

Version No. 001
The Churches of Christ in Victoria Property
Act 1941

Act No. 4818/1941

Version incorporating amendments as at 17 August 2001

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**The Churches of Christ in Victoria Property
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Act No. 4818/1941

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An Act to incorporate by the Name of The Properties Corporation of the Churches of Christ the Trustees of certain Properties of the Churches of Christ in Victoria and to vest certain of the Properties of the said Churches in Victoria in such Corporation, and for other purposes.

Preamble

WHEREAS prior to the year One thousand nine hundred and thirteen an association called the "Churches of Christ in Victoria" had been formed and a committee known as the "Church Extension Committee" had been appointed to act as trustees for the Church property on behalf of such of the Churches of Christ in Victoria as might desire such Committee to act in such capacity and to acquire and hold all freehold or other property belonging to any such Church of Christ in Victoria:

AND WHEREAS such Committee was under the control and supervision of the Conference of the Churches of Christ in Victoria:

AND WHEREAS in the year One thousand nine hundred and thirteen the said Conference of the Churches of Christ in Victoria passed a resolution that all freehold and other property then held by the said Church Extension Committee or which might in the future be acquired by such Committee should be vested in trustees who should hold the same on the terms of a trust deed then about to be prepared which trust deed, when prepared, was to be submitted for approval to the next annual meeting of the Conference of the Churches of

Christ in Victoria and by such resolution the said Conference of the Churches of Christ in Victoria resolved that the first trustees of such proposed deed should be Robert Lyall, Charles Hardie, Alfred Millis, and William Cameron Craigie:

AND WHEREAS pursuant to such resolution a Deed of Trust was duly prepared and submitted to the Annual Conference of the Churches of Christ in Victoria held in the year One thousand nine hundred and fourteen:

AND WHEREAS by a resolution of the said Conference of the Churches of Christ in Victoria duly passed on the eleventh day of April One thousand nine hundred and fourteen the said Conference duly approved the said Deed of Trust:

AND WHEREAS the said Deed of Trust was on the twentieth day of May One thousand nine hundred and fourteen duly executed by the said Robert Lyall, Charles Hardie, Alfred Millis, and William Cameron Craigie and the same bears such date:

AND WHEREAS by the said Deed of Trust the said Robert Lyall, Charles Hardie, Alfred Millis, and William Cameron Craigie declared that they had not nor had any of them ever had any beneficial estate or interest whatsoever in the lands set forth in the Schedule thereto and that the same and all other lands which might be vested in them upon the trusts thereof would be held by them upon the trusts and with the powers therein set forth and declared:

AND WHEREAS pursuant to Application No. 539 the trusts declared by the said Deed of Trust were on the twenty-ninth day of September One thousand nine hundred and fifteen registered in the Office of the Registrar of Titles of the State of Victoria as a Successory Trust under Part III of the **Trusts Act 1915** and the same is now a Successory Trust under Part II of the **Religious Successory and Charitable Trusts Act 1928**:

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Preamble

AND WHEREAS by a supplementary Deed of Trust dated the eighteenth day of June One thousand nine hundred and twenty-six the then trustees of the said Successory Trust in exercise of the power in that behalf conferred upon them by the hereinbefore recited Deed of Trust altered the trusts of such last-mentioned Deed of Trust and declared that the maximum number of trustees should be increased from five to seven:

AND WHEREAS by a resolution of the Conference of the Churches of Christ in Victoria duly passed on the eleventh day of April One thousand nine hundred and twenty-five the name of the said Church Extension Committee was changed to the "Church Extension Properties Trusts and Bequests Committee":

AND WHEREAS the Second Schedule to this Act contains a list of all real property now held by the present trustees of the said Successory Trust upon the trusts set forth in the said Deed of Trust dated the twentieth day of May One thousand nine hundred and fourteen as altered by the said Supplementary Deed of Trust dated the eighteenth day of June One thousand nine hundred and twenty-six:

AND WHEREAS it is expedient that a body should be incorporated by the name of "The Properties Corporation of the Churches of Christ" to perform the trusts heretofore performed by the said Church Extension Properties Trusts and Bequests Committee and the trusts provided for in this Act and that all real property held upon the trusts declared by the said Deed of Trust dated the twentieth day of May One thousand nine hundred and fourteen as altered by the said Supplementary Deed of Trust dated the eighteenth day of June One thousand nine hundred and twenty-six should be held by the body corporate upon the trusts set forth in the First Schedule to this Act and that the body corporate should have the powers rights and authorities hereinafter conferred on it:

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AND WHEREAS the said Church Extension Committee or the said Church Extension Properties Trusts and Bequests Committee is or may be named as a beneficiary or cestui-que-trust in, and has or may have powers duties and privileges conferred on it by wills, declarations of trusts, deeds, contracts, and other assurances and agreements:

AND WHEREAS to remove doubts it is desirable to provide that such wills, declarations of trusts, deeds, contracts, and other assurances and agreements shall take effect as if the same were executed entered into or made by with to or in favour of the body corporate:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. Short title

This Act may be cited as **The Churches of Christ in Victoria Property Act 1941.**

2. Definitions

In this Act unless inconsistent with the context or subject-matter—

"Conference" means the Conference of the Churches of Christ in Victoria acting for the time being under its constitution;

"rules" means the rules made by the body corporate pursuant to this Act;

"the body corporate" means The Properties Corporation of the Churches of Christ as incorporated by this Act;

"Trustees" (except in sections seven and eight)
means the persons who are for the time being
the Trustees constituting the body corporate.

