



NSW Legislative Council Hansard (Proof)

Greek Orthodox Archdiocese of Australia Consolidated Trust Amendment (Duties) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 29 March 2006 (Proof).

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [5.14 p.m.], on behalf of the Hon. John Della Bosca: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Greek Orthodox Archdiocese of Australia Consolidated Trust Amendment (Duties) Bill 2005 will amend the *Greek Orthodox Archdiocese of Australia Consolidated Trust Act 1994* to provide that duty is not chargeable when property is conveyed to the Greek Orthodox Archdiocese of Australia Consolidated Trust from a person who holds that property on behalf of a Greek Orthodox parish or congregation.

The Greek Orthodox Archdiocese of Australia Consolidated Trust was established in 1995. The creation of the Consolidated Trust brought great benefits for the administration and organisation of the Church's affairs, and has enhanced the progress and activities of the Greek Orthodox Church in Australia.

This Bill facilitates the principal purposes of the original legislation, by making it simpler and less costly for Parishes to transfer their property into the Consolidated Trust.

When the Consolidated Trust was created, all property that was held by the existing Greek Orthodox Property Trust was automatically transferred into it. These transfers were exempt from stamp duty under the Act.

For historical reasons, a number of Greek Orthodox Parishes in New South Wales hold Parish property in the names of individual Parish members, as trustees for the Parish; or as companies limited by guarantee. These properties were not automatically transferred into the Consolidated Trust when it was created.

A number of Parishes have chosen to transfer their property into the Consolidated Trust since 1995. A number of other Parishes have indicated that they are interested in transferring property into the Consolidated Trust in the future. These transfers become necessary particularly as many members of the local congregations approach retirement, and are no longer able to be responsible for the upkeep of the property.

Each time that there is a transfer of property into the trust, the Church must apply to the Commissioner of State Revenue for an ex gratia payment of the duty payable on the transaction. The Commissioner has a discretionary power to make an Act of Grace payment of the duty, but the process for exercising this power is time-consuming and resource-intensive. The Commissioner cannot delegate the power.

The Government's policy has been to grant an exemption on each occasion it is requested. However, the Act of Grace procedure is designed to be used only in special cases and on isolated occasions. It is not appropriate that it be used repeatedly in respect of the same kind of transaction.

By providing a statutory exemption from duty when property is transferred into the trust, this Bill will remove the need for the Church and the Office of State Revenue to go through the time-consuming process of respectively applying for and granting an ex gratia payment.

The Bill does not make any changes to the operation of the Consolidated Trust. It does not require any Parish or any person to transfer property to the Consolidated Trust. Transfers will continue to be purely voluntary.

The Bill simply facilitates the voluntary transfer of property from Parishes to the trust.

The Bill has been drafted in consultation with the Church. It also has the support of the Office of State Revenue.

I commend the Bill to the House.