

CHURCH OF ENGLAND (DIOCESAN TRUSTEES).

No. 66 of 1969.

AN ACT to amend the Church of England (Diocesan Trustees) Act, 1888.

[Assented to 14th October, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Church of England (Diocesan Trustees) Act Amendment Act, 1969*. Short title.

(2) In this Act the Church of England (Diocesan Trustees) Act, 1888 is referred to as the principal Act. Act No. 52 Vict. No. 2 as amended by Act No. 81 of 1966.

Long title amended.

2. The long title of the principal Act is amended by adding after the word "Australia" in line three the passage " , and to make provision for the incorporation of the Missions or Institutions of that Church and for other purposes".

S. 5A added.

3. The principal Act is amended by adding after section 5 a section as follows—

Incorporation of Missions and Institutions of the Church and vesting of property therein.

5A. (1) The Synod of the Diocese of Perth may resolve that any mission or institution of the Church of England in Australia Diocese of Perth (in this section called "the Church") shall be separately incorporated according to law in such manner and subject to such conditions, restrictions, limitations and provisions as that Synod may by resolution determine.

(2) On the date on which a mission or institution becomes so separately incorporated—

- (a) all the real and personal property that immediately before that date was exclusively used in the work and activities of that mission or institution, including all such real and personal property as was then held by the Perth Diocesan Trustees upon trust for that mission or institution, and all contractual rights and benefits then existing that relate to the mission or institution are hereby vested in the mission or institution in its corporate name, subject to all easements, encumbrances, rights, trusts and equities, affecting it or them; and
- (b) all debts, liabilities and obligations of every class or kind existing at that date that relate to the mission or institution, by force of this section and without any transfer or assignment, shall be taken over by the mission or institution as so incorporated, and the mission or institution shall indemnify and at all times on and after that date

keep indemnified the Perth Diocesan Trustees and all persons who prior to that date were liable for or subject to those debts, liabilities and obligations.

(3) Subject to all easements, encumbrances, trusts and equities affecting the same, each mission or institution incorporated as provided in this section, shall hold in its corporate name—

- (a) all real and personal property, rights and benefits that are acquired by it after it is so incorporated; and
- (b) all real and personal property given to the Perth Diocesan Trustees in trust for the mission or institution after it is so incorporated.

(4) Notwithstanding the operation and effect of the foregoing provisions of this section on any mission or institution, any mission or institution incorporated as therein provided, shall continue to be a mission or institution of the Church.

(5) Every transfer, conveyance, assignment, application, deed and instrument that may be necessary for the purpose of effectually vesting the real and personal property, rights and benefits referred to in subsection (2) of this section in the corporate name of a mission or institution incorporated as provided in this section shall be free from all—

- (a) duty imposed by the Stamp Act, 1921; and
- (b) fees that, but for this subsection, would be payable in respect thereof under the Transfer of Land Act, 1893.

(6) Where an institution is separately incorporated pursuant to this section or has been incorporated according to law prior to the commencement of this section, if the institution is a school or college all vacant land held by the institution and all land so held that is used exclusively or mainly for the

purposes of the school or college is not rateable property or rateable land under the provisions of the Local Government Act, 1960, or the Metropolitan Water Supply, Sewerage and Drainage Act, 1909, and is exempt from assessment for taxation under the Land Tax Assessment Act, 1907.

(7) Notwithstanding anything contained in this section, all real and personal property held by or in trust for or on behalf of or in connection with a mission or institution separately incorporated pursuant to the provisions of this section shall be held subject to the performance of any trusts relating thereto and subject to the statutes, orders, directions and regulations of the Synod of the Church, so far as they do not contravene or are not inconsistent with any Act or law in force in the State. .