

Western Australia

Roman Catholic Church Property Act 1911

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Roman Catholic Church Property Act 1911

An Act to vest in the Roman Catholic Bishop of the Diocese of Perth, and his successors in office, all property belonging to or held on account of the said Diocese, and to make further provision for disposing of such property, and for other purposes connected therewith.

1. Short title

This Act may be cited as the *Roman Catholic Church Property Act 1911*¹.

2. Interpretation

In this Act the word “**Property**” includes property of every kind whatsoever, both legal and equitable, real and personal, and choses in action.

3. Certain property vested in Archbishop

All property now or hereafter belonging to the Diocese of the Roman Catholic Church known as the Diocese of Perth², or vested in any person as trustee on account of the said Church in the said Diocese (including all lands mentioned in or affected by Act No. 4 of 1858³, or the *Roman Catholic Church Lands Act 1895*, excepting such lands as have been lawfully alienated or as are vested in the Bishop of any other Diocese under the *Roman Catholic Lands Amendment Act 1902*), shall by virtue hereof (but subject to the last-mentioned Act) vest absolutely in the Roman Catholic Bishop for the time being of the said Diocese⁴ and his successors in office subject to all trusts and dispositions respectively affecting the same.

4. Bishop to be corporation sole

- (1) For the purposes of this Act and of *The Roman Catholic Church Lands Act 1895*, the said Bishop for the time being shall be a corporation sole, by the name of “The Roman Catholic Archbishop of Perth”, with perpetual succession, and by and in that name may sue and be sued and shall have power to purchase, take, and hold property and (subject as hereinafter provided, and to the trusts and dispositions aforesaid) to sell, mortgage, lease, or dispose of any property hereby vested, and may in respect of any real or leasehold property hereby vested exercise all powers conferred on the Bishop for the time being administering the ecclesiastical affairs of the Roman Catholic Church of Western Australia, and his successors in office, by *The Roman Catholic Church Lands Act 1895*.
- (2) The said Bishop shall have an official seal and all courts, judges and persons acting judicially shall take notice of that official seal affixed to a document and shall presume that it was duly affixed.

[Section 4 amended by No. 67 of 1972 s. 5.]

[5-9. Repealed by No. 67 of 1972 s. 6.]

10. Execution of documents

All documents required to be executed by the said Bishop for the purpose of giving effect to any transaction or dealing with property shall be signed by the said Bishop and his official seal shall be affixed thereto.

[Section 10 inserted by No. 67 of 1972 s. 7.]

11. Land titles, registration and fees

The vesting of any land by this Act in “the Roman Catholic Bishop of Perth” shall be registered and noted in the Department within the meaning of the *Transfer of Land Act 1893*, the Office of the Registrar of Deeds or the Department of Lands and

Surveys⁵, as the case may require, and on the document of title of such land free of charge.

[Section 11 amended by No. 81 of 1996 s. 153(2).]

12. Corporate name on land records

On the coming into operation of the *Acts Amendment (Roman Catholic Church Lands) Act 1972*¹, all land vested, by this Act or otherwise, in “The Roman Catholic Bishop of Perth” shall vest in “The Roman Catholic Archbishop of Perth” without the necessity of any change of name to that effect in the Register under the *Transfer of Land Act 1893* or in the Book of Registry kept under the *Registration of Deeds Act 1856*, as the case may be.

[Section 12 inserted by No. 67 of 1972 s. 8; amended by No. 81 of 1996 s. 153(1).]

Notes

- ¹ This is a compilation of the *Roman Catholic Church Property Act 1911* and includes the amendments made by the other written laws referred to in the following table ^{1a, 6}. The table also contains information about any previous reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Roman Catholic Church Property Act 1911</i>	36 of 1911	16 Feb 1911	16 Feb 1911
<i>Roman Catholic Church Property Acts Amendment Act 1916</i> s. 6(1) and (2)	4 of 1916	17 Nov 1916	17 Nov 1916
<i>Acts Amendment (Roman Catholic Church Lands) Act 1972</i> Pt. II	67 of 1972	16 Nov 1972	16 Nov 1972
Reprint of the <i>Roman Catholic Church Property Act 1911</i> as at 28 Jul 1987 (includes amendments listed above)			
<i>Transfer of Land Amendment Act 1996</i> s. 153(1) and (2)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
Reprint 2: the <i>Roman Catholic Church Property Act 1911</i> as at 7 Feb 2003 (includes amendments listed above)			

- ^{1a} 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</i> s. 154 ⁷	60 of 2006	16 Nov 2006	To be proclaimed (see s. 2(1))

- ² Now the Archdiocese of Perth. See *Roman Catholic Church Property Acts Amendment Act 1916* s. 2.
- ³ Now cited as the *Roman Catholic Church Lands Ordinance 1858*.

⁴ Now the Roman Catholic Archbishop of Perth. See s. 12 and the *Roman Catholic Church Property Acts Amendment Act 1916*.

⁵ 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.

⁶ This Act is to be read as one with the following Act:

Roman Catholic Church Property Act Amendment Act 1912.

This Act is affected by the following Act:

Roman Catholic Church Property Acts Amendment Act 1916.

Other relevant written laws:

Roman Catholic Church Lands Ordinance 1858

The Roman Catholic Church Lands Act 1895

Roman Catholic Church Lands Amendment Act 1902

Roman Catholic Geraldton Church Property Act 1925

Roman Catholic New Norcia Church Property Act 1929

Roman Catholic Bunbury Church Property Act 1955

Roman Catholic Bishop of Broome Property Act 1957.

⁷ On the date as at which this compilation was prepared, the *Land Information Authority Act 2006* s. 154 had not come into operation. It reads as follows:

“

154. Roman Catholic Church Property Act 1911 amended

- (1) The amendments in this section are to the *Roman Catholic Church Property Act 1911*.
- (2) Section 11 is amended by deleting “in the Department within the meaning of the *Transfer of Land Act 1893*, 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*

”
”