

NORFOLK



ISLAND

CHURCH OF ENGLAND LAND ACT 1970

Act No. 5 of 1970

To amend the *Church of England Land Act 1937-1942*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Act under the *Norfolk Island Act 1957-1969*.

Dated 8 August 1970.

Paul Hasluck
Governor-General

By His Excellency's Command,
C.E. Barnes
Minister of State for External Territories

Short title and citation

1. (1) This Act may be cited as the *Church of England Land Act 1970*.
- (2) The *Church of England Land Act 1937-1942* is in this Act referred to as the Principal Act.
- (3) The Principal Act, as amended by this Act, may be cited as the *Church of England Land Act 1937-1970*.

Commencement

2. This Act shall come into operation on a date to be fixed by the Administrator by notice published in the Gazette.

Definitions

3. Section 1A of the Principal Act is amended by inserting before the definition of "the Archbishop" the following definition —
“ ‘member’ means a member of the Trust other than the Archbishop;”.

Repeal and substitution

4. Section 1B of the Principal Act is repealed and the following sections inserted in its stead —

Constitution of Trust

“ **1B. (1)** Notwithstanding the repeal of section 1B of the *Church of England Land Act 1937-1942* effected by section 4 of the *Church of England Land Act 1970*, the body corporate established by section 1B of the *Church of England Land Act 1937-1942* under the name Church of England Property Trust —

- (a) is preserved and continues in existence as a body corporate with perpetual succession under and subject to the provisions of this Act under that name but so that the corporate identity of the body corporate shall not be affected;
- (b) shall have a seal;
- (c) is capable of suing and being sued; and
- (d) shall be constituted as provided in the next succeeding subsection.

(2) The Trust consists of —

- (a) The Archbishop;
- (b) one member, being a male person who —
 - (i) is, when appointed, a person ordinarily resident in Norfolk Island; and
 - (ii) is a lineal descendant of a person who was an original settler in Norfolk Island, being a settler generally referred to as a Pitcairner,

appointed for the purpose of this paragraph;

- (c) one member, being a person who is, when appointed, a person ordinarily resident in Norfolk Island, appointed for the purpose of this paragraph; and
- (d) one other member.

(3) The members of the Trust shall be appointed by the Archbishop.

(4) A member may resign his office by writing under his hand delivered to the Archbishop.

(5) A resignation under the last preceding subsection does not have effect until accepted by the Archbishop.

(6) Where a member appointed for the purpose of paragraph (b) or (c) of subsection (2) of this section is absent from Norfolk Island for a continuous period of more than six months, the Archbishop may, by writing under his hand delivered to the member, remove the member from office.

(7) The Archbishop may, by writing under his hand delivered to a member, remove the member from office if the Archbishop is of the opinion that the

member is unfit to remain a member by reason of misconduct or negligence in the discharge of his duties as a member or because of his incapacity.

(8) Where the Archbishop appoints a person to be a member, accepts the resignation of a member or removes a member from office, the Archbishop shall forthwith notify the Administrator accordingly.

(9) Where the office of a member becomes vacant, the Archbishop shall, as soon as practicable after the office becomes vacant, appoint a person to be a member in place of that first-mentioned member.

(10) The exercise of a power or the performance of a function by the Trust is not invalidated —

- (a) by reason only of there being a vacancy or vacancies in the membership of the Trust; or
- (b) by reason only of a defect or irregularity in connection with the appointment of a member.

Proceedings of Trust

1C. (1) Except when otherwise directed by the Archbishop, a meeting of the Trust is not required to decide a question before the Trust, and the members may separately consider, and make their respective decisions on, the question.

(2) The decision of a majority of the members shall be taken to be the decision of the Trust.

(3) If the members are equally divided on a question, the decision of the Archbishop shall be taken to be the decision of the Trust.

(4) In this section, ‘member’ includes the Archbishop.”.

Saving

5. A resident of Norfolk Island who immediately before the commencement of this Act held office as Trustee of the body corporate preserved and continued by paragraph (a) of subsection (1) of section 1B of the Principal Act, as amended by this Act, continues in office as if he had been appointed the member for the purpose of paragraph (b) of subsection (2) of that section.

Notified in the Norfolk Island Government Gazette on 13 August 1970.

Commenced 8 October 1970, a date fixed by the Administrator by notice published in the Gazette. (See Gazette No. 44, 8 October 1970.)

This enactment amends Act No. 8 of 1937 as amended by No. 1 of 1942.

Printed on the authority of the Administrator

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