

**INQUIRY INTO THE MACEDONIAN ORTHODOX
CHURCH PROPERTY TRUST BILL 2010**

Name: The Hon. Tony Kelly MLC

Date Received: 23 August 2010

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Name: The Hon Tony Kelly MLC

Position: Minister for Lands

Date received: 18/08/2010



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

MIN10/4661/4

The Hon John Ajaka MLC
Committee Chair
General Purpose Standing Committee No.3
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

17 AUG 2010

Dear Mr Ajaka,

Inquiry into the Macedonian Orthodox Church Property Trust Bill 2010

Thank you for the opportunity to comment on the Macedonian Orthodox Church Property Trust Bill 2010, which has been referred to the General Purpose Standing Committee No.3 for inquiry.

I have no objection in principle to the constitution of the Macedonian Orthodox Church Property Trust as a corporation to hold property on behalf of the Church. As the Bill relates to the vesting of certain real property held on behalf of the Church I have sought comment from the Registrar-General, who has made a number of observations in relation to the wording of the Bill.

The Registrar-General has queried the ability of the NSW Parliament to pass a law purporting to vest ownership of real property not situated within NSW. It is understood that there has been some controversy regarding the vesting of certain church property to the Trust and the Registrar-General is not aware of the ownership of the land outside of NSW that is purported to be vested by the Bill.

In relation to the vesting of NSW land owned by the Church, it is noted that section 21(1) purports to require the Registrar-General to register an instrument giving effect to a vesting when requested to do so by the Trust. The Registrar-General has advised that instruments can only be registered if they comply with the requirements of the Real Property Act. Among other things, the Real Property Act requires instruments to be lodged for registration accompanied by the relevant Certificate of Title and with payment of the relevant fee.

Yours faithfully

Tony Kelly MLC
Minister for Lands