



United Grand Lodge of Antient Free and Accepted Masons of Queensland Trustees Act 1942

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Queensland

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United Grand Lodge of Antient Free and Accepted Masons of Queensland Trustees Act 1942

An Act to make provision for the holding of real and personal property by trustees on behalf of the United Grand Lodge of Antient Free and Accepted Masons of Queensland and lodges subject to such grand lodge, to provide for the succession of title thereto, and for other incidental purposes

Preamble

Whereas it is desirable that real and personal property which belongs now or may hereafter belong to the United Grand Lodge of Antient Free and Accepted Masons of Queensland, or lodges subject thereto, should vest in and be managed by trustees, and that on any change in the trusteeship becoming necessary the title to such property should devolve without the expense of conveyance or transfer being incurred.

And whereas it is necessary to obtain power and authority for providing for the due succession of trustees without conveyance or transfer, and for creating facilities of proof.

1 Short title

This Act may be cited as the *United Grand Lodge of Antient Free and Accepted Masons of Queensland Trustees Act 1942*.

2 Interpretation

In this Act—

acting authorised representative means such person as in the event of the death, illness, absence, or incapacity of the authorised representative may be appointed by the grand

master of grand lodge for the time being, by signed writing, to act as authorised representative.

authorised representative of grand lodge means the grand secretary appointed by grand lodge and for the time being holding office.

grand lodge means the United Grand Lodge of Antient Free and Accepted Masons of Queensland.

legal proceedings includes all proceedings whatsoever, whether preliminary, initiatory, interlocutory, or final, in any court of justice or before any registrar of titles, or before any warden under the laws relating to mining, or other duly constituted authority under any other Act or law having like or similar powers and functions.

lodge means any lodge now existing or hereafter constituted owing allegiance to and under the authority of grand lodge.

masonic lands includes all lands and premises in Queensland, of whatever tenure, which now are or which may at any time hereafter be held in trust for or on behalf of grand lodge or any lodge, together with all rights, easements, and appurtenances whatsoever relating thereto and also includes chattels real, and tenements and interests which are now held, possessed, or occupied or which may at any time hereafter be acquired and held, possessed, or occupied under any right, lease, licence, authority, or tenure peculiar to goldfields or mineral fields, or other tenure under the laws relating to mining, or any leasehold, occupation licence, authority, or permit or other tenure under the laws relating to the occupation, leasing, and alienation of Crown land.

register means the register kept by the registrar of titles under the *Land Title Act 1994*, and includes any register kept by any authority (other than the registrar of titles) charged with the registration by such authority of the instrument of tenure of the land concerned.

the board means the Board of Benevolence and of Aged Masons, Widows and Orphans' Fund.

the trustees means the trustees of the United Grand Lodge of Antient Free and Accepted Masons of Queensland.

3 Vesting real and personal property in grand lodge trustees

Save as is prescribed by section 3A, all lands and any estate therein, and all moneys and securities for money, and all personal property now held by grand lodge or by any person or persons on behalf of grand lodge, and all masonic lands, and all moneys or securities for moneys and personal property which may at any time or times hereafter be acquired by grand lodge by gift, purchase, devise, bequest, or otherwise, shall, after the coming into operation of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, agreement, or other transaction affecting the same respectively, become vested in the trustees in the official name of the Trustees of the United Grand Lodge of Antient Free and Accepted Masons of Queensland who shall be appointed by grand lodge in accordance with the constitution and laws of grand lodge, upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such constitution and laws of grand lodge, and shall be subject to this Act.

3A Vesting of real and personal property of grand lodge held for charitable purposes

- (1) Upon the incorporation according to law of the Board of Benevolence and of Aged Masons, Widows and Orphans' Fund—
 - (a) all lands and any estate therein and all moneys and securities for moneys and all personal property vested in the trustees of the United Grand Lodge of Antient Free and Accepted Masons of Queensland at the time of such incorporation and held for a charitable or benevolent purpose administered by the board shall, by virtue of such incorporation, be divested from the trustees and vest in the board; and
 - (b) all masonic lands, all moneys or securities for moneys and all personal property acquired by or for grand lodge by gift, purchase, devise, bequest or otherwise at any time or times after such incorporation for a charitable or

benevolent purpose administered by the board shall vest in the board.

