

Investment of Church Trust Property Ordinance 1990

(Reprinted under the Interpretation Ordinance 1985.)

The Investment of Church Trust Property Ordinance 1990 as amended by the Investment of Church Trust Property Ordinance 1990 Amending Ordinance 1998, the Miscellaneous Amendments Ordinance 2001, Investment of Church Trust Property Amendment Ordinance 2006, and Investment of Church Trust Property 1990 Amendment Ordinance 2017.

Table of Provisions

Clause	
1.	Interpretation
2.	Commencement Date, Repeal and Transitional Provisions
3.	Application to Church Trust Property
4.	Application of Trustee Act
5.	Authorised Investments
6.	Additional Modes of Investment for Organisations Appointed by Synod
7.	Further Modes of Investment for Some Organisations or Corporations
8.	Modes of Investment Authorised by Instrument
9.	Prohibition on Other Modes of Investment
10.	Power of Sydney Diocesan Secretariat to Act as Agent
11.	References in Other Ordinances
12.	Name of Ordinance

Long Title

An Ordinance to make further provision for the investment of church trust property.

Preamble

Whereas it is expedient that existing provisions regulating the investment of church trust property be varied Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows -

Interpretation

1. In this Ordinance, unless inconsistent with the context or repugnant thereto -
 - (a) "authorised deposit-taking institution" means a body corporate which is authorised to carry on banking business in Australia under clause 9(3) of the Banking Act 1959.
 - (b) "Church Trust Property" means all or any part of any real and personal property which may for the time being be subject to any trust for or for the use, benefit or purposes of the Anglican Church of Australia in the Diocese of Sydney.
 - (c) "Trustee Act" means the Trustee Act 1925 or any Act amending or replacing the same.
 - (d) Words importing the singular number include the plural number and words importing any gender include all other genders.

Commencement Date, Repeal and Transitional Provisions

2. (1) This Ordinance shall take effect on and from 1 April 1990.
(2) The Investment of Church Trust Property Ordinance 1978 shall cease to apply at midnight on 31 March 1990.

(3) The provisions of this clause shall not require the realisation of any investment made pursuant to the Investment of Church Trust Property Ordinance 1978.

Application to Church Trust Property

3. The provisions of this Ordinance shall apply to every person who and corporation which holds Church Trust Property.

Application of Trustee Act

4. A person who or an organisation or corporation which holds Church Trust Property may not invest the same in any of the modes of investment authorised by the Trustee Act except to the extent that those modes of investment are authorised by this Ordinance.

Authorised Investments

5. A person who or an organisation or corporation which holds Church Trust Property may invest the same only in any one or more of the following investments -

- (a) deposit with an authorised deposit taking institution,
- (b) deposit or investment with Glebe Administration Board as trustee of –
 - (i) the Diocesan Endowment Trust, or
 - (ii) the Diocesan Cash Investment Fund,
- (c) purchase or other acquisition of any securities issued or guaranteed by –
 - (i) the Government of the Commonwealth of Australia, or
 - (ii) the Government of any State of the Commonwealth of Australia,
- (d) the acquisition of any bill of exchange which -
 - (i) at the time of acquisition has a maturity date of not more than 200 days, and
 - (ii) if purchased for value confers on the holder a right of recourse against a bank as the acceptor or endorser of the bill for an amount equal to the face value of the bill,
- (e) units in any managed investment scheme -
 - (i) which is registered under the Corporations Act 2001, and
 - (ii) for which there is a disclosure document lodged with the Australian Securities and Investments Commission under the Corporations Act 2001, and
 - (iii) for which the responsible entity is an authorised deposit-taking institution or a related body corporate of an authorised deposit-taking institution,

except where the scheme conducts as its main business or one of its main businesses a business which the Synod or the Standing Committee has by resolution declared to be a disapproved business or the scheme mainly invests in the securities of a corporation or scheme which conducts such a business as its main business or one of its main businesses.

Additional Modes of Investment for Organisations Appointed by Synod

6. An organisation any one or more of whose members are elected or appointed by the Synod or a corporation which holds Church Trust Property may lend the same if -

- (a) the loan is secured by mortgage of land in New South Wales;
- (b) the mortgage is a registered first mortgage;
- (c) the term of the loan secured thereby does not exceed twenty years; and
- (d) the amount of the loan does not exceed 70% of the value of the mortgaged land when the loan was made.

Further Modes of Investment for Some Organisations or Corporations

7. An organisation or corporation constituted by ordinance or Act of Parliament may, in addition, invest Church Trust Property held by it in such other modes of investment as may be authorised by that or any other ordinance or Act.

Modes of Investment Authorised by Trust Instrument

8. Any Church Trust Property held upon the trusts set forth in any instrument may be invested in such other modes of investment as may be authorised by that instrument.

Prohibition on Other Modes of Investment

9. No Church Trust Property shall be invested in any mode not authorised by clauses 5, 6, 7 and 8.

Power of Sydney Diocesan Secretariat to Act as Agent

10. A trustee of Church Trust Property and any person organisation or corporation having the management or control of Church Trust Property may employ Sydney Diocesan Secretariat as his or its agent - if Sydney Diocesan Secretariat is willing to so act.

Reference in Other Ordinances

11. (1) A reference in an ordinance to the "Investment of Church Trust Property Ordinance 1978" (or to an ordinance repealed by that ordinance) shall be read or construed or taken to be or deemed to be or otherwise treated as a reference to the Investment of Church Trust Property Ordinance 1990.

(2) The Diocesan Secretary may, in reprinting an ordinance in which the first mentioned reference occurs, make such amendments to the ordinance as -

- (a) will result in the omission from the ordinance of the first mentioned reference and, unless inappropriate, the substitution therefor of the second mentioned reference; and
- (b) are incidental to or consequential on the omission or substitution or both.

Name of Ordinance

12. This ordinance is the Investment of Church Trust Property Ordinance 1990.

Notes

1. On 25 September 2006 the Standing Committee declared the following businesses to be disapproved businesses for the purposes of clause 5(k) -

- (a) the manufacture, promotion, distribution or sale of armaments,
- (b) a business which is illegal or immoral,
- (c) the manufacture, promotion, distribution or sale of tobacco,
- (d) the business of gambling or betting or directly connected therewith,
- (e) the manufacture, promotion, distribution or sale of liquor,
- (f) production, sale or distribution of 'X' or 'R' rated video or digital images, videos or films.

Table of Amendments

Clause 1	Amended by Ordinance No 32, 2001.
Clause 5	Amended by Ordinances Nos 9, 1998, 32, 2001, 31, 2006, and 7, 2017.
Clause 12	Amended by Ordinance No 32, 2001.

STEVE LUCAS
Legal Officer

28 March 2017

MARTIN THEARLE
Manager, Diocesan Finance