

No. 2 of 2002

Serial No. 192

Reprinted as at 1 March 2023 incorporating amendments up to No. 1/2022²

Shared Use of Church Property Act 2002

AN ACT

relating to the shared use of church property and for other purposes.

BE IT ENACTED by the Archbishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Melbourne in Victoria duly met in Synod according to law as follows:

1 Short title

This Act may be cited as the **Shared Use of Church Property Act 2002**.

2 Commencement

This Act comes into operation on the date on which it receives the assent of the Archbishop.

s 3 am 1/2016

3 Definitions

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.

s 4 am Acts nos 1/2016, 1/2022

4 Approval of scheme of co-operation

(1) The Archbishop 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

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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 assistant bishop and, if the scheme involves the use of property held by the Trusts Corporation, the relevant territorial archdeacon.
- (3) The Archbishop 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.

5 Shared use of property

- (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.

6 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.

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NOTES

¹The **Shared Use of Church Property Act 2002** was passed on 5 October 2002 and was assented to and came into operation on 21 November 2002.

²This reprint adopts the formatting required by s 22 of the **Interpretation of Diocesan Legislation Act 2016** and incorporates the amendments made to the **Shared Use of Church Property Act 2002** by the following Act:

Name	No.	Date of Assent	Date of Commencement
<i>Interpretation of Diocesan Legislation Act 2016</i>	1/2016	15 December 2016	15 December 2016
<i>Clergy Act 2022</i>	1/2022	18 October 2022	1 March 2023