

Roman Catholic Church Communities' Lands Amendment Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Roman Catholic Church Communities' Lands Act 1942* so as to provide for the voluntary or compulsory winding up of bodies corporate created by the Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Roman Catholic Church Communities' Lands Act 1942* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [10] inserts the following new provisions in the *Roman Catholic Church Communities' Lands Act 1942*:

Proposed section 20 provides for the voluntary winding up of a body corporate created by the Act, if the members of the body corporate pass a resolution (supported by not less than 75 per cent of the members) in favour of winding up and the winding up is approved by the Bishop of the relevant Diocese.

Proposed section 21 sets out the circumstances in which an application can be made to the Supreme Court for the winding up of a body corporate created by the Act.

Proposed section 22 applies the procedure under the *Corporations Law* for the purposes of a winding up.

Proposed section 23 directs the manner in which any surplus property of a body corporate that is wound up is to be distributed and provides that such a distribution of property does not affect any trust on which that property was held immediately before the distribution.

Proposed section 24 provides for the vesting in the Bishop of the relevant Diocese of any assets that would have become the property of a body corporate if it had not been wound up.

Proposed section 25 empowers the Bishop of the relevant Diocese or any other interested person to apply to the Supreme Court to make orders in relation to a winding up.

Proposed section 26 provides for the Act to be amended to omit references to a body corporate that is wound up.

Proposed section 27 empowers the Governor to make regulations (including regulations under proposed section 22 modifying the application of the *Corporations Law* to the procedure for a winding up under the Act).

Schedule 1 [1] inserts new definitions.

Schedule 1 [2] updates a reference to the governing body of a community.

Schedule 1 [3] updates references to an office holder in a community.

Schedule 1 [4], [5], [6], [11] and [12] update references to Schedules.

Schedule 1 [7] and [8] provide for instruments executed in relation to the proposed new provisions to be exempt from duty.

Schedule 1 [9] updates the terminology used in a provision.