



Western Australia

Freemasons' Property Act 1956

Reprint 2: The Act as at 15 January 2016

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 15 January 2016

Western Australia

Freemasons' Property Act 1956

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Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
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Freemasons' Property Act 1956

An Act to enable the trustees of certain respective bodies of Freemasons to acquire, hold, dispose of, and deal with, property on behalf of the respective bodies.

1. Short title

This Act may be cited as the *Freemasons' Property Act 1956*¹.

2. Terms used

In this Act unless the context requires otherwise —

Constituent Lodge means a Lodge of Antient, Free and Accepted Masons, constituted, whether before or after the coming into operation of this Act, under the authority of, and owing allegiance to, Grand Lodge;

Grand Lodge means the body known as The Grand Lodge of Western Australia of Antient, Free and Accepted Masons;

Lodge means Grand Lodge, or, as the case requires, a Constituent Lodge;

personal property means property other than real property;

property means real and personal property of any kind;

real property means land and estates in land;

registration authority means an authority authorised by law to record transactions affecting, or relating to, property;

Trustee means a person appointed to, and occupying at any material time, the office of Trustee of a Lodge, in accordance with the constitution of the Lodge.

3. Adoption of this Act by Lodges

- (1) Where a Lodge passes, in accordance with the constitution of the Lodge, a resolution adopting this Act —
- (a) the Trustees of the Lodge are, by force of the passing of the resolution, and without the necessity of any other instrument or formality of incorporation, constituted a body corporate —
 - (i) by such corporate name as is specified in the resolution; and
 - (ii) with perpetual succession; and
 - (iii) with a common seal in such form, and to be kept in such custody, as is specified in the resolution; and
 - (iv) with power, in the corporate name, to acquire, hold, dispose of, and otherwise deal with the property, and any estate or interest in the property, of the Lodge, whether by transfer, conveyance, lease, letting, license, mortgage, assignment, bailment, pledge, bill of sale, or otherwise howsoever, and to sue and be sued, settle or compromise claims and disputes, and enter into submissions to arbitration, in respect of the property; and
 - (v) with power to authenticate on behalf of the body corporate any document by the affixing of the common seal to the document, and by the attestation by at least 2 of the Trustees that it was so affixed in their presence;

and

- (b) property acquired by or on behalf of the Lodge, whether before or after the coming into operation of this Act, and however acquired, whether by purchase, exchange, gift, devise, bequest, or otherwise, is by force of the passing of the resolution adopting this Act, and without the necessity of any transfer, conveyance, or assignment, or other formality, vested in the body corporate, upon such trusts, and for such purposes, and subject to such conditions, as are, from time to time created, prescribed, or imposed, under the constitution of the Lodge, but the vesting so effected does not affect any trust, encumbrance, or other interest, to which the property so vested is subject.
- (2) Where a body corporate constituted by a resolution so passed by a Lodge, makes application to a registration authority to record any vesting effected pursuant to subsection (1) —
- (a) if the application purports to be authenticated in accordance with the provisions of subsection (1)(a)(v), and is in such form and accompanied by such evidence as the registration authority, having regard to any duty imposed upon him by law, approves and is hereby authorised to approve; and
 - (b) if the fees prescribed by law are paid to the registration authority; and
 - (c) if the registration authority is authorised by law to do so;
- the registration authority shall record the vesting in accordance with the authorisation conferred upon him by law, but the express reference in this subsection to the specific power in particular to record the vesting, does not by implication exclude or prejudice the exercise by a registration authority of any power in general conferred by law to record any other transaction affecting, or relating to property of a Lodge.
- (3) A certificate purporting to be signed respectively by the persons for the time being purporting to occupy, or to act in, the

respective offices of Master and Secretary of a Lodge, and stating —

- (a) that the Lodge has passed, in accordance with the constitution of the Lodge a resolution adopting this Act; and
- (b) the name of the body corporate referred to in subsection (1)(a)(i); and
- (c) that a document referred to and identified in the certificate has been authenticated by the body corporate in the manner referred to in subsection (1)(a)(v); and
- (d) that the respective signatures on the certificate are those of the respective persons occupying, or acting in, the respective offices of Master, and Secretary, of the Lodge;

is prima facie evidence of any of the matters so stated, and may be accepted and acted upon as such by any person or authority exercising any power, jurisdiction, or function, according to law.

- (4) A person proposing a transaction with a body corporate so constituted by a resolution so passed by a Lodge, is not required to ascertain if the transaction proposed would, if carried into effect, constitute a breach of trust, or as to the application of any consideration passing to the body corporate in connection with the transaction.

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Notes

- ¹ This reprint is a compilation as at 15 January 2016 of the *Freemasons' Property Act 1956*. The following table contains information about that Act. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Freemasons' Property Act 1956</i>	53 of 1956 (5 Eliz. II No. 53)	27 Dec 1956	27 Dec 1956
Reprint of the <i>Freemasons' Property Act 1956</i> as at 25 Feb 2000			
Reprint 2: The <i>Freemasons' Property Act 1956</i> as at 15 Jan 2016			

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Constituent Lodge	2
Grand Lodge	2
Lodge	2
personal property	2
property	2
real property	2
registration authority	2
Trustee	2