

Western Australia

**Anglican Church of Australia (Diocese of North  
West Australia) Act 1961**

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## **Anglican Church of Australia (Diocese of North West Australia) Act 1961**

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## **Anglican Church of Australia (Diocese of North West Australia) Act 1961**

**An Act relating to the Northern Diocese of the Anglican Church of Australia in the State; to provide for the vesting of certain lands in The Trustees of the Northern Diocese and for incidental and other purposes.**

*[Long title amended by No. 121 of 1976 s. 7]*

### **1. Short title**

This Act may be cited as the *Anglican Church of Australia (Diocese of North West Australia) Act 1961*<sup>1,2</sup>.

*[Section 1 amended by No. 14 of 1962 s. 1(3); No. 121 of 1976 s. 7.]*

### **2. Interpretation**

In this Act —

“**Northern Diocese**” means the Diocese as constituted by the *Northern Diocese Statute 1907*, of the Synod of the Diocese of Perth and if that Diocese is duly renamed or amended, includes that Diocese as so renamed or amended from time to time;

“**Synod**” means the Synod of the Northern Diocese.

*[Section 2 amended by No. 14 of 1962 s. 2.]*

### **3. Northern Diocese lands and boundaries**

- (1) Unless and until the Synod resolves otherwise —

**s. 4**

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- (a) the land described in the Schedule shall be deemed to be within the boundaries of and part of the Northern Diocese and shall, by force of this section, vest in The Trustees of the Northern Diocese when elected in accordance with the provisions of section 5 of the *Church of England Diocesan Trustees and Lands Act 1918*<sup>3</sup>, without the necessity for any conveyance, transfer or other assurance of that property;
  - (b) the boundaries of the Northern Diocese as they exist from time to time shall be shown on a map or plan of which one copy shall be lodged by the Bishop of the Northern Diocese with the Bishop of Perth and a copy thereof shall be retained by the Bishop of the Northern Diocese and each copy when certified under the hands of those Bishops in conclusive evidence of the boundaries of the Northern Diocese as at the date of such certification.
- (2) Notwithstanding any Statute of the Diocese of Perth the first Synod of the Northern Diocese shall consist of the Bishop of that Northern Diocese together with such clergymen as are licensed by that Bishop and one layman of the Church of England<sup>4</sup> elected by each parish or mission district of the Northern Diocese.

**4. Registrar of Titles and Registrar of Deeds to register Trustees as owners of land**

Where any land vested in The Trustees of the Northern Diocese under section 3 consists of land —

- (a) registered under the *Transfer of Land Act 1893*, the Registrar of Titles, upon application made to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the necessary fees, shall give effect to such vesting by registering The Trustees as the proprietors of the land as vested;

- (b) that is not under the *Transfer of Land Act 1893*, the Registrar of Deeds, upon application made to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the necessary fees, shall give effect to such vesting by registering a memorial registering The Trustees as the owners of the land so vested.

**5. Change of name of corporation to The Trustees of the Diocese of North West Australia**

- (1) On the coming into operation of the *Church of England (Northern Diocese) Act Amendment Act 1962*<sup>1</sup>, the corporation constituted pursuant to section 5 of the *Church of England Diocesan Trustees and Lands Act 1918*<sup>3</sup>, under the name and style of “The Trustees of the Northern Diocese” is preserved and continues in existence as a corporation under the name and style of “The Trustees of the Diocese of North West Australia”, but so that the corporate identity of the corporation and its rights, powers, liabilities and duties shall not be affected.

- (2) A reference —
  - (a) in a law of the State; and
  - (b) in any document,

in force immediately before the coming into operation of the *Church of England (Northern Diocese) Act Amendment Act 1962*, to The Trustees of the Northern Diocese shall be read as a reference to The Trustees of the Diocese of North West Australia.

- (3) The corporate name of “The Trustees of the Diocese of North West Australia” shall be registered and noted, free of charge, in substitution for the corporate name “The Trustees of the Northern Diocese”, on each certificate of title and other registered document that is in force and relates to or affects land in the name of the corporation and which is registered in the

**s. 5**

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Office of Titles, the office of the Registrar of Deeds or the Department of Lands and Surveys<sup>5</sup>.