3. Incorporation

- (1) There shall be a body corporate by the name of "The Properties Corporation of the Churches of Christ" consisting of the Trustees appointed by or under this Act; and the body corporate shall have perpetual succession and a common seal and under that name may sue and be sued prosecute and defend and take and suffer all other proceedings in all courts civil or criminal and it shall be lawful for the body corporate to take purchase receive hold and enjoy real and personal property of any description whatsoever and also to sell grant exchange convey demise reserve or grant easements over or otherwise dispose of or deal with either absolutely or by way of mortgage charge lien or other encumbrance any of the property real or personal which may at any time belong to the body corporate and generally to exercise subject to the provisions of this Act all powers incidental to a body corporate.
- (2) The number of Trustees shall be not more than seven.
- (3) The Trustees for the time being shall have the custody of the common seal of the body corporate and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the Trustees.
- (4) The common seal of the body corporate shall not be affixed to any document except by the authority of a resolution of the Trustees and the affixing of the seal shall be attested by at least two of the Trustees or in such other way as the Trustees from time to time appoint and such

attestation shall be sufficient evidence of the authority to affix the seal.

- (5) The production of a document which purports to be executed in accordance with the requirements of sub-section (4) of this section shall in all cases be prima facie evidence, and in favour of the Crown, the Registrar-General, the Registrar of Titles, and every person who deals for value with the Trustees be conclusive evidence, that such document was executed in accordance with the requirements of the said sub-section.
- (6) The Trustees or such number thereof as are prescribed by the rules acting in pursuance of a resolution of the Trustees may exercise any power conferred by this Act on the Trustees or the body corporate.
- (7) At a meeting of the Trustees unless otherwise provided by the rules three shall form a quorum.
- (8) The six persons declared by this Act to be the first Trustees shall hold office as such until the first annual general meeting of the Conference following the date of the passing of this Act when they shall retire and Trustees shall thereupon be appointed by the Conference the retiring Trustees being eligible for re-election. Save as aforesaid every Trustee shall hold office until his office is vacated pursuant to sub-section (10) hereof or until his office is declared vacant by a resolution duly passed at a general meeting of the Conference.
- (9) Subject to the next succeeding sub-section the power of appointing Trustees to hold office under this Act shall be vested in the Conference to be exercised by it only at an annual general meeting.

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- (10) If any Trustee dies or resigns by letter under his hand addressed to the Chairman for the time being of the Trustees or becomes bankrupt or compounds with his creditors or is convicted of any indictable offence or any offence for which he is sentenced to imprisonment or is absent for four consecutive meetings of the Trustees without leave of the Trustees or ceases to be a member of some Church of Christ in Victoria his office shall become vacant and the remaining Trustees may declare his office vacant and temporarily appoint a member of some Church of Christ in Victoria to fill such vacancy until the next annual general meeting of the Conference when the person thus temporarily appointed shall retire; but the continuing or surviving Trustees may act notwithstanding vacancies from any cause. No act or acts of the Trustees shall be rendered invalid by reason of the incapacity of any of the members.
- (11) If at the first annual general meeting of the Conference following the date of the passing of this Act the Conference fails to elect the persons to be Trustees as provided in sub-section (8) hereof then the six original Trustees appointed by this Act shall continue to act as Trustees as though they were Trustees duly appointed by the Conference and if at any annual general meeting of the Conference the Conference fails to elect a person to be a Trustee to fill any vacancy temporarily filled by the Trustees pursuant to the power in that behalf conferred by sub-section (10) hereof then the Trustee appointed by the Trustees shall continue to act until the next annual general meeting of the Conference.

4. Vesting of property

Immediately after the passing of this Act all real property set forth in the Second Schedule to this Act shall vest in the body corporate for an estate in fee simple without the necessity for any conveyance transfer or other assurance of such property and all such real property shall subject to the provisions of this Act be held upon the trusts set out in the First Schedule to this Act and the Register of Successory Trusts shall thereupon as to such real property be closed and the Registrar of Titles shall upon production to him of any documents of title indorsed under section sixteen of the **Religious Successory and Charitable Trusts Act 1928** cancel such indorsement.

5. Registration in Office of Titles

Where any property vested in the body corporate under or by virtue of this Act consists of property registered under the **Transfer of Land Act 1958** the Registrar of Titles on application to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the proper fees shall give effect in the Register to such vesting by registering the body corporate as the proprietor of such property.

