



# **Roman Catholic Church (Incorporation of Church Entities) Act 1994**

**Current as at 27 November 2013**

© State of Queensland 2024



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

# Roman Catholic Church (Incorporation of Church Entities) Act 1994

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
3	Definitions .....	3
4	Interpretation and application of canon law .....	5
<b>Part 2</b>	<b>Establishment and composition of the Corporation of the Bishops</b>	
5	Establishment of Corporation of Bishops .....	6
6	Composition of corporation .....	6
7	Perpetual succession etc. of corporation .....	6
8	Certificate of incorporation .....	6
<b>Part 3</b>	<b>Incorporation of church entities</b>	
9	Request to incorporate church entity .....	7
10	Certificate of incorporation .....	8
11	Composition of corporation .....	8
11A	Vesting of assets .....	8
11B	Transfer of rights and liabilities .....	9
12	Seal etc. of corporation .....	9
13	Person acting for corporation .....	9
<b>Part 4</b>	<b>Establishment under this part of certain church corporations established under other Acts</b>	
14	Application of part .....	10
15	Meaning of existing church corporation .....	10
16	Request to establish existing church corporation under this part	10
17	Certificate of incorporation under this Act .....	11
18	Composition of corporation .....	12
19	Seal etc. of existing church corporation .....	12
20	Person acting for existing church corporation .....	12

Contents

---

21	Establishment under this part does not affect legal personality etc.	12
22	Establishment under this part does not affect existing legal relationships 13	
23	Incorporation under AI Act ceases . . . . .	14
24	Letters patent under RECI Act cancelled . . . . .	14
<b>Part 5</b>	<b>Legal capacity and powers of incorporated church entities</b>	
<b>Division 1</b>	<b>Powers and legal capacity generally</b>	
25	Powers and legal capacity generally . . . . .	14
25A	Holding property on trust for unincorporated juridical person . . .	15
25B	Variation of purposes of charitable trust . . . . .	16
25C	Pooling of trust money into one investment fund . . . . .	17
<b>Division 2</b>	<b>Abolition of doctrine of ultra vires</b>	
26	Objects of division . . . . .	18
27	Restrictions on powers . . . . .	18
28	Persons having dealings with incorporated church entities etc. . .	19
<b>Part 6</b>	<b>Change of name and dissolution</b>	
<b>Division 1</b>	<b>Change of names of incorporated church entities</b>	
29	Change of name of incorporated church entity . . . . .	21
30	Change of name does not affect legal personality etc. . . . .	21
31	Change of name does not affect existing legal relationships . . .	22
32	Recording of change of name of corporation . . . . .	23
<b>Division 2</b>	<b>Dissolution of incorporated church entities</b>	
33	Request to dissolve entity . . . . .	23
34	Dissolution of entity . . . . .	24
35	Recording of vesting of interest in land . . . . .	24
<b>Part 7</b>	<b>Records that must be kept</b>	
36	Records to be kept by chief executive . . . . .	25
37	Records to be kept by Corporation of Bishops . . . . .	25
<b>Part 8</b>	<b>Miscellaneous</b>	
38	Evidence of address . . . . .	26
39	Service of documents on corporation . . . . .	26
41	Replacement certificate of incorporation . . . . .	26
42	Delegation of chief executive's powers . . . . .	27
43	Regulations . . . . .	27

---

# Roman Catholic Church (Incorporation of Church Entities) Act 1994

## An Act to provide for the incorporation of certain entities of the Roman Catholic Church and for related purposes

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Roman Catholic Church (Incorporation of Church Entities) Act 1994*.

#### 3 Definitions

In this Act—

*AI Act* means the *Associations Incorporation Act 1981*.

*AI Act corporation* see section 14(a).

*associated entity* means a discrete service, work, activity or part of—

- (a) a diocese or archdiocese, or the trustees of a diocese or archdiocese, of the church; or
- (b) a religious institute or the members of a religious institute; or
- (c) a juridical person, or a juridical person's competent authority; or
- (d) 1 or more holders of an office of the church under canon law.

***bishop*** means a person holding appointment as the bishop of a church diocese, or the archbishop of a church archdiocese, under canon law.

