

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 16 September, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 1976.**

An Act to amend the Church of England Trust Property Act, 1917.

BE

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*Church of England Trust Property (Amendment).*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Church of England Trust Short title. Property (Amendment) Act, 1976".

2. The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1. Amendment of Act No. 21, 1917.

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SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917.

(1) Section 6A—

After section 6, insert :—

15

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. Term of office of member of corporate body of trustees.

20

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (b) for such different terms as are specified in  
respect of different members or different  
classes of members,

in an ordinance of the synod of the diocese published  
in the Gazette under the hand of the Bishop.

10 (3) A member of a corporate body of trustees  
whose term of office as such a member expires is  
eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

15 26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until  
an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop  
declaring that this section applies to that other diocese. Certain directions may be given in anticipation.

20 (2) The synod of a diocese to which this  
section applies may by ordinance—

25 (a) direct that, upon specified real property  
becoming church trust property held for the  
diocese, it may be mortgaged, let on mining,  
building, occupation or other leases or  
otherwise dealt with as specified in the  
ordinance; and

(b) provide for the application of the personal  
property arising from any such mortgage,  
letting or other dealing.

SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

5 After section 27, insert :—

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. Certain directions may be given by resolution.

10

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

15

(a) by resolution of its synod or of the standing committee of its synod; and

(b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

20

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

(3) A direction may not be given under subsection (2) where—

25

(a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and

(b) that consent has not been given.

30

SCHEDULE



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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the  
10 synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2) shall be certified—

15 (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or

20 (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—

25 “church trust property” does not include church trust property held for the sole benefit of a particular parish;

Limited  
substitution  
of trust of  
income.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 “prescribed period” in relation to an ordinance  
made under subsection (3) means—

(a) where the ordinance specifies a  
particular period of 12 months as  
the prescribed period for the pur-  
poses of this section—that period of  
10 12 months; or

(b) in any other case—the period of 12  
months that next succeeds assent to  
the ordinance by the Bishop of the  
diocese.

15 (2) This section applies to the Diocese of  
Sydney but does not apply to any other diocese until  
an ordinance of the synod of that other diocese is pub-  
lished in the Gazette under the hand of the Bishop  
declaring that this section applies to that other diocese.

20 (3) The synod of a diocese to which this  
section applies may by ordinance declare that it is  
temporarily inexpedient to carry out or observe the  
trusts to which the income from that property, or a  
specified part of that income, is subject.

25 (4) Where the synod of a diocese makes an  
ordinance under subsection (3) with respect to any  
income it may, by the same or a subsequent ordinance,  
declare that, during the prescribed period for the  
ordinance, that income is held upon trusts, specified  
30 in the ordinance, for or for the use, benefit or purposes  
(whether within or beyond that diocese or the State)  
of the Church of England in Australia.

SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (5) Income to which a declaration under  
subsection (4) relates shall, during the prescribed  
period for the ordinance by which the declaration is  
made, be held upon the trusts specified in that ordi-  
10 nance to the exclusion of any other trusts to which it  
was subject and shall, at the expiration of that  
prescribed period, become again subject to those other  
trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert  
“or resolution”.

15 (b) Section 35—

After “assented to”, insert “, or that a resolution  
in those terms was duly passed”.

(c) Section 35—

20 After “ordinance” where thirdly occurring, insert  
“or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead  
“ordinance or resolution or ordinances or  
resolutions, as the case may be.”.

25 (6) (a) Section 37—

Omit “or to be made” where firstly occurring,  
insert instead “or resolution passed”.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(b) Section 37—

5 Omit “ordinance, the synod of a diocese may  
repeal or from time to time amend any ordinance  
made or to be made by the synod of such  
diocese.”, insert instead :—

ordinance or resolution—

10 (a) the synod of a diocese may by  
ordinance repeal or amend—

(i) any ordinance made by that  
synod;

15 (ii) any resolution passed by  
that synod or its standing  
committee; or

20 (iii) where the diocese is the  
Diocese of Sydney—any  
resolution of the Sydney  
Church of England Finance  
and Loans Board;

25 (b) the standing committee of the synod of  
a diocese may by resolution repeal or  
amend any resolution of that  
committee; and

(c) the Sydney Church of England Finance  
and Loans Board may by resolution  
repeal or amend any resolution of that  
Board.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

- (7) (a) Section 43—  
5           After “ordinance” where firstly occurring, insert  
              “or resolution”.
- (b) Section 43—  
10           Omit “twenty-two, twenty-four, twenty-five,  
              twenty-six, twenty-seven, thirty-two, thirty-seven,  
              thirty-nine, or forty,” insert instead “22, 24, 25,  
              26, 26A, 27, 27A, 32, 37, 39 or 40”.
- (c) Section 43 (a)—  
              After “diocese,” insert “or of such resolution,  
              certified as provided by section 27A (5).”.
- 15       (d) Section 43 (b)—  
              After “diocese”, insert “, or of such resolution  
              certified as provided by section 27A (5).”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

[16c]



No. , 1976.

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# A BILL

To amend the Church of England Trust Property  
Act, 1917.

[MR F. J. WALKER—8 *September*, 1976.]

---

---

BE

*Church of England Trust Property (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Church of England Trust Property (Amendment) Act, 1976". Short title.

2. The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1. Amendment of Act No. 21, 1917.

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SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST PROPERTY ACT, 1917.

(1) Section 6A—

After section 6, insert :—

15

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. Term of office of member of corporate body of trustees.

20

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (b) for such different terms as are specified in  
respect of different members or different  
classes of members,

in an ordinance of the synod of the diocese published  
in the Gazette under the hand of the Bishop.