6. Vesting of donations etc.

Every donation gift disposition and trust of property real or personal lawfully made or declared before or after the passing of this Act by deed will codicil or otherwise to or in favour of the Churches of Christ in Victoria or to or in favour of the Church Extension Committee of the Churches of Christ in Victoria or the Church Extension Properties Trusts and Bequests Committee of the Churches of Christ in Victoria or to the members or trustees thereof respectively or any person or persons or corporation for or on

S. 5
amended by
No. 18/1989
s. 13(Sch. 2
item 15(a)(i)
(ii)).

behalf of or upon trust for the Churches of Christ in Victoria or for or on behalf of or upon trust for the said Church Extension Committee or the said Church Extension Properties Trusts and Bequests Committee of the Churches of Christ in Victoria shall take effect as if the same had been made to or in favour of or for or on behalf of or upon trusts for the body corporate to be held by it upon the trusts (if any) declared by such deed will codicil or otherwise but so far as such trusts (if any) do not extend to or are not inconsistent with the trusts set forth in the First Schedule to this Act the same shall be held upon the last-mentioned trusts.

7. Churches enabled to appoint corporation to act as trustee under existing trusts

It shall be lawful for the trustee (if only one) or the trustees (if more than one) of any Church of Christ in Victoria or the members of any such Church in all cases with the consent of the body corporate to appoint the body corporate to act as trustee of any real or personal property held by such trustee or trustees or held on behalf of such members and upon acceptance by the body corporate of any such appointment the real or personal property shall be transferred conveyed assigned or otherwise assured to the body corporate and such real or personal property shall thenceforth be held upon the same trusts as those upon which such property was previously held but so far as such trusts do not extend to or are not inconsistent with the trusts set forth in the First Schedule to this Act such property shall be held by the body corporate upon such last-mentioned trusts.

8. Churches enabled to appoint corporation despite terms of trust deed

- (1) It shall be lawful for the trustee (if only one) or the trustees (if more than one) of any Church of Christ in Victoria or a majority of such trustees or for the members or a majority of the members for the time being of any such Church to convene (in the manner hereinafter provided) a special meeting of the members of the Church of which he or they is or are the duly elected trustee or trustees or a majority of such trustees or of which they are the members or a majority of the members, and at such meeting the members of such Church shall elect one of their number present to be chairman of the said meeting and any member present may at such special meeting propose a motion in the form set out in the Third Schedule to this Act and the Chairman if such motion is duly seconded shall after discussion thereon put the motion to the vote of the members of such Church present at such meeting and the motion shall be deemed carried if two-thirds of the members present and voting vote in favour of the motion.
- (2) A special meeting of the members of a Church of Christ convened as aforesaid shall be convened by public notice specifying the time place and purpose thereof given in the Chapel or building which may for the time being be used by the said members for the purpose of Divine Worship such notice to be given once at each Divine Service on each of the two Sundays next preceding such meeting at the usual time for giving notices during Divine Service:

Provided that if at any time or from any cause the said Chapel or building is wholly or in part destroyed or damaged to such an extent as to render it unsafe or undesirable to occupy the same

for the purpose of worship or if there is no Chapel or building used by the said members for Divine Worship then and in any such case it shall be competent to give notice of such meeting setting forth the time place and purpose thereof by the publication of such notice upon at least the next six days immediately preceding the holding of such meeting (such six days to be exclusive of any Sunday) in one daily newspaper circulating in the district in which the Church property is situated.

- (3) The only persons entitled to propose or second any motion or to vote at any such special meeting shall be those persons who have been members of the Church for at least the preceding six months and have attained the age of twenty-one years and have been present at the Communion of the said Church or the Lord's Table once at least during the preceding three months.
- (4) If the said motion is carried as aforesaid then it shall be lawful for (but not obligatory upon) the body corporate to accept a transfer conveyance assignment or other assurance of any real or personal property held in trust for or belonging to any such Church of Christ from the trustee or trustees or any member or members of any such Church of Christ or from any other person or persons entitled or able to transfer convey assign or otherwise assure such real or personal property and upon such acceptance and completion of such transfer conveyance assignment or other assurance (and if necessary upon registration of the same) the body corporate shall hold such real or personal property upon the trusts declared in the First Schedule to this Act notwithstanding that such real or personal property may have previously been held upon some other trust or trusts.

- (5) If the said motion is carried as aforesaid and if the body corporate is willing to accept a transfer conveyance assignment or other assurance as aforesaid but—
- (a) the person or persons in whom the real or personal property is for the time being vested refuses or refuse or for a period of one calendar month after being requested in writing fails or fail to execute and deliver such transfer conveyance assignment or other assurance to the body corporate; or
 - (b) any such person or persons in the opinion of the chairman for the time being of the Trustees for the time being constituting the body corporate is or are dead or unable to be found or absent from Victoria—

then in any of such events the said chairman may execute such transfer conveyance assignment or other assurance in lieu of such person or persons:

Provided always that the execution by such chairman of a transfer conveyance assignment or other assurance under any of the circumstances aforesaid shall be as valid and effectual for all purposes as if the same had been executed by the person or persons refusing or failing to execute and deliver such transfer conveyance assignment or other assurance or being dead unable to be found or absent from Victoria as aforesaid and the mere fact or execution by such Chairman shall be conclusive proof for all purposes that all matters and conditions preliminary to such execution by him as required by this section have duly occurred or have been duly complied with.

