



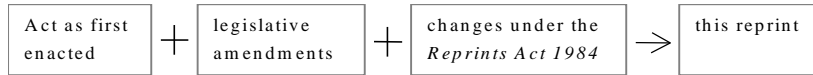
Western Australia

# **Roman Catholic Bishop of Broome Property Act 1957**

**Reprint 2: The Act as at 22 August 2014**

## 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  - removed (because it was repealed or deleted from the law); or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 3<sup>rd</sup> 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.

Western Australia

## **Roman Catholic Bishop of Broome Property Act 1957**

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Reprinted under the  
*Reprints Act 1984* as  
at 22 August 2014

Western Australia

## **Roman Catholic Bishop of Broome Property Act 1957**

**An Act to vest in the Roman Catholic Vicar Apostolic of the Kimberleys and his successors in office the property belonging to or held in trust for or on behalf of the Roman Catholic Church within the Roman Catholic Vicariate of the Kimberleys, to make provision for the Vicar Apostolic to deal with that property and for other incidental purposes.**

**1. Short title**

This Act may be cited as the *Roman Catholic Bishop of Broome Property Act 1957*<sup>1</sup>.

*[Section 1 amended by No. 41 of 1970 s. 1.]*

**2. Term used: property**

In this Act,

*property* means property of every kind whatsoever including legal and equitable, real and personal property, and choses in action.

**3. Certain property vested in Bishop of Broome**

The lands comprised in the instruments of title set out in the First Schedule and which are vested —

- (a) as to the lands comprised in the instruments of title set out in Part I of that Schedule, in the Roman Catholic Bishop of Perth; and
- (b) as to the lands comprised in the instruments of title set out in Part II of that Schedule, in the Roman Catholic Bishop of Geraldton; and
- (c) as to the lands comprised in the instruments of title set out in Part III of that Schedule, in the Pious Society of Missions Incorporated of Broome,

and all other property belonging to the Roman Catholic Church or held by any person in trust for or on behalf of that Church and situated within the Roman Catholic Vicariate of the Kimberleys<sup>2</sup>, shall from the coming into operation of the *Roman Catholic Vicariate of the Kimberleys Property Act Amendment Act 1970*<sup>1</sup>, and without the execution of any formal deed of assurance or transfer, vest absolutely and indefeasibly in the Roman Catholic Vicar Apostolic for the time being of that Vicariate<sup>3</sup> and his successors in office, subject to the trusts, encumbrances and dispositions respectively affecting the same.

*[Section 3 amended by No. 41 of 1970 s. 2.]*

**4. Bishop of Broome to be corporation sole**

The Roman Catholic Vicar Apostolic<sup>3</sup> for the time being of the Vicariate of the Kimberleys<sup>2</sup> is a corporation sole by the name of “The Roman Catholic Vicar Apostolic of the Kimberleys”<sup>3</sup> with perpetual succession and a common seal, and by and in that name may sue and be sued, and has power to purchase, hold, and take property and, subject to the provisions of section 5 to sell, mortgage, lease or otherwise dispose of any property vested in him pursuant to the provisions of section 3 or acquired after the coming into operation of this Act, and in respect of any real

property whether freehold or leasehold so vested or acquired, may also exercise all the powers conferred on the Bishop for the time being administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia and his successors in office, by the *Roman Catholic Church Lands Act 1895*.

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

- (1) Notwithstanding anything contained in the Acts mentioned in the Second Schedule, it is lawful for the Vicar Apostolic<sup>3</sup> of the Vicariate of the Kimberleys<sup>2</sup> in his corporate name as “The Roman Catholic Vicar Apostolic of the Kimberleys”<sup>3</sup> subject to any express trust or condition against alienation and to the provisions of section 7 of the *Roman Catholic Church Lands Act 1895* —
- (a) to sell any lands vested in him pursuant to the provisions of section 3 of this Act and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trust or condition affecting the lands, not being an express trust or condition against alienation; and
  - (b) to mortgage the lands to secure moneys borrowed for the purpose of paying and discharging debts already incurred and secured by existing mortgages on lands belonging to the Roman Catholic Church, or to secure moneys which may be lawfully borrowed after the coming into operation of this Act and by way of security to assure to a mortgagee and his assigns the lands freed and discharged from any trust or condition affecting the lands, not being an express trust or condition against alienation; and
  - (c) to lease the lands for any term with or without right of renewal and either by way of building lease or otherwise and subject to such covenants, conditions, and agreements as the Vicar Apostolic thinks fit to impose, notwithstanding any trust or condition affecting the lands, not being an express trust or condition against leasing.

