

Module	<b>INCORPORATION OF CATHOLIC CHURCH ENTITIES</b>
Jurisdictions	<b>QUEENSLAND</b>

## Module Application

Does the church entity meet the necessary requirements for incorporation? Is the application submitted through the approved channels?

Once incorporated, does the church entity maintain proper governance and fulfill management responsibilities? Does it comply with legal obligations in its dealings with third parties?

For incorporated church entities acting as trustees for unincorporated juridical persons, are they meeting fiduciary responsibilities?

If dissolution is sought, has the entity followed the correct application process?

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## Module Scope

The *INCORPORATION OF CATHOLIC CHURCH ENTITIES* module covers the requirements under the Roman Catholic Church (Incorporation of Church Entities) Act 1994 (Qld), which provides Catholic Church entities in Queensland with a structured process for incorporation. It replaces earlier frameworks (e.g. Religious Educational and Charitable Institutions Act 1861 (Qld), Associations Incorporation Act 1981 (Qld)) with updated provisions and governance standards.

The module applies to:

- **Catholic Church Entities:** Entities under the jurisdiction of the Roman Catholic Church in Queensland seeking to incorporate for the purposes of holding property or managing assets without utilizing a trust structure.
- **Incorporated Trustees:** Entities acting as trustees must adhere to specific rules governing third-party dealings and property management as prescribed by the Act.
- **Disbanding or Dissolution of Entities:** Entities considering dissolution must comply with protocols under the Act, submitting relevant information to the Director-General, Department of Justice and Attorney General.

The obligations covered in the module are derived from the following sources:

- Roman Catholic Church (Incorporation of Church Entities) Act 1994 (Qld)
- Religious Educational and Charitable Institutions Act 1861 (Repealed)
- Associations Incorporation Act 1981
- Property Law Act 1974

Key Requirements of the module include:

- **Incorporation Process:** Catholic Church entities can apply for incorporation under the Act through the Corporation of Bishops or a designated bishop. Approved incorporation allows entities to function autonomously, with the ability to hold property and manage assets independently
- **Governance Obligations:** The Act imposes specific governance and management standards on incorporated entities, covering responsibilities in third-party interactions and fiduciary roles as trustees
- **Dissolution Process:** For entities seeking dissolution, the Act mandates a structured application process with the Director-General, including justification for dissolution and assurances of compliance with the entity's legal obligations
- **Consequences for Non-Compliance:** If entities fail to meet their obligations under the Act, there are potential legal consequences. For example, unapproved requests or improper trustee management can lead to compliance issues

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