
THE SHARED USE OF CHURCH PROPERTY

No. 3, 2003

AN ACT
RELATING TO THE SHARED USE OF CHURCH PROPERTY AND FOR OTHER
PURPOSES

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:-

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| Short Title | 1. This Act may be cited as “The Shared Use of Church Property Act 2003”. |
| Commencement | 2. This Act comes into operation on the date on which it receives the assent of the Bishop. |
| Definitions | 3. In this Act –
“Church”, means a Church of another Christian tradition which holds the Apostolic Faith and includes a parish or congregation of, and an organisation recognised by, that Church.

“Trusts Corporation”, means the Wangaratta Diocesan Trustees”. |
| Approval of Scheme of Co-operation | 4. (1) The Bishop in Council may approve a scheme of co-operation between a parish or other body in the Diocese and another Church, subject to such terms and conditions as are specified in the scheme for the time being.

(2) An application for the approval of a scheme under this section may be made by a parish or any other body in the Diocese after consultation with the Bishop and, if the scheme involves the use of property held by the Trusts Corporation, the relevant territorial archdeacon.

(3) The Bishop in Council may from time to time add terms and conditions to, or alter or vary the terms and conditions of, a scheme of co-operation approved under this section. |

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Approval of Scheme
of Co-operation

5. (1) Subject to this section, if a scheme of co-operation approved under this Act provides for the use of specified real or personal property held by the Trusts Corporation, that property may be used, managed and administered under and in connection with that scheme in such manner and on such conditions as are specified in the scheme for the time being.
- (2) Nothing in sub-section (1) authorises the use, management or administration of any property in any manner referred to in a scheme of co-operation if the property is subject to an express trust that expressly forbids its use in that manner.
- (3) Sub-section (2) does not prevent the use of trust property in accordance with a scheme of co-operation if the property was merely directed to be held on trust for the worship or purposes of the Anglican Church of Australia in Victoria.

Existing
co-operative
arrangements

Nothing in this Act affects validity of any co-operative arrangement entered into with another Church of another denomination before the commencement of this Act and any such arrangement, unless varied after that commencement, continues to be as valid and effectual after that commencement as it was immediately before that commencement.

Passed : 31st May 2003
Assented to : 13th June 2003

(Editors Note: The power for a scheme of co-operation such as prescribed by this Act is contained in Section 12B of the Anglican Trusts Corporation Act 1884 by which Section, inter alia, the conditions for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of either or both of the trusts corporation and the co-operating church or congregation were enacted.)