10 (3) A member of a corporate body of trustees  
whose term of office as such a member expires is  
eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

15 26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until  
an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop  
declaring that this section applies to that other diocese. Certain directions may be given in anticipation.

20 (2) The synod of a diocese to which this  
section applies may by ordinance—

25 (a) direct that, upon specified real property  
becoming church trust property held for the  
diocese, it may be mortgaged, let on mining,  
building, occupation or other leases or  
otherwise dealt with as specified in the  
ordinance; and

(b) provide for the application of the personal  
property arising from any such mortgage,  
letting or other dealing.

SCHEDULE

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*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

5 After section 27, insert :—

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. <sup>Certain directions may be given by resolution.</sup>

10

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

15

(a) by resolution of its synod or of the standing committee of its synod; and

(b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

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being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

(3) A direction may not be given under subsection (2) where—

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(a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and

(b) that consent has not been given.

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SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the  
10 synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2) shall be certified—

15 (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or

20 (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—  
25 “church trust property” does not include church trust property held for the sole benefit of a particular parish;

Limited substitution of trust of income.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 “prescribed period” in relation to an ordinance  
made under subsection (3) means—

(a) where the ordinance specifies a  
particular period of 12 months as  
the prescribed period for the pur-  
poses of this section—that period of  
10 12 months; or

(b) in any other case—the period of 12  
months that next succeeds assent to  
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15 (2) This section applies to the Diocese of  
Sydney but does not apply to any other diocese until  
an ordinance of the synod of that other diocese is pub-  
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trusts to which the income from that property, or a  
specified part of that income, is subject.

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ordinance under subsection (3) with respect to any  
income it may, by the same or a subsequent ordinance,  
declare that, during the prescribed period for the  
ordinance, that income is held upon trusts, specified  
30 in the ordinance, for or for the use, benefit or purposes  
(whether within or beyond that diocese or the State)  
of the Church of England in Australia.

SCHEDULE



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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (5) Income to which a declaration under  
subsection (4) relates shall, during the prescribed  
period for the ordinance by which the declaration is  
made, be held upon the trusts specified in that ordinance  
to the exclusion of any other trusts to which it  
10 was subject and shall, at the expiration of that  
prescribed period, become again subject to those other  
trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert  
“or resolution”.

15 (b) Section 35—

After “assented to”, insert “, or that a resolution  
in those terms was duly passed”.

(c) Section 35—

20 After “ordinance” where thirdly occurring, insert  
“or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead  
“ordinance or resolution or ordinances or  
resolutions, as the case may be,”.

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SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(b) Section 37—

5 Omit “ordinance, the synod of a diocese may  
repeal or from time to time amend any ordinance  
made or to be made by the synod of such  
diocese.”, insert instead :—

ordinance or resolution—

10 (a) the synod of a diocese may by  
ordinance repeal or amend—

(i) any ordinance made by that  
synod;

15 (ii) any resolution passed by  
that synod or its standing  
committee; or

20 (iii) where the diocese is the  
Diocese of Sydney—any  
resolution of the Sydney  
Church of England Finance  
and Loans Board;

(b) the standing committee of the synod of  
a diocese may by resolution repeal or  
25 amend any resolution of that  
committee; and

(c) the Sydney Church of England Finance  
and Loans Board may by resolution  
repeal or amend any resolution of that  
Board.

SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

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            26, 26A, 27, 27A, 32, 37, 39 or 40”.

(c) Section 43 (a)—

            After “diocese,” insert “or of such resolution,  
            certified as provided by section 27A (5).”.

15          (d) Section 43 (b)—

            After “diocese,” insert “, or of such resolution  
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976  
[16c]







**CHURCH OF ENGLAND TRUST PROPERTY  
(AMENDMENT) BILL, 1976**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable the synod of a diocese to prescribe by ordinance the term of office of the members of the corporate body of trustees for the diocese (members ex officio excepted) (Schedule 1 (1));
  - (b) to make it clear that the synod of a diocese may give directions for specified property to be mortgaged, leased or otherwise dealt with notwithstanding that, at the time the direction is given, the property has not been acquired (Schedule 1 (2));
  - (c) to provide that, instead of a direction to mortgage property being given by an ordinance of the synod of a diocese, it may be given—
    - (i) by resolution of the synod, or of the standing committee of the synod, of the diocese; or
    - (ii) in the case of the Diocese of Sydney—also by resolution of its Finance and Loans Board (Schedule 1 (3));
  - (d) with certain exceptions, to enable the synod of a diocese by ordinance to apply in furtherance of trusts specified in the ordinance (being trusts for the use, benefit or purposes, whether within or beyond the diocese or the State, of the Church) income held on other trusts (Schedule 1 (4));
  - (e) to make certain amendments consequential on the foregoing.
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**PROOF**

No. , 1976.

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# A BILL

To amend the Church of England Trust Property Act, 1917.

[Mr F. J. WALKER—8 *September*, 1976.]

---

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**BE**

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*Church of England Trust Property (Amendment).*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Church of England Trust Property (Amendment) Act, 1976". Short title.

2. The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1. Amendment of Act No. 21, 1917.

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SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917.

(1) Section 6A—

After section 6, insert :—

15

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. Term of office of member of corporate body of trustees.

20

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

SCHEDULE



---

*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (b) for such different terms as are specified in  
respect of different members or different  
classes of members,

in an ordinance of the synod of the diocese published  
in the Gazette under the hand of the Bishop.

10 (3) A member of a corporate body of trustees  
whose term of office as such a member expires is  
eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

15 26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until  
an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop  
declaring that this section applies to that other diocese. Certain directions may be given in anticipation.