9. Power to body corporate to act as trustee for committees etc. of Churches

It shall be lawful for the body corporate to act as trustee in respect of any real or personal property for or on behalf of any committee organization or department of Churches of Christ in Victoria or of any Church of Christ in Victoria or for or on behalf of the Federal Conference of Churches of Christ in Australia.

10. Power to body corporate to transfer to duly appointed representatives

It shall be lawful for the body corporate at any time with the direction and consent of the Conference and subject to any conditions determined by the Conference (which direction consent and conditions shall be verified by a resolution duly passed by the Conference) to transfer convey assign or otherwise assure to the persons named in such resolution any property (real or personal) for the time being subject to the trusts declared by this Act but any such property shall only be transferred conveyed assigned or otherwise assured subject to any mortgage charge liability or debt then existing thereon or affecting the same; and after any such transfer conveyance assignment or assurance the property so transferred conveyed assigned or assured shall be freed and discharged from the trusts declared by this Act.

11. Certificate by secretary to be prima facie evidence

A certificate by any person purporting to act as secretary of the body corporate stating that—

- (a) any person is a Trustee as defined in this Act;

- (b) any real or personal property is held by the body corporate upon the trusts set forth in the First Schedule to this Act or is held on trusts other than the trusts set forth in the said First Schedule; or
- (c) the statement of trusts set out in the First Schedule to this Act has in accordance with the provisions of section seventeen of this Act been altered modified amended or added to in the manner set out in the certificate—

shall be prima facie evidence of the facts so stated.

12. First Trustees

- (1) The first Trustees are hereby declared to be the following persons who shall hold the offices hereinafter mentioned:

Chairman	Robert Lyall
Treasurer	Robert Lyall
Secretary	Richard Enniss
Members	{ John Edwin Austin
	{ James McGregor Abercrombie
	{ George Leslie Murray
	{ Frederick Norman Lee

- (2) Save as aforesaid the chairman treasurer and secretary of the body corporate shall be appointed from the Trustees by the Conference and in default of or pending any such appointment by Conference shall be elected by the Trustees.
- (3) Any of the Trustees may without vacating his office as Trustee retire from the office of chairman or treasurer or secretary of the body corporate or from more than one of such offices if he holds more than one.

13. Power to make rules

- (1) The body corporate may from time to time make amend or revoke rules for or with respect to any or all of the following purposes—
 - (a) the regulation of the proceedings of the body corporate or any committee thereof and (without restricting the generality of this paragraph) provision for a quorum or for a casting vote in case of equality of votes;
 - (b) the appointment of committees and the election of members to serve thereon;
 - (c) the carrying on of the duties of the body corporate or of any committee in the event of the absence of a quorum at any meeting or the failure to elect the members or any of the members of any committee or any officer of the body corporate;
 - (d) prescribing the duties of any committee or officer;
 - (e) the method of calling meetings and the manner of giving notice of meetings to members;
 - (f) the custody of the common seal of the body corporate; and
 - (g) generally all matters whatsoever affecting the management of the body corporate not inconsistent with the laws of Victoria.
 - (2) No such rules shall be of any force or effect unless the same are passed at a general meeting of the Trustees, the notice of which meeting shall contain a statement that such rules will be considered at the meeting.
 - (3) The Conference at any annual general meeting may by resolution rescind any such rule.
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14. Power to revoke rules

The Governor in Council may by Order at any time revoke any such rule and every Order by which any such rule is revoked shall be published in the Government Gazette and shall take effect from the time of such publication.

15. Limitation of liability

No Trustee shall except in the case of bad faith be liable or accountable for any acts matters or things done or omitted to be done by such Trustee in about or in connexion with the carrying out of the rights powers or authorities conferred by this Act.

16. Right of reimbursement

Every Trustee shall be entitled to deduct and retain and also to allow his co-trustees to deduct and retain out of any moneys or effects coming to his hands by virtue of his office as a Trustee all costs charges and expenses of and incidental to the trusts herein declared.

17. Power of amendment of trusts in First Schedule

- (1) The statement of the trusts set out in the First Schedule to this Act may at any time and from time to time be altered modified amended or added to by the body corporate by resolution duly passed at a general meeting of the Trustees, the notice of which meeting shall contain a statement that such alteration modification amendment or addition will be considered at the meeting, but no such alteration modification amendment or addition shall have any effect until it is ratified by a resolution of the Conference duly passed at an annual general meeting.
 - (2) When the statement of the trusts set out in the First Schedule to this Act is effectively altered modified amended or added to in accordance with the provisions of the last preceding sub-section,
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the said First Schedule shall be read and construed and take effect as so altered modified amended or added to.

18. Power to body corporate to borrow and mortgage or charge trust property

The body corporate may from time to time borrow or secure the payment of any sum or sums of money and for that purpose may mortgage or charge all or any real or personal property for the time being vested in it.

19. Power to body corporate to sell and convey trust property etc.

The body corporate may from time to time sell the whole or any part of any real or personal property for the time being vested in it or any interest therein or easement relating thereto by public auction or private contract as the Trustees deem expedient at such price and upon such terms as to payment of purchase money and on such conditions and subject to such restrictive covenants and generally in such manner as they think fit and may convey transfer or assign the same or any part thereof to the purchaser or purchasers thereof or as he or they directs or direct and the property so conveyed transferred or assigned shall thereupon be absolutely freed and discharged from the trusts affecting the same. Nothing in section ten of this Act shall be deemed to limit or affect the operation of this section.

