

Queensland



ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

An Act to divest certain estates and interests in certain freehold and leasehold land and the improvements thereon from certain registered proprietors and lessees and, according to the location of the land, to vest estates and interests in the land in The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane, the Roman Catholic Trust Corporation for the Diocese of Townsville or The Corporation of the Roman Catholic Diocese of Toowoomba in each case freed and discharged from any trusts upon which the land is held, to provide for the similar divesting and vesting of other land and for related purposes

[ASSENTED TO 27TH SEPTEMBER, 1985]

Preamble. Whereas certain estates and interests in freehold and leasehold land set out and described in the Schedules are held in the names of various registered proprietors and lessees on behalf of the Roman Catholic Church:

And Whereas as far as can be ascertained all those registered proprietors and lessees are deceased:

And Whereas The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane constituted under the *Religious Educational and Charitable Institutions Act 1861-1967* (repealed) is authorized to hold land for the Roman Catholic Church in the Brisbane Archdiocese:

And Whereas it is desirable to vest such of the land as is located in the Brisbane Archdiocese in The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane freed and discharged from any trusts upon which that land is presently held:

And Whereas the Roman Catholic Trust Corporation for the Diocese of Townsville constituted under the *Religious Educational and Charitable Institutions Act 1861-1967* (repealed) is authorized to hold land for the Roman Catholic Church in the Townsville Diocese:

And Whereas it is desirable to vest such of the land as is located in the Townsville Diocese in the Roman Catholic Trust Corporation for the Diocese of Townsville freed and discharged from any trusts upon which the land is presently held:

And Whereas The Corporation of the Roman Catholic Diocese of Toowoomba constituted under the *Religious Educational and Charitable Institutions Act 1861-1967* (repealed) is authorized to hold land for the Roman Catholic Church in the Toowoomba Diocese:

And Whereas it is desirable to vest such of the land as is located in the Toowoomba Diocese in The Corporation of the Roman Catholic Diocese of Toowoomba freed and discharged from any trusts upon which the land is presently held:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Roman Catholic Church Lands Act 1985*.

2. Vesting of certain land in The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane. The estate and interest in the land set out and described in the First Schedule and any improvements thereon is hereby divested from each person who, at the passing of this Act, is the registered proprietor or lessee and vests in The Corporation of the Trustees of the Roman Catholic Archdiocese

of Brisbane constituted under the *Religious Educational and Charitable Institutions Act 1861-1967* (repealed) completely freed and discharged from the trusts (if any) under which the land is presently held.

3. Vesting of certain land in the Roman Catholic Trust Corporation for the Diocese of Townsville. The estate and interest in the land set out and described in the Second Schedule and any improvements thereon is hereby divested from each person who, at the passing of this Act, is the registered proprietor or lessee and vests in the Roman Catholic Trust Corporation for the Diocese of Townsville constituted under the *Religious Educational and Charitable Institutions Act 1861-1967* (repealed) completely freed and discharged from the trusts (if any) under which the land is presently held.

4. Vesting of certain land in the Corporation of the Roman Catholic Diocese of Toowoomba. The estate and interest in the land set out and described in the Third Schedule and any improvements thereon is hereby divested from each person who, at the passing of this Act, is the registered proprietor or lessee and vests in The Corporation of the Roman Catholic Diocese of Toowoomba constituted under the *Religious Educational and Charitable Institutions Act 1861-1967* (repealed) completely freed and discharged from the trusts (if any) under which the land is presently held.

5. Duty of Registrar of Titles and others. The Registrar of Titles, a Deputy Registrar of Titles, the Registrar of Dealings, a mining warden or other person required by any Act or law to make or enter any note or memorial on any certificate or other instrument of title to land shall, upon receipt of a duly completed request in that behalf by the relevant corporation, payment of the appropriate fees (if any) and production of all relevant certificates or other instruments of title and, if any certificate or other instrument of title is missing, a duly completed statutory declaration stating the reasons for the failure to produce that certificate or other instrument, give effect in the register book to the divesting and the vesting in accordance with this Act by making every entry, cancellation and correction in any register, record or book in his custody or under his control and do and execute such other acts, matters and things as to him appear necessary and proper.