20 (2) The synod of a diocese to which this  
section applies may by ordinance—

(a) direct that, upon specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and

25

(b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

---

*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

5 After section 27, insert :—

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

Certain  
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(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

15

(a) by resolution of its synod or of the standing committee of its synod; and

(b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

20

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

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(3) A direction may not be given under subsection (2) where—

(a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and

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(b) that consent has not been given.

SCHEDULE

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*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and  
of the members of its standing committee to move a  
resolution referred to in subsection (2) and prescribe  
10 the form that any such resolution shall take, and the  
synod of the Diocese of Sydney may similarly restrict,  
regulate and prescribe in relation to the Sydney  
Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2)  
shall be certified—

15 (a) by the Registrar of the diocese for which is  
held the church trust property to which the  
resolution relates or by a person for the time  
being acting in that office; or

20 (b) by a secretary of the synod of that diocese  
or by a person for the time being acting in  
that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—

25 “church trust property” does not include church  
trust property held for the sole benefit of a  
particular parish;

Limited  
substitution  
of trust of  
income.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 “prescribed period” in relation to an ordinance  
made under subsection (3) means—

(a) where the ordinance specifies a  
particular period of 12 months as  
the prescribed period for the pur-  
poses of this section—that period of  
10 12 months; or

(b) in any other case—the period of 12  
months that next succeeds assent to  
the ordinance by the Bishop of the  
diocese.

15 (2) This section applies to the Diocese of  
Sydney but does not apply to any other diocese until  
an ordinance of the synod of that other diocese is pub-  
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section applies may by ordinance declare that it is  
temporarily inexpedient to carry out or observe the  
trusts to which the income from that property, or a  
specified part of that income, is subject.

25 (4) Where the synod of a diocese makes an  
ordinance under subsection (3) with respect to any  
income it may, by the same or a subsequent ordinance,  
declare that, during the prescribed period for the  
ordinance, that income is held upon trusts, specified  
30 in the ordinance, for or for the use, benefit or purposes  
(whether within or beyond that diocese or the State)  
of the Church of England in Australia.

SCHEDULE



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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

5 (5) Income to which a declaration under  
subsection (4) relates shall, during the prescribed  
period for the ordinance by which the declaration is  
made, be held upon the trusts specified in that ordin-  
10 ance to the exclusion of any other trusts to which it  
was subject and shall, at the expiration of that  
prescribed period, become again subject to those other  
trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert  
“or resolution”.

15 (b) Section 35—

After “assented to”, insert “, or that a resolution  
in those terms was duly passed”.

(c) Section 35—

20 After “ordinance” where thirdly occurring, insert  
“or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead  
“ordinance or resolution or ordinances or  
resolutions, as the case may be,”.

25 (6) (a) Section 37—

Omit “or to be made” where firstly occurring,  
insert instead “or resolution passed”.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(b) Section 37—

5 Omit “ordinance, the synod of a diocese may  
repeal or from time to time amend any ordinance  
made or to be made by the synod of such  
diocese.”, insert instead :—

ordinance or resolution—

10 (a) the synod of a diocese may by  
ordinance repeal or amend—

(i) any ordinance made by that  
synod;

15 (ii) any resolution passed by  
that synod or its standing  
committee; or

20 (iii) where the diocese is the  
Diocese of Sydney—any  
resolution of the Sydney  
Church of England Finance  
and Loans Board;

25 (b) the standing committee of the synod of  
a diocese may by resolution repeal or  
amend any resolution of that  
committee; and

(c) the Sydney Church of England Finance  
and Loans Board may by resolution  
repeal or amend any resolution of that  
Board.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(7) (a) Section 43—

5           After “ordinance” where firstly occurring, insert  
          “or resolution”.

(b) Section 43—

10           Omit “twenty-two, twenty-four, twenty-five,  
          twenty-six, twenty-seven, thirty-two, thirty-seven,  
          thirty-nine, or forty,” insert instead 22, 24, 25,  
          26, 26A, 27, 27A, 32, 37, 39 or 40”.

(c) Section 43 (a)—

          After “diocese,” insert “or of such resolution,  
          certified as provided by section 27A (5).”.

