration is made, be held on the trusts specified in that ordinance to the exclusion of any other trusts to which it was subject and shall, at the end of that prescribed period, become again subject to those other trusts.

## Part 5 Miscellaneous

### 37 Repeal or amendment of ordinance

Subject and without prejudice to any past operation of any ordinance made or resolution passed under the provisions of this Act or any Act hereby repealed, and subject and without prejudice to any estate, right, privilege, obligation or liability vested, acquired, accrued, or incurred under any such ordinance or resolution—

- (a) the synod of a diocese may by ordinance repeal or amend—
  - (i) any ordinance made by that synod; or
  - (ii) any resolution passed by that synod or its standing committee; or
  - (iii) if the diocese is the Diocese of Sydney—any resolution of the Sydney Church of England Finance and Loans Board; and
- (b) the standing committee of the synod of a diocese may by resolution repeal or amend any resolution of that committee; and
- (c) the Sydney Church of England Finance and Loans Board may by resolution repeal or amend any resolution of that board.

### 38 Delegation of powers etc by bishop

During the absence from New South Wales of a bishop of a diocese, a commissary appointed by the bishop may exercise all the powers and functions, and do and make all the things referred to in this Act, or such of them as shall be referred to in the appointment, as the case may be, in the place of the bishop.

### 39 Delegation of powers etc of bishop by ordinance

During the absence of a bishop as aforesaid and if no commissary is appointed as aforesaid or some only of such powers, functions, and

things are referred to in the appointment of the commissary, or during the incapacity of a bishop of a diocese arising from illness or any cause other than such absence as aforesaid, or during a vacancy in the see, the person or persons appointed for the purpose or purposes by ordinance of the synod of the diocese or in default of such ordinance or so far as the same shall not extend to any of such purposes the person next in ecclesiastical rank or degree in the diocese and resident in it may exercise all the powers and functions and do and make all the things referred to in this Act or such of them as are not referred to in any such appointment of a commissary as aforesaid, as the case may be, in the place of the bishop.

#### **40 Delegation of powers etc of synod**

- (1) During the recess of the synod of a diocese such committee, council, or other body of persons (if any) as shall from time to time be constituted or appointed for the purpose by or under ordinance of the synod of the diocese may, in place of the synod of the diocese, exercise such of the powers and functions, and do and make such of the things referred to in this Act that shall from time to time be determined by ordinance of the synod of the diocese, and the synod of the diocese may, for the purpose aforesaid, from time to time by ordinance regulate the procedure of such committee, council, or other body of persons.
- (2) However, no ordinance passed by any such committee, council, or other body of persons as aforesaid shall take effect or have any validity unless within 1 month after the passing of the ordinance it shall be assented to under the *Anglican Church of Australia Constitutions Act 1902* in its application in the ACT.

#### **41 Validity of acts etc under delegation**

The preceding provisions of this Act shall, so far as applicable, apply to all powers, functions, and things so exercised, done, and made in the place of the bishop of the diocese and in the place of the synod of the diocese as in this part respectively provided for, as if

the powers, functions, and things had been validly exercised, done, and made by the bishop of the diocese, or by the synod of the diocese, as the case may be.

#### **42 Notification about trustees**

Each ordinance made under this Act under section 9, 10, 11, 13 or 16, and each resolution and election made under section 12, 14, 15 or 16, and each consent given under section 19, or under the *Anglican Church of Australia Trust Property Act 1928*, section 4, shall be forthwith notified in the Gazette under the hand of the bishop of the diocese.

#### **45 New dioceses**

- (1) A provincial synod convened or held under the provisions of the *Anglican Church of Australia Constitutions Act 1902*, in its application in the ACT, may make ordinances for and with respect to—
  - (a) the formation of new dioceses; and
  - (b) the alteration of boundaries of dioceses.
- (2) A new diocese shall not be formed by separation of any area from a diocese unless the synod of the diocese consents by an ordinance to the separation.
- (3) A new diocese shall not be formed by the union of 2 or more dioceses, or parts of dioceses, unless the synod of each of those dioceses consents by an ordinance to the union.
- (4) The boundaries of a diocese shall not be altered unless the synod of the diocese consents by an ordinance to the alteration.
- (5) For the Diocese of Sydney the consent shall not be valid unless the ordinance is passed with an absolute majority in each order.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a NSW Act—the *Church of England Trust Property Act 1917* A1917-21 (NSW).

The *Church of England Trust Property Act 1917* (NSW) was renamed as the *Anglican Church of Australia Trust Property Act 1917* by the *Church of England Trust Property (Amendment) Act 1976* (NSW).

Certain sections of the *Anglican Church of Australia Trust Property Act 1917* (NSW) (as amended by the *Church of England Trust Property (Amendment) Act 1923* (NSW)), the *Anglican Church of Australia Trust Property Amendment Act (No 2) 1923* (NSW) and the *Church of England Trust Property (Amendment) Act 1976* (NSW) were applied, in a modified form, in relation to the ACT ‘as if the Territory were part of the State of New South Wales’ by the *Church of England Trust Property Ordinance 1928* (now the *Anglican Church of Australia Trust Property Act 1928*) A1928-19, section 16 (see also s 3, def of *the Act* and sch 2). Section 16 was inserted by the *Church of England Trust Property Ordinance 1941* Ord1941-10 and later amended by the *Church of England in Australia Ordinance 1980* Ord1980-41 and the *Anglican Church of Australia Ordinance 1980* Ord1980-42.

The sections applied were sections 5 to 18, 24 to 28, 31, 32, 32A, 37 to 42 and 45.

