

THE TRUSTEES ACT

(Replacing the Acts referred to in Section 1 of this Act)

No. 1, 1934

AN ACT

TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE APPOINTMENT RIGHTS POWERS AND DUTIES OF TRUSTEES.

Amended Act No. 1, 1965; No. 3, 1971; No. 2, 1982; No. 2, 1984; No. 1, 1989
No. 3, 1994; No. 9, 1995; No. 2, 1997; No. 4, 2003; No. 4, 2019
Affected by Act No. 8984, 1977 (Victorian Legislature)

BE it enacted by the Bishop the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Wangaratta duly met in Synod according to law as follows:-

1. The Acts mentioned in the Schedule hereto marked A shall be and the same are hereby repealed except as to any operation already effected by or act done under any enactment therein comprised or as to any right title or obligation or liability already acquired or accrued under any such enactment.

2. This Act may be cited as "The Trustees Act 1934-2003."

Its sections are arranged in parts as follows :-

Repeal

Part I. Appointment Rights Powers and Duties of Trustees
Part II. Repealed: No. 2, 1984
Part III. Repealed: No. 3, 1971
Part IV. }
Part V. } Repealed: No. 2, 1984
Part VI. }
Part VII. }

Short Title
Amendments:
No. 3, 1971
No. 2, 1984
No. 1, 1989
No. 3, 1994
No. 9, 1995
No. 2, 1997
No. 4, 2003

3. Repealed: No. 1, 1989

PART I

Appointment Rights Powers and Duties of Trustees

4. In pursuance of an Act of the Parliament of Victoria numbered DCCXC VII (Act 797) as amended by Acts numbered 10194 of 1985 and 56 of 2000:-

(1) The corporate body of trustees known as "The Church of England Trusts Corporation for the Diocese of Wangaratta" and constituted by Resolution of the Synod passed on the 18th day of August 1903 in accordance with the first above mentioned Act of Parliament shall be and remain a corporate body of Trustees for the purpose of holding property in trust for the benefit of the Anglican Church of Australia within the Diocese of Wangaratta and as provided by such resolution

Constitution of
Trusts Corporation
Amended:
No. 1, 1989
No. 9, 1995
No. 2, 1997
No. 4, 2003

shall consist of seven members of whom the Bishop of Wangaratta the Chancellor of the Diocese of Wangaratta and the Registrar of the Diocese of Wangaratta shall be three.

(2) The said trustees shall be known and designated as the Corporation Trustees and shall be incorporated under the name of "The Wangaratta Diocesan Trustees" (hereinafter referred to as "the said Corporation").

Affected by:
Act No. 8984, 1977
(Victorian
Legislature)

THE TRUSTEES ACT

- Inserted:
No. 2, 1997
Amended:
No. 4, 2003
Successors to
Members by right
of office
Amended:
No. 1, 1989
Appointment of
Additional Trustees
Amended:
No. 4, 2003
Appointed Trustees
– term of office
Amended:
No. 4, 2003
No. 4, 2019
Casual Vacancies
– How Filled
Inserted
No. 4, 2003
No. 4, 2019
Quorum and
Powers
Amended:
No. 2, 1997
No. 4, 2003
Custody of Official
Seal
Amended:
No. 4, 2003
Vacancies not to
invalidate
proceedings
Amended:
No. 2, 1997
No. 4, 2003
Dealing with
property
Amended:
No. 2, 1997
No. 4, 2003
- (3) The successor to each of The Bishop of Wangaratta the Chancellor of the Diocese of Wangaratta or the Registrar of the Diocese of Wangaratta as designated in the Sub-Section (1) hereof shall be his successor in office.
- (4) Corporation Trustees not being Trustees by right of office (Appointed Trustees) to be appointed in consequence of the increase of the members of the Trusts Corporation from five to seven shall be appointed by vote of the Synod on the recommendation of the Corporation Trustees.
- (5) Appointed Trustees shall hold office until they reach 75, death, resignation or removal from office by vote of the Synod on the recommendation of the Corporation Trustees.
- (6) When any Appointed Trustee reaches the age of 75, dies, resigns or is removed from office as aforesaid the Registrar shall report the death, resignation or removal from office to the synod at its next session, and thereupon a successor shall be appointed by vote of the Synod on the recommendation of the Corporation Trustees.
- (7) The said Corporation shall meet at least twice in each year at which meeting three Corporation Trustees shall form a quorum. The said Corporation shall have and may exercise all the powers, authorities and privileges conferred by Act 797, by this Act or by any Act now or hereafter in force. A copy of the minutes of each meeting shall be circulated to each member of the Bishop in Council within one month of the date of the meeting.
- (8) The common seal of the said Corporation shall be kept in safe custody by the Registrar of the Diocese and shall be affixed to documents needing to be impressed therewith in the presence of not less than three Corporation Trustees who shall verify the same with their signatures.
- (9) No proceeding of the said Corporation shall be invalidated or illegal in consequence of there being any vacancy in the number of Corporation Trustees at the time of such proceeding.
- (10) The said Corporation shall (subject to any Acts Rules and Regulations which may from time to time be made by this Synod) manage and deal with all property and securities for the time being vested in it (not being subject to express trusts) in such manner as the Bishop in Council may from time to time direct concerning the same subject nevertheless where the function of management of a trust has been committed either by the said Corporation or by the Bishop in Council to another person or persons or to a church committee the said Corporation in the proper discharge of its duties hereunder shall retain overall control of and responsibility for the trust.
- (11) The said Corporation shall keep and maintain in whatever fashion it may decide such registers and books of record it may determine which registers and books of record shall be preserved in the diocesan registry and available for inspection by the members of Synod in accordance with such rules as the Bishop in Council may prescribe.
- (12) The said Corporation may in its own discretion make such rules and regulations consistent with Act 797, this Act or any other Act, the more effectively to carry out the proper discharge of its duties hereunder.