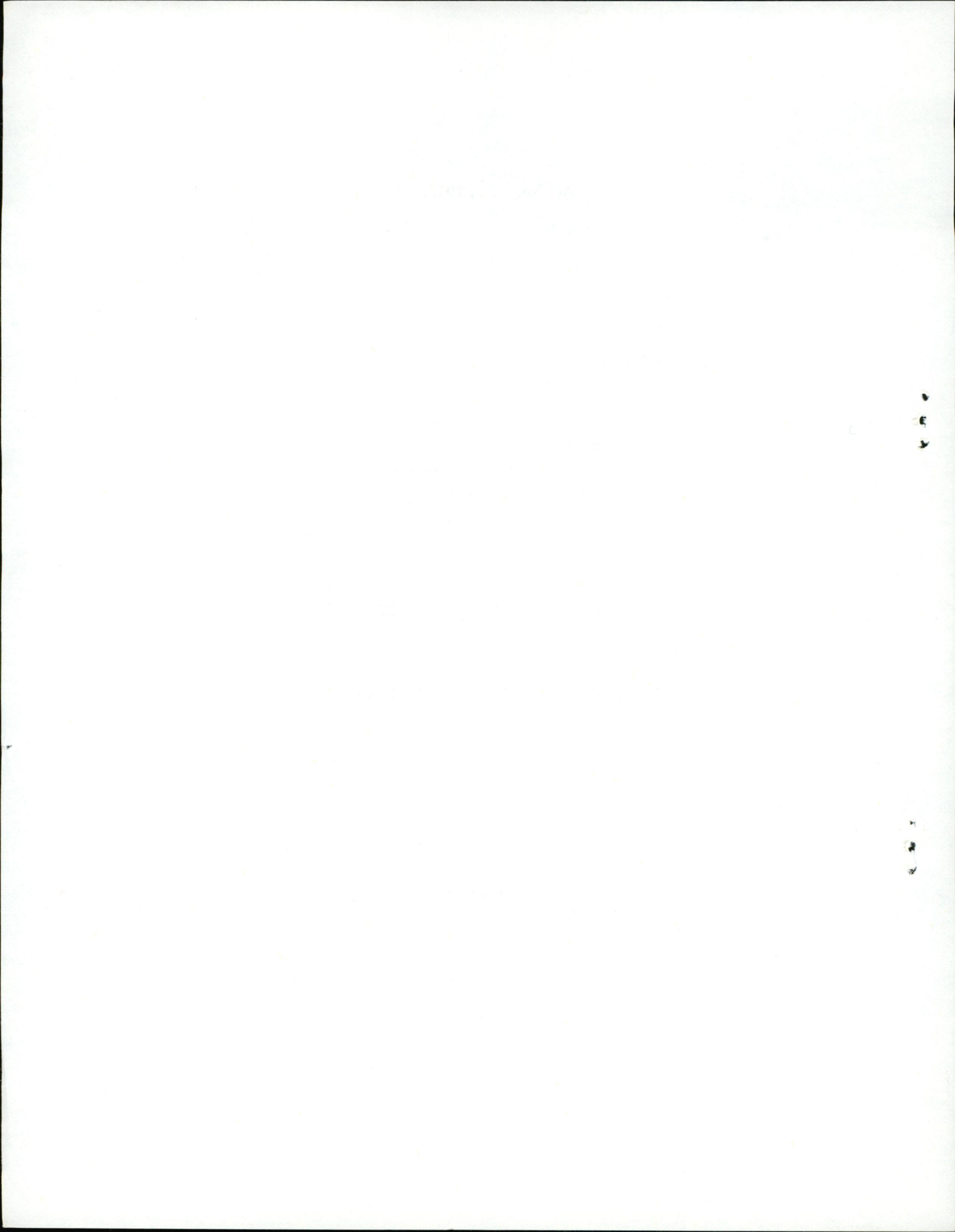
15       (d) Section 43 (b)—

          After “diocese”, insert “, or of such resolution  
          certified as provided by section 27A (5).”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976





New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 37, 1976.**

An Act to amend the Church of England Trust Property Act, 1917. [Assented to, 5th October, 1976.]

BE

---

*Church of England Trust Property (Amendment).*

---

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Church of England Trust Property (Amendment) Act, 1976".

Amendment of Act No. 21, 1917.      **2.** The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1.

Sec. 2.

**SCHEDULE 1.**

**AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917.**

(1) Section 6A—

After section 6, insert :—

Term of office of member of corporate body of trustees.

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

**SCHEDULE**

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

- (b) for such different terms as are specified in respect of different members or different classes of members,

in an ordinance of the synod of the diocese published in the Gazette under the hand of the Bishop.

- (3) A member of a corporate body of trustees whose term of office as such a member expires is eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

Certain directions may be given in anticipation.

(2) The synod of a diocese to which this section applies may by ordinance—

- (a) direct that, upon specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and
- (b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

After section 27, insert :—

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

(a) by resolution of its synod or of the standing committee of its synod; and

(b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

(3) A direction may not be given under subsection (2) where—

(a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and

(b) that consent has not been given.

Certain directions may be given by resolution.



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*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2) shall be certified—

- (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or
- (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—

“church trust property” does not include church trust property held for the sole benefit of a particular parish;

Limited  
substitution  
of trust of  
income.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

“prescribed period” in relation to an ordinance made under subsection (3) means—

- (a) where the ordinance specifies a particular period of 12 months as the prescribed period for the purposes of this section—that period of 12 months; or
- (b) in any other case—the period of 12 months that next succeeds assent to the ordinance by the Bishop of the diocese.

(2) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(3) The synod of a diocese to which this section applies may by ordinance declare that it is temporarily inexpedient to carry out or observe the trusts to which the income from that property, or a specified part of that income, is subject.

(4) Where the synod of a diocese makes an ordinance under subsection (3) with respect to any income it may, by the same or a subsequent ordinance, declare that, during the prescribed period for the ordinance, that income is held upon trusts, specified in the ordinance, for or for the use, benefit or purposes (whether within or beyond that diocese or the State) of the Church of England in Australia.

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*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(5) Income to which a declaration under subsection (4) relates shall, during the prescribed period for the ordinance by which the declaration is made, be held upon the trusts specified in that ordinance to the exclusion of any other trusts to which it was subject and shall, at the expiration of that prescribed period, become again subject to those other trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert  
“or resolution”.

(b) Section 35—

After “assented to”, insert “, or that a resolution  
in those terms was duly passed”.

(c) Section 35—

After “ordinance” where thirdly occurring, insert  
“or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead  
“ordinance or resolution or ordinances or  
resolutions, as the case may be”.

(6) (a) Section 37—

Omit “or to be made” where firstly occurring,  
insert instead “or resolution passed”.

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(b) Section 37—

Omit "ordinance, the synod of a diocese may repeal or from time to time amend any ordinance made or to be made by the synod of such diocese.", insert instead :—

ordinance or resolution—

- (a) the synod of a diocese may by ordinance repeal or amend—
  - (i) any ordinance made by that synod;
  - (ii) any resolution passed by that synod or its standing committee; or
  - (iii) where the diocese is the Diocese of Sydney—any resolution of the Sydney Church of England Finance and Loans Board;
- (b) the standing committee of the synod of a diocese may by resolution repeal or amend any resolution of that committee; and
- (c) the Sydney Church of England Finance and Loans Board may by resolution repeal or amend any resolution of that Board.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(7) (a) Section 43—

After “ordinance” where firstly occurring, insert  
“or resolution”.

