

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 March, 1960.*

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. , 1960.

An Act 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.

BE 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, 1960".

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, 1936-1960.

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.

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
20 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.

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(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

(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,

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

(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.

(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.

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)

Roman Catholic Church Trust Property (Amendment).

- (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 Sec. 11. after the words "created by this Act" the words "or (Protection with any person purporting to exercise powers of purchasers, delegated to him under section 9B of this Act". etc.)

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. 6, 1960.

An Act 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. [Assented to, 24th March, 1960.]

BE 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, 1960".

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, 1936-1960.

Amendment
of Act No.
24, 1936.

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

Sec. 6.
(Common
seal and
quorum.)

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

(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 discharging any power, authority, duty or function the subject of the delegation.

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.

Sec. 7.
(Vacancies
and
member-
ship.)

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

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 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.

(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

(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,

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

(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.

(3) Whenever the body corporate shall have been appointed executor, administrator or trustee it shall be subject in all respects to the same control
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Roman Catholic Church Trust Property (Amendment).

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.

Delegation
of powers,
etc., of
bodies
corporate.

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.

(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.

(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.

(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.

Sec. 10.
(Execution
of instru-
ments.)

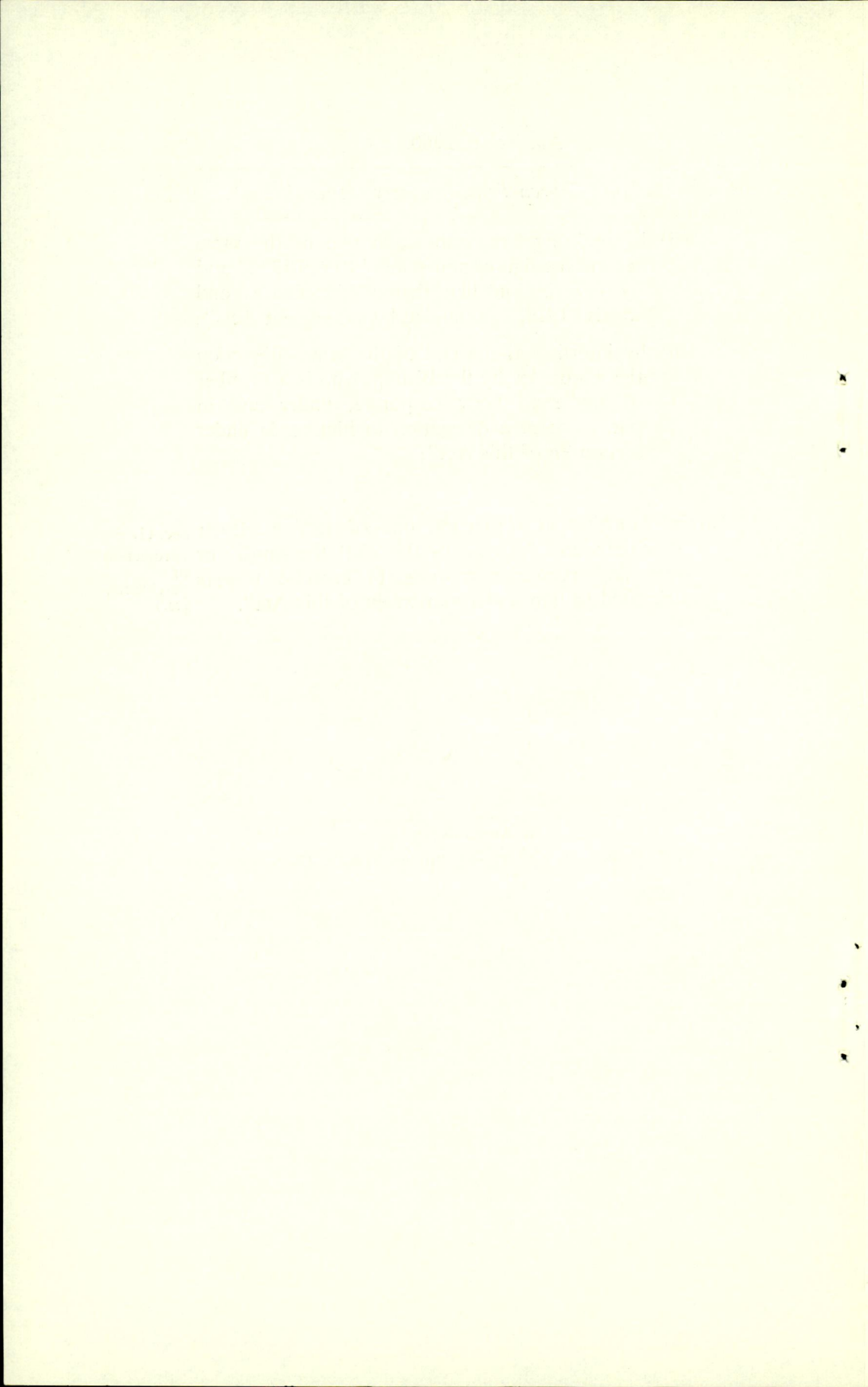
- (d) (i) by inserting in subsection one of section ten after the words "body corporate" where secondly occurring the words "or by that Bishop alone under and in pursuance of a delegation to him made under section 9B of this Act";
- (ii)

