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## ELIZABETHAE SECUNDAE REGINAE

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### An Act to make Provision for the vesting of Certain Property in the Corporation, known or styled as "The Chinese Temple Society"

[ASSENTED TO 14TH APRIL, 1964]

**Preamble.** Whereas the Chinese community in Brisbane is concerned that the Chinese Joss House situated at the corner of Higgs and Park Streets, Breakfast Creek, Brisbane, should be restored as a place of worship for Chinese in accordance with the practice and custom of their fathers and should be and continue to be used and maintained for such purpose:

And whereas owing to the death or absence of the registered proprietors of the land on which the said Joss House is erected and the legal difficulties occasioned thereby and vandalism which has taken place with respect to the said Joss House the use control and maintenance of the said Joss House for such said purpose has been rendered impracticable and inconvenient:

And whereas in order that such said purpose may be the better effected the Chinese community has been organised into a society called "The Chinese Temple Society":

And whereas the said "The Chinese Temple Society" has adopted a constitution in which the objects of the said Society are set out as—

- (a) The use of the Joss House and contents thereof for the time being situate at the corner of Higgs and Park Streets, Breakfast Creek, Brisbane, generally as a place of worship;

- (b) The provision of accommodation for personnel to be engaged as caretakers of the Joss House;
- (c) The engagement of such caretakers;
- (d) The general upkeep and improvement of the grounds and buildings or other improvements now or hereafter to be erected thereupon;
- (e) The permitting of such grounds and buildings to be inspected by the public from time to time; and
- (f) The raising of funds and acceptance of donations to further the foregoing objects:

And whereas on the twelfth day of March, 1964, Letters Patent were issued in pursuance of "*The Religious Educational and Charitable Institutions Acts, 1861 to 1959*," incorporating the said "The Chinese Temple Society" as a body corporate by the name and style of "The Chinese Temple Society":

And whereas it is expedient that provision should be made to facilitate the vesting in the corporate body known as "The Chinese Temple Society" of the land on which the said Joss House is erected and the contents of the said Joss House:

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. Short title.** This Act may be cited as "*The Chinese Temple Society Act of 1964*."

**2. Interpretation.** In this Act, unless the context otherwise indicates, the following terms shall have the meanings set against the same respectively, that is to say:—

"the Corporation"—the body corporate by the name and style of "The Chinese Temple Society" incorporated by Letters Patent issued in pursuance of "*The Religious Educational and Charitable Institutions Acts, 1861 to 1959*";

"the said land"—the land on which the Chinese Joss House is erected at the corner of Higgs and Park Streets, Breakfast Creek, Brisbane, situated in the County of Stanley, Parish of Toombul, described as Subdivisions 57, 58 and 59 of Allotment 1 of Portion 1 containing an area of 1 rood 8·9 perches and being the whole of the land contained in Certificate of Title Number 166545 Volume 1013 Folio 35.

**3. Vesting of Property.** An estate in fee-simple in the said land and all improvements erected thereon and all other property forming part of the said Chinese Joss House shall, from and immediately after the passing of this Act, be vested in the Corporation by virtue of this Act and without any transfer or conveyance whatsoever but subject to and without prejudice to any mortgage, lien, trust or other interest affecting the same.

**4. Title.** The Registrar of Titles shall upon request made to him by or on behalf of the Corporation, register the Corporation as proprietor of the said land for an estate in fee-simple and issue to the Corporation a new Certificate of Title for an estate in fee-simple in the said land subject to any liens, encumbrances or other interests endorsed thereon.

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**5. Exemption from Stamp Duty and Registration Fees.** No stamp duty shall be payable on any instrument or document used pursuant to the provisions of sections three and four hereof, and no fee shall be payable on any registration effected pursuant to the provisions of sections three and four hereof or for the issue of the new Certificate of Title under section four hereof.

**6. Holding of Property.** The said land and improvements and other property vested in the Corporation shall be held upon such terms, conditions and trusts as the constitution of the Corporation may provide from time to time subject to any trusts, conditions or charges upon any part thereof created by the donor of such part.