*[Section 5 inserted by No. 14 of 1962 s. 3.]*



Schedule

Section 3

<b>BAMBOO:</b>
Town Lots 37 and 38, Registered Volume XCIX Folio 106.
<b>BLUFF POINT:</b>
Portion Victoria Location 354 Lot 1, on Plan 6373, Registered Volume 1164 Folio 370.
Portion Victoria Location 354 Lot 2, on Plan 6373, Registered Volume 1220 Folio 565.
Geraldton Lot 1253, Crown Lease 222/1955.
<b>BROOME:</b>
Town Lot 148, Registered Volume 273 Folio 163.
<b>CARNARVON:</b>
Part of Town Lot 178 and part of Town Lot 179, Registered Volume 1134 Folio 472.
Town Lot 173, Registered Volume 352 Folio 47.
<b>COSSACK (Roebourne):</b>
Town Lot 160, Registered Volume XXXIII Folio 39.
Town Lot 424, Registered Volume CCLXVII Folio 54.
<b>DERBY:</b>
Town Lot 19, Registered Volume XXXIII Folio 346.
Town Lot 20, Registered Volume XXXIII Folio 347.
Town Lot 21, Registered Volume XXXIII Folio 348.
<b>DENHAM (Shark Bay):</b>
Lot 71, the subject of Land Act Lease 333/624.
<b>GERALDTON:</b>
Town Lot 918, the subject of Crown Lease 245/1942.
Town Lot 1199, the subject of Crown Lease 1478/1936.
Town Lot 60, Registered Volume 314 Folio 199.
Town Lot 297, Enrolled Number 4417.
Town Lot 298 and Town Lot 299, Enrolled Number 4431.
Part Town Lot 360, Lot 2, Registered Volume CLVI Folio 192.

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Part Town Lot 360, Registered Volume CLVI Folio 156.
Part Victoria Location 873, Book XI Folio 934 and Volume XXVII Folio 98.
Part Victoria Location 72, Lot 168 and 189, Registered Volume 97 Folio 19.
Town Lot 600 and part 597 together being Lot 5, on Diagram 26601, Registered Volume 1250 Folio 55.
<b>GREENOUGH:</b>
Victoria Location 902, Registered Volume 9 Folio 241.
Victoria Location 898, Registered Volume 11 Folio 144.
Victoria Location 5806, Registered Volume 635 Folio 54.
Victoria Location 5807, Registered Volume 635 Folio 55.
Victoria Location 5808, Registered Volume 635 Folio 56.
Victoria Location 2813, Registered Volume 810 Folio 29.
Victoria Location 2633, Registered Volume 806 Folio 75.
Victoria Location 10358, Registered Volume 1189 Folio 436.
Victoria Location 174, Book 7 Folio 1525.
Victoria Location 224, Registered Volume XCV Folio 83.
Victoria Location 1454, Registered Volume CXX Folio 80.
Victoria Location 1450, Registered Volume XXXIII Folio 309.
Portion of Victoria Location 1010, Registered Volume CCXL Folio 7.
Victoria Location 703, Registered Volume II Folio 315.
Victoria Location 6286, Registered Volume 605 Folio 148.
<b>MARBLE BAR:</b>
Town Lot 31, Registered Volume XCV Folio 105 (balance Certificate to issue).
<b>MOONYOONOOKA:</b>
Victoria Location 2188, Registered Volume CX Folio 123.
<b>MULLEWA:</b>
Portion Victoria Location 2029,
Section A, Lot 19;
Section C, Lots 3, 4, 9, 10, 11, 12, 13;

Section D, Lots 14, 15, 16, 17 and 18, Registered Volume 1237 Folio 439.
Portion Victoria Location 1675, Lots 7 and 8, on Plan 950, Registered Volume 1151 Folio 375.
Portion Victoria Location 2029, Lot 2, on Diagram 9072, Registered Volume 1217 Folio 94.
Victoria Location 8014, Registered Volume 905 Folio 86.
Portion Victoria Location 903, Lot 23, Registered Volume 773 Folio 107.
<b>NABAWA:</b>
Portion Victoria Location 2635, Registered Volume 1082 Folio 354.
Portion Victoria Location 893, Lot 4, on Diagram 23181, Registered Volume 1214 Folio 423.
Portion Victoria Location 629, Book XVII Folio 510.
<b>NANSON:</b>
Lot 53, the subject of Land Act Lease 333/566.
<b>NARALING:</b>
Lot 26, the subject of Crown Lease 1319/1939.
<b>NORTHAMPTON:</b>
Town Lot 40, Registered Volume 1222 Folio 540.
Town Lot 41, Registered Volume CCIX Folio 70.
Portion Town Lot 48, Enrolled Number 4427.
Town Lot 152, Registered Volume 1080 Folio 266.
Town Lots 390, 395, Registered Volume 1229 Folio 205.
<b>ONSLOW:</b>
Town Lot 44, Registered Volume XXXIII Folio 333.
Town Lot 50, Registered Volume XXXIII Folio 334.
<b>PORT HEDLAND:</b>
Town Lot 37, Registered Volume CXIX Folio 165.
Part Town Lot 71, Registered Volume 732 Folio 86.
Town Lot 183, Registered Volume 1229 Folio 344.
<b>ROEBOURNE:</b>

