
*Church of England Trust Property Act Provincial
Ordinance 1970 Adopting Ordinance 1970*

No. 41, 1970

AN ORDINANCE for adopting a certain Ordinance of the Provincial Synod of N.S.W. entitled "Church of England Trust Property Act Provincial Ordinance 1970".

WHEREAS a certain Ordinance entitled "Church of England Trust Property Act Provincial Ordinance 1970" a copy of which is contained in the Schedule hereto was passed by the Synod of the Province of New South Wales on the 14th day of April, 1970 AND WHEREAS it is expedient that the said Ordinance should be adopted by the Church in this Diocese NOW the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England in Australia within the State of New South Wales HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. The said Ordinance contained in the Schedule hereto is hereby adopted and so far as the same is applicable shall be applied to the management and good government of the Church in this Diocese.
2. This Ordinance may be cited as "Church of England Trust Property Act Provincial Ordinance 1970 Adopting Ordinance 1970".

SCHEDULE

CHURCH OF ENGLAND TRUST PROPERTY ACT
PROVINCIAL ORDINANCE 1970

AN ORDINANCE to authorise application to the Parliament of New South Wales to make further provisions with respect to membership of corporate bodies of trustees under the Church of England Trust Property Act 1917.

WHEREAS the Synod of the Diocese of Sydney resolved to request this Provincial Synod to approve application being made to the Parliament of New South Wales to amend the Act intituled "Church of England Trust Property Act 1917" to provide in the case of the Diocese of Sydney for the retirement of members of the corporate body of trustees or of a certain number of them at the expiration of certain periods of time AND WHEREAS this Provincial Synod considers it expedient to provide further that the said further amending provisions shall not apply to the remaining dioceses in the said province until the synod of such diocese shall pass an ordinance declaring a desire to be bound by and to have the benefit of the same and shall in the name and under the hand of the bishop of the said diocese notify such ordinance in the Gazette and to provide also that immediately upon such notification and thenceforth the same shall apply to the said diocese and to all the trust property matters and things of or pertaining

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to the said diocese AND WHEREAS the Standing Committee of the Synod of the Diocese of Sydney has prepared a draft Bill to amend the said Act which is contained in the Schedule hereto AND WHEREAS this Provincial Synod has authorised the said Standing Committee to promote the said Bill in Parliament WHEREFORE the Provincial Synod in the Province of New South Wales in pursuance of the powers in that behalf conferred upon it by the constitutions for the management and good government of the Church of England in Australia within the State of New South Wales and of all other powers thereunto enabling it **ORDAINS PRESCRIBES AND RULES** as follows:

1. Application shall be made to the Parliament of New South Wales by the Standing Committee of the Diocese of Sydney on behalf of all the Dioceses in the said Province to pass an Act in terms of the Bill contained in the Schedule hereto.
2. The said Standing Committee is hereby authorised and empowered to promote in the Parliament of New South Wales a Bill in terms of the said Bill contained in the Schedule hereto or to the effect thereof and for the said purpose to do all such things as may seem expedient in the circumstances.
3. This Ordinance may be cited as "Church of England Trust Property Act Provincial Ordinance 1970".

SCHEDULE

A BILL to make further provisions with respect to membership of corporate bodies of trustees under the Church of England Trust Property Act 1917; and for this purpose to amend that Act; and for purposes connected therewith.

WHEREAS by an Ordinance passed by the Provincial Synod of the Province of New South Wales of the Church of England in Australia it was ordained and directed that application be made for the enactment of an Act in or to the effect of the provisions herein contained BE it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:

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| Short
Title | 1. This Act may be cited as "Church of England Trust Property (Amendment) Act 1970". |
| Amendment
of Act
No. 21 1917 | 2. The Church of England Trust Property Act 1917 is amended by inserting next after section 6 the following new section: |
| New
Sec. 6A
binding only
on certain
Dioceses | 6A (1) Notwithstanding anything in this Act, the Synod of a diocese may, in respect of the corporate body of trustees constituted for that diocese, from time to time, by ordinance, declare and provide — |

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- (i) that the members of the corporate body shall retire at the expiration of the period specified therein either in respect of all members or in respect of different members provided that a retiring member shall be eligible for re-election; or
 - (ii) that a certain number of the members of the corporate body shall retire at the expiration of the period specified therein provided that a retiring member shall be eligible for re-election.
- (2) Sub-section (1) hereof shall not apply to the Bishop of the Diocese who is ex-officio a member of such corporate body.
- (3) This section shall apply to the Diocese of Sydney but shall not apply to the remaining dioceses in the province of New South Wales until the synod of such a diocese shall pass an ordinance declaring a desire to be bound by and to have the benefit of this section and shall in the name and under the hand of the Bishop of the said diocese notify such ordinance in the Gazette and immediately upon such notification and thenceforth the provisions of this section shall apply to the said diocese and to all the trust property matters and things of or pertaining to the said diocese.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 14th day of October, 1970.

W. L. J. HUTCHISON,
K. N. SHELLEY,
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

14/10/1970.