(b) Section 43—

Omit “twenty-two, twenty-four, twenty-five,  
twenty-six, twenty-seven, thirty-two, thirty-seven,  
thirty-nine, or forty,” insert instead “22, 24, 25,  
26, 26A, 27, 27A, 32, 37, 39 or 40”.

(c) Section 43 (a)—

After “diocese,” insert “or of such resolution,  
certified as provided by section 27A (5).”.

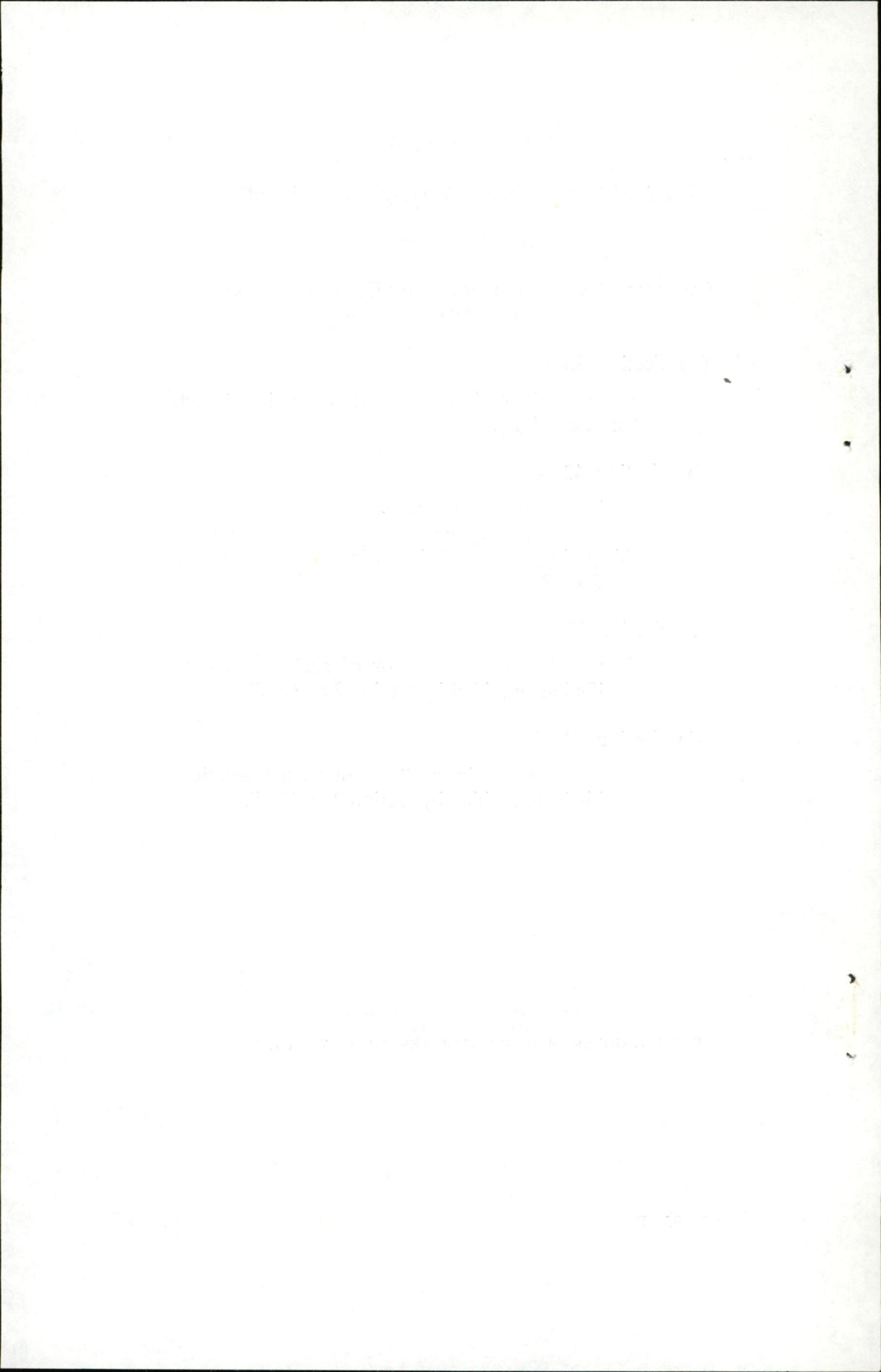
(d) Section 43 (b)—

After “diocese,” insert “, or of such resolution  
certified as provided by section 27A (5).”.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 29 September, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 37, 1976.**

An Act to amend the Church of England Trust Property Act, 1917. [Assented to, 5th October, 1976.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*

*Church of England Trust Property (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Church of England Trust Property (Amendment) Act, 1976".

Amendment of Act No. 21, 1917.      **2.** The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1.

Sec. 2.

## SCHEDULE 1.

## AMENDMENTS TO THE CHURCH OF ENGLAND TRUST PROPERTY ACT, 1917.

(1) Section 6A—

After section 6, insert :—

Term of office of member of corporate body of trustees.

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

- (b) for such different terms as are specified in respect of different members or different classes of members,

in an ordinance of the synod of the diocese published in the Gazette under the hand of the Bishop.

- (3) A member of a corporate body of trustees whose term of office as such a member expires is eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. Certain directions may be given in anticipation.