For the purposes of this section the expression "relevant Corporation" means—

- (a) in relation to land described in the First Schedule, The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane;
- (b) in relation to land described in the Second Schedule, the Roman Catholic Trust Corporation for the Diocese of Townsville;
- (c) in relation to land described in the Third Schedule, The Corporation of the Roman Catholic Diocese of Toowoomba.

6. Amendment of Schedules. (1) (a) The Governor in Council may from time to time by Order in Council amend the First Schedule by adding thereto a description of land held on behalf of the Roman Catholic Church and located in the Brisbane Archdiocese in addition to the land set out and described therein.

Upon amendment, the First Schedule as so amended shall be taken to be the First Schedule to this Act.

(b) The Governor in Council may from time to time by Order in Council amend the Second Schedule by adding thereto a description of land held on behalf of the Roman Catholic Church and located in the Townsville Diocese in addition to the land set out and described therein.

Upon amendment, the Second Schedule as so amended shall be taken to be the Second Schedule to this Act.

(c) The Governor in Council may from time to time by Order in Council amend the Third Schedule by adding thereto a description of land held on behalf of the Roman Catholic Church and located in the Toowoomba Diocese in addition to the land set out and described therein.

Upon amendment, the Third Schedule as so amended shall be taken to be the Third Schedule to this Act.

(d) Where a description of land is added by Order in Council to the First Schedule, the Second Schedule or the Third Schedule pursuant to this section, the provisions of—

(i) in a case of an addition to the First Schedule, section 2;

(ii) in a case of an addition to the Second Schedule, section 3;

(iii) in a case of an addition to the Third Schedule, section 4,

and section 5 shall apply in respect of that land as if this Act had been passed at the time the Order in Council takes effect.

(2) An order in Council made for the purposes of subsection (1) shall be laid before the Legislative Assembly within 14 sitting days after its publication in the Gazette.

(3) An Order in Council referred to in subsection (2) shall have no effect until whichever of the following events, being appropriate to the case, is the earlier to occur:—

(a) if, within 14 sitting days after the Order in Council has been laid before it (whether within the period prescribed by subsection (2) or subsequently), notice of motion to disallow the order is given in the Legislative Assembly, the question that the order be disallowed is resolved by the Assembly in

the negative or, as the case may be, the motion lapses in accordance with Standing Orders of the Assembly;

- (b) if within the period referred to in paragraph (a) a notice of motion referred to in that paragraph is not given, the expiration of that period.

(4) For the purposes of this section a prorogation of the Parliament or a dissolution of the Legislative Assembly shall not affect the power of the Assembly to disallow an Order in Council and in all respects relevant to an exercise of that power shall be disregarded.

FIRST SCHEDULE
LAND VESTING IN THE CORPORATION OF THE TRUSTEES OF THE ROMAN CATHOLIC ARCHDIOCESE
OF BRISBANE [s. 2]

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	C/T 179098	1078	88	Churchill	Flinders		Subdivisions 59 and 60 of portion 160	2 roods 14 perches	Robert Dunne, Patrick Mana James Connolly, James Benedict Breen, Denis Byrne and Andrew Horan as joint tenants
Freehold	C/T 176873	1067	113	Churchill	Flinders		Subdivisions 36 and 37 of portion 160	2 roods 37 1/2 perches	Robert Dunne, James Benedict Breen, Denis Byrne and Andrew Horan as joint tenants
Freehold	Part of C/T 314916	1703	156	March	Maleny		Lot 1 on Registered Plan No. 160778	1 385m.	James Dubig, James Byrne, Michael Potter and William Lee as joint tenants
Freehold	D/G 105339	1336	99	Yarrol	Mundowran	Mundubbera	Allotments 6, 7, 8 and 9 of section 29	2 acres	Patrick Brady and Philip Brady as joint tenants
Freehold	D/G 107446	1413	206	Bowen	Taughboyne		Portion 6	1 acre	James Dubig, Denis Fouhy, James Byrne, Matthew Ryan and Michael Potter as joint tenants