***canon law*** means the Code of Canon Law of the church and the statutes of juridical persons.

***church*** means the Roman Catholic Church.

***church entity*** means—

- (a) a diocese or archdiocese, or the trustees of a diocese or archdiocese, of the church; or
- (b) a religious institute or the members of a religious institute; or
- (c) a juridical person, or a juridical person's competent authority; or
- (d) 1 or more holders of an office of the church under canon law; or
- (e) an associated entity.

***competent authority***, of a juridical person or religious institute, means the person's or institute's competent authority as decided under canon law.

***constituent documents***, for a church entity or an incorporated church entity, mean the constitution, rules, articles or other similar documents of the entity.

***Corporation of the Bishops*** means the Corporation of the Roman Catholic Bishops of Queensland.

***existing church corporation*** see section 15.

***incorporated church entity*** means—

- (a) an entity established under this Act; or
- (b) an AI Act corporation established under this Act; or
- (c) a RECI Act corporation established under this Act; and includes—
- (d) the Corporation of the Bishops; and

- (e) for part 5—an AI Act corporation or RECI Act corporation that is not established under this Act.

***juridical person*** means a juridical person under canon law.

***officer*** of an incorporated church entity includes—

- (a) a person who constitutes the entity (whether alone or with others) under canon law; and
- (b) an employee of the entity.

***public juridical person*** means a juridical person that is a public juridical person under canon law.

***RECI Act*** means the repealed *Religious Educational and Charitable Institutions Act 1861*.

*Editor's note—*

The RECI Act was repealed by section 4 (now renumbered as section 144) of the *Associations Incorporation Act 1981*. However, letters patent under the RECI Act were continued in force by the section.

***RECI Act corporation*** see section 14(b).

***religious institute*** means an Institute of Consecrated Life or a Society of Apostolic Life.

#### **4 Interpretation and application of canon law**

For the purpose of applying canon law to matters under this Act, canon law must be interpreted and applied in a way consistent with decisions about the matters by church authorities who ordinarily decide them.

## **Part 2**

# **Establishment and composition of the Corporation of the Bishops**

### **5 Establishment of Corporation of Bishops**

A corporation called the Corporation of the Roman Catholic Bishops of Queensland is established.

### **6 Composition of corporation**

The Corporation of the Bishops consists of the persons for the time being holding appointment as bishop.

### **7 Perpetual succession etc. of corporation**

The Corporation of the Bishops—

- (a) has perpetual succession; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

### **8 Certificate of incorporation**

The chief executive must immediately issue a certificate of incorporation for the Corporation of the Bishops and give it to the person holding appointment as archbishop of Brisbane under the Code of Canon Law.



---

## Part 3 Incorporation of church entities

### 9 Request to incorporate church entity

- (1) A bishop may ask the chief executive to incorporate a church entity functioning in the bishop's diocese or archdiocese.
- (2) The Corporation of the Bishops may also ask the chief executive to incorporate a church entity.
- (2A) Before asking for incorporation of a religious institute or an associated entity of a religious institute, the bishop or Corporation of the Bishops must obtain written consent to the making of the request from the religious institute's competent authority who has jurisdiction for the State.
- (2AA) Before asking for incorporation of a public juridical person or an associated entity of a public juridical person, the bishop or Corporation of the Bishops must obtain written consent to the making of the request from the public juridical person's competent authority who has jurisdiction for the State.
- (2B) If the request is for the incorporation of an associated entity of a religious institute or a public juridical person, the consent under subsection (2A) or (2AA) must state any assets that are to vest in the associated entity on its establishment as a corporation under this part.
- (3) The request must—
  - (a) be in a form approved by the chief executive; and
  - (b) state the church entity; and
  - (c) state the entity is a church entity; and
  - (d) state the proposed name for the church entity; and
  - (e) if the request is for the incorporation of an associated entity, other than an associated entity of a religious institute or a public juridical person—state any assets that are to vest in the associated entity on its establishment as a corporation under this part; and

[s 10]

---

- (f) if the request is for the incorporation of a religious institute, a public juridical person or an associated entity of a religious institute or public juridical person—be accompanied by a copy of the consent mentioned in subsection (2A) or (2AA).
- (4) If there are constituent documents for the church entity and these are readily available to the bishop or Corporation of the Bishops, a copy of the documents certified as correct by the bishop or corporation must accompany the request.