(2) The synod of a diocese to which this section applies may by ordinance—

- (a) direct that, upon specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and
- (b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

After section 27, insert :—

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

- (a) by resolution of its synod or of the standing committee of its synod; and
- (b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

(3) A direction may not be given under subsection (2) where—

- (a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and
- (b) that consent has not been given.

SCHEDULE

Certain directions may be given by resolution.

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2) shall be certified—

- (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or
- (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—

“church trust property” does not include church trust property held for the sole benefit of a particular parish;

Limited  
substitution  
of trust of  
income.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

“prescribed period” in relation to an ordinance made under subsection (3) means—

- (a) where the ordinance specifies a particular period of 12 months as the prescribed period for the purposes of this section—that period of 12 months; or
- (b) in any other case—the period of 12 months that next succeeds assent to the ordinance by the Bishop of the diocese.

(2) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(3) The synod of a diocese to which this section applies may by ordinance declare that it is temporarily inexpedient to carry out or observe the trusts to which the income from that property, or a specified part of that income, is subject.

(4) Where the synod of a diocese makes an ordinance under subsection (3) with respect to any income it may, by the same or a subsequent ordinance, declare that, during the prescribed period for the ordinance, that income is held upon trusts, specified in the ordinance, for or for the use, benefit or purposes (whether within or beyond that diocese or the State) of the Church of England in Australia.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(5) Income to which a declaration under subsection (4) relates shall, during the prescribed period for the ordinance by which the declaration is made, be held upon the trusts specified in that ordinance to the exclusion of any other trusts to which it was subject and shall, at the expiration of that prescribed period, become again subject to those other trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert “or resolution”.

(b) Section 35—

After “assented to”, insert “, or that a resolution in those terms was duly passed”.

(c) Section 35—

After “ordinance” where thirdly occurring, insert “or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead “ordinance or resolution or ordinances or resolutions, as the case may be,”.

(6) (a) Section 37—

Omit “or to be made” where firstly occurring, insert instead “or resolution passed”.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

## (b) Section 37—

Omit “ordinance, the synod of a diocese may repeal or from time to time amend any ordinance made or to be made by the synod of such diocese.”, insert instead :—

ordinance or resolution—

- (a) the synod of a diocese may by ordinance repeal or amend—
  - (i) any ordinance made by that synod;
  - (ii) any resolution passed by that synod or its standing committee; or
  - (iii) where the diocese is the Diocese of Sydney—any resolution of the Sydney Church of England Finance and Loans Board;
- (b) the standing committee of the synod of a diocese may by resolution repeal or amend any resolution of that committee; and
- (c) the Sydney Church of England Finance and Loans Board may by resolution repeal or amend any resolution of that Board.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(7) (a) Section 43—

After “ordinance” where firstly occurring, insert  
“or resolution”.

(b) Section 43—

Omit “twenty-two, twenty-four, twenty-five,  
twenty-six, twenty-seven, thirty-two, thirty-seven,  
thirty-nine, or forty,” insert instead “22, 24, 25,  
26, 26A, 27, 27A, 32, 37, 39 or 40”.

(c) Section 43 (a)—

After “diocese,” insert “or of such resolution,  
certified as provided by section 27A (5).”.

(d) Section 43 (b)—

After “diocese,” insert “, or of such resolution  
certified as provided by section 27A (5).”.

*In the name and on behalf of Her Majesty I assent to this  
Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 5th October, 1976.*



1911

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT OF THE PHYSICS DEPARTMENT

FOR THE YEAR 1911

CHICAGO, ILL., 1912

BY THE DEPARTMENT

CHICAGO, ILL., 1912

CHICAGO, ILL., 1912

CHICAGO, ILL., 1912

CHICAGO, ILL., 1912

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New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 37, 1976.**

An Act to amend the Church of England Trust Property Act, 1917. [Assented to, 5th October, 1976.]

BE

---

*Church of England Trust Property (Amendment).*

---

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Church of England Trust Property (Amendment) Act, 1976".

Amendment of Act No. 21, 1917.      **2.** The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917.

(1) Section 6A—

After section 6, insert :—

Term of office of member of corporate body of trustees.

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

- (b) for such different terms as are specified in respect of different members or different classes of members,

in an ordinance of the synod of the diocese published in the Gazette under the hand of the Bishop.

- (3) A member of a corporate body of trustees whose term of office as such a member expires is eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

Certain directions may be given in anticipation.

(2) The synod of a diocese to which this section applies may by ordinance—

- (a) direct that, upon specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and
- (b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

After section 27, insert :—

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

(a) by resolution of its synod or of the standing committee of its synod; and

(b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

(3) A direction may not be given under subsection (2) where—

(a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and

(b) that consent has not been given.

Certain directions may be given by resolution.



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2) shall be certified—

- (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or
- (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—

“church trust property” does not include church trust property held for the sole benefit of a particular parish;

Limited  
substitution  
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income.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

“prescribed period” in relation to an ordinance made under subsection (3) means—

- (a) where the ordinance specifies a particular period of 12 months as the prescribed period for the purposes of this section—that period of 12 months; or
- (b) in any other case—the period of 12 months that next succeeds assent to the ordinance by the Bishop of the diocese.

(2) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(3) The synod of a diocese to which this section applies may by ordinance declare that it is temporarily inexpedient to carry out or observe the trusts to which the income from that property, or a specified part of that income, is subject.

(4) Where the synod of a diocese makes an ordinance under subsection (3) with respect to any income it may, by the same or a subsequent ordinance, declare that, during the prescribed period for the ordinance, that income is held upon trusts, specified in the ordinance, for or for the use, benefit or purposes (whether within or beyond that diocese or the State) of the Church of England in Australia.

