



# Roman Catholic Church Lands Act 1985

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## Reprint note

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Queensland

# Roman Catholic Church Lands Act 1985

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## **Roman Catholic Church Lands Act 1985**

**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 interest 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, the Corporation of the Roman Catholic Diocese of Toowoomba or the Roman Catholic Trust Corporation for the Diocese of Rockhampton 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**

### **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Catholic Archdiocese of Brisbane constituted under the *Religious Educational and Charitable Institutions Act 1861* (repealed) is authorised to hold land for the Roman Catholic Church in the Brisbane Archdiocese.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for the Diocese of Townsville constituted under the *Religious Education and Charitable Institutions Act 1861* (repealed) is authorised to hold land for the Roman Catholic Church in the Townsville Diocese.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 Education and Charitable Institutions Act 1861* (repealed) is authorised 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.

And whereas the Roman Catholic Trust Corporation for the Diocese of Rockhampton constituted under the *Religious Education and Charitable Institutions Act 1861* (repealed) is authorised to hold land for the Roman Catholic Church in the Rockhampton Diocese.

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

## **1 Short title**

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

## **1A Definition**

In this Act—

*time the land is prescribed*, for land specified in a schedule, means—

- 
- (a) if the land was specified in Schedule 1, 2 or 3 on the commencement of this Act—the time this Act commenced; or
  - (b) if the land was specified in Schedule 4 on the commencement of the *Roman Catholic Church Lands Act Amendment Act 1986*—the time that Act commenced; or
  - (c) if the Schedule was or is amended by another law by inserting a description of the land—the time the law commenced or commences.

## **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 Schedule 1 and any improvements thereon is hereby divested from each person who, at the time the land is prescribed, 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* (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 Schedule 2 and any improvements thereon is hereby divested from each person who, at the time the land is prescribed, 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* (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 Schedule 3 and any improvements thereon is hereby divested from each person who, at the time the land is prescribed, 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* (repealed) completely freed and discharged from the trusts (if any) under which the land is presently held.

#### **4A Vesting of certain land in the Roman Catholic Trust Corporation for the Diocese of Rockhampton**

The estate and interest in the land set out and described in Schedule 4 and any improvements thereon is hereby divested from each person who, at the time the land is prescribed, is the registered proprietor or lessee and vests in the Roman Catholic Trust Corporation for the Diocese of Rockhampton constituted under the *Religious Educational and Charitable Institutions Act 1861* (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**

- (1) The Registrar of Titles, a mining warden or other person required by any Act or law to record particulars in a register or 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 of 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 to the divesting and the vesting in accordance with this Act by making every recording entry, cancellation and correction in any register, record or book in his or her custody or under his or her control and do and



execute such other acts, matters and things as to him or her appear necessary and proper.

(2) For the purposes of this section—

*relevant Corporation* means—

- (a) in relation to land described in Schedule 1—the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane;
- (b) in relation to land described in Schedule 2—the Roman Catholic Trust Corporation for the Diocese of Townsville;
- (c) in relation to land described in Schedule 3—the Corporation of the Roman Catholic Diocese of Toowoomba;
- (d) in relation to land described in Schedule 4—the Roman Catholic Trust Corporation for the Diocese of Rockhampton.

# Schedule 1 Land vesting in the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane

section 2 of this Act

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 ManaJames Connolly, James Benedict Breen, Denis Byrne and Andrew Horan as joint tenants
Freehold	C/T 176873	1067	13	Churchill	Flinders		Subdivisions 36 and 37 of portion 160	2 roods 37.1 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	1385m	James Duhig, 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

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	D/G 107446	1413	206	Bowen	Taughboyne		Portion 6	1 acre	James Duhig, Denis Fouhy, James Byrne, Matthew Ryan and Michael Potter as joint tenants
Freehold	C/T 106078	1366	88	Lennox	Brooyar	Woolooga	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. T12152	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

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Schedule 1

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 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
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	5204m	James Duhig
Freehold	C/T 103760	678	250	Stanley	Toombul		Subdivisions 346 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

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 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
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

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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 190128	1138	118	Cavendish	Biarra		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	Cohnton	Moore	Allotments 2 and 3 of section 16	1 acre 1 rood 8 perches	James Duhig, Denis Fouhy, James Byrne, William Lcc 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

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	Laidley		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	Taromco		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	Tewantin	Cooroy	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 71/100 ths perches	John O'Reilly

