



New South Wales

Coptic Orthodox Church (NSW) Property Trust Amendment Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Coptic Orthodox Church (NSW) Property Trust Act 1990* to reflect the new Constitution of the Coptic Orthodox Churches in the Diocese of Sydney and Affiliated Regions.

At present, the *Coptic Orthodox Church (NSW) Property Trust Act 1990* constitutes a Trust to deal with certain property. The trustees of the Trust are the members of the New South Wales State Board of the Coptic Orthodox Church, New South Wales.

On 8 October 2002 a new Constitution of the Diocese of Sydney and Affiliated Regions was approved by His Holiness Shenouda III, Pope of Alexandria and Patriarch of the See of St. Mark. Under the new Constitution, it is the Bishop of the Diocese of Sydney and Affiliated Regions who is the sole and exclusive authority in relation to financial matters in churches and in the Diocese.

This Bill amends the *Coptic Orthodox Church (NSW) Property Trust Act 1990* to reflect that change.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Coptic Orthodox Church (NSW) Property Trust Act 1990* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [5] amends the definition of *constitution* to reflect the changes made in 2002.

Schedule 1 [6] provides that the Bishop is the sole trustee of the Coptic Orthodox Church (NSW) Property Trust.

Schedule 1 [8] provides for the Bishop to delegate the Bishop's functions under the Act.

The remainder of the amendments made by Schedule 1 are consequential on those changes.

First print



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New South Wales

Coptic Orthodox Church (NSW) Property Trust Amendment Bill 2003

No. _____, 2003

A Bill for

An Act to amend the *Coptic Orthodox Church (NSW) Property Trust Act 1990* to make further provision with respect to the trust constituted by that Act; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Coptic Orthodox Church (NSW) Property Trust Amendment Act 2003</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Coptic Orthodox Church (NSW) Property Trust Act 1990 No 67	7 8
The <i>Coptic Orthodox Church (NSW) Property Trust Act 1990</i> is amended as set out in Schedule 1.	9 10

Schedule 1 Amendments

		1
	(Section 3)	2
[1] Section 3 Definitions		3
Omit the definitions of <i>Board</i> and <i>trustee</i> from section 3 (1).		4
[2] Section 3 (1)		5
Insert in alphabetical order:		6
<i>Bishop</i> means the Bishop of the Church.		7
[3] Section 3 (1), definition of “Church”		8
Omit the definition. Insert instead:		9
<i>Church</i> means the Coptic Orthodox Churches, Diocese of Sydney and Affiliated Regions, a part of the Coptic Orthodox Church of Egypt, a hierarchical Christian body whose leader, overseer and shepherd is the Pope of Alexandria and Patriarch of the See of St. Mark, and includes any Church entity.		10 11 12 13 14
[4] Section 3 (1), definition of “Church entity”		15
Omit “Secretary of the Board” from paragraph (b).		16
Insert instead “Bishop”.		17
[5] Section 3 (1), definition of “constitution”		18
Omit “3 March 1989”. Insert instead “8 October 2002”.		19
[6] Section 4 Constitution of the Trust		20
Omit section 4 (2). Insert instead:		21
(2) The Bishop is the sole trustee of the Trust.		22
[7] Section 4 (3)		23
Omit the subsection.		24

[8] Section 5A	1
Insert after section 5:	2
5A Delegation	3
The Bishop may delegate, in writing, any or all of the	4
Bishop's functions under this Act (other than this power of	5
delegation) to any 3 members of the General Board of the	6
Church, one of whom is a clerical member and the other two	7
of whom are lay members.	8
[9] Section 12 Variation of trusts	9
Omit "by resolution" wherever occurring in section 12 (1), (4) and (5).	10
[10] Section 12 (2) and (3)	11
Omit "resolution" wherever occurring. Insert instead "declaration".	12
[11] Section 12 (5)	13
Omit "a resolution". Insert instead "a declaration".	14
[12] Section 13 Trust may act as executor, administrator or trustee	15
Omit section 13 (2). Insert instead:	16
(2) On behalf of the Trust, a person employed by the Trust may,	17
if authorised in writing by the Trust for the purpose, swear an	18
affidavit, make a declaration or statement, give security and	19
do any other act or thing that is, by any charter, Act or rule of	20
court, required to be done by a person applying for or granted	21
probate or letters of administration, or administering a trust,	22
as the case may be.	23
[13] Section 15 Seal	24
Omit "secretary of the Trust" from section 15 (1). Insert instead "Bishop".	25
[14] Section 15 (1) (a)	26
Omit "a resolution of".	27
[15] Section 15 (1) (b)	28
Omit "2 trustees". Insert instead "the Bishop".	29

[16] Section 15 (1) (c)	1
Omit “signatures of those persons”.	2
Insert instead “signature of the Bishop”.	3
[17] Section 15 (2)	4
Omit “not fewer than 2 trustees”. Insert instead “the Bishop”.	5
[18] Section 19 Receipt for certain money	6
Omit section 19 (b).	7
[19] Section 19 (c)	8
Omit “or by 2 members of the Trust”.	9
[20] Section 21 Indemnification of certain persons	10
Omit “A member of the Trust”. Insert instead “The Bishop”.	11
[21] Section 22 Service of documents	12
Omit “secretary of the Trust”. Insert instead “Bishop”.	13