## **10 Certificate of incorporation**

- (1) If the chief executive receives a request under section 9 (Request to incorporate church entity) and is satisfied that the section has been complied with, the chief executive must issue a certificate of incorporation for the church entity.
- (2) The church entity becomes a corporation established under this part on the issue of the certificate.
- (3) The corporation has the name specified in the certificate.
- (4) The chief executive must give the certificate to the Corporation of the Bishops.

## **11 Composition of corporation**

- (1) If persons constitute the church entity under canon law, the corporation consists of those persons.
- (2) If the church entity consists of the holder of an office or the holders of offices, the corporation consists of the person or persons holding the office or offices from time to time.

## **11A Vesting of assets**

- (1) On the establishment of a church entity, other than an associated entity, as a corporation under this part, the church entity's assets vest in the corporation.

- (2) On the establishment of an associated entity as a corporation under this part, the following assets vest in the corporation—
  - (a) for an associated entity of a religious institute or a public juridical person—only the assets stated in the consent mentioned in section 9(2A) or (2AA);
  - (b) for another associated entity—only the assets stated in the request under section 9(3)(e).

### **11B Transfer of rights and liabilities**

On the establishment of a church entity as a corporation under this part—

- (a) the rights and liabilities of the entity become the rights and liabilities of the corporation; and
- (b) a legal proceeding by or against the entity that has not been finished before the establishment may be continued and finished by or against the corporation.

### **12 Seal etc. of corporation**

- (1) The corporation—
  - (a) has a seal; and
  - (b) may sue and be sued in its corporate name.
- (2) If the corporation has corporators, the corporation has perpetual succession.

### **13 Person acting for corporation**

Anything done in the name of or for the corporation by a person who may act for the corporation under the corporation's constituent documents or canon law is taken to have been done by the corporation.

## **Part 4** **Establishment under this part of certain church corporations established under other Acts**

### **14** **Application of part**

This part applies to—

- (a) an incorporated association under the AI Act consisting of a church entity (an *AI Act corporation*); or
- (b) a corporation, established by letters patent, under the RECI Act consisting of a church entity (an *RECI Act corporation*).

### **15** **Meaning of *existing church corporation***

In this part—

*existing church corporation* means an AI Act corporation or a RECI Act corporation.

### **16** **Request to establish existing church corporation under this part**

- (1) A bishop may ask the chief executive to establish, under this part, an existing church corporation functioning in the bishop’s diocese or archdiocese.
  - (2) The Corporation of the Bishops may also ask the chief executive to establish an existing church corporation under the part.
- (2A) However, if the existing church corporation is a religious institute or an associated entity of a religious institute, a request for establishment may be made only if the religious institute’s competent authority who has jurisdiction for the State has given written consent to the making of the request.
- (2AA) However, if the existing church corporation is a public juridical person or an associated entity of a public juridical

person, a request for establishment may be made only if the public juridical person's competent authority who has jurisdiction for the State has given written consent to the making of the request.

- (2B) The consent must be given to the bishop or Corporation of the Bishops making the request.
- (3) The request must—
- (a) be in a form approved by the chief executive; and
  - (b) state the existing church corporation; and
  - (c) state whether the corporation is an AI Act or RECI Act corporation; and
  - (d) if the existing church corporation is a religious institute, a public juridical person or an associated entity of a religious institute or public juridical person—be accompanied by a copy of the consent mentioned in subsection (2A) or (2AA).
- (4) If there are constituent documents for the church entity which the corporation consists of and these are readily available to the bishop or Corporation of the Bishops, a copy of the documents certified as correct by the bishop or corporation must accompany the request.

## **17 Certificate of incorporation under this Act**

- (1) If the chief executive receives a request under section 16 (Request to establish existing church corporation under this part) and is satisfied that the section has been complied with, the chief executive must issue a certificate of incorporation for the existing church corporation.
- (2) On the issue of the certificate, the existing church corporation is established under this part as a corporation with the same name and constitution.
- (3) The chief executive must give the certificate to the Corporation of the Bishops.

