

LEGISLATIVE COUNCIL

Read 1° 22 October 1985

(Brought in by the Honourable J. H. Kennan)

A BILL

to amend the *Uniting Church in Australia Act 1977* and for other purposes.

Uniting Church in Australia (Trust Property) Act 1985

The Parliament of Victoria enacts as follows:

WHEREAS by the *Uniting Church in Australia Act 1977*, there was established The Uniting Church in Australia Property Trust (Victoria) to hold as trustee certain properties of the church:

- 5 And Whereas the Victorian Synod of The Uniting Church in Australia has proposed that the powers of The Uniting Church in Australia Property Trust (Victoria) be widened to enable the Trust to borrow moneys, give security for the repayment of loans and to act as trustee of trusts which are closely associated with the Church:
- 10 And Whereas the trustees for the time being of property in Barkers Road, Kew used as a site for the Methodist Ladies College were uncertain as to their powers under a deed dated 17 January 1882 to sell or mortgage that property and wished to borrow moneys to improve the property:
- 15 And Whereas it was agreed between the trustees mentioned in the third recital and The Uniting Church in Australia Property Trust (Victoria)

that the Trust would facilitate the borrowing of moneys by the trustees and the property used as the site for the Methodist Ladies College would be vested in the Trust:

And Whereas it is expedient to give effect to this agreement by legislation— 5

The Parliament of Victoria therefore enacts as follows:

Purpose.

1. The purpose of this Act is to amend the *Uniting Church in Australia Act 1977*—

- (a) to enable The Uniting Church in Australia Property Trust (Victoria) to borrow moneys, give security for the repayment of moneys and act as trustee of certain trusts associated with the Uniting Church in Australia; and 10
- (b) to vest in The Uniting Church in Australia Property Trust (Victoria) property used as the site for the Methodist Ladies College. 15

Commencement.

2. This Act comes into operation on the day on which it receives the Royal Assent.

Principal Act. 20

No. 9021 3. In this Act the *Uniting Church in Australia Act 1977* is called the Principal Act.

Trust may act as trustee of certain property.

4. In section 29 (1) of the Principal Act in paragraph (b) for the expression commencing “and the Trust” and ending at the end of the paragraph substitute “and— 25
- (i) the trust was created wholly or partly for the benefit of the Church or any of the Uniting Churches; or
 - (ii) the purpose or one of the purposes for which the trust was created relates to the Church or any of the Uniting Churches.”. 30

New section 29A and 29B inserted.

5. After section 29 of the Principal Act insert:

Borrowings.

“29A. (1) Subject to any express trust and to any regulations of the Assembly, the Trust may, for the benefit of the Church or for the purposes of the religious, social, educational or charitable work of the Church— 35

- (a) borrow moneys, receive moneys on loan or deposit or otherwise obtain financial accommodation in such manner and on such conditions as seem appropriate; and
- 5 (b) give security for the repayment of moneys borrowed, received or obtained by mortgaging, charging or otherwise encumbering trust property; and
- (c) guarantee the payment of moneys borrowed by an organization or institution which forms part of, or is connected, with the church.
- 10 (2) The Trust is deemed always to have had the powers conferred on it by sub-section (1).”.

Methodist Ladies’ College property to vest in Trust.

“29B. (1) The property in Barkers Road, Kew described in the Schedule and used as a site for the Methodist Ladies’ College—

- 15 (a) is divested from the trustees appointed under the deed dated 17 January 1882 executed by the Reverend George Daniel and others and is discharged from the trusts and provisions of that deed; and
- 20 (b) is, to the extent that it was vested in the trustees mentioned in paragraph (a), vested in the Trust, without any further act or instrument.

(2) The Trust holds the property vested in it by sub-section (1) as bare trustee and must, if directed to do so by resolution of the directors of the Methodist Ladies’ College, a company limited by guarantee (in this section called “the company”) transfer that property to the company.

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(3) The property vested in the Trust by sub-section (1) is to be managed by the company.

(4) With the approval of the directors of the company and in accordance with the terms of any agreement entered into between the company and the Trust, the Trust may for the purposes of the company—

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- (a) dispose of, deal with, charge or encumber the property vested in it by this section; or
- 35 (b) acquire property; or
- (c) borrow moneys or obtain financial accommodation.

(5) Subject to this section, the property vested in the Trust by sub-section (1) is to be held in accordance with this Act.”.

Uniting Church in Australia Act 1977 to apply to Methodist Ladies' College.

6. In section 5 (2) of the Principal Act paragraph (a) is repealed.

SCHEDULE

<i>Property</i>	<i>Certificate of Title</i>
M.L.C. College Campus	Volume 9411 Folio 577
Lot 1, Barkers Road (Playground)	Volume 1993 Folio 467
Lot 2, Barkers Road (Playground)	Volume 6529 Folio 643
Lot 3, Barkers Road, (Inc. 17' strip)	Volume 4547 Folio 231
21'3" Strip	Volume 3108 Folio 503
24' Strip	Volume 3121 Folio 187
247 Barkers Road	Volume 9411 Folio 577
Caretaker's Cottage—Cnr. Rossfield and Barkers Road	Volume 6539 Folio 718
2 Lofts Place	Volume 9405 Folio 677
Closure Lofts Place	Volume 9545 Folio 900
4 Lofts Ave. Ex Burn	Volume 8041 Folio 033