**s. 6**

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- (2) For the purposes of this Act, a trust or condition expressed to be for the use or purposes or benefit of the Roman Catholic Church in general or the Roman Catholic Vicariate of the Kimberleys in particular or in words of like import is not an express trust or condition against alienation.
- (3) No purchaser, mortgagee, or lessee of any lands sold, mortgaged or leased under the provisions of this section is bound or concerned to inquire whether the power of sale, mortgage or lease was duly and regularly exercised, or to see to the application of any purchase, mortgage or other moneys, or to inquire into the necessity, regularity, or propriety of any sale, mortgage or lease, or be affected by notice that a sale, mortgage or lease is irregular, unnecessary or improper.

**6. Land titles, registration and fees**

The vesting of any land by this Act in “The Roman Catholic Vicar Apostolic of the Kimberleys”<sup>3</sup> shall on the application of the Vicar Apostolic or his attorney or attorneys be registered and noted under the *Transfer of Land Act 1893* or the *Registration of Deeds Act 1856*, as the case may require, and on the respective instrument of title to that land, free of charge.

*[Section 6 amended by No. 60 of 2006 s. 152.]*

**7. Power to appoint attorneys**

The Roman Catholic Vicar Apostolic of the Kimberleys<sup>3</sup> may, from time to time, by an instrument in writing under his hand and seal, appoint one or more Priests of the Vicariate of the Kimberleys<sup>2</sup> to be his attorney or attorneys to exercise all or any of the powers conferred upon the Vicar Apostolic<sup>3</sup> by this Act, and it shall be lawful for the attorney or attorneys so appointed, in the name and on behalf of the Roman Catholic Vicar Apostolic of the Kimberleys<sup>3</sup>, to exercise those powers accordingly, and to execute all documents required to give effect thereto.



**8. Acting Bishop or Bishop-Elect to act on death of Bishop until successor appointed**

Upon the death of a Roman Catholic Vicar Apostolic<sup>3</sup> of the Vicariate of the Kimberleys<sup>2</sup> the Acting Bishop or Bishop-Elect duly elected by the consultors of that Vicariate shall be entitled to exercise the powers and be liable to perform the duties of the Vicar Apostolic<sup>3</sup> until the appointment and consecration of his successor, and it shall be lawful for the Acting Bishop or Bishop-Elect to exercise those powers and to perform those duties and to execute all documents required to give effect thereto and the documents so executed shall have the same force and effect as if they had been duly executed by The Roman Catholic Vicar Apostolic of the Kimberleys<sup>3</sup>.

*[Section 8 amended by No. 41 of 1970 s. 3.]*

**9. References to Roman Catholic Vicariate of the Kimberleys and The Roman Catholic Vicar Apostolic etc. changed**

On and after the date of the coming into operation of the *Roman Catholic Vicariate of the Kimberleys Property Act Amendment Act 1970*<sup>1</sup>, a reference in this Act or in any other Act, law of the State or document in force immediately before that date to —

- (a) the Roman Catholic Vicariate of the Kimberleys or to the Vicariate of the Kimberleys or to the Vicariate shall be read, construed and applied as a reference to the Roman Catholic Diocese of Broome;
- (b) The Roman Catholic Vicar Apostolic of the Kimberleys or to the Roman Catholic Vicar Apostolic or to the Vicar Apostolic shall be read, construed and applied as a reference to the Roman Catholic Bishop of Broome.