## **18 Composition of corporation**

- (1) If, under canon law, persons constitute the church entity of which an existing church corporation established under this part consists, the corporation consists of those persons.
- (2) If the church entity consists of the holder of an office or the holders of offices, the corporation consists of the person or persons holding the office or offices from time to time.

## **19 Seal etc. of existing church corporation**

- (1) An existing church corporation established under this part—
  - (a) has a seal; and
  - (b) may sue and be sued in its corporate name.
- (2) If the corporation has corporators, the corporation has perpetual succession.

## **20 Person acting for existing church corporation**

Anything done in the name of or for an existing church corporation established under this part by a person who may act for the corporation under the corporations's constituent documents or canon law is taken to have been done by the corporation.

## **21 Establishment under this part does not affect legal personality etc.**

- (1) The establishment of an existing church corporation under this part does not—
  - (a) affect the corporation's legal personality or identity; or
  - (b) affect a right, entitlement or liability of the corporation or anyone else; or
  - (c) make legal proceedings by or against the corporation defective; or

- (d) nullify any exemption given to, or benefit enjoyed by, the corporation because of its incorporation under the AI Act or the RECI Act.
- (2) Without limiting subsection (1), the establishment of the corporation under this part does not affect any right, entitlement, liability, exemption or benefit the corporation would have had or enjoyed apart from its establishment under this part.
- (3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the existing church corporation before the establishment, it may be continued or started by or against it after the establishment.
- (4) To remove doubt, it is declared that the assets held by the existing church corporation immediately before its establishment under this part become, on the establishment, the assets of the corporation established under this part.

## **22 Establishment under this part does not affect existing legal relationships**

Without limiting section 21(1) (Establishment under this part does not affect legal personality etc.), the establishment of an existing church corporation under this part—

- (a) does not place the corporation in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make the corporation in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
  - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or

[s 23]

---

- (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee (in whole or part) from an obligation.

### **23 Incorporation under AI Act ceases**

On the issue of a certificate of incorporation under this Act for an AI Act corporation, the corporation ceases to be an incorporated association under the AI Act and its certificate of incorporation under that Act is cancelled.

### **24 Letters patent under RECI Act cancelled**

Despite section 4(2) of the AI Act, on the issue of a certificate of incorporation under this Act for a RECI Act corporation the letters patent under the RECI Act for the corporation are cancelled.

## **Part 5 Legal capacity and powers of incorporated church entities**

### **Division 1 Powers and legal capacity generally**

#### **25 Powers and legal capacity generally**

- (1) In performing its objects or functions, an incorporated church entity has all the powers, and the legal capacity, of an individual.
- (2) The entity may, for example—
  - (a) enter into contracts; and
  - (b) acquire, hold, deal with and dispose of property; and



- (c) invest and deal with money; and
  - (d) do other things necessary or convenient to be done in performing its objects or functions.
- (3) The entity may exercise its powers—
- (a) inside and outside Queensland; and
  - (b) inside and outside Australia.
- (4) The fact that the doing of an act by the entity would not be, or is not, in its best interests does not affect its power or legal capacity to do the act.

## **25A Holding property on trust for unincorporated juridical person**

- (1) This section applies if an incorporated church entity holds property under canon law on behalf of a juridical person who is not an incorporated church entity (an *unincorporated juridical person*).
- (2) The incorporated church entity holds the property on trust for—
- (a) if the property held under subsection (1) is given for a specific trust purpose of the unincorporated juridical person—the specified purpose; or
  - (b) if no purpose is specified—the religious, educational and charitable purposes of the unincorporated juridical person.
- (3) The incorporated church entity may exercise any of the powers of an incorporated church entity under section 25 as a trustee for the benefit of the unincorporated juridical person, in accordance with—
- (a) canon law; and
  - (b) a law of the State or the general law.
- (4) In proceedings against a trustee involving either of the following, the trustee's liability is limited to the value of the

[s 25B]

---

property held on trust for the unincorporated juridical person—

- (a) the property held on trust under this section;
  - (b) the transactions or activities conducted as trustee for the unincorporated juridical person.
- (5) However, subsection (4) does not apply to a trustee who acts fraudulently in exercising the powers of a trustee.
- (6) It is sufficient compliance with the *Property Law Act 1974*, section 11(1)(b), if the trustee issues a written certificate that complies with subsection (7) to record the following—
- (a) the property is held on trust by the incorporated church entity;
  - (b) the unincorporated juridical person for which the incorporated church entity holds the property on trust;
  - (c) details of the transactions or activities conducted as trustee for the unincorporated juridical person.
- (7) A certificate mentioned in subsection (6) must be executed by the seal of the incorporated church entity or signed by a person authorised by the incorporated church entity for that purpose.
- (8) The trustee must make a copy of the certificate mentioned in subsection (6) available to a person on request.