FIRST SCHEDULE--continued

[s. 2]

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	C/T 106078	1366	88	Lennox	Bronyar	Woolonga	Allotments 3 and 4 of section 1	2 roods	James Duhig, Denis Fouhy, Francis Dorrigan, James Byrne and Michael Potter as joint tenants
Freehold	C/T 221550a	806	142	March	Urangan		Subdivision 57 of resubdivision 1 of subdivision 17 of portion 2	1 rood 36.6/10th perches	Robert Dunne, James Duhig, Andrew Horan, James Benedict Breen and Matthew Ryan as joint tenants
Freehold	C/T 253093	1430	83	Stanley	Toombul		Subdivisions 1 to 4 and 36 of section 3 of resubdivision A of subdivision 1 of allotment 4 of portion 6 on Plan Catalogue No. T12-152	1 rood 31 perches	James Duhig, Denis Fouhy, James Byrne and Michael Potter as joint tenants
Freehold	Part of C/T 56082	378	72	Churchill	Alfred		Lot 1 on Registered Plan No. 131414	2 acres 3 roods 14 perches	Denis Fouhy and Andrew Horan as joint tenants
Freehold	Part of C/T 56082	378	72	Churchill	Alfred		Lot 2 on Registered Plan No. 131414	3 acres 1 rood 4.5 perches	Denis Fouhy and Andrew Horan as joint tenants
Freehold	C/T 217269	1269	9	Mackenzie	Gooroolballin		Subdivision 1 of portion 17V	1 acre 7 1/2 perches	Robert Dunne, James Duhig, James Benedict Breen, Andrew Horan and Matthew Ryan as joint tenants

FIRST SCHEDULE—continued [s. 2]

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	Part of C/T 317083	1712	73	Stanley	Toombul	Brisbane	Subdivision 1 of resubdivision 1 of subdivision A of portion 210 as per Registered Plan No. 45569	3 acres 3/10th perches	James Duhig, Roman Catholic Archbishop of Brisbane
Freehold	Part of C/T 248427	1409	167	Stanley	North Brisbane		Lot 18 on Registered Plan No. 200139	5 204m	James Duhig
Freehold	C/T 103760	678	250	Stanley	Toombul		Subdivisions 146 and 347 of allotment 6 of section 2	32 perches	James Duhig, Roman Catholic Archbishop of Brisbane
Freehold	C/T 296612	1625	102	Stanley	Kedron		Resubdivisions 129 and 130 of subdivision 1 of portion 8	32 perches	James Duhig
Freehold	C/T 334860	1791	100	Stanley	Kedron		Resubdivision 131 of subdivision 1 of portion 8	16 8/100 perches	James Duhig, Roman Catholic Archbishop of Brisbane
Freehold	Part of C/T 89166	594	156	Stanley	Toombul		Subdivisions 339 to 345 and 376 to 380 incl of allotments 5 and 6 of section 2 as per Registered Plan No. 33619	1 acre 32 perches	James Duhig, Roman Catholic Archbishop of Brisbane
Freehold	C/T 124004	783	244	Stanley	Nundah		Resubdivisions 25, 26, 105 and 106 of subdivision 2 of portion 26	2 roods	Robert Dunne, Andrew Horan, Denis Fouhy and James Byrne as trustees under Nomination of Trustees No. 679757

FIRST SCHEDULE—continued

[s. 2]