20. Protection of mortgagees purchasers etc. dealing with corporation

- (1) The receipt in writing of the Trustees or of the body corporate or of any person or persons authorized by them or it in writing to receive the same for the mortgage moneys raised on any property mortgaged by the body corporate or for

the purchase money of any property sold under this Act or for any other moneys payable to the Trustees or the body corporate shall exonerate the mortgagee the purchaser and any other person paying such moneys as aforesaid from seeing to the application of the same and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage sale lease or other dealing whatsoever.

- (2) This section shall be read in aid of and not in derogation from any other protection afforded to any such mortgagee purchaser or person by any other Act now or hereafter in force.
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SCHEDULES

FIRST SCHEDULE

**Preamble,
sections 4,
6-8, 11, 17.**

1. To erect or permit to be erected upon all or any pieces of land subject to the trusts declared in this Act or any part of such land a church chapel or other place of religious worship or religious teaching or any other buildings erections and improvements.
2. To permit and suffer any such church chapel or place of religious worship or religious teaching or other buildings erections and improvements with the appurtenances to be used occupied and enjoyed as and for a place of religious worship or religious teaching by a congregation of the religious body known as the Churches of Christ in Victoria and for public meetings and services held according to the general rules and usages for the time being of the Churches of Christ in Victoria and for Sunday or other school purposes and for such other purposes as may from time to time be determined by the body corporate. The congregation of any church may be allowed to manage its own internal affairs.
3. To repair alter enlarge take down rebuild or otherwise deal with the buildings erections or improvements for the time being standing on any land for the time being subject to the trusts declared in this Act or permit the same to be repaired altered enlarged taken down rebuilt or otherwise dealt with so as to render the same better adapted for the purposes thereof and to erect or permit the erection of additional buildings erections or improvements.
4. To raise by mortgage of any land or property subject to the trusts declared in this Act or by a deposit of the title deeds thereof or in any other manner whatsoever with or without giving security such sum or sums of money as the body corporate may think fit for all or any of the purposes of the trusts declared herein or for paying off any debts or liabilities or for the benefit of the church property in question.
5. To sell and dispose of any piece of land church or chapel place of religious worship or religious teaching building erection or improvement or any estate or interest in the same respectively or any hereditaments or premises or any part or parts of the same respectively either by public auction or private contract and together or in parcels and either at one and the same time or at different times for such purposes and on such conditions and subject to such restrictive covenants and in such manner as the body corporate shall think fit or to exchange the same or any part thereof respectively for any other hereditaments of freehold tenure and pay or receive any money (if any be payable or receivable) by way of equality of exchange with power to

grant reserve and create easements of any nature whatsoever and to transfer convey and assure the land hereditaments and premises sold disposed of or exchanged to the purchaser or purchasers thereof or as he she or they may direct and absolutely discharged from this Act and the trusts hereby declared. The body corporate shall apply the money to arise from any such sale disposition or exchange as aforesaid so far as the same shall extend to the discharge of all encumbrances liabilities and responsibilities (whether personal or otherwise) lawfully contracted in respect of the said land hereditaments or premises and subject thereto for such purposes of the Churches of Christ in Victoria as the body corporate may decide.

6. To purchase or otherwise acquire such real and personal property and premises as the body corporate may consider suitable for the purposes of the Churches of Christ in Victoria either for cash or upon terms and secure the purchase money or any part thereof by mortgage or overdraft or otherwise as the body corporate may think fit.
7. To hold any lands hereditaments or premises taken in exchange purchased or otherwise acquired by the body corporate and all buildings erected thereon upon the same trusts and with and subject to the same powers and provisions as are hereby declared.
8. To let or demise for any period any piece of land buildings hereditaments or premises subject to these trusts or any part thereof and make arrangements with tenants and others and to accept surrenders of leases or tenancies.
9. To manage and repair and insure houses buildings and erections and do all such acts as may be desirable for the benefit of any property subject to these trusts.
10. The body corporate may pay any money which it is authorized by this Act or these trusts to pay or expend upon any church property for the time being subject to these trusts to the Treasurer for the time being of the congregation of such Church of Christ and the receipt of such Treasurer shall be a sufficient discharge to the body corporate which shall not be liable to see to the application or responsible for the loss or misapplication of any moneys so paid.
11. The body corporate may invest any moneys which may come under its control in such manner with or without security as it shall consider desirable and in particular but without limiting the generality of the foregoing may advance money to the Trustees of any church property belonging to or used by a congregation of a Church of Christ in Victoria either upon security of the said church property or part thereof or upon any other security or without any security.

SECOND SCHEDULE

Ararat

All that piece of land being Crown allotment 9, section 6, town and parish of Ararat, county of Ripon, being the land comprised in folio of the Register, volume 4058, folio 811445.