## **25B Variation of purposes of charitable trust**

- (1) This section applies to a charitable trust if—
- (a) an incorporated church entity is the trustee of the trust; and
  - (b) the trustee reasonably considers the original purpose of the trust—
    - (i) has been as far as may be fulfilled; or
    - (ii) can not be carried out; or
    - (iii) does not provide a community or religious benefit.

- (2) By resolution, the trustee may vary the charitable purpose of the trust (the *original purpose*) to—
  - (a) a different purpose that is also a charitable purpose but closely related to the original purpose; or
  - (b) if the trustee is reasonably satisfied it is not practicable to comply with paragraph (a)—another purpose that is charitable and connected to the church.
- (3) The trustee must make a copy of the resolution available to a person on request.
- (4) In this section—

*charitable trust* means a trust established for a charitable purpose, whether before or after commencement of this section.

## **25C Pooling of trust money into one investment fund**

- (1) This section applies if an incorporated church entity holds any money on trust under more than one trust.
- (2) Subject to any express provision to the contrary in a trust deed or other relevant document, the incorporated church entity may—
  - (a) pool the money into one fund; and
  - (b) invest the money as one fund.
- (3) The incorporated church entity must distribute any income or losses arising from the pooling and investment of money under subsection (2) rateably among the trusts for which money was pooled and invested.
- (4) In this section—

*trust* means a trust established before or after the commencement of this section.

## **Division 2                      Abolition of doctrine of ultra vires**

### **26            Objects of division**

The objects of this division include—

- (a) abolishing any application of the doctrine of ultra vires to incorporated church entities; and
- (b) ensuring that incorporated church entities give effect to any restrictions on their powers, but without affecting the validity of their dealings with third persons.

### **27            Restrictions on powers**

- (1) Sections 25 to 25C apply to an incorporated church entity subject to any restrictions on its powers under its constituent documents and canon law.
- (2) The entity contravenes this subsection if—
  - (a) the entity exercises a power contrary to a restriction mentioned in subsection (1); or
  - (b) the entity's constituent documents or canon law sets out the entity's objects or functions and the entity does an act that does not promote the objects or functions.
- (3) The exercise of the power, or the act, is not invalid merely because of the contravention.
- (4) An officer of the entity who is involved in the contravention contravenes this subsection.
- (5) An act of the officer is not invalid merely because, by doing the act, the person contravenes subsection (4).
- (6) The entity or officer does not commit an offence merely because of a contravention of this section.
- (7) The fact that—
  - (a) by exercising a power as mentioned in subsection (2)(a), or doing the act as mentioned in subsection (2)(b), the

entity contravened, or would contravene, subsection (2);  
or

- (b) by doing a particular act, the officer contravened, or would contravene, subsection (4);

may only be asserted or relied on in proceedings brought by the Corporation of the Bishops, or with the written authority of the Corporation of the Bishops given under its seal.

- (8) In this section—

*restriction* includes prohibition.

## **28 Persons having dealings with incorporated church entities etc.**

- (1) A person having dealings with an incorporated church entity is entitled to make the assumptions mentioned in subsection (3) and, in a proceeding about the dealings, any assertion by the entity that the matters that the person is entitled to assume were not correct must be disregarded.
- (2) A person having dealings with a person who has acquired, or purports to have acquired, title to property from an incorporated church entity (whether directly or indirectly) is entitled to make the assumptions mentioned in subsection (3) and, in a proceeding about the dealings, any assertion by the entity or the second person that the matters the first person is entitled to assume were not correct must be disregarded.
- (3) The assumptions that a person is, because of subsection (1) or (2), entitled to make are—
- (a) that, at all relevant times, this Act, the entity's constituent documents and canon law have been complied with; and
- (b) that a person who is held out by the entity to be an officer or agent of the entity has been properly appointed and has authority to exercise the powers and perform the functions customarily exercised or performed by an officer or agent of the kind concerned; and

