



Western Australia

## **Roman Catholic Church Property Acts Amendment Act 1916**



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Western Australia

## **Roman Catholic Church Property Acts Amendment Act 1916**

**An Act to further amend the Acts relating to the property of the  
Roman Catholic Church.**

### **Preamble**

Whereas the Diocese of Perth has been created into an Archdiocese; And  
whereas the Archbishop of the said Archdiocese is now carrying out the  
powers and duties formerly carried out by the Roman Catholic Bishop of  
Perth; And whereas it is necessary that the said Archbishop should be  
enabled to exercise the powers and duties in respect of all lands situated  
within his Archdiocese and belonging to the Roman Catholic Church to  
all intents and purposes as if he were the Roman Catholic Bishop of the  
Diocese of Perth:

**s. 1**

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**1. Short title**

This Act may be cited as the *Roman Catholic Church Property Acts Amendment Act 1916*<sup>1</sup>.

**2. “Diocese” to be interpreted to mean Archdiocese**

The expression *Diocese of Perth*, wherever mentioned in the Acts mentioned in the Schedule, shall mean and include “The Archdiocese of Perth.”

**3. Powers of Bishop of Perth to be exercised by Archbishop**

The title “Roman Catholic Bishop of the Diocese of Perth” shall mean and include “The Archbishop of the Archdiocese of Perth,” and all acts, matters, and things that might or could be done and performed by the Roman Catholic Bishop of the Diocese of Perth may from time to time be done and performed by the Archbishop of the said Archdiocese for the time being, as a corporation sole by the name of “The Roman Catholic Archbishop of Perth”<sup>2</sup>.

*[Section 3 amended: No. 67 of 1972 s. 13.]*

**4. Power to sell, lease and mortgage lands**

- (1) Notwithstanding anything contained in the Acts mentioned in the Schedule, the Archbishop of the Archdiocese of Perth in his corporate name of “The Roman Catholic Archbishop of Perth” may, subject to this section, acquire, hold and dispose of real and personal property as if he were a natural person beneficially entitled to such property.
- (2) Without limiting the generality of subsection (1) The Archbishop of the Archdiocese of Perth in his corporate name may —
  - (a) purchase or acquire by exchange or in any other manner and whether subject to or free from any conditions, any interest in any property;

- (b) sell, give, exchange, lease or dispose of in any other manner whether subject to, or free from, any condition, any interest in any property;
  - (c) mortgage whether legally or equitably, or otherwise encumber in any manner any interest in any property whether or not the property is vested in him upon any trust or otherwise, by way of security for —
    - (i) the advance of moneys to be used for any purpose; or
    - (ii) the performance of any other obligation undertaken by him in his corporate name, including the granting of any fixed or floating legal or equitable charge over any or all of such property;
  - (d) covenant or agree to pay any money or to perform any other obligation or guarantee the payment of money or the performance of any other obligation without giving security in respect thereof;
  - (e) enter alone or with another or others into any partnership, syndicate, joint venture or other transaction whether for the purpose of profit or otherwise;
  - (f) become a member of a company whether incorporated in the State or otherwise, or any other body corporate and may become or nominate a director or any officer of such a company or other body corporate;
  - (g) compound, release or settle claims by or against him in his corporate name, whether in contract or tort, including agreeing the amount of any compensation payable in respect of the compulsory acquisition under the *Public Works Act 1902*, or otherwise of any property vested in him in his corporate name, or agreeing to exchange any such property in lieu of such compensation or part thereof.
- (3) Any land mortgaged or otherwise encumbered pursuant to subsection (2)(c) shall, if such land is sold, or if the mortgagee

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or encumbrancee exercises his power of foreclosure pursuant to the mortgage or encumbrance, be freed and absolutely discharged from the trusts upon which the land may, for the time being, be held by the Archbishop.

- (4) None of the powers conferred by subsection (2)(a), (b) or (c) shall be exercised in respect of any lands which have been granted by the Crown to or for the use of the Roman Catholic Church and which are vested in the Archbishop, except with the prior approval of the Governor.
- (5) Subject to subsection (4), no purchaser, mortgagee or lessee of any such lands shall be bound or concerned to inquire whether any power of sale, mortgage, or lease was duly and regularly made or exercised, or in anywise to see to the application of any purchase, mortgage or other moneys, or to inquire into the necessity, regularity, or propriety of the sale, mortgage, or lease, or be affected by notice that it is irregular, unnecessary or improper.

*[Section 4 inserted: No. 67 of 1972 s. 14.]*

**5. Certain sales, etc., validated**

All sales, mortgages, leases, and assurances of any such lands as aforesaid heretofore made or intended to be made in good faith by the said Archbishop in the said corporate name are hereby validated and confirmed.

*[6. Omitted under the Reprints Act 1984 s. 7(4)(f).]*



## **Schedule — Church property Acts**

[s. 2 and 4(1)]

*[Heading amended: No. 19 of 2010 s. 4.]*

An Ordinance for vesting Roman Catholic Church Lands in Western Australia in the Roman Catholic Bishop, Administrator, and his successors. (22 Victoriae, No. 4)<sup>3</sup>.

*The Roman Catholic Church Lands Act 1895;*

*The Roman Catholic Church Lands Amendment Act 1902;*

*The Roman Catholic Church Property Act 1911;*

*The Roman Catholic Church Property Act Amendment Act 1912.*

### Notes

- <sup>1</sup> This is a compilation of the *Roman Catholic Church Property Acts Amendment Act 1916* and includes the amendments made by the other written laws referred to in the following table <sup>4</sup>. The table also contains information about any previous reprint.

### Compilation table

| Short title                                                                                                                              | Number and year | Assent      | Commencement                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|------------------------------------------------------------------|
| <i>Roman Catholic Church Property Acts Amendment Act 1916</i>                                                                            | 4 of 1916       | 17 Nov 1916 | 17 Nov 1916                                                      |
| <i>Acts Amendment (Roman Catholic Church Lands) Act 1972 Pt. IV</i>                                                                      | 67 of 1972      | 16 Nov 1972 | 16 Nov 1972                                                      |
| <b>Reprint of the <i>Roman Catholic Church Property Acts Amendment Act 1916</i> as at 13 Jul 1988</b> (includes amendments listed above) |                 |             |                                                                  |
| <i>Standardisation of Formatting Act 2010 s. 4</i>                                                                                       | 19 of 2010      | 28 Jun 2010 | 11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341) |

- <sup>2</sup> As to this corporation sole see also *Roman Catholic Church Property Act 1911* s. 4(1).

- <sup>3</sup> Now cited as the *Roman Catholic Church Lands Ordinance 1858*.

- <sup>4</sup> This Act affects the following written laws:

*Roman Catholic Church Lands Ordinance 1858*  
*The Roman Catholic Church Lands Act 1895*  
*Roman Catholic Church Lands Amendment Act 1902*  
*Roman Catholic Church Property Act 1911*  
*Roman Catholic Church Property Act Amendment Act 1912.*

Other relevant Acts:

*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.*

## **Defined terms**

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

*The list is not part of the law.]*

| <b>Defined term</b>   | <b>Provision(s)</b> |
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