

HUNTERS HILL CONGREGATIONAL CHURCH PROPERTY TRUST BILL 2013

Page: 51

Bill introduced on motion by Mr Greg Smith, read a first time and printed.**Second Reading**

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [3.46 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Hunters Hill Congregational Church Property Trust Bill 2013. Congregational churches trace their history back to the independent Christian churches that emerged throughout England in the sixteenth century. Congregationalism arrived in New South Wales in the late 1700s. Many congregational churches have been established in Australia since that time, including Hunters Hill Congregational Church in 1876. The church already has an Act of Parliament—the Hunters Hill Congregational Church Act 1977—which was enacted by the then Government in 1977 as part of the package of legislation that supported the formation of the Uniting Church.

At the time it was necessary to enact legislation to cater for those congregations who did not wish to join the Uniting Church. Most of the congregations became part of the Fellowship of Congregational Churches, which is recognised by the Fellowship of Congregational Churches (New South Wales) Incorporation Act 1977. The Hunters Hill Congregational Church did not wish to become a member of the fellowship at the time. Therefore, the Hunters Hill Congregational Church Act 1977 was introduced by the then Attorney General, the late Frank Walker, QC, to recognise the independent congregation at Hunters Hill.

The Hunters Hill Congregational Church Act has now been on the statute books for more than 30 years without requiring amendment. However, it has become increasingly clear in recent years that the Act no longer meets the needs of the church. First, the nature of the church's activities has expanded considerably since 1977. At that time the church consisted of a single worshipping congregation, but since then the church has established another congregation. It also operates retirement villages at both Hunters Hill and Narellan. Secondly, the trustees under the existing Act are all individuals. This causes administrative difficulties for the church whenever a trustee needs to be replaced.

To avoid these difficulties and to provide a more suitable vehicle for managing the church's financial affairs, the church has requested that a corporation be established to hold its property. The existing trustees and the Hunters Hill Congregational Church community support the request, which has been the subject of extensive consultation. The church initially requested that amendments be made to the existing Act. However, the Government has acted on advice from the Parliamentary Counsel that a new Act is the best way of establishing a corporation to hold the church's property. The changes are simply too complex to take the form of an amending bill. The Hunters Hill Congregational Church Property Trust Bill 2013 therefore creates a new Act and repeals the existing Act.

The Hunters Hill Congregational Church Property Trust Bill 2013 establishes a corporate trustee that will be known as the Hunters Hill Congregational Church Property Trust. It also deals with the election and appointment of the trust's board members. The bill also specifies the functions of the trust, which require the trust to hold property on behalf of the church or

on behalf of a particular congregation. The trust may only exercise its functions in relation to property that is held for a congregation at the direction of the relevant congregation. The bill also vests property in the new trust. The property that will vest in the trust is already held for the church by the current trustees. There is no change in beneficial ownership, and the bill makes it clear that no stamp duty will be payable when the property vests.

The Hunters Hill Congregational Church has now joined the Fellowship of Congregational Churches. However, the church wishes to maintain its independent financial arrangements. The bill therefore contains a clause that clarifies that affiliating with the Fellowship of Congregational Churches does not result in any property held by the trust vesting in the fellowship. The bill also contains clauses that require the trust to publish information about its financial activities on the church's website, including details of where the trust's financial statements can be inspected, details of where the minutes of board meetings can be inspected, details of where resolutions made by the board can be inspected and, finally, a record of any delegations of the board's functions.

The trustees currently appointed under the Hunters Hill Congregational Church Act are aware that this legislation is being introduced and have approved the changes that are being made. The current members of the church also approved the new Act at a church meeting held on 28 July 2013. The establishment of a statutory corporation will assist the church to manage its financial affairs. The church community has been aware of the proposed changes for some time, and supports the passage of the legislation. I commend the bill to the House.

Debate adjourned on motion by Ms Carmel Tebbutt and set down as an order of the day for a future day.