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Town Lot 112, Registered Volume CXCVII Folio 190.
Town Lot 152, Registered Volume XXXV Folio 14.
Town Lot 153, Registered Volume XXXV Folio 15.
Town Lot 154, Registered Volume XXXV Folio 16.
Town Lot 155, Registered Volume XXXV Folio 17.
Town Lot 156, Registered Volume XXXV Folio 18.
Part Suburban Lot 16, Registered Volume 1093 Folio 705.
<b>WAGGRAKINE:</b>
Victoria Location 1455, Enrolled Number 4063.
<b>WITTENOOM GORGE:</b>
Lot 15, Registered Volume 1222 Folio 617.
<b>WONTHELLA:</b>
Victoria Location 1956, Lots 373, 374, 434 and 435, Registered Volume 939 Folio 43.
<b>YALGOO:</b>
Lot 124, Registered Volume 1065 Folio 696.

### Notes

- <sup>1</sup> This is a compilation of the *Anglican Church of Australia (Diocese of North West Australia) Act 1961* and includes the amendments made by the other written laws referred to in the following table <sup>1a, 6</sup>.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Church of England (Northern Diocese) Act 1961</i> <sup>2</sup>	12 of 1961	20 Oct 1961	20 Oct 1961
<i>Church of England (Northern Diocese) Act Amendment Act 1962</i>	14 of 1962	1 Oct 1962	1 Oct 1962
<i>Anglican Church of Australia Act 1976 s. 7</i>	121 of 1976	1 Dec 1976	24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441)

### Reprint of the *Anglican Church of Australia (Diocese of North West Australia) Act 1961 as at 3 May 2002* (includes amendments listed above)

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

### Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Land Information Authority Act 2006 s. 122</i> <sup>7</sup>	60 of 2006	16 Nov 2006	To be proclaimed (see s. 2(1))

- <sup>2</sup> Formerly the *Church of England (Northern Diocese) Act 1961*, the short title of which was changed to the *Church of England (Diocese of North West Australia) Act 1961* by No. 14 of 1962 s. 1(3). The short title was changed again to the *Anglican Church of Australia (Diocese of North West Australia) Act 1961* by No. 121 of 1976 s. 7.
- <sup>3</sup> The short title of the *Church of England Diocesan Trustees and Lands Act 1918* was changed to *Anglican Church of Australia Diocesan Trustees and Lands Act 1918* by No. 121 of 1976 s. 7. This reference has not been changed due to its context.
- <sup>4</sup> The name of the “Church of England” was changed to the “Anglican Church in Australia” by No. 121 of 1976 s. 7. This reference has not been changed due to its context.

<sup>5</sup> Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Lands and Surveys is called the Department of Land Administration.

<sup>6</sup> Other relevant Acts are:

*Hale School Act 1876*

*Perth Anglican Church of Australia Collegiate School Act 1885*

*Anglican Church of Australia (Diocesan Trustees) Act 1888*

*Anglican Church of Australia Lands Vesting Act 1892*

*Anglican Church of Australia School Lands Act 1896*

*Anglican Church of Australia Lands Act 1914*

*Anglican Church of Australia Diocesan Trustees and Lands Act 1918*

*Anglican Church of Australia (Swanleigh land and endowments) Act 1979*

<sup>7</sup> On the date as at which this compilation was prepared, the *Land Information Authority Act 2006* s. 122 had not come into operation. They read as follows:

“

**122. Anglican Church of Australia (Diocese of North West Australia) Act 1961 amended**

- (1) The amendments in this section are to the *Anglican Church of Australia (Diocese of North West Australia) Act 1961*.
- (2) Section 5(3) is amended by deleting “in the Office of Titles, the office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the *Registration of Deeds Act 1856*

”  
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