- (2) The vesting of property in the board under subsection (1) shall not prejudice any mortgage, charge, encumbrance, lien, lease, agreement or other transaction to which the property is subject immediately before such vesting.
- (3) A passing of property to the board under subsection (1)(a) is not a disposition of property in respect of which gift duty is payable.
- (4) Where property divested from the trustees and vested in the board under subsection (1) consists of a chose in action it shall be deemed that sufficient notice has been given to all persons of the passing of the property.

3B Assumption of liabilities and obligations relating to property vested under s 3A

Upon the vesting in the board, under section 3A of property that is affected by any mortgage, charge, encumbrance, lien, lease, agreement or other transaction the board shall, by virtue of such vesting, assume all liabilities and obligations had by the trustees or by any person on behalf of grand lodge under any such mortgage, charge, encumbrance, lien, lease, agreement or other transaction and the trustees or such person shall thereupon cease to have such liabilities and obligations.

3C Board deemed to be party to transactions

For the purpose of enforcing by or against the board a chose in action vested in it under section 3A or any liability or obligation assumed by it under section 3B it shall be deemed, where necessary to do so, that the board is a party to the instrument of mortgage, charge, encumbrance, lien, lease or agreement or other document or transaction that confers the right or imposes the liability or obligation that is to be enforced in place of the trustees or other person from whom the chose in action is divested under section 3A or the liability or obligation is assumed under section 3B.

3D Unauthorised investments by board subject to approval of grand lodge

The board shall not invest moneys held by it in any investment that is not an authorised investment within the meaning of the *Trusts Act 1973* save with the approval of grand lodge first had and obtained.

4 Vesting real and personal property in lodge trustees

- (1) Upon the passing of a resolution by any lodge adopting this Act, all lands and any estate therein, and all moneys and securities for money, and all personal property then held by such lodge or by any person or persons on behalf of such lodge, and all masonic lands, and all moneys or securities for money and personal property which may at any time or times hereafter be acquired by such lodge by gift, purchase, devise, bequest, or otherwise shall, subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, agreement, or other transaction affecting the same, respectively become vested in the trustees in the official name of the ‘Trustees of the Lodge (naming the lodge) of Antient Free and Accepted Masons of Queensland’ who shall be appointed by such lodge in accordance with the by-laws for the time being governing such lodge upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such by-laws and shall be subject to this Act.

Evidence of passing of resolution

- (2) A certificate that a resolution as referred to in subsection (1) has been passed by any lodge on a particular date adopting this Act, signed by persons purporting to be the master and secretary of such lodge, shall be taken as sufficient evidence that such lodge has adopted this Act upon the date named in such certificate.

5 Powers of trustees

So far as persons dealing with such trustees are concerned, such trustees, both of grand lodge and lodges, shall be deemed

to have the same power of sale, lease, mortgage, and disposition over such property as if they were the absolute owners thereof; and it shall not be incumbent upon any person to inquire whether any proposed dealing constitutes a breach of trust, nor shall any person be concerned to see to the application of any purchase, mortgage, or other moneys paid to such trustees.

6 Transfers, conveyances etc. executed by majority sufficient

- (1) Where any sale, mortgage, exchange, or lease of any masonic lands subject to this Act shall be made, the transfer, mortgage, exchange, or lease of such land, if under the operation of the *Land Title Act 1994*, shall be as effectual if signed by a majority of the trustees for the time being of such land named in the register of trustees hereinafter mentioned as if such transfer, mortgage, exchange, or lease had been duly signed by all the trustees or registered proprietors thereof.
- (2) Moreover, in case such land shall not be under the operation of such Acts, the conveyance, mortgage, exchange, or lease thereof, if executed by a majority of the trustees for the time being thereof named in such register of trustees, shall be deemed to pass the legal estate therein as fully and effectually as if all the trustees in whom the legal estate was vested had joined in, executed, or made such conveyance, mortgage, exchange, or lease.

