

ANGLICAN CHURCH OF AUSTRALIA - DIOCESE OF TASMANIA

VARIATION OF TRUSTS ORDINANCE 2003

BE IT ENACTED by the Bishop, Clergy and Laity of the Anglican Church of Australia in Tasmania in Synod assembled, as follows:-

1. This Ordinance may be cited as the Variation Of Trusts Ordinance 2003.
2. The Diocesan Council is by this Ordinance, after receiving a request from a special general meeting of a parish or organisation, empowered and authorised to make a request by resolution to the Trustees of the Diocese to -
 - (a) declare by resolution any trusts, to which any property vested in the Church is for the time being subject, be varied if the Diocesan Council is of the opinion that it has become impossible or inexpedient to carry out or observe those trusts; and
 - (b) declare, by the same or a subsequent resolution other trusts for, or for the use, benefit or purpose of, the Church instead of the first mentioned trusts.
3. If the Trustees make a resolution referred to in Section 2, the trusts first mentioned in that Section, by force of that resolution, cease and determine that the property vested in those trusts is to be held in the other trusts accordingly.
4. Any property in respect of which other trusts are declared under this Ordinance is to be dealt with, for the same purposes, as nearly as practicable as the purposes for which the property was held in accordance with the trusts first mentioned in Section 2 unless the Trustees make a resolution declaring that, by reason of circumstances subsequent to the creation of these trusts, it is, in the opinion of the Trustees, impossible or inexpedient to deal with or apply that property or some part of it for the same or like purposes.
5. If the Trustees have made a resolution referred to in Section 4 the property may be dealt with and applied for the use or benefit of the Church for such purposes as are declared by resolution of the Trustees.
6. Diocesan Council shall report to each session of Synod, resolutions made in terms of this Ordinance.
7. This Ordinance will come into effect on a date to be determined by Diocesan Council.

Interpretation

8. In this Ordinance

“Trustees” means the Trustees of the Diocese of Tasmania as established by the Anglican Church of Australia Constitution Act 1973 (Tasmania)

"Church" means the Diocese of Tasmania as established and continued by the Anglican Church of Australia Constitution Act 1973 (Tasmania),

"Property" includes money.