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol	County	Parrish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	C/T 6677	LVI	197	Stanley	Mackenzie		Subdivision A of portion 44	1 acre	Andrew Horan, James Duhig, Denis Fouhy and James Byrne as trustees under Nomination of Trustees No. 656339
Freehold	C/T 163897	998	137	Cook	Gregory		Subdivision 2 of portion 28V	2 roods	Andrew Horan, James Duhig, Denis Fouhy and James Byrne as Trustees under Nomination of Trustees No. 656339
Freehold	C/T 190128	1138	118	Cavendish	Barra		Resubdivision 2 of subdivision 87A of portion 133A	2 acres	Robert Dunne, James Duhig, Denis Fouhy, Matthew Ryan and James Byrne as Trustees under Nomination of Trustees No. 674636
Freehold	C/T 94378	1087	138	Cavendish	Colinton	Moore	Allotments 2 and 3 of section 16	1 acre 1 rood 8 perches	James Duhig, Denis Fouhy, James Byrne, William Lee and Michael Potter as Trustees under Nomination of Trustees No. 945700
Freehold	C/T 212134	1245	124	Lennox	Imbil		Subdivisions 9 and 10 of portion 1080	2 roods	James Duhig, Denis Fouhy, James Byrne, Michael Potter and William Lee as Trustees under Nomination of Trustees No. 753428

FIRST SCHEDULE—continued									
									[s. 2]
Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	C/T 210953	1239	193	Lennox	Imbil		Subdivision 11 of portion 1080	1 rood	James Duhig, Denis Fouhy, Michael Potter, James Byrne and William Lee as Trustees under Nomination of Trustees No 753428
Freehold	C/T 193539	1156	29	Churchill	Landley		Subdivision 22 of resubdivision 18 of subdivision 2 of portions 13 and 16	5 acres 2 roods	James Duhig, Denis Fouhy, Michael Potter, Francis Dorrigan and James Byrne as Trustees under Nomination of Trustees No 726239
Freehold	Part of D/G 94584	1102	245	Cavendish	Laromeo		Subdivisions 3 and 4 section 6 of portion 20V on Registered Plan No 32386	1 rood 26 7/10th perches	Robert Dunne, James Duhig, Andrew Horan and James Benedict Breen as Trustees under Nomination of Trustees No 591121
Freehold	D/G 106465	1376	225	March	Lewantin	County	Allotments 5 and 6 of section 12	3 roods 17 7/10th perches	Nellie Livingstone wife of Charles Livingstone
Freehold	C/T 125671	793	161	March	Urangan		Subdivision 58 of resubdivision 1 of subdivision 17 of portion 2	1 rood 36 71/100ths perches	John O'Reilly
Freehold	D/G 5312	13	78	March	Maryborough	Maryborough	Allotment 18 of section 77	2 roods 5 perches	Valentine Barbeter as Deviser in Trust

FIRST SCHEDULE continued [s. 2]

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	C/T 17378	131	127	March	Maryborough		Allotment 19 of section 77	2 roods 5 perches	Valentine Barbeler as Devisee in Trust
Freehold	D/G 93552	1075	32	Caevendish	Cooyar	Cooyar	Allotment 14 of section 3	1 rood 1 perch	Mark Frances Cosgrove
Freehold	C/T 59798	407	38	March	Maryborough	Maryborough	Allotment 17 of section 77	2 roods 5 perches	Phillip Jerome Barron and John Clelus O'Shea Christian Brothers of Sydney as Joint tenants
Leasehold	MHPL 6162	370	39	March	Gympie			1 rood 26 6/10th perches (1 685 square metres)	Timothy Molony
Leasehold	MHPL 6227	299	48	March	Gympie			1 acre (4 047 square metres)	Timothy Molony

SECOND SCHEDULE [s. 3]
LAND VESTING IN ROMAN CATHOLIC TRUST CORPORATION FOR THE DIOCESE OF TOWNSVILLE

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	C/T 34914	237	166	Herbert	Pring	Bowen	Allotment 10 of section 24	2 roods 9 perches	James Duhig

THIRD SCHEDULE

[s. 4]

LAND VESTING IN THE CORPORATION OF THE ROMAN CATHOLIC DIOCESE OF TOOWOOMBA

Land Tenure	Nature and Number of Instrument of Title	Vol.	Fol.	County	Parish	Town or City	Description of Property	Area	Registered Proprietor or Lessee
Freehold	Part of D/G 10765	57	27	Merivale	Warwick		Subdivision 1 of portion 264 on Registered Plan No. 58438	34 acres 2 roods 37 perches	James Duhig, Denis Fouhy, George Wilkie Gray and Andrew Joseph Thynne as Executors of the Will of Robert Dunne deceased