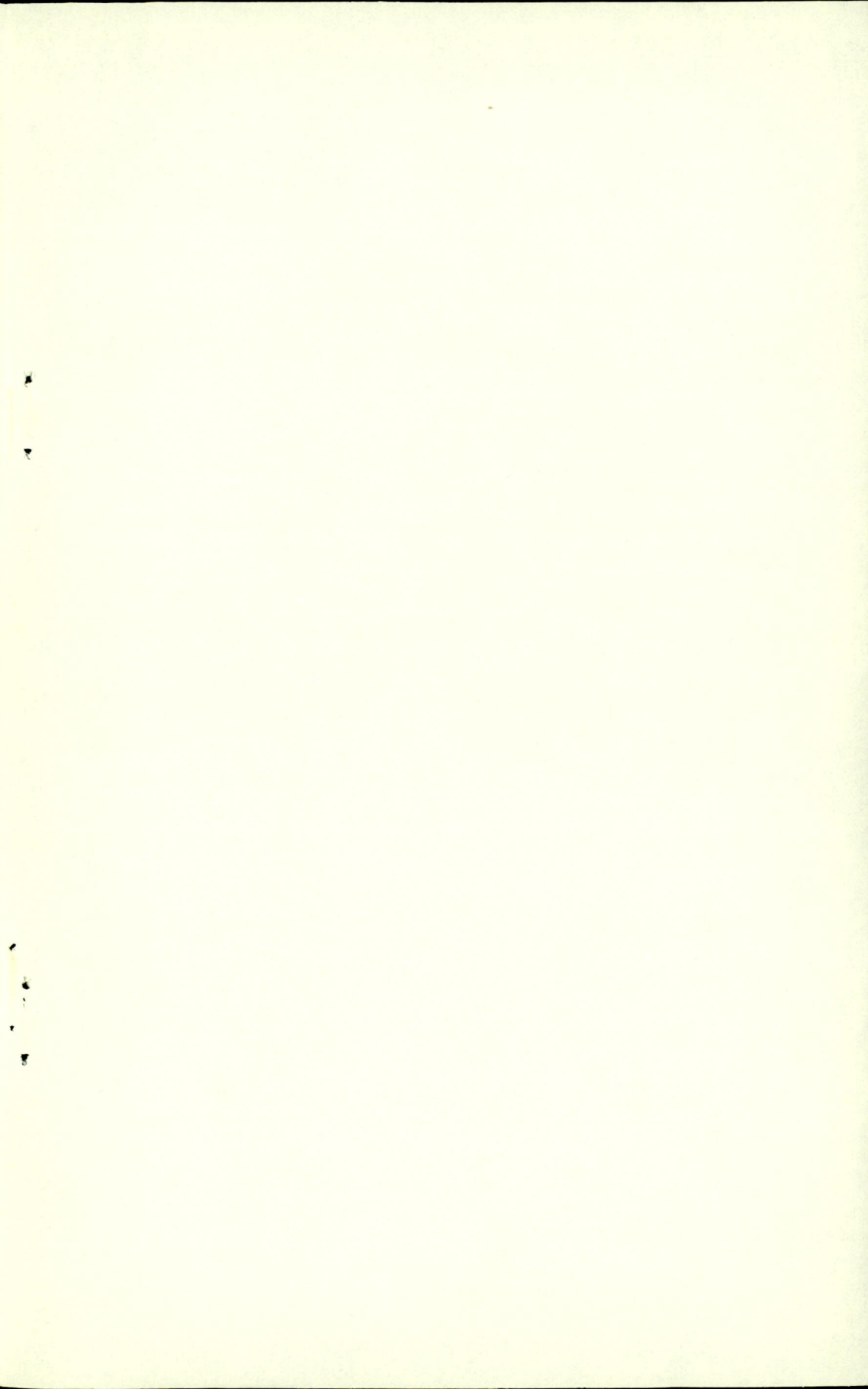
Roman Catholic Church Trust Property (Amendment).