Ascot Vale

All that piece of land being part of Crown portion 3 at Ascot Vale, parish of Doutta Galla, county of Bourke, being the land comprised in folio of the Register, volume 2400, folio 479891.

Ascot Vale

All that piece of land being part of Crown portion 3 at Ascot Vale, parish of Doutta Galla, county of Bourke, being the land comprised in folio of the Register, volume 3969, folio 793647.

Balwyn

All that piece of land being part of Elgars Crown Special Survey, parish of Boroondara, county of Bourke, being the land comprised in folio of the Register, volume 1675, folio 334964.

Bendigo

All that piece of land being allotment 5 of section 127C in the city of Sandhurst, county of Bendigo, and being the land comprised in folio of the Register, volume 1260, folio 251964.

Berwick

All that piece of land being part of Crown section 18, parish of Berwick, county of Mornington, being the land comprised in folio of the Register, volume 5744, folio 1148618.

Berwick

All that piece of land being part of Crown section 18, parish of Berwick, county of Mornington, being the land comprised in folio of the Register, volume 2070, folio 413847.

Bet Bet

All that piece of land being so much and such part as lies above the depth of one hundred feet below the surface of allotment 1 of section 9 in the township of Bet Bet, parish of Bet Bet, county of Talbot, being the land comprised in folio of the Register, volume 2159, folio 431601.

Preamble,
section 4.
Sch. 2
amended by
No. 18/1989
s. 13(Sch. 2
item 15(b)
(i)(ii)) (as
amended by
No. 48/1991
s. 70(c)(ii)).

Blackburn

All that piece of land being lots 84 and 85 on plan of subdivision No. 3051 lodged in the Office of Titles and being part of Crown portions 82 and 82A, parish of Nunawading, county of Bourke, being the land comprised in folio of the Register, volume 3213, folio 642561.

Box Hill

All that piece of land being part of Crown allotment 16, parish of Nunawading, county of Bourke, being the land comprised in folio of the Register, volume 2148, folio 429580.

Brim

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 6 of section 3 in the township of Brim, parish of Batchica, county of Borung, being the land comprised in folio of the Register, volume 2483, folio 496417.

Brim

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 8 of section 3 in the township of Brim, parish of Batchica, county of Borung, being the land comprised in folio of the Register, volume 2522, folio 504287.

Broadmeadows

Two equal undivided third parts or shares in all that piece of land being Crown allotment 10, section 27, township of Broadmeadows, parish of Will Will Rook, county of Bourke, and being the whole of the land comprised in folio of the Register, volume 3662, folio 732271.

Broadmeadows

One equal undivided third part or share in all that piece of land being Crown allotment 10, section 27, township of Broadmeadows, parish of Will Will Rook, county of Bourke, and being the whole of the land comprised in folio of the Register, volume 3662, folio 732272.

Brunswick

All that piece of land being part of Crown portion 99, parish of Jika Jika, county of Bourke, being the land comprised in folio of the Register, volume 1837, folio 367254.

Brunswick West

All that piece of land being part of lots 6 and 7, Block B on plan of subdivision No. 380 lodged in the Office of Titles and being part of Crown portion 127, parish of Jika Jika, county of Bourke, being the land comprised in folio of the Register, volume 2865, folio 572984.

Chelsea

All that piece of land being lot 48, Block B on plan of subdivision No. 6311 lodged in the Office of Titles and being part of Crown allotment 143, parish of Lyndhurst, county of Mornington, being the land comprised in folio of the Register, volume 4722, folio 944382.

Colac

All that piece of land being part of lots 2 and 3 on plan of subdivision No. 1726 lodged in the Office of Titles and being part of Crown allotment 9, section 8, township and parish of Colac, county of Polwarth, being the land comprised in folio of the Register, volume 3524, folio 704707.

Colac

All that piece of land being part of lot 2 on plan of subdivision No. 1726 lodged in the Office of Titles and being part of Crown allotment 9, section 8, township and parish of Colac, county of Polwarth, being the land comprised in folio of the Register, volume 6104, folio 1220797.

Dimboola

All that piece of land being lot 2 on plan of subdivision No. 8479 lodged in the Office of Titles and being part of Crown allotment 32, section B, parish of Dimboola, county of Borung, and being the land comprised in folio of the Register, volume 6137, folio 1227201.

Doncaster East

All that piece of land being lot 63 on plan of subdivision No. 12033 lodged in the Office of Titles and being part of Crown portion C, section 7, parish of Bulleen, county of Bourke, and being the land comprised in folio of the Register, volume 5955, folio 1190820.

Doncaster East

All that piece of land being lot 62 on plan of subdivision No. 12033 lodged in the Office of Titles and being part of Crown portion C, section 7, parish of Bulleen, county of Bourke, being the land comprised in folio of the Register, volume 5279, folio 1055678.

Drummond

All that piece of land being part of Crown allotment 6, section 3, parish of Bourke, county of Talbot, and being the land comprised in folio of the Register, volume 4082, folio 816317.

Emerald

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 4L, section A in the township of Emerald, parish of Gembrook, county of Mornington, being the land comprised in folio of the Register, volume 3871, folio 774162.