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

### NSW legislation

#### Anglican Church of Australia Trust Property Act 1917 A1917-21

assented to 7 November 1917

commenced 7 November 1917



as amended by

**Church of England Trust Property (Amendment) Act 1923 Act 1923 No 26**

assented to 8 December 1923  
commenced 8 December 1923

*Note* This Act is not relevant to the sections of the 1917 Act that apply in the ACT.

**Church of England Trust Property (Amendment) Act (No 2) 1923 Act 1923 No 28**

assented to 14 December 1923  
commenced 14 December 1923

*Note* This Act also contains provisions that are not relevant to the sections of the 1917 Act that apply in the ACT.

**Church of England Trust Property (Amendment) Act 1923 Act 1923 No 26**

assented to 8 December 1923  
commenced 8 December 1923

*Note* This Act is not relevant to the sections of the 1917 Act that apply to the ACT.

**Commonwealth legislation**

**Anglican Church of Australia Trust Property Act 1928 A1928-19 sch 2 (as am Ord1941-10, Ord1980-41 and Ord1980-42)**

notified 6 September 1928  
commenced 6 September 1928

**Church of England in Australia Ordinance 1941 Ord1941-10**

notified 4 September 1941  
commenced 4 September 1941

*Note* This Act amended the *Church of England Trust Property Ordinance 1928* (now the *Anglican Church of Australia Trust Property Act 1928*) A1928-19. The effect of the amendments was to apply provisions of the *Anglican Church of Australia Trust Property Act 1917* (NSW) (then the *Church of England Trust Property Act 1917* (NSW)), in a modified form, in the ACT.

## Endnotes

3 Legislation history

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### NSW legislation

#### **Church of England Trust Property (Amendment) Act 1950 Act 1950 No 4**

assented to 24 March 1950  
commenced 24 March 1950

*Note* The amendments made by this Act were not applied in the ACT.

### Commonwealth legislation

#### **Church of England in Australia Ordinance 1980 Ord1980-41**

notified 27 November 1980  
commenced 27 November 1980

*Note* This Act amended the *Church of England Trust Property Ordinance 1928* (now the *Anglican Church of Australia Trust Property Act 1928*) A1928-19, section 16. The Act did not directly amend the provisions of the *Anglican Church of Australia Trust Property Act 1917* applying in the ACT. However, the effect of the amendments was to change the provisions of the 1917 Act applying in the ACT.

#### **Anglican Church of Australia Ordinance 1980 Ord1980-42**

notified 27 November 1980  
commenced 24 August 1981 (s 2 and Cwltth Gaz 1981 No G7)

*Note* This Act amended the *Church of England Trust Property Ordinance 1928* (now the *Anglican Church of Australia Trust Property Act 1928*) A1928-19, section 16 (see also s 6, substituted def of **the Act** and new sch 2 inserted by that ordinance). The Act did not directly amend the provisions of the *Anglican Church of Australia Trust Property Act 1917* applying in the ACT. However, the effect of the amendments was to change the provisions of the 1917 Act applying in the ACT.

### Legislation after becoming Territory enactment

#### **Financial Institutions (Removal of Discrimination) Act 1997 A1997-88 sch**

notified 1 December 1997 (*Gaz 1997 No S380*)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch commenced 31 December 1997 (s 2 (2) and *Gaz 1997 No S442*)

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 13**

notified 26 July 2001 ([Gaz 2001 No 30](#))

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 13 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.6**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.6 commenced 12 April 2007 (s 2 (1))

**Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.1**

notified LR 6 December 2007

s 1, s 2 commenced 6 December 2007 (LA s 75 (1))

sch 3 pt 3.1 commenced 27 December 2007 (s 2)

**4 Amendment history****Preliminary**

pt 1 hdg ins [A2001-44](#) amdt 1.125

**Name of Act**

s 1 ins [A2007-3](#) amdt 3.24

**Application of Legislation Act**

s 2 ins [A2001-44](#) amdt 1.125

**Trustees—constitution and succession**

pt 2 hdg ins [A2007-39](#) amdt 3.1

**Existing corporate bodies**

s 5 ss and pars num R2 LA

**Separate trustees**

s 16 am [Ord1928-19](#) s 16 (as am [Ord1980-41](#) s 22)

**Bishops**

s 18 am [Ord1928-19](#) sch 2 (as am [Ord1980-42](#) s 10)

**Trust property—management, investment and dealings**

pt 3 hdg ins [A2007-39](#) amdt 3.2

**Synod may direct sales etc**

s 26 am [Ord1928-19](#) sch 2 (as am [Ord1980-42](#) s 10); ss num R2  
LA

**Power of corporate trustees to let in certain cases**

s 28 ss num R2 LA

## Endnotes

### 5 Earlier republications

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#### Temporary investments

s 31 am [A1997-88](#) sch

#### Variation of trusts

pt 4 hdg ins [A2007-39](#) amdt 3.3

#### Power of synod to vary trusts etc

s 32 ss num R2 LA

#### Limited substitution of trust of income

s 32A am [Ord1928-19](#) sch 2 (as am [Ord1980-42](#) s 10)

#### Miscellaneous

pt 5 hdg ins [A2007-39](#) amdt 3.4

#### Repeal or amendment of ordinance

s 37 am [Ord1928-19](#) sch 2 (as am [Ord1980-42](#) s 10)

#### Delegation of powers etc of synod

s 40 am [Ord1928-19](#) sch 2 (as am [Ord1980-42](#) s 10); ss num R2  
LA

#### Notification about trustees

s 42 am [Ord1941-10](#) s 3

#### New dioceses

s 45 ins Act 1923 No 28 (NSW) s 2  
am [Ord1928-19](#) sch 2 (as am [Ord1980-42](#) s 10)

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<a href="#">Ord1980-42</a>	31 August 1992
2	<a href="#">A2001-44</a>	30 August 2002
3	<a href="#">A2007-3</a>	12 April 2007

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