

Anglican Trusts Corporations (Amendment) Bill

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EXPLANATORY MEMORANDUM

- Clause 1 sets out the purpose of the Act.
- Clause 2 provides that the Act will commence operation on the day after the day it receives Royal Assent.
- Clause 3 provides that the Principal Act is Act No. 797. The Principal Act has no short title. Consequently, it is more convenient to identify the Act by its number. For ease of reference it currently appears in the Law Today under the title "Church of England Property Trustees Act 1884".
- Clause 4 inserts a short title for the Principal Act. The short title is "Anglican Trusts Corporations Act 1884".
- Clause 5 inserts a definition of "trusts corporation" in section 1 of the Act. This clause also deletes the definition of "trusts corporation" in section 12A of the Principal Act. There has been no change in the definition. By moving the definition of "trusts corporation" to section 1 it has general application to the Principal Act. At present the definition only applies in section 12A.
- Clause 6 inserts a new section 8A. This section provides that the Synod of a diocese may alter the composition, including the number, of trustees constituting the trusts corporation of the diocese. At present the number of trustees is determined by the number of trustees that were initially appointed when the diocesan trust corporation was first established in accordance with the Principal Act. The number differs in the dioceses and varies between 5 and 7, with some ex officio and some appointed members. The new section 8A will overcome problems faced by some of the trusts corporations to function efficiently with a restricted number of members.

- Clause 7 inserts a new section 12B. At present the Principal Act does not empower the Anglican Church in Victoria to enter into arrangements with another denomination for the sharing of facilities. Section 12B enables diocesan Synods to approve the joint use of church property in appropriate circumstances.
- Clause 8 makes a number of minor amendments to the Principal Act to correct outdated references. The term "Church Assembly" has been substituted with "Synod".
- Clause 9 makes an amendment to substitute "Anglican Church of Australia" for "Church of England" in the definition of "Church" in section 1. This clause also deletes the words "the colony of" in section 7.