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(5) Income to which a declaration under subsection (4) relates shall, during the prescribed period for the ordinance by which the declaration is made, be held upon the trusts specified in that ordinance to the exclusion of any other trusts to which it was subject and shall, at the expiration of that prescribed period, become again subject to those other trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert  
“or resolution”.

(b) Section 35—

After “assented to”, insert “, or that a resolution  
in those terms was duly passed”.

(c) Section 35—

After “ordinance” where thirdly occurring, insert  
“or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead  
“ordinance or resolution or ordinances or  
resolutions, as the case may be”.

(6) (a) Section 37—

Omit “or to be made” where firstly occurring,  
insert instead “or resolution passed”.

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(b) Section 37—

Omit "ordinance, the synod of a diocese may repeal or from time to time amend any ordinance made or to be made by the synod of such diocese.", insert instead :—

ordinance or resolution—

- (a) the synod of a diocese may by ordinance repeal or amend—
  - (i) any ordinance made by that synod;
  - (ii) any resolution passed by that synod or its standing committee; or
  - (iii) where the diocese is the Diocese of Sydney—any resolution of the Sydney Church of England Finance and Loans Board;
- (b) the standing committee of the synod of a diocese may by resolution repeal or amend any resolution of that committee; and
- (c) the Sydney Church of England Finance and Loans Board may by resolution repeal or amend any resolution of that Board.

SCHEDULE



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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(7) (a) Section 43—

After “ordinance” where firstly occurring, insert  
“or resolution”.

(b) Section 43—

Omit “twenty-two, twenty-four, twenty-five,  
twenty-six, twenty-seven, thirty-two, thirty-seven,  
thirty-nine, or forty,” insert instead “22, 24, 25,  
26, 26A, 27, 27A, 32, 37, 39 or 40”.

(c) Section 43 (a)—

After “diocese,” insert “or of such resolution,  
certified as provided by section 27A (5).”.

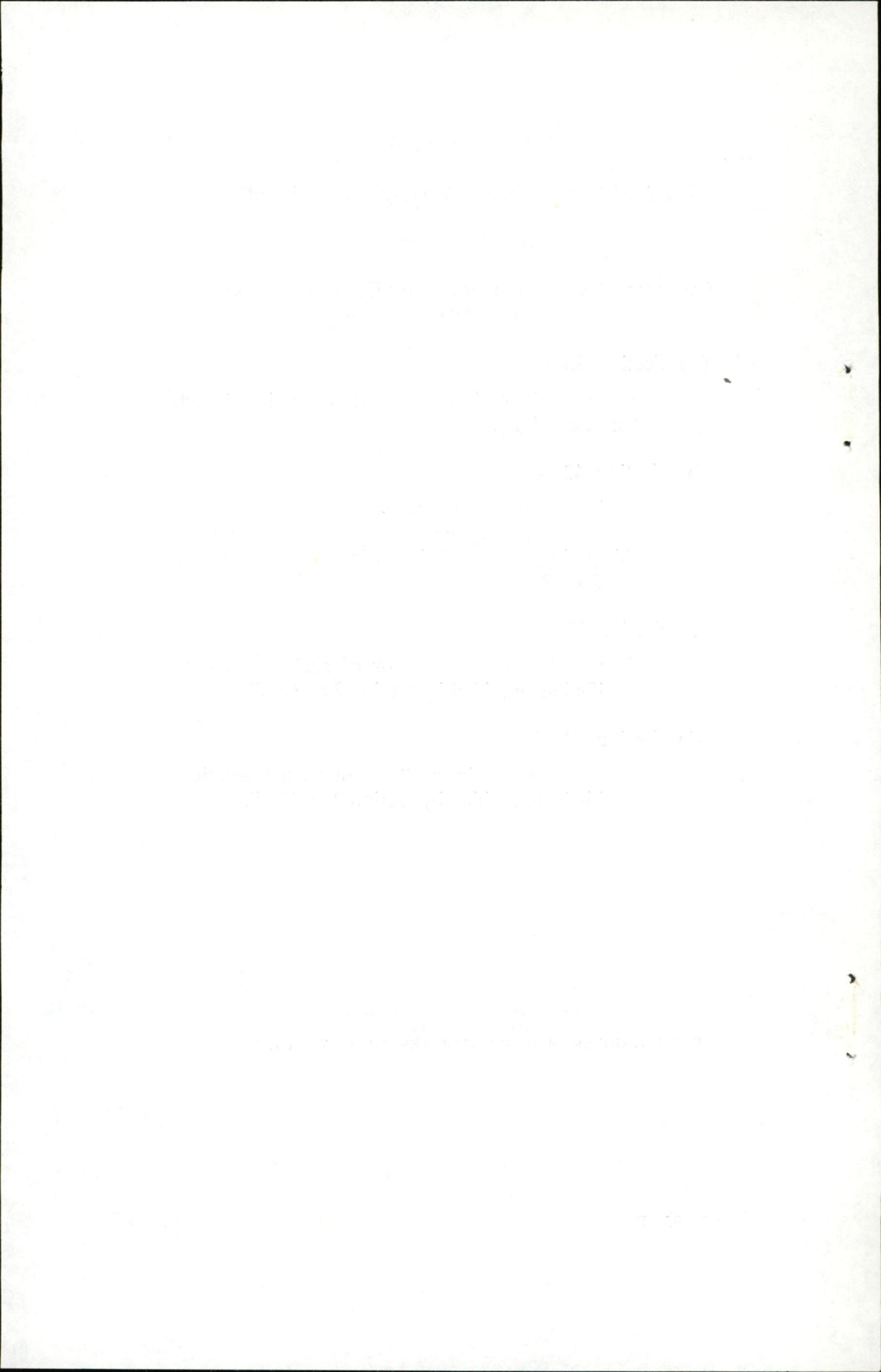
(d) Section 43 (b)—

After “diocese,” insert “, or of such resolution  
certified as provided by section 27A (5).”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 29 September, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 37, 1976.**

An Act to amend the Church of England Trust Property Act, 1917. [Assented to, 5th October, 1976.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*

*Church of England Trust Property (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Church of England Trust Property (Amendment) Act, 1976".

