

No. , 1959.

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## A BILL

To confer additional powers upon the bodies corporate created by the Roman Catholic Church Trust Property Act, 1936, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended; and for purposes connected therewith.

[MR. MANNIX;—4 *November*, 1959.]

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Roman Catholic Church Trust Property (Amendment) Act, 1959".

Short title  
and  
citation.

*Roman Catholic Church Trust Property (Amendment).*

(2) The Roman Catholic Church Trust Property Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Roman Catholic Church Trust Property Act, 1936-1959.

5 2. The Roman Catholic Church Trust Property Act, 1936, as amended by subsequent Acts, is amended : — Amendment of Act No. 24, 1936.

(a) by inserting at the end of section six the following new subsection : — Sec. 6. (Common seal and quorum.)

10 (2) A Bishop to whom any delegation has been made under section 9B of this Act shall while the delegation is in force have access to the common seal of the body corporate which made the delegation to him and may affix it to any instrument signed or to be signed by him in the course of his exercising or  
15 discharging any power, authority, duty or function the subject of the delegation.

20 The provisions of subsection one of this section relating to the affixing of the common seal of a body corporate to, or the signing of, any instrument shall not apply to any instrument to which the common seal of the body corporate is affixed pursuant to the foregoing provisions of this subsection.

(b) by inserting at the end of subsection two of section seven the following new proviso : — Sec. 7. (Vacancies and membership.)

25 Provided that notwithstanding the suspension under this subsection of the powers and capacity of a body corporate created by this Act a Bishop, who is a member of that body corporate, may exercise and perform any power, authority, duty or function  
30 delegated under section 9B of this Act to him by that body corporate as if such powers and capacity were not suspended.

(c)

*Roman Catholic Church Trust Property (Amendment).*

(c) by inserting next after section nine the following new sections :— New secs. 9A and 9B.

9A. (1) Every body corporate created by this Act shall have power from time to time— Additional powers of bodies corporate.

5 (a) to apply for and obtain representation of the estate of any deceased person being an ordained clergyman of the Church of whose will such body corporate is the executor, or being a person under whose will the Church or any part thereof (not being a body corporate constituted by or under the Roman Catholic Church Communities' Lands Act, 1942, as amended by subsequent Acts) or such body corporate is a beneficiary; and

10 (b) to accept appointment and act as trustee under and in pursuance of any trust created wholly or partially for the benefit of the Church or any such part thereof or such body corporate over or in respect of any property real or personal,

15 and to do all things necessary to administer such estate or trust.

25 (2) Any officer authorised for the purpose by the body corporate may on behalf of the body corporate swear affidavits, make declarations, statements of defence or other statements, give security and do any other act or thing required by any Charter, Act of Parliament or rule of court to be made by persons making application for probate or letters of administration or administering any trust.

30 (3) Whenever the body corporate shall have been appointed executor, administrator or trustee it shall be subject in all respects to the same control and

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*Roman Catholic Church Trust Property (Amendment).*

5 and to removal or restraint from acting and generally to the jurisdiction of the courts in the same manner as any other executor, administrator or trustee and all the property real and personal of the body corporate and the members thereof and their respective estates shall be liable for the proper discharge of the duties of such office.

10 9B. (1) A body corporate created by this Act may from time to time by resolution delegate to the Bishop who is a member thereof all or any of its powers, authorities, duties and functions, other than a power conferred on it by this section. Delegation of powers, etc., of bodies corporate.

15 (2) Any such delegation may be made either generally or for any particular case or class of cases and, unless expressed to be otherwise limited, shall be deemed to be in favour of the person for the time being administering the diocese for which the body corporate was created whether he is doing so as Archbishop or Bishop, Coadjutor Archbishop or Coadjutor Bishop, Vicar Capitular or Administrator.

20 (3) Notwithstanding any such delegation the body corporate may continue to exercise and discharge the powers, authorities, duties and functions the subject of the delegation.

25 (4) A person, when acting within the scope of any such delegation, shall be deemed to be the body corporate by whom such delegation was made.

(5) A body corporate may by resolution revoke any delegation made by it under this section.

30 (d) (i) by inserting in subsection one of section ten after the words "body corporate" where secondly occurring the words "or by that Bishop alone under and in pursuance of a delegation to him made under section 9B of this Act"; Sec. 10. (Execution of instruments.)  
(ii)

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*Roman Catholic Church Trust Property (Amendment).*

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- (ii) by omitting from subsection two of the same section the figures and symbol "1919-1932" and by inserting in lieu thereof the figures and words "1919, as amended by subsequent Acts";
- 5 (iii) by inserting at the end of the same subsection the words "or by the Bishop, who is a member of any such body corporate, under and in pursuance of a delegation to him made under section 9B of this Act";
- 10 (e) by inserting in subsection one of section eleven after the words "created by this Act" the words "or with any person purporting to exercise powers delegated to him under section 9B of this Act".
- Sec. 11.  
(Protection of purchasers, etc.)