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## Schedule 1

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	D/G 5312	13	78	March	Maryborough	Maryborough	Allotment 18 of section 77	2 roods 5 perches	Valentine Barbeler as Devisee in Trust
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	Cavendish	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 Cletus O'Shea Christian Brothers of Sydney as Joint tenants
Leasehold	MHPL 6162	370	39	March	Gympie			1 rood 26 6/10th perches (1685 square metres)	Timothy Molony
Leasehold	MHPL 6227	299	48	March	Gympie			1 acre (4047 square metres)	Timothy Molony
Freehold	C/T 245926	1398	166	Stanley	Bulimba		Lot 255 on Registered Plan No. 12476	18.4 perches	Kathleen Murtagh
Freehold	C/T 163450	996	190	Stanley	Bulimba		Lots 252 and 253 on Registered Plan No. 12476	36.8 perches	Kathleen Murtagh
Freehold	Part of C/T 247505	1405	245	Stanley	Bulimba		Lot 150 on Registered Plan No. 42236	19.2 perches	James Duhig



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 247505	1405	245	Stanley	Bulimba		Lot 151 on Registered Plan No. 42236	5.92 perches	James Duhig
Freehold	Part of C/T 247505	1405	245	Stanley	Bulimba		Lot 152 on Registered Plan No. 42236	3.6 perches	James Duhig
Freehold	Part of C/T 247505	1405	245	Stanley	Bulimba		Lot 153 on Registered Plan No. 42236	6.23 perches	James Duhig
Freehold	C/T 32939	7458	196	Stanley	Toombul	Brisbane	Lot 234 on Registered Plan No. 216992	7.359ha	Francis Roberts Rush and John Joseph Gerry as trustees under the Will of Robert Dunne, deceased
Freehold	C/T 32945	7458	197	Stanley	Toombul	Brisbane	Lot 235 on Registered Plan No. 216992	7.322ha	Francis Roberts Rush and John Joseph Gerry as trustees under the Will of Robert Dunne, deceased
Freehold	C/T 32951	7458	198	Stanley	Toombul	Brisbane	Lot 236 on Registered Plan No. 216992	7.318ha	Francis Roberts Rush and John Joseph Gerry as trustees under the Will of Robert Dunne, deceased

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Schedule 1

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	Title reference 13502237			Stanley	Bulimba	Brisbane	One undivided half share of lots 2 and 3 on Registered Plan No. 97641		James Hugh O'Sullivan and James Paul Meehan as trustees under nomination of trustees No. B19200
Freehold	Title reference 15504106			Stanley	Bulimba	Brisbane	Lot 3 on Registered Plan No. 142145		Kevin Ignatius McMahon as trustee under nomination of trustees No. B601626 and the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane as tenants in common in equal shares
Freehold	Title reference 10052141			Churchill	Brassall		Lot 1 on RP8351	1 acre	Henry Brun and James Shea as trustees under Nomination of Trustees No. 20733

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## Schedule 2      Land vesting in Roman Catholic Trust Corporation for the Diocese of Townsville

section 3 of this Act

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

## Schedule 3 Land vesting in the Corporation of the Roman Catholic Diocese of Toowoomba

section 4 of this Act

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	Merrivale	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

## Schedule 4 Land vesting in Roman Catholic Trust Corporation for the Diocese of Rockhampton

section 4A of this Act

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 C2739	72	34	Livingstone	Archer	—	Lot 1 on Registered Plan No. 602763	2 acres 2 roods 16.4 perches	James Duhig, Roman Catholic Bishop of Rockhampton
Freehold	D/G No. 4033	82	123	Rodney	Marathon	Aramac	Allot. 4 of Section 15	1 acre	Joseph Higgins, William Mason Walsh and Augusto Lorettucci as joint tenants
Freehold	D/G No. 4034	82	124	Rodney	Marathon	Aramac	Allot. 7 of Section 15	1 acre	Joseph Higgins, William Mason Walsh and Augusto Lorettucci as joint tenants
Freehold	D/G No. 7894	141	48	Ferguson	Banana	Banana	Lot 9 on Plan No. B4913	2 roods	James Duhig
				Livingstone	Rockhampton	Rockhampton	Lot 2 on Registered Plan No. 619862	504m <sup>2</sup>	John Cani, William Mason Walsh and Julian Plormel