

Church Trust Property (Declaration of Certain Purposes and Objects Ordinance 1979

(Reprinted under the Interpretation Ordinance 1985.)

The Church Trust Property (Declaration of Certain Purposes and Objects Ordinance 1979 as amended by the Church Trust Property (Declaration of Certain Purposes and Objects Amendment Ordinance 2007.

Long Title

An Ordinance to declare certain purposes and objects of the Anglican Church of Australia in the Diocese of Sydney relating to church trust property.

Preamble

Whereas

- A. Section 45B(9) of the Trade Practices Act 1974 (as subsequently amended) provides, inter alia, that section 45B of that Act does not apply to or in relation to certain covenants or proposed covenants –
- (i) given for or in accordance with the purposes or objects of a religious, charitable or public benevolent institution; or
 - (ii) given in pursuance of a legally enforceable requirement made for or in accordance with the purposes or objects of such an institution.
- B. It is desirable that certain purposes or objects of the Anglican Church of Australia in the Diocese of Sydney be declared in relation to church trust property.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. (1) This Ordinance may be cited as “Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979”.

(2) In this Ordinance “church trust property” has the meaning attributed to that term in section 4 of the Anglican Church of Australia Trust Property Act 1917 (as subsequently amended).

2. The purposes and objects of the Anglican Church of Australia in the Diocese of Sydney include (but are not limited to) preventing church trust property being leased for such purposes as have been or may be from time to time proscribed by ordinance of the Synod or ordinance or resolution of the Standing Committee thereof.

3. Without limiting the generality of clause 2, a purpose shall have been proscribed if an ordinance of the Synod or an ordinance or resolution of the Standing Committee thereof directs a trustee of church trust property to include in a lease granted in respect of that property a covenant which forbids or restricts the use of that property for a purpose specified in such ordinance or resolution.

Table of Amendments

Clause 2 Amended by Ordinance No 39, 2007.

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18 December 2007