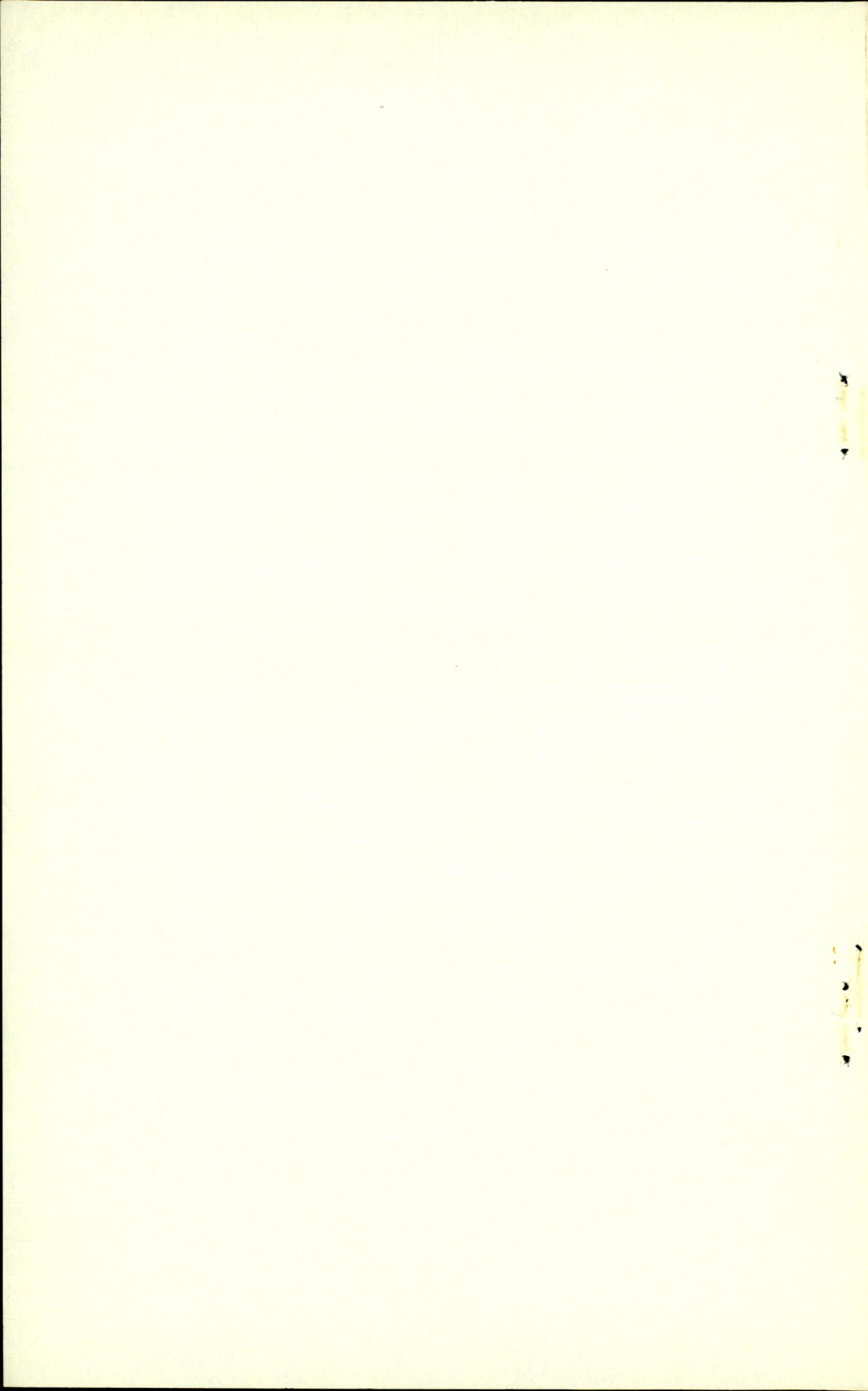
- (ii) by omitting from subsection two of the same section the figures and symbol "1919-1932" and by inserting in lieu thereof the figures and words "1919, as amended by subsequent Acts";
 - (iii) by inserting at the end of the same subsection the words "or by the Bishop, who is a member of any such body corporate, under and in pursuance of a delegation to him made under section 9B of this Act";
 - (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.)

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1960







I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1960.*

New South Wales



ANNO NONO

ELIZABETHÆ II REGINÆ

Act No. 6, 1960.

An Act 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. [Assented to, 24th March, 1960.]

BE 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, 1960".

Short title
and
citation.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

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, 1936-1960.

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

Sec. 6.
(Common seal and quorum.)

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

(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 discharging any power, authority, duty or function the subject of the delegation.

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.

Sec. 7.
(Vacancies and membership.)

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

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 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.

- (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
- (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,

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

(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.

(3) Whenever the body corporate shall have been appointed executor, administrator or trustee it shall be subject in all respects to the same control
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Roman Catholic Church Trust Property (Amendment).

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.

Delegation
of powers,
etc., of
bodies
corporate.

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.

(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.

(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.

(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.

Sec. 10.
(Execution
of instru-
ments.)

- (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";
- (ii)

Roman Catholic Church Trust Property (Amendment).

- (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";
- (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";
- (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.)

*In the name and on behalf of Her Majesty I assent to
this Act.*

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 24th March, 1960.*

Roman Catholic Church (Licensing)

(ii) by confining from subsection two of the same section the figures and symbols "1919-1937" and by inserting in their stead the figures and words "1919, as amended by subsequent Acts";

(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 9a of this Act";

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

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

Government House,
Sydney, 24th March, 1960.