7 Documents concerning personal estate executed by majority sufficient

The signatures of the majority of the trustees for the time being in whom are vested any lands mortgaged to such trustees, or in whose names are invested any moneys in debentures, stock, treasury bills or other securities of this State or of the Commonwealth, or in debentures or other securities of a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* or in any financial institution or company, to any release or transfer shall be sufficient to reconvey, release, or transfer respectively,

the estate of all the trustees therein in the same manner as if such documents had been signed by the whole of such trustees.

8 Register of trustees to be kept

- (1) The authorised representative for the time being of the grand lodge shall keep or cause to be kept in duplicate a register of trustees of the several lands and funds for the time being held subject to this Act on behalf of grand lodge and the respective lodges in Queensland, and such register shall be called and inscribed as the United Grand Lodge of Antient Free and Accepted Masons of Queensland Register of Trustees for Queensland, and shall be in the form or to the effect contained in the schedule; and such authorised representative shall with all reasonable dispatch enter or cause to be entered in such register of trustees the names, addresses, and occupations of the present trustees of such lands and funds respectively, with all other particulars indicated in the schedule.
- (2) Such authorised representative shall from time to time, upon the appointment of any new trustee or trustees under the constitution and laws of grand lodge or by-laws of lodges respectively, insert or cause to be inserted in such register of trustees the name and addition of any new trustee or trustees, and how the vacancy in any trust occurred, whether by death or otherwise, and the date of the appointment of the new trustee or trustees, and also of the date of the insertion of the new trustee's or trustees' name or names in such register of trustees; and such authorised representative shall sign the authorised representative's name in such register of trustees in the proper column, in the same line with the name of every trustee (old and new) to authenticate the due appointment of each trustee.

9 Power to amend register

The authorised representative or acting authorised representative shall have full power at any time to amend the register of trustees by rectifying any error or supplying any omission therein and shall initial such amendment and add the

date thereof, but shall not render illegible the part so rectified; and the register so amended shall have all the validity and operation by this Act conferred upon the register of trustees.

10 Legal estate to pass to new trustees without conveyance

- (1) On the insertion and authentication as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of any such lands not under the operation of the *Land Title Act 1994*, held subject to this Act, the estate in such lands of the trustee or trustees in whose place such new trustee or trustees shall be appointed shall forthwith vest in such new trustee or trustees solely or jointly, as the case may be, with the old continuing trustee or trustees (if any) for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever.
- (2) On the insertion and authentication as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of lands under the operation of the *Land Title Act 1994* held as aforesaid, such new trustee or trustees, together with the former or continuing trustees (if any), shall be deemed the proprietor or proprietors thereof within the meaning of the *Land Title Act 1994* as if the name or names of such new trustee or trustees appeared or was or were entered as such proprietor or proprietors in the register book kept under the *Land Title Act 1994*, and as if a certificate of title had been duly issued to the proprietor or proprietors, solely or jointly, as the case may be, with the former continuing proprietor or proprietors (if any) for all the same estate and interest as the former proprietor or proprietors had therein, and subject to the same trusts, without any transfer being made for the purpose.
- (3) Moreover, as to the lands under the operation of the *Land Title Act 1994*, the trustees for the time being thereof registered aforesaid in the said register of trustees shall be deemed the proprietors thereof within the meaning of the Act as if the names of such trustees appeared or were entered as such proprietors in such register book, and as if certificates of title

had been duly issued to them, but subject to this Act, and to any then subsisting mortgage, lien, encumbrance, or lease.

11 Interest of trustees in personalty to pass to new trustees without transfer

On the insertion as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of any personal property, moneys, or securities for money held subject to this Act, the estate in such property, money, or securities of the trustee or trustees in whose place such new trustee or new trustees shall be appointed shall forthwith vest in such new trustee or trustees solely or jointly, as the case may be, with the old continuing trustee or trustees (if any) for the same estate or interest as the former trustee or trustees had therein, and subject to the same trusts, without any transfer or assignment whatsoever.

