

Queensland



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ELIZABETHAE SECUNDAE REGINAE.

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No. 21.

**An Act Relating to the Land comprised in Certificates of Title Numbers 302745 and 302746, being subdivisions 1 and 2 of allotment 1 of section 27A, County of Stanley, Parish of North Brisbane, City of Brisbane, held upon trust for Church of England purposes.**

[ASSENTED TO 14TH NOVEMBER, 1960.]

Preamble.

**W**HEREAS by Deed of Grant from the Crown numbered 12528 all that piece or parcel of land in the State of Queensland, situated in the County of Stanley, Parish of North Brisbane, City of Brisbane, being allotment 1 of section 27A and more particularly described in the said Deed of Grant, was granted to John Douglas Richard Fitzgerald Phelan and the Reverend Bowyer Richard Shaw and the survivors and survivor of them for the appropriation thereof for Church of England purposes and for no other purposes whatsoever :

And whereas “*The All Saints Church Lands Act of 1924*,” conferred upon the then trustees of the said land and their successors in office certain powers of mortgaging the said land and of leasing or letting any buildings thereon :

And whereas part described in the Schedule to this Act of the said land (which part is herein called the “All Saints Church lands”), is now held under Certificates of Title Numbers 302745 and 302746, by John Henry Hitchin, Frank Burgess and William Daniel and the survivors or survivor of them as trustees for Church of England purposes :

Schedule.

And whereas it is desirable that the trustees of the All Saints Church lands should have with respect thereto the powers to sell, mortgage, lease and let herein conferred upon them :

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. This Act may be cited as “*The All Saints Church Lands Act of 1960*.”

Short title.

2. (1.) Nothing in this Act shall prejudice or affect any mortgage of the All Saints Church lands or any part thereof or any lease or letting, or agreement with respect to the lease or letting, of any building erected on the said land existing at the passing of this Act.

Saving of existing transactions affecting the All Saints Church lands.

(2.) Subject to subsection one of this section, “*The All Saints Church Lands Act of 1924*” shall, to the extent necessary to give operation and effect to this Act, be read and construed subject to this Act.

3. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meaning respectively assigned to them, that is to say:—

Meaning of terms.

“*Diocesan Council*”—The Standing Committee called the Diocesan Council appointed by the Synod ;

Diocesan Council.

Trustees.

“Trustees”—The said John Henry Hitchin, Frank Burgess and William Daniel and their successors in office who for the time being are trustees of the All Saints Church lands: the term includes any person or association of persons whom the trustees may, in writing, whether generally or in any particular case, authorise to carry into effect the purposes and objects of this Act or any of them;

Synod.

“Synod”—The Synod of the branch of the Church of England in the Diocese of Brisbane under and within the meaning of “*The Church of England Acts, 1895 to 1901.*”

Powers of the trustees.

4. Subject to this Act the trustees may from time to time—

- (a) sell for an estate in fee-simple completely freed and discharged from the trusts upon which the same are held by the trustees, the All Saints Church lands or any part thereof;
- (b) mortgage such lands or any part thereof; or
- (c) lease or let such lands or any part thereof or any building or any part of any building erected upon such lands.

Consent of Diocesan Council.

5. (1.) The trustees shall not sell or mortgage or lease or let, or agree to sell or mortgage or lease or let the All Saints Church lands or any part thereof or any building or any part of any building erected thereon—

- (a) without the consent of the Diocesan Council; or
- (b) where the Diocesan Council consents subject to any term or condition, contrary in any respect to such term or condition.

(2.) The Diocesan Council may, and is hereby empowered to, subject any consent under this Act to such terms and conditions as it deems fit including, but without limit to the generality of such power, terms and conditions providing for, determining, directing, requiring or ensuring—

- (a) in relation to any sale, cash or terms, reserve price, offer at public auction before private sale, if terms, such terms including the

deposit and security for the unpaid amount of the purchasing price, and interest upon the unpaid amount of the purchasing price ;

- (b) in relation to any mortgage, the amount or maximum amount of the money to be raised by the mortgage, and the duration thereof ;
- (c) in relation to any lease, agreement to lease, or letting, the amount and manner of payment of rental, premium or consideration additional to rental, and term of tenancy.

(3.) The Diocesan Council may, at any time before any transaction referred to in this Act has been effected, revoke any consent given by it to such transaction, or subject its consent to such transaction to any term or condition it deems fit, or revoke, alter, add to or otherwise modify any terms or conditions to which it has already subjected such consent.

6. All moneys derived from or raised by any sale, mortgage, lease or letting or agreement referred to in this Act shall be applied firstly in payment of the costs, charges and expenses duly incurred by the trustees in respect of such transaction and, subject to such payment, to and for such uses and purposes and generally in such manner for the benefit of the Parish of All Saints as the trustees with the consent of the Diocesan Council shall direct.

Application of moneys derived from any sale, mortgage, lease or letting.

7. Any mortgage referred to in this Act may contain a power of sale by the mortgagee, his executors, administrators or assigns in case of default in payment of any principal or interest moneys secured by such mortgage, or of breach of any of the conditions therein contained.

Powers of mortgage.

In the due exercise of such power the mortgagee may, and is hereby empowered to, sell the land comprised in such mortgage for an estate in fee-simple absolutely freed and discharged from the trusts upon and subject to which such land is held by the trustees.

Exoneration  
of party to  
transaction.

8. The receipt in writing of the trustees for any moneys paid or advanced to them in respect of any sale, mortgage, lease or letting or agreement referred to in this Act shall be a good and sufficient discharge for such moneys to the person paying or advancing the same, and such person shall not be required to see to the application or be affected by the mis-application or non-application thereof.

Schedule.

SCHEDULE.

Certificate of Title Number 302745, volume 1650, folio 235.

All that piece or parcel of land situated in the County of Stanley, Parish of North Brisbane, City of Brisbane, containing an area of 1 rood 32 19/100 perches, be the same a little more or less, described as subdivision 1 of allotment 1 of section 27A.

Certificate of Title Number 302746, volume 1650, folio 236.

All that piece or parcel of land situated in the County of Stanley, Parish of North Brisbane, City of Brisbane, containing an area of 2 roods 15 2/10 perches, be the same a little more or less, described as subdivision 2 of allotment 1 of section 27A.