

**ROMAN CATHOLIC CHURCH COMMUNITIES' LANDS  
(AMENDMENT) ACT 1986 No. 191**

NEW SOUTH WALES



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**ROMAN CATHOLIC CHURCH COMMUNITIES' LANDS  
(AMENDMENT) ACT 1986 No. 191**

NEW SOUTH WALES



**Act No. 191, 1986**

An Act to amend the Roman Catholic Church Communities' Lands Act 1942 in relation to the management and transfer of property held on trust for Church communities and the powers of bodies corporate created by that Act. [Assented to 18 December 1986]

*Roman Catholic Church Communities' Lands (Amendment) 1986*

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**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:

**Short title**

1. This Act may be cited as the "Roman Catholic Church Communities' Lands (Amendment) Act 1986".

**Amendment of Act No. 23, 1942**

2. The Roman Catholic Church Communities' Lands Act 1942 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE ROMAN CATHOLIC CHURCH  
COMMUNITIES' LANDS ACT 1942

(1) Preamble—

- (a) Omit "held, and", insert instead "held,".
- (b) After "expensive", insert "and also that other activities which are or may be for the benefit of the Roman Catholic Church or of those orders, congregations, communities and associations of the Roman Catholic Church may be conducted by those bodies corporate".

(2) Section 4 (**Trustees to be bodies corporate**)—

Section 4 (3)—

After section 4 (2), insert:

(3) The objects of a body corporate created by this Act include—

- (a) the operation and conduct of educational, welfare and health institutions, organisations or other bodies; and

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COMMUNITIES' LANDS ACT 1942—*continued*

- (b) the performance of all such acts, matters and things of any nature (which may include, without limiting the scope of this paragraph, borrowing money) as, in its opinion, are or may be for its benefit or for the benefit of the community to which it relates.

(3) Section 10 (**Powers of bodies corporate**)—

## (a) Section 10 (1)—

Omit "Every body corporate created by this Act shall have power from time to time", insert instead "A body corporate created by this Act has all of the powers of a natural person, including (without limiting the scope of those powers) the power".

## (b) Section 10 (1) (d), (e)—

At the end of section 10 (1) (d), insert:

; and

- (e) 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.

## (4) Sections 17–19—

After section 16, insert:

**Variation of trusts**

17. (1) If, after the creation of the trusts to which any real or personal property vested in or held by a body corporate constituted by this Act is for the time being subject, it has, in the opinion of the body corporate, become impossible or inexpedient to carry out or observe those trusts, the body corporate may by resolution declare that opinion, and by the same or a later resolution declare other trusts subject to which such property may be held, being trusts for the use, benefit or purposes of the community to which the body corporate relates.

SCHEDULE 1—*continued*

AMENDMENTS TO THE ROMAN CATHOLIC CHURCH  
COMMUNITIES' LANDS ACT 1942—*continued*

(2) A resolution declaring other trusts causes the replaced trusts to cease and determine and the property which was subject to those trusts shall be held subject to the other trusts.

(3) The property shall be dealt with as nearly as may be possible for the purposes for which the property was, immediately before the resolution, held unless the body corporate by resolution declares that by reason of circumstances arising after the creation of the replaced trusts it is, in the opinion of the body corporate, impossible or inexpedient to deal with or apply the property or some part of the property for the same or like purposes.

(4) If a resolution is passed under subsection (3) in relation to property or some part of property, the property or part of the property may be dealt with and applied for the use, benefit or purposes of the community subject to the trusts declared by resolution of the body corporate.

(5) This section applies to trusts created before or after the commencement of the Roman Catholic Church Communities' Lands (Amendment) Act 1986.

(6) In subsection (1), the reference to trusts which have been created includes a reference to trusts declared by a resolution passed under this section.

**Blending of trust funds**

18. (1) Where a body corporate holds money on trust for different purposes or activities it shall be lawful for the body corporate from time to time—

- (a) to invest the money or any part or parts of the money as one fund; and
- (b) to distribute income arising from the investment of the fund rateably for the benefit of carrying out the several purposes or activities for which the money invested is held on trust.

*Roman Catholic Church Communities' Lands (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE ROMAN CATHOLIC CHURCH  
COMMUNITIES' LANDS ACT 1942—*continued*

(2) Any loss arising from an investment in accordance with this section shall be distributed rateably to the detriment of carrying out the several purposes or activities for which the money invested is held on trust.

**Exemption from stamp duty**

19. (1) An instrument executed only for—

- (a) a purpose ancillary to, or consequential on, the operation of section 8; or
- (b) the purpose of giving effect to that section,

shall be exempt from stamp duty.

(2) An instrument, being an agreement for the sale, conveyance or demise of any property—

- (a) from a body corporate created by this Act to another body corporate so created or to a body corporate created under the Roman Catholic Church Trust Property Act 1936; or
- (b) from a body corporate created under the Roman Catholic Church Trust Property Act 1936 to a body corporate created by this Act,

shall be exempt from stamp duty.

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