12 Production of register sufficient evidence

- (1) A book purporting to be the register of trustees hereinbefore referred to shall, on production thereof by the authorised representative for the time being or the acting authorised representative for the time being, or by any person appointed for that purpose by either of such persons in writing, be received and taken in all legal proceedings and on all occasions whatsoever as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties but for and against third persons, purchasers, and all others whom it may concern, as to who are or were the trustees of such lands, property, or funds, and also of the vacancies which occurred in the trusteeship, and of the appointment of new trustees to supply such vacancies, and of the date of the insertion of their names as aforesaid in such register of trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section 4.
- (2) Judicial notice shall be taken of such book and of the signatures of the authorised representative therein; and any extract purporting to be an extract from such register of trustees, and certified under the hand of such authorised

representative or acting authorised representative for the time being as aforesaid, and bearing what purports to be the seal of grand lodge, shall be received and taken in all legal proceedings and in all dealings with masonic lands before any registrar of titles, officer of the department in which the *Land Act 1994* is administered, warden, or other duly constituted authority under any other Act or law having the like or similar powers and functions, and on all occasions whatsoever, as sufficient evidence of the several extracted matters comprised in such extract so far as the same may relate to any particular masonic land, property, or funds, without the production of such register of trustees, and judicial notice shall be taken of the signature of the authorised representative or acting authorised representative to every such extract, and of such seal of grand lodge.

- (3) In case of the decease, illness, absence, or temporary incapacity of such authorised representative as aforesaid, some other person may be appointed by the grand master for the time being of grand lodge to act in the place of such authorised representative, but not for a longer period than the next quarterly meeting of grand lodge, and such other person shall be designated the 'acting authorised representative of grand lodge'; and such acting authorised representative during the time for which the acting authorised representative shall be so appointed shall have, perform, and execute all the powers and duties of such authorised representative, and shall underneath the representative's signature in the columns of the said register of trustees insert the word 'acting,' and shall underneath the representative's signature to any extract to be made by the representative from such register of trustees insert the words 'acting authorised representative of grand lodge.'
- (4) A copy of the gazette containing a notification by the grand master for the time being of grand lodge of the appointment of such authorised representative or of such acting authorised representative as aforesaid shall be sufficient evidence of the due appointment of such authorised representative and acting authorised representative respectively.

13 Powers and duties of registrar of titles

The registrar of titles shall, by virtue of this Act, have power to, and shall cause to be made any necessary recordings, entries or endorsements in the appropriate register and do and execute all such other acts, matters, and things as may be necessary and proper to give full effect to the objects and purposes of this Act.

14 Statutory duties and fees not payable in prescribed cases

No stamp duty or other fee ordinarily payable under any Act shall be chargeable upon any instrument or document made—

- (a) to evidence a divesting and vesting of property under section 3A(1)(a); or
- (b) to evidence an assumption of a liability or obligation under section 3B; or
- (c) to give full effect to the objects and purposes of this Act in relation to such a divesting, vesting or assumption.

Schedule **The United Grand Lodge of Antient Free and Accepted Masons of Queensland: register of trustees**

section 8

folio (words of description such as Masonic Temple, Ann Street, Brisbane), comprised in certificate of title entered in register book volume folio .

or

miners homestead lease no. (name of goldfield)

or

residence area no. do.

or

perpetual lease no.

Number of trustees (state number)

| Name of trustee | Address and occupation of trustee | Date of appointment of new trustee | Date of insertion of name of new trustee herein | Signature of authorised representative | How vacancy occurred in trust such as death or the like | Signature of authorised representative |
|-----------------|-----------------------------------|------------------------------------|---|--|---|--|
| A B .. | Ann Street, Brisbane .. | .. | .. | .. | Deceased | .. |
| C D .. | ditto .. | .. | .. | .. | Incapacitated | .. |
| E F .. | ditto .. | .. | .. | .. | Refusal to act | .. |
| G H .. | ditto .. | .. | .. | .. | Resignation | .. |
| I J .. | ditto .. | .. | .. | .. | Withdrawal from grand lodge | .. |
| K L | | 1 July 1941 | 2 July 1941 | .. | .. | .. |