THE TRUSTEES ACT

- Corporation Trustees to succeed existing Trustees Amended No. 4, 2003
- Trustees may convey to Corporation
- Corporation to hold legal estate but management to be according to Division of Part IX of the Parish Administration Act Amended: No. 3, 1994 No. 9, 1995 No. 2, 1997
- Legal estate in and custody of furniture Amendment: No. 9, 1995 No. 2, 1997
- Definition of furniture Amendment: No. 9, 1995
5. When any Trustee not being a Corporation Trustee of any existing site for Church Rectory or other Church purposes dies or vacates his office one of the Corporation Trustees appointed by the Bishop in Council shall as hereinafter provided become a Trustee in the place of such former Trustee and when Corporation Trustees only are Trustees of any such site no other Trustees thereof shall afterwards be appointed and such steps shall be taken as may be necessary to vest such site in the said Corporation the cost thereof to be defrayed out of the funds at the disposal of the Bishop in Council.
6. The present Trustees of any Church property may if they think fit convey such property to the said Corporation upon the original Trusts and such conveyance when it has been accepted by the said Corporation shall discharge such conveying Trustees from all subsequent duties in respect of such Trust.
7. The said Corporation shall hold the legal estate of such property as may be vested in it and preserve the same for the purposes set forth in the respective instruments of trust but the care of any Church or Rectory or other building used for Parochial purposes thereon and the management of the affairs thereof shall be exercised in accordance with the provisions of Division 5 of Part IX of the Parish Administration Act 1984 -1995 subject never-the-less to the observance of any express trusts affecting the management which shall be in force for the time being and the Trusteeship of such sites shall not confer or impose upon the said Corporation any right duty or obligation other than that of permitting the same to be used for the purposes of the Church Rectory or other buildings erected or which shall be erected thereon and all other rights duties and obligations of ownership shall belong to and rest upon those charged with the responsibility therefore in accordance with the provisions of Division 5 of Part IX of the said Parish Administration Act.
8. Notwithstanding anything to the contrary herein contained the furniture of every Church and the Church books muniments records and sacred vessels of every Parish and all other Parochial furniture shall be and be deemed to be vested in and be the property of the said Corporation. But the custody care and control of such furniture books muniments records and sacred vessels shall remain with the several parties charged therewith by Division 5 of Part IX of the said Parish Administration Act.
9. The term "furniture" used in Division 5 of Part IX of the said Parish Administration Act with reference to the furniture of a Church shall be deemed to include all articles used in connection with the performance of Divine Service or the administration of the Sacraments or for the decoration or adornment of the Church building.

PART II
(Repealed No. 2, 1984)

PART III
(Repealed No. 3, 1971)

PARTS IV, V, VI, and VII
(Repealed No. 2, 1984)

SCHEDULE A

THE TRUSTEES ACT

No. 1, 1906-"Trustees and Vestries Act 1906."
 No. 1, 1910-"Trustees and Vestries Act Amendment Act 1910."
 No. 2, 1914-"Trustees and Vestries Act Amendment Act 1914."
 No. 2, 1922-"Trustees and Vestries Act Amendment Act 1922."
 No. 2, 1928-"Trustees and Vestries Act Amendment Act 1928."

SCHEDULES B, C AND D
 (Repealed No. 2, 1984)

Passed: 22 August 1934
 Assented to: 30th August 1934

Act Amended by Act No. 1, 1965 Passed: 30th August 1965
 Assented to: 6th September 1965

Act Amended by Act No. 3, 1971 Passed: 2nd August 1971
 Assented to: 15th September 1984

Act Amended by Act No. 2, 1982 Passed: 18th September 1982
 Assented to: 18th September 1982

Act Amended by Act No. 2, 1984 Passed: 5th August 1984
 Assented to: 13th September 1984

Act Amended by Act No. 1, 1989 Passed: 9th September 1989
 Assented to: 14th September 1989

Act Amended by Act No. 3, 1994 Passed: 27th May 1994
 Assented to: 7th June 1994

Act Amended by Act No. 9, 1995 Passed: 1st September 1995
 Assented to: 4th October 1995

Act Amended by Act No. 2, 1997 Passed: 29th August 1997
 Assented to: 4th September 1997

Act Amended by Act No. 4, 2003 Passed: 31st May 2003
 Assented to: 13th June 2003

Act Amended by Act No 4, 2019 Passed: 31st August 2019
 Assented to: 31st August 2019