[9d.]

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Sydney: V. C. N. Blight, Government Printer—1959



## ROMAN CATHOLIC CHURCH TRUST PROPERTY (AMENDMENT) BILL, 1959.

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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to confer on the bodies corporate created by the Roman Catholic Church Trust Property Act, 1936, as amended by subsequent Acts, power to apply for and obtain representation of the estates of certain deceased ordained clergymen of the Roman Catholic Church and of the estates of persons under whose wills the Roman Catholic Church or such body corporate is a beneficiary ;
- (b) to empower any such body corporate to delegate its powers, authorities, duties and functions to the Bishop of the diocese for which it was created ;
- (c) to make other amendments of an ancillary or consequential character.

ROMAN CATHOLIC CHURCH TRUST PROPERTY  
(ACT 1957) (NO. 10)

STATUTE

The purpose of this Act is to provide for the better management of the property of the Roman Catholic Church in the State of New South Wales, and to provide for the better administration of the property of the Roman Catholic Church in the State of New South Wales, and to provide for the better administration of the property of the Roman Catholic Church in the State of New South Wales.

1. This Act may be cited as the Roman Catholic Church Trust Property Act 1957.



PROOF.

No. , 1959.

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(2) The Roman Catholic Church Trust Property Act, 1936, as amended by subsequent Acts and by this Act, may be cited as the Roman Catholic Church Trust Property Act, 1936-1959.

5 2. The Roman Catholic Church Trust Property Act, 1936, as amended by subsequent Acts, is amended :—

Amendment of Act No. 24, 1936.

(a) by inserting at the end of section six the following new subsection :—

Sec. 6.  
(Common seal and quorum.)

10 (2) A Bishop to whom any delegation has been made under section 9B of this Act shall while the delegation is in force have access to the common seal of the body corporate which made the delegation to him and may affix it to any instrument signed or to be signed by him in the course of his exercising or  
15 discharging any power, authority, duty or function the subject of the delegation.

20 The provisions of subsection one of this section relating to the affixing of the common seal of a body corporate to, or the signing of, any instrument shall not apply to any instrument to which the common seal of the body corporate is affixed pursuant to the foregoing provisions of this subsection.

(b) by inserting at the end of subsection two of section seven the following new proviso :—

Sec. 7.  
(Vacancies and membership.)

25 Provided that notwithstanding the suspension under this subsection of the powers and capacity of a body corporate created by this Act a Bishop, who is a member of that body corporate, may exercise and perform any power, authority, duty or function  
30 delegated under section 9B of this Act to him by that body corporate as if such powers and capacity were not suspended.

(c)

*Roman Catholic Church Trust Property (Amendment).*

(c) by inserting next after section nine the following new sections : New secs.  
9A and 9B.

9A. (1) Every body corporate created by this Act shall have power from time to time— Additional  
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5 (a) to apply for and obtain representation of the estate of any deceased person being an ordained clergyman of the Church of whose will such body corporate is the executor, or being a person under whose will the  
10 Church or any part thereof (not being a body corporate constituted by or under the Roman Catholic Church Communities' Lands Act, 1942, as amended by subsequent Acts) or such body corporate is a  
15 beneficiary ; and

(b) to accept appointment and act as trustee under and in pursuance of any trust created wholly or partially for the benefit of the  
20 Church or any such part thereof or such body corporate over or in respect of any property real or personal,

and to do all things necessary to administer such estate or trust.

25 (2) Any officer authorised for the purpose by the body corporate may on behalf of the body corporate swear affidavits, make declarations, statements of defence or other statements, give security and do any other act or thing required by  
30 any Charter, Act of Parliament or rule of court to be made by persons making application for probate or letters of administration or administering any trust.

35 (3) Whenever the body corporate shall have been appointed executor, administrator or trustee it shall be subject in all respects to the same control and

*Roman Catholic Church Trust Property (Amendment).*

5 and to removal or restraint from acting and generally to the jurisdiction of the courts in the same manner as any other executor, administrator or trustee and all the property real and personal of the body corporate and the members thereof and their respective estates shall be liable for the proper discharge of the duties of such office.

10 9B. (1) A body corporate created by this Act may from time to time by resolution delegate to the Bishop who is a member thereof all or any of its powers, authorities, duties and functions, other than a power conferred on it by this section. Delegation of powers, etc., of bodies corporate.

15 (2) Any such delegation may be made either generally or for any particular case or class of cases and, unless expressed to be otherwise limited, shall be deemed to be in favour of the person for the time being administering the diocese for which the body corporate was created whether he is doing so as Archbishop or Bishop, Coadjutor Archbishop or Coadjutor Bishop, Vicar Capitular or Administrator.

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- 10 (e) by inserting in subsection one of section eleven after the words "created by this Act" the words "or with any person purporting to exercise powers delegated to him under section 9B of this Act".

Sec. 11.  
(Protection  
of  
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