



19 October 2010

Legislative Council

General Purpose Standing Committee No. 3

INQUIRY INTO THE MACEDONIAN ORTHODOX CHURCH PROPERTY TRUST BILL 2010

The Hon John Ajaka MLC, Chair of NSW Parliament's General Purpose Standing Committee No. 3, today tabled the Committee's report into the *Macedonian Orthodox Church Property Trust Bill 2010*.

The Bill, which was introduced into the NSW Legislative Council in June 2010 by the Hon Revd Fred Nile MLC, seeks to establish a statutory corporation to hold property in trust for the Macedonian Orthodox Church. The Bill presented to the House is the third attempt by the Church to establish such a trust. The first attempt was in New South Wales in 1998, the second in Victoria in 2009. The third was the subject of this Inquiry.

"The Committee recognises the good faith and intentions with which the Bill was introduced by Revd Nile," said Mr Ajaka.

Mr Ajaka continued, "The Committee looked carefully at the Bill, and identified several clauses that could possibly give rise to jurisdictional and other legal issues, including the effect of the Bill on properties interstate and the applicability of the *Trustee Act 1925*."

Another issue that the Committee considered was the lack of consensus about the Bill in the Macedonian community. Mr Ajaka stated: "While the Church presented a significant number of submissions and letters from parishioners and clergy in support of the Bill, it became readily apparent to the Committee that there was a lack of consensus within the Macedonian Orthodox Church community as to its contents and intent. Indeed, a significant number of submissions and letters opposed the Bill."

The Report canvasses the jurisdictional and legal issues, as well as arguments supporting and opposing the Bill. The Church subsequently proposed substantial amendments to the Bill. However, it was the view of the Committee that given its brief was to consider the Bill presented in June 2010 by Revd Nile, it could not make recommendations on what was essentially a new Bill.

"It was the view of the Committee that the current relationship between Macedonian Orthodox communities and the Church hierarchy is not conducive to any legislative solution at this time," Mr Ajaka said, adding: "Therefore, after considering all the evidence presented to it, the Committee recommended that the Bill should not proceed. It is the hope of the Committee that the Church and communities can work together in a consultative environment to resolve these issues in the future."

The Report contains one recommendation: "That the Macedonian Orthodox Church Property Trust Bill 2010 not proceed."

*For comment please contact Mr John Ajaka MLC, Committee Chair, on
(02) 9230 2203 or 0419 999 295*

