

TASMANIA

**ROMAN CATHOLIC CHURCH PROPERTY
AMENDMENT BILL 2004**

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ROMAN CATHOLIC CHURCH PROPERTY AMENDMENT BILL 2004

*(Brought in by the Premier, the Honourable Paul Anthony
Lennon)*

A BILL FOR

An Act to amend the *Roman Catholic Church Property Act 1932*

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *Roman Catholic Church
Property Amendment Act 2004*.

Commencement

2. This Act commences on the day on which this Act
receives the Royal Assent.

Principal Act

3. In this Act, the *Roman Catholic Church Property Act
1932** is referred to as the Principal Act.

*No. 51 of 1932

Long title amended

4. The long title of the Principal Act is amended by inserting “**and the commercial activities**” after “**property**”.

Preamble amended

5. The preamble to the Principal Act is amended as follows:

- (a) by inserting “and to conduct any commercial activities” after “them”;
- (b) by inserting “and the commercial activities” after “to the property”.

Section 3 amended (Interpretation)

6. Section 3 of the Principal Act is amended by omitting the definition of “the trustees” and substituting the following definitions:

“**body corporate**” means the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart as continued under section 4;

“**trustee**” means a trustee appointed or continued in office under section 4.

Section 4 substituted

7. Section 4 of the Principal Act is repealed and the following section is substituted:

Constitution of body corporate as Roman Catholic Church Trust Corporation of the Archdiocese of Hobart

4. (1) The body corporate constituted under section 4 of this Act, as in force immediately before the commencement of the *Roman Catholic Church Property Amendment Act 2004*, continues and is to be known as the “Roman Catholic Church Trust Corporation of the Archdiocese of Hobart”.

(2) The body corporate has perpetual succession and a common seal.

(3) The body corporate consists of three trustees appointed by the Archbishop.

(4) The Archbishop, at any time, may remove a trustee.

(5) The Archbishop may appoint another trustee in the place of a trustee –

- (a)** who has been removed under subsection (4); or
- (b)** who has died.

(6) The seal of the body corporate is to be affixed in the presence of at least two trustees who are to sign their names to the instrument to which the seal has been affixed.

(7) Except as provided in subsection (4), this section does not affect the tenure or term of office of a person who immediately before the commencement of this section was a trustee.

Section 5 amended (Vesting of Church property in trustees)

8. Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “trustees of the property of the Roman Catholic Church in Tasmania appointed under the *Church of Rome Trustee Act*” and substituting “body corporate”;
- (b) by omitting from subsection (1) “trustees” second occurring and substituting “body corporate”;
- (c) by omitting from subsection (1) “trustees” third occurring and substituting “body corporate”;
- (d) by omitting from subsection (1) “trustees” fourth occurring and substituting “body corporate”;
- (e) by omitting from subsection (1) “them” and substituting “it”;
- (f) by omitting from subsection (2) “trustees” three times occurring and substituting “body corporate”.

Section 6 substituted

9. Section 6 of the Principal Act is repealed and the following section is substituted:

Power of body corporate

6. (1) The body corporate has all the powers of a natural person, including (without limitation) the power –

- (a) to purchase, take on lease or acquire by gift, devise, bequest, exchange or otherwise any real or personal property; and
- (b) to conduct any commercial activities which are, or may be, for the benefit of the Roman Catholic Church or of any order, congregation, community or association of the Roman Catholic Church; and
- (c) by itself, or by a person authorised in writing in that behalf under its common seal, to deal with and dispose of money, choses in action and choses in possession at any time vested in it or in any person on its behalf; and
- (d) by itself, or by a person authorised in writing in that behalf under its common seal, to draw, make, accept, endorse and discount promissory notes, bills of exchange and other negotiable or transferable securities or instruments; and
- (e) to do and perform all acts, matters and things and make and execute all contracts, documents, writings and assurances that in its opinion are, or may be, for its benefit or the benefit of the Roman Catholic Church; and

- (f) to borrow money on the security of personal property or without security on any terms and conditions as the body corporate considers desirable; and
- (g) in respect of real and personal property outside Tasmania at any time vested in or owned by it, to delegate by writing under its common seal to an attorney all or any of the powers conferred by this section; and
- (h) to execute any document and to do any other thing the execution or doing of which, in its opinion, is necessary or convenient to achieve its objects.

(2) The Archbishop, on any terms and conditions and in any manner as he thinks fit, may direct the sale, lease, exchange, mortgage or other disposition of any property vested in the body corporate, and may alter or revoke the direction.

(3) This section does not authorise the sale, lease or other disposition of any part of a cemetery or place for the interment of the dead which may be vested in the Roman Catholic Church in Tasmania, or in any person or persons in trust for that Church, in which any interment may have taken place.

Section 7 amended (Trusts for Church purposes)

10. Section 7 of the Principal Act is amended by omitting “trustees” twice occurring and substituting “body corporate”.