Emerald

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 4M, section A in the township of Emerald, parish of Gembrook, county of Mornington, being the land comprised in folio of the Register, volume 3965, folio 792816.

Essendon North

All that piece of land being part of Crown allotment 18, section 16, parish of Doutta Galla, county of Bourke, being the land comprised in folio of the Register, volume 4001, folio 800131.

Frankston

All that piece of land being lot 22 and part of lot 23 on plan of subdivision No. 8386 lodged in the Office of Titles and being part of Crown allotment 7, section B, parish of Frankston, county of Mornington, being the land comprised in folio of the Register, volume 6241, folio 1248115.

Geelong

All that piece or parcel of land in the State of Victoria situate in the county of Grant, parish of Corio, and being allotment 5 of section 50, North Geelong, being the land more particularly described in Indenture of Conveyance, registered No. 618, book 494.

Geelong North

All that piece of land being lot 80 on plan of subdivision No. 5507 lodged in the Office of Titles and being part of Crown allotment 63 at North Geelong, parish of Moorpanyal, county of Grant, being the land comprised in folio of the Register, volume 4688, folio 937423.

Hartwell

All that piece of land being lot 25 on plan of subdivision No. 6895 lodged in the Office of Titles and being part of Crown portion 148 at Burwood, parish of Boroondara, county of Bourke, being the land comprised in folio of the Register, volume 4457, folio 891289.

Horsham

All that piece of land being part of Crown allotment 8, section 2, at Horsham, parish of Horsham, county of Borung, being the land comprised in folio of the Register, volume 3996, folio 799055.

Horsham

All that piece of land being part of Crown allotment 9, section 6, town and parish of Horsham, county of Borung, being the land comprised in the folio of the Register, volume 4731, folio 946170.

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Kaniva

All that piece of land being allotment 8 of section 4 in the township of Kaniva, parish of Kaniva, county of Lowan, being the land comprised in the folio of the Register, volume 2420, folio 483864.

Kaniva

All that piece of land being part of Crown allotment 6, section 10, township and parish of Kaniva, county of Lowan, being the land comprised in the folio of the Register, volume 5760, folio 1151860.

Kaniva

All that piece of land being allotment 9 of section 4 in the township of Kaniva, parish of Kaniva, county of Lowan, being the land comprised in the folio of the Register, volume 2420, folio 483884.

Kaniva

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 7 of section 10 in the township of Kaniva, parish of Kaniva, county of Lowan, being the land comprised in the folio of the Register, volume 3153, folio 630576.

Kew East

All that piece of land being lot 15 on plan of subdivision No. 7051 lodged in the Office of Titles and being part of Crown portion 89 at Kew, parish of Boroondara, county of Bourke, being the land comprised in the folio of the Register, volume 4614, folio 922641.

Kew East

All that piece of land being part of Crown portion 88 at Kew, parish of Boroondara, county of Bourke, being the land comprised in folio of the Register, volume 4867, folio 973292.

Kyneton

All that allotment or parcel of land in the State of Victoria situate in the county of Dalhousie, parish of Kyneton, being allotment 7, section 4, Kyneton, being the land more particularly described in Indenture of Conveyance, registered No. 458, book 476.

Malvern

All that piece of land being part of Crown portion 56 at Gardiner, parish of Prahran, county of Bourke, being the land comprised in the folio of the Register, volume 2049, folio 409702.

Merbein

All that piece of land in the Mallee country being the surface and down to the depth of fifty feet below the surface of allotment 6 of section 1 in the township of Merbein, parish of Merbein, county of Karkaroc, being the land comprised in the folio of the Register, volume 5046, folio 1009168.

Minyip

All that piece of land being part of Crown allotments 8 and 10, section 16, town of Minyip, parish of Nullan, county of Borung, being the land comprised in the folio of the Register, volume 5085, folio 1016981.

Newmarket

All that piece of land being part of Crown allotment 15, section 4 at Flemington, parish of Doutta Galla, county of Bourke, and being the land comprised in the folio of the Register, volume 3038, folio 607532.

Newmarket

All that piece of land being part of Crown allotment 15, section 4, parish of Doutta Galla, county of Bourke, being the land comprised in the folio of the Register, volume 4293, folio 858550.

Noble Park

All that piece of land being lot 156 on plan of subdivision No. 6156 lodged in the Office of Titles and being part of Crown portion 22, parish of Dandenong, county of Bourke, being the land comprised in the folio of the Register, volume 5918, folio 1183542.

Ormond

All that piece of land being lot 22 on plan of subdivision No. 6315 lodged in the Office of Titles and being part of Crown portion 73, parish of Prahran East of Elsternwick, county of Bourke, being the land comprised in folio of the Register, volume 3941, folio 788046.

Pakenham

All that piece of land being part of lot 5 on plan of subdivision No. 1932 lodged in the Office of Titles and being part of Crown portion 43, parish of Nar-nar-goona, county of Mornington, being the land comprised in the folio of the Register, volume 2500, folio 499848.

Parkdale

All that piece of land being lot 9 on plan of subdivision No. 4843 lodged in the Office of Titles and being part of Crown allotment 17, section 24, parish of Mordialloc, county of Bourke, being the land comprised in the folio of the Register, volume 3428, folio 685442.