*[Section 9 inserted by No. 41 of 1970 s. 4.]*

**Roman Catholic Bishop of Broome Property Act 1957**

**First Schedule** Land vested in Bishop of Broome

**Part I** Land transferred from Roman Catholic Bishop of Perth

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**First Schedule — Land vested in Bishop of Broome**

[s. 3]

*[Heading inserted by No. 19 of 2010 s. 30(2).]*

**Part I — Land transferred from Roman Catholic Bishop of Perth**

*[Heading inserted by No. 19 of 2010 s. 30(2).]*

*Certificates of Title*

| <i>Volume</i> | <i>Folio</i> |
|---------------|--------------|
| 320           | 168          |
| 320           | 169          |

**Part II — Land transferred from Roman Catholic Bishop of Geraldton**

*[Heading inserted by No. 19 of 2010 s. 30(3).]*

*Certificates of Title*

| <i>Volume</i> | <i>Folio</i> |
|---------------|--------------|
| 34            | 31           |
| 34            | 32           |
| 34            | 33           |
| 179           | 125          |

**Part III — Land transferred from Pious Society of Missions Incorporated of Broome**

*[Heading inserted by No. 19 of 2010 s. 30(4).]*

*Certificates of Title*

| <i>Volume</i> | <i>Folio</i> |
|---------------|--------------|
| 226           | 63           |
| 516           | 82           |
| 1063          | 363          |
| 1114          | 468          |

**Second Schedule — Acts overridden by section 5**

[s. 5]

*[Heading inserted by No. 19 of 2010 s. 30(5).]*

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

*Roman Catholic Church Lands Act 1895*  
(59 Vict., — Private).

*Roman Catholic Church Lands Amendment Act 1902*  
(1 and 2 Edw. VII. — Private).

*Roman Catholic Church Property Act 1911*  
(No. 36 of 1911).

*Roman Catholic Church Property Act Amendment Act 1912*  
(No. 32 of 1912).

*Roman Catholic Church Property Acts Amendment Act 1916*  
(No. 4 of 1916).

*Roman Catholic Geraldton Church Property Act 1925*  
(No. 9 of 1925).

*[Second Schedule amended by No. 74 of 2003 s. 149(2).]*



### Notes

- <sup>1</sup> This reprint is a compilation as at 22 August 2014 of the *Roman Catholic Bishop of Broome Property Act 1957* and includes the amendments made by the other written laws referred to in the following table <sup>5</sup>. The table also contains information about any reprint.

#### Compilation table

| Short title                                                                                                                     | Number and year                      | Assent      | Commencement                                                        |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|---------------------------------------------------------------------|
| <i>Roman Catholic Vicariate of the Kimberleys Property Act 1957</i> <sup>6</sup>                                                | 32 of 1957<br>(6 Eliz. II<br>No. 32) | 5 Nov 1957  | 5 Nov 1957                                                          |
| <i>Roman Catholic Vicariate of the Kimberleys Property Act Amendment Act 1970</i>                                               | 41 of 1970                           | 23 Sep 1970 | 23 Sep 1970                                                         |
| <b>Reprint 1: The Roman Catholic Bishop of Broome Property Act 1957 as at 7 Feb 2003</b><br>(includes amendments listed above)  |                                      |             |                                                                     |
| <i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 149(2)                                                               | 74 of 2003                           | 15 Dec 2003 | 15 Dec 2003 (see s. 2)                                              |
| <i>Land Information Authority Act 2006</i> s. 152                                                                               | 60 of 2006                           | 16 Nov 2006 | 1 Jan 2007 (see s. 2(1) and<br><i>Gazette</i> 8 Dec 2006 p. 5369)   |
| <i>Standardisation of Formatting Act 2010</i> s. 30                                                                             | 19 of 2010                           | 28 Jun 2010 | 11 Sep 2010 (see s. 2(b) and<br><i>Gazette</i> 10 Sep 2010 p. 4341) |
| <b>Reprint 2: The Roman Catholic Bishop of Broome Property Act 1957 as at 22 Aug 2014</b><br>(includes amendments listed above) |                                      |             |                                                                     |

- <sup>2</sup> Now known as the Roman Catholic Diocese of Broome: see s. 9.
- <sup>3</sup> Now known as the Roman Catholic Bishop of Broome: see s. 9.
- <sup>4</sup> Now cited as the *Roman Catholic Church Lands Ordinance 1858*.
- <sup>5</sup> Other relevant Act: the *Roman Catholic Church Lands Act 1895*.
- <sup>6</sup> Now cited as the *Roman Catholic Bishop of Broome Property Act 1957*; short title changed (see note under s. 1).

**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> |
|---------------------|---------------------|
| property .....      | 2                   |