Amendment of Act No. 21, 1917.      **2.** The Church of England Trust Property Act, 1917, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917.

(1) Section 6A—

After section 6, insert :—

Term of office of member of corporate body of trustees.

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office—

(a) for such term as is specified in respect of all members; or

SCHEDULE



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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

- (b) for such different terms as are specified in respect of different members or different classes of members,

in an ordinance of the synod of the diocese published in the Gazette under the hand of the Bishop.

- (3) A member of a corporate body of trustees whose term of office as such a member expires is eligible for re-election as such a member.

(2) Section 26A—

After section 26, insert :—

26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese. Certain directions may be given in anticipation.

(2) The synod of a diocese to which this section applies may by ordinance—

- (a) direct that, upon specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and
- (b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(3) Section 27A—

After section 27, insert :—

Certain  
directions  
may be  
given by  
resolution.

27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead—

- (a) by resolution of its synod or of the standing committee of its synod; and
- (b) in the case of the Diocese of Sydney—also by resolution of the Sydney Church of England Finance and Loans Board,

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

(3) A direction may not be given under subsection (2) where—

- (a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and
- (b) that consent has not been given.

SCHEDULE

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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

(5) A resolution passed under subsection (2) shall be certified—

- (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or
- (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

(4) Section 32A—

After section 32, insert :—

32A. (1) In this section—

“church trust property” does not include church trust property held for the sole benefit of a particular parish;

Limited  
substitution  
of trust of  
income.

SCHEDULE



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*Church of England Trust Property (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

“prescribed period” in relation to an ordinance made under subsection (3) means—

- (a) where the ordinance specifies a particular period of 12 months as the prescribed period for the purposes of this section—that period of 12 months; or
- (b) in any other case—the period of 12 months that next succeeds assent to the ordinance by the Bishop of the diocese.

(2) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(3) The synod of a diocese to which this section applies may by ordinance declare that it is temporarily inexpedient to carry out or observe the trusts to which the income from that property, or a specified part of that income, is subject.

(4) Where the synod of a diocese makes an ordinance under subsection (3) with respect to any income it may, by the same or a subsequent ordinance, declare that, during the prescribed period for the ordinance, that income is held upon trusts, specified in the ordinance, for or for the use, benefit or purposes (whether within or beyond that diocese or the State) of the Church of England in Australia.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(5) Income to which a declaration under subsection (4) relates shall, during the prescribed period for the ordinance by which the declaration is made, be held upon the trusts specified in that ordinance to the exclusion of any other trusts to which it was subject and shall, at the expiration of that prescribed period, become again subject to those other trusts.

(5) (a) Section 35—

After “ordinance” where firstly occurring, insert “or resolution”.

(b) Section 35—

After “assented to”, insert “, or that a resolution in those terms was duly passed”.

(c) Section 35—

After “ordinance” where thirdly occurring, insert “or resolution”.

(d) Section 35—

Omit “ordinance or ordinances”, insert instead “ordinance or resolution or ordinances or resolutions, as the case may be,”.

(6) (a) Section 37—

Omit “or to be made” where firstly occurring, insert instead “or resolution passed”.

SCHEDULE

---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

## (b) Section 37—

Omit “ordinance, the synod of a diocese may repeal or from time to time amend any ordinance made or to be made by the synod of such diocese.”, insert instead :—

ordinance or resolution—

- (a) the synod of a diocese may by ordinance repeal or amend—
  - (i) any ordinance made by that synod;
  - (ii) any resolution passed by that synod or its standing committee; or
  - (iii) where the diocese is the Diocese of Sydney—any resolution of the Sydney Church of England Finance and Loans Board;
- (b) the standing committee of the synod of a diocese may by resolution repeal or amend any resolution of that committee; and
- (c) the Sydney Church of England Finance and Loans Board may by resolution repeal or amend any resolution of that Board.

SCHEDULE



---

*Church of England Trust Property (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHURCH OF ENGLAND TRUST  
PROPERTY ACT, 1917—*continued.*

(7) (a) Section 43—

After “ordinance” where firstly occurring, insert  
“or resolution”.

(b) Section 43—

Omit “twenty-two, twenty-four, twenty-five,  
twenty-six, twenty-seven, thirty-two, thirty-seven,  
thirty-nine, or forty,” insert instead “22, 24, 25,  
26, 26A, 27, 27A, 32, 37, 39 or 40”.

(c) Section 43 (a)—

After “diocese,” insert “or of such resolution,  
certified as provided by section 27A (5).”.

(d) Section 43 (b)—

After “diocese,” insert “, or of such resolution  
certified as provided by section 27A (5).”.

*In the name and on behalf of Her Majesty I assent to this  
Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 5th October, 1976.*



1911

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT ON THE PROGRESS OF WORK

BY

ROBERT A. MILLER

1911

Presented to the Faculty of the University of Chicago  
at the meeting of the Department of Physics  
held on the 15th day of December, 1911.

Approved by the Department of Physics  
this 15th day of December, 1911.

ROBERT A. MILLER  
Chairman of the Department

Printed by the University of Chicago Press, Chicago, Ill.

1911

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