- (c) that an officer or agent of the entity who has authority to issue a document for the entity has authority to warrant that the document is genuine and that an officer or agent of the entity who has authority to issue a certified copy of a document for the entity has authority to warrant that the copy is a true copy; and
  - (d) that a document has been properly sealed by the entity if—
    - (i) it bears what appears to be an imprint of the entity's seal; and
    - (ii) the sealing of the document appears to be authenticated by a person who, because of paragraph (b), may be assumed to be an officer of the entity; and
  - (e) that the entity's officers and agents have properly performed their duties to the entity.
- (4) However, a person is not entitled to assume a matter mentioned in subsection (3) if—
- (a) the person has actual knowledge that the assumption would be incorrect; or
  - (b) because of the person's connection or relationship with the entity, the person ought to know that the assumption would be incorrect.
- (5) If, because of subsection (4), a person is not entitled to make a particular assumption—
- (a) if the assumption is about dealings with the entity—subsection (1) does not apply to an assertion by the entity about the assumption; and
  - (b) if the assumption is about dealings about an acquisition or purported acquisition from the entity of title to property—subsection (2) does not apply to an assertion by the entity or someone else about the assumption.

---

## **Part 6**                      **Change of name and dissolution**

### **Division 1**                **Change of names of incorporated church entities**

#### **29**      **Change of name of incorporated church entity**

- (1) An incorporated church entity may apply to the chief executive to change its name.
- (2) Subsection (1) applies only if a bishop in whose diocese or archdiocese the entity is functioning or the Corporation of the Bishops consents in writing to the application being made.
- (3) The application must be in a form approved by the chief executive.
- (4) One of the following must accompany the application—
  - (a) the entity's certificate of incorporation;
  - (b) if the bishop or Corporation of the Bishops is satisfied that the entity's certificate of incorporation is lost or destroyed—a certificate by the bishop or Corporation of the Bishops stating the fact.
- (5) The chief executive may grant the application.
- (6) If the chief executive grants the application, the chief executive must amend the entity's certificate of incorporation or issue a new certificate.
- (7) The chief executive must send the certificate of incorporation to the Corporation of the Bishops.

#### **30**      **Change of name does not affect legal personality etc.**

- (1) A change of name of an incorporated church entity does not—
  - (a) affect the entity's legal personality or identity; or

[s 31]

---

- (b) affect a right, entitlement or liability of the entity or anyone else; or
  - (c) make legal proceedings by or against the entity defective; or
  - (d) nullify any exemption given to, or benefit enjoyed by, the entity under a former name.
- (2) Without limiting subsection (1), the change of name of the entity does not affect any right, entitlement, liability, exemption or benefit the entity would have had or enjoyed apart from the change of name.
- (3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the entity under its former name, it may be continued or started by or against it under its new name.

### **31 Change of name does not affect existing legal relationships**

Without limiting section 30(1) (Change of name does not affect legal personality etc.), a change of name of an incorporated church entity—

- (a) does not place the entity in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make the entity in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
  - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
  - (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee (in whole or part) from an obligation.



---

## **32 Recording of change of name of corporation**

- (1) This section applies if—
  - (a) an incorporated church entity's name is changed under this division; and
  - (b) an interest in land was registered in the name of the entity before the change of name.
- (2) No fee is payable for recording the change of name for the interest by a public official or authority responsible for registering land or interests in land.

## **Division 2 Dissolution of incorporated church entities**

### **33 Request to dissolve entity**

- (1) A bishop may ask the chief executive to dissolve an incorporated church entity functioning in the bishop's diocese or archdiocese.
- (2) The Corporation of the Bishops may also ask the chief executive to dissolve an incorporated church entity.
- (3) The request may be made only if—
  - (a) dissolution of the entity accords with canon law; and
  - (b) for an entity that is a religious institute, a public juridical person, or an associated entity of a religious institute or public juridical person—the competent authority of the religious institute, or public juridical person, who has jurisdiction for the State has given the person making the request written consent to the making of the request.
- (4) The request must—
  - (a) be in a form approved by the chief executive; and
  - (b) state the entity; and
  - (c) state the reason for the request; and