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Preston West

All that piece of land being part of Crown portion 147, parish of Jika Jika, county of Bourke, being the land comprised in folio of the Register, volume 5879, folio 1175776.

Pyramid Hill

All that piece of land being part of Crown allotment 1A, parish of Mincha West, county of Gunbower, and being the land comprised in the folio of the Register, volume 5003, folio 1000507.

Redcliffs

All that piece of land in the Mallee country being the surface and down to the depth of fifty feet below the surface of allotment 32 of section 7 at Redcliffs in the parish of Mildura, county of Karkaroc, and being the land comprised in the folio of the Register, volume 4932, folio 986216.

Reservoir

All that piece of land being lot 389 on plan of subdivision No. 7180 lodged in the Office of Titles and being part of Crown portion 12, parish of Keelbundora, county of Bourke, being the land comprised in the folio of the Register, volume 5023, folio 1004576.

Ringwood

All that piece of land being lot 11 and part of lot 10 on plan of subdivision No. 2216 lodged in the Office of Titles and being part of Crown allotment 17D, parish of Ringwood, county of Mornington, being the land comprised in the folio of the Register, volume 4465, folio 892908.

Shepparton

All that piece of land being part of Crown allotment 3H, section 23, town and parish of Shepparton, county of Moira, being the land comprised in the folio of the Register, volume 2378, folio 475494.

Stawell

All that piece of land being Crown allotment 12, section 34, within the borough and parish of Stawell, county of Borung, and being the land comprised in the folio of the Register, volume 913, folio 182537.

St. Arnaud

All that piece of land being part of Crown allotment 11, section N, town and parish of St. Arnaud, county of Kara Kara, and being the land comprised in folio of the Register, volume 5610, folio 1121810.

St. Kilda

All that piece of land being part of Crown allotment D, section 71 at St. Kilda, parish of Prahran, county of Bourke, being the land comprised in the folio of the Register, volume 2986, folio 597138.

Swan Hill

All that piece of land being part of Crown allotment 10, section 9, township and parish of Castle Donnington, county of Tatchera, being the land comprised in the folio of the Register, volume 1907, folio 381297.

Swan Hill

All that piece of land being part of Crown allotment 10, section 9, township of Swan Hill, parish of Castle Donnington, county of Tatchera, being the land comprised in the folio of the Register, volume 5961, folio 1192186.

Swan Hill

All that piece of land being part of Crown allotment 10, section 9, township and parish of Castle Donnington, county of Tatchera, being the land comprised in the folio of the Register, volume 2029, folio 405709.

Thornbury

All that piece of land being part of Crown portion 131 at Northcote, parish of Jika Jika, county of Bourke, being the land comprised in the folio of the Register, volume 1960, folio 391803.

Yarrawonga

All that piece of land being Crown allotment 1, section 33, town and parish of Yarrawonga, county of Moira, being the land comprised in folio of the Register, volume 5022, folio 1004304.

Wangaratta

All that piece of land being part of Crown allotment 2, section 3, town of Wangaratta, parish of Wangaratta North, county of Delatite, being the land comprised in the folio of the Register, volume 2936, folio 587139.

Warracknabeal

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 11 of section 44 in the town of Warracknabeal, parish of Werrigar, county of Borung, and being the land comprised in the folio of the Register, volume 4026, folio 805148.

Warragul

All that piece of land being part of Crown allotment 12, section 2, town of Warragul, parish of Drouin East, county of Buln Buln, and being the land comprised in the folio of the Register, volume 3571, folio 714180.

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Warrnambool

All that piece of land being Crown allotment 8, section 37, township of Warrnambool, parish of Wangoom, county of Villiers, and being the land comprised in the folio of the Register, volume 1259, folio 251706.

Woorinen

All that piece of land being the surface and down to the depth of fifty feet below the surface of allotment 22A in the parish of Tyntynder, county of Tatchera, being the land comprised in the folio of the Register, volume 4002, folio 800367.

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Section 3.

THIRD SCHEDULE

That in the opinion of this meeting it is desirable that the body corporate as incorporated by **The Churches of Christ in Victoria Property Act 1941** should be the trustee of the following real [*or personal or real and personal (as the case may be)*] property that is to say

now belonging to or held on behalf of or in trust for the members for the time being of the Church of Christ at _____ and that such real [*or personal or real and personal (as the case may be)*] property should forthwith be vested in such body corporate to be held by it upon the trusts set forth in the First Schedule to the said Act.

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ENDNOTES

1. General Information

The Churches of Christ in Victoria Property Act 1941 was assented to on 30 September 1941 and came into operation on 30 September 1941.

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2. Table of Amendments

This Version incorporates amendments made to **The Churches of Christ in Victoria Property Act 1941** by Acts and subordinate instruments.

Transfer of Land (Computer Register) Act 1989, No. 18/1989 (as amended by No. 48/1991)

Assent Date: 16.5.89

Commencement Date: 3.2.92: Government Gazette 18.12.91 p. 3488

Current State: All of Act in operation

3. Explanatory Details

No entries at date of publication.