



Western Australia

Anglican Church of Australia Lands Vesting Act 1892

Compare between:

[03 May 2002, 01-a0-11] and [08 May 2015, 02-a0-02]



Western Australia

[Reprinted under the
Reprints Act 1984 as
at 8 May 2015](#)

Anglican Church of Australia Lands Vesting Act 1892

**An Act to vest in “The Perth Diocesan Trustees”² Perth Building
Lots Nos. 1 and 2, Section E, and to empower the said Trustees to sell
the said lands, and for other purposes.**

[Long title amended ~~by~~ No. 34 of 1918 s. 11.]

Preamble³

Whereas by a certain Indenture of Conveyance, bearing date
10 ~~May~~ 1872 and made between Joseph Hardey of Perth in the Colony
of Western Australia Gentleman and George Johnson of Guildford in the
said Colony Gentleman of the first part, John Crane of Perth aforesaid
Yeoman of the second part, and the Right Reverend Matthew Blagden
Hale Doctor of Divinity Lord Bishop of Perth aforesaid of the third part,
All those several pieces or parcels of land hereditaments and premises
marked and known in the maps and books of the Survey Office as
“Building Lot No. 1 Section E” and “Building Lot No. 2 Section E” with
the appurtenances thereto respectively were granted unto and to the use
of the said Lord Bishop of Perth and his successors Bishops of Perth for
ever free from encumbrances to the end nevertheless that the said parcels
of land hereditaments and premises might be used for the purposes of an
Orphanage for male and female children and called “The Perth Protestant
Orphanage” and subject to such Rules and Regulations as might from
time to time be in force with reference to the said Orphanage and for no
other use intent or purpose whatsoever; And whereas by virtue of the
Acts of the Legislative Council of this Colony 38 Victoria No. 18
(now repealed) and 52 Victoria No. 2³⁴ all lands or other property vested

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at the time of the passing of the first mentioned Act in the said Right Reverend Matthew Blagden Hale as Trustee for the Church of England in Western Australia are now vested in the Diocesan Trustees of the Church of England in Western Australia⁴⁵; And whereas it is desirable that the said lands hereinbefore particularly mentioned should also be vested in the said Diocesan Trustees upon and subject to the same trusts and uses as the said Matthew Blagden Hale held the said lands but subject also to the provisions of this Act; And whereas the Committee of Management of the said Orphanage are desirous of selling the said lands and of employing the proceeds of such sale in the purchase of other lands more suitable for the purposes of the said Orphanage and in the erection of new buildings thereon:

Be it therefor enacted: —

1. Lands vested in Trustees

Subject to the provisions of this Act the said Perth Building Lot No. 1 Section E and Perth Building Lot No. 2 Section E together with all buildings thereon and all rights easements and appurtenances thereto belonging are hereby vested in The Perth Diocesan Trustees² for an estate in fee simple upon and subject to the trusts and uses declared by the hereinbefore recited Indenture of 10 May 1872.

~~[Section 1 amended by No. 34 of 1918 s. 11.]~~

2. Trustees may sell lands

It shall be lawful for the said Diocesan Trustees at any time hereafter to sell the said lands and premises hereby vested in them or any part or parts thereof and to assure the same to a purchaser freed and absolutely discharged from the trusts and uses declared by the said recited Indenture and no purchaser shall be concerned to see to the application of his purchase money.

3. Application of proceeds of sale

The proceeds of sale of the said lands shall be applied by the said Trustees after payment of all expenses of and incidental to any sale in the purchase of other lands in fee simple in the local government district of Perth or elsewhere in Western Australia and so far as such moneys may extend in the erection of buildings and other improvements upon such last mentioned lands and all lands so purchased by the said Trustees as last aforesaid shall be held by them upon and subject to the trusts and uses declared by the said Indenture of 10 May 1872.

[Section 3 amended ~~by~~ No. 14 of 1996 s. 4.]

4. Short title

This Act may be cited as the *Anglican Church of Australia Lands Vesting Act 1892*¹.

[Section 4 inserted ~~by~~ No. 81 of 1966 s. 2; amended ~~by~~ No. 121 of 1976 s. 7.]

Notes

- ¹ This [reprint](#) is a compilation [as at 8 May 2015](#) of the *Anglican Church of Australia Lands Vesting Act 1892* and includes the amendments made by the other written laws referred to in the following table-⁷. [The table also contains information about any reprint.](#)

Compilation table

Short title	Number and year	Assent	Commencement
Untitled ⁵⁶	1893 (56- Vict. Private Prvt. Act	13 Jan 1893	13 Jan 1893
<i>Church of England Diocesan Trustees and Land Act 1918 s. 11</i> ⁶	34 of 1918	24 Dec 1918	24 Dec 1918
<i>Statute Law Revision (Short Titles) Act 1966 s. 2</i>	81 of 1966	12 Dec 1966	12 Dec 1966
<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)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Reprint of the Anglican Church of Australia Lands Vesting Act 1892 as at 3 May 2002 (includes amendments listed above)			
Reprint 2: The Anglican Church of Australia Lands Vesting Act 1892 as at 8 May 2015 (includes amendments listed above)			

- ² Formerly referred to “The Diocesan Trustees of the Church of England in Western Australia” the name of which was changed to “The Perth Diocesan Trustees” by ~~No. 34 of 1918 s. 11. Reference~~ [the Church of England Diocesan Trustees and Land Act 1918 s. 11 \(now known as the Anglican Church of Australia Diocesan Trustees and Land Act 1918\)](#). The reference was changed under the *Reprints Act 1984 s. 7(3)(h)*.
- ³ [Under the Anglican Church of Australia Act 1976 s. 7, a reference in a law of the State to “Church of England” or “Church of England in Western Australia” is to be construed as a reference to the “Anglican Church of Australia”, and that construction shall, unless the context otherwise requires, be and be deemed to be a direct amendment to that law. The reference in this provision has not been changed due to the context.](#)

⁴ ~~Act 52 Vict. No. 2 (1888). Now cited~~ is now known as the *Anglican Church of Australia (Diocesan Trustees) Act 1888*.

⁴⁵ The name of this body was changed to “The Perth Diocesan Trustees” by ~~No. 34 of the Church of England Diocesan Trustees and Land Act 1918 s. 11. See (see also note 2).~~ This reference to the former name ~~is left unamended for historical purposes~~ has not been changed due to the context.

⁵ ~~The Act was given the~~ ⁶ Now known as the Anglican Church of Australia Lands Vesting Act 1892. The short title *Church of England Lands Vesting Act 1892* ~~by No. 81 of~~ was inserted by the Statute Law Revision (Short Titles) Act 1966 s. 2. ~~That short title was changed to the Anglican Church of Australia Lands Vesting Act 1892 and subsequently changed~~ by No. 121 of 1976 s. 7.

⁶ ~~Now cited as the Anglican Church of Australia Diocesan Trustees and Lands Act 1918. Short title changed by No. 121 of 1976 s. 7.~~

⁷ ~~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~~

~~the Anglican Church of Australia School Lands Act 1896~~ Act 1976 s. 7 (see note under s. 4).

~~Anglican Church of Australia Lands Act 1914~~

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

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

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