[s 34]

---

- (d) state the church entity or other entity (the *successor entity*) in whom the entity's assets and liabilities vest on dissolution; and
  - (e) state whether or not the entity's dissolution accords with canon law; and
  - (f) for an entity that is a religious institute, a public juridical person or an associated entity of a religious institute or public juridical person—be accompanied by a copy of the consent mentioned in subsection (3)(b).
- (5) One of the following must accompany the request—
- (a) the entity's certificate of incorporation;
  - (b) if the bishop or the Corporation of the Bishops is satisfied that the entity's certificate of incorporation is lost or destroyed—a certificate by the bishop or Corporation of the Bishops stating the fact.

### **34 Dissolution of entity**

- (1) On receiving the request under section 33 (Request to dissolve entity), the chief executive may, by gazette notice—
  - (a) dissolve the incorporated church entity; and
  - (b) vest the assets and liabilities of the entity in the successor entity.
- (2) The assets and liabilities vest in the successor entity without a transfer.
- (3) Assets vested in the successor entity remain subject to any debt, liability, trust or obligation affecting the assets.
- (4) The chief executive must give a copy of the gazette notice to the Corporation of the Bishops.

### **35 Recording of vesting of interest in land**

- (1) This section applies if—

- (a) an incorporated church entity is dissolved under this division; and
  - (b) an interest in land vested in the entity vests in its successor entity.
- (2) No fee is payable for recording the vesting of the interest in the successor entity by a public official or authority responsible for registering land or interests in land.

## **Part 7                      Records that must be kept**

### **36        Records to be kept by chief executive**

- (1) The chief executive must keep a register showing the names of incorporated church entities.
- (2) The chief executive must keep all requests, constituent documents and applications made or given to the chief executive under this Act.
- (3) The register, requests, constituent documents and applications must be available for inspection by members of the public, without fee.

### **37        Records to be kept by Corporation of Bishops**

- (1) The Corporation of the Bishops must keep—
  - (a) a register of the current addresses of incorporated church entities (other than the Corporation of the Bishops); and
  - (b) a copy of the constituent documents (if any) of incorporated church entities.
- (2) The register and documents—
  - (a) must be kept at the office of the Corporation of the Bishops in Brisbane; and

[s 38]

---

- (b) must be available for inspection by members of the public, without fee.
- (3) The Corporation of the Bishops must notify its address in Brisbane by gazette notice.
- (4) The Corporation of the Bishops must also notify a change in the address by gazette notice.

## **Part 8                      Miscellaneous**

### **38        Evidence of address**

A certificate purporting to be under the seal of the Corporation of the Bishops, or signed by a person authorised by the corporation for the purpose, stating that a stated address of a stated incorporated church entity is the address of the entity shown in the register kept under section 37 (Records to be kept by Corporation of Bishops) is evidence of the certificate's contents.

### **39        Service of documents on corporation**

If a law permits or requires a document to be given or served on an incorporated church entity, the document may be given or served on the entity—

- (a) if the entity is the Corporation of the Bishops—at its address in Brisbane last notified in the gazette; or
- (b) in any other case—at the entity's address shown in the register kept under section 37 (Records to be kept by Corporation of Bishops).

### **41        Replacement certificate of incorporation**

- (1) This section applies if a bishop in whose diocese or archdiocese, an incorporated church entity is functioning—

- (a) is satisfied that the entity's certificate of incorporation is lost or destroyed; and
  - (b) gives the chief executive a certificate stating the fact.
- (2) This section also applies if the Corporation of the Bishops—
- (a) is satisfied that an incorporated church entity's certificate of incorporation is lost or destroyed; and
  - (b) gives the chief executive a certificate stating the fact.
- (3) The chief executive may issue a replacement certificate of incorporation for the incorporated church entity.
- (4) The chief executive must give the certificate to the Corporation of the Bishops.

#### **42 Delegation of chief executive's powers**

The chief executive may delegate the chief executive's powers under this Act to an officer of the department.

#### **43 Regulations**

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation may exempt an incorporated church entity from the provisions of another Act.
- (3) An exemption under subsection (2) may be subject to conditions.