

TASMANIA

**ANGLICAN CHURCH OF AUSTRALIA
CONSTITUTION AMENDMENT BILL (No. 2)
2002**

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**ANGLICAN CHURCH OF AUSTRALIA
CONSTITUTION AMENDMENT BILL (No. 2)
2002**

*(Brought in by the Premier, the Honourable James
Alexander Bacon)*

A BILL FOR

**An Act to amend the *Anglican Church of Australia
Constitution Act 1973***

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *Anglican Church of
Australia Constitution Amendment Act 2002*.

Commencement

2. This Act commences on the day on which this Act
receives the Royal Assent.

Principal Act

3. In this Act, the *Anglican Church of Australia
Constitution Act 1973** is referred to as the Principal Act.

*No. 90 of 1973

Section 12A inserted

4. After section 12 of the Principal Act, the following section is inserted:

Variation of trusts

12A. (1) The Synod may make an ordinance empowering the Diocesan Council to make a request by resolution to the corporate trustees to –

- (a) declare by resolution any trusts, to which any property vested in the Church is for the time being subject, to be varied if the Diocesan Council is of the opinion that it has become impossible or inexpedient to carry out or observe those trusts; and
- (b) declare, by the same or a subsequent resolution, other trusts for, or for the use, benefit or purpose of, the Church instead of the first-mentioned trusts.

(2) If the corporate trustees make a resolution referred to in subsection (1), the trusts first-mentioned in that subsection, by force of that resolution, cease and determine and the property vested in those trusts is to be held on the other trusts accordingly.

(3) Any property in respect of which other trusts are declared under this section is to be dealt with for the same purposes as nearly as practicable as the purposes for which the property was held in accordance with the trusts first-mentioned in subsection (1) unless the corporate trustees make a resolution declaring that, by reason of circumstances subsequent to the creation of those trusts, it is, in the opinion of the corporate trustees, impossible or

inexpedient to deal with or apply that property or some part of it for the same or like purposes.

(4) If the corporate trustees have made a resolution referred to in subsection (3), the property may be dealt with and applied for the use or benefit of the Church for such purposes as are declared by resolution of the corporate trustees.