

A PPENDIX "O"

John Kennedy

From: John Kennedy <cushoni2@bigpond.com>
Sent: Wednesday, 5 June 2019 4:47 PM
To: 'wakehurst@parliament.nsw.gov.au'
Subject: FW: Who are the beneficiaries of the Broken Bay trust set up under the Roman Catholic Church Property Act of 1936, does it have to submit annual reports to a government body and who is responsible for ensuring that it meets its fiduciary duties

Tracking:	Recipient	Read
	'wakehurst@parliament.nsw.gov.au'	
	'Garrick Small'	
	'jim manwaring'	
	'regwong99@gmail.com'	
	'beswick1@optusnet.com.au'	
	'Daniel Younan'	
	beswick1@optusnet.com.au	Read: 5/06/2019 4:55 PM

Dear Mr Hazzard,

I wish to obtain some information about the Roman Catholic Church Property Act of 1936.

1. Who are the beneficiaries of the Broken Bay Diocesan corporate property trust set up under the Roman Catholic Church Property Act of 1936;
2. does it have to submit annual reports to a government body, state or federal (it has published accounts for its schools on its website but not for the diocese); and
3. who is responsible for ensuring that the bishop and diocesan consulters meet their fiduciary duties involved with the trust.

In 1936, the State Government divested Catholic parishes of all of their property and legally vested it with each diocesan bishop as Trustee. The reason given was to facilitate property transfers. This trust is a corporate trust.

The Act does not disclose who the beneficiaries of this trust are. I presume that they are all of the baptised Catholics living in the diocese. So my first question is – Who are the beneficiaries of these trusts?

During the 1970s, the Australian bishops decided to abandon what was called the "salvation approach". This meant that they minimised the importance of morality, both social and individual, and the concept of sin when teaching Catholicism in our schools. However, the official teachings of the Church in its Catechism were not changed and parents sending their children to Catholic schools were not made aware of the changes. The orthodox faith continued to be stated in the Code of

Canon Law and Catechism of the Catholic Church, both of which have the status of Church legislation. I would imagine that the Code of Canon Law and also the Catechism of the Catholic Church would constitute the constitution or rules governing the diocese as a Australian entity and corporate trust as well as they do for the clerical entity.

Parents, from that time onward, found that their children who they thought had been given a good grounding in the essentials of Catholicism, inexplicably did not practise their faith when they left school. Children attending Catholic schools reasoned (under the new concept of faith which lacked a number of essentials), that, if everyone goes to heaven regardless of their morality, then what is the point of practising the religion.

The result today is that very few graduates of Catholic schools practise their faith and almost everyone attending Catholic Churches these days are in their 60s, 70s or 80s. In about 10 of 15 years, churches may be empty. This is one of the reasons for my interest in who are the beneficiaries of these diocesan corporate trusts. The Act does not mention beneficiaries. I would expect that all trusts have to have beneficiaries?

My second question is – does the Broken Bay Diocese and other dioceses have to lodge accounts with any government agency, state or federal. Can these annual accounts for each diocesan corporate trust be viewed by beneficiaries? The Diocese of Broken Bay website indicates that it does not publish annual statements other than for its school sector.

My third question is which government body, State or Federal, is responsible for regulating this Corporate Trust. The Australian Securities and Investment Commission says that this Broken Bay Diocese corporate trust is not registered with them and so it is not responsible for it.

The use of trust funds and other trust property to teach a faith which is not in accordance with that in the Code of Canon Law and in the Catechism would constitute, I would imagine, a misuse of trust funds and a breach of fiduciary duty. Also the non-disclosure of this fact would also constitute a breach of the duty of the trust to be completely honest.

Can you please clarify these matters. I ask this as the Parliament of NSW did pass the Roman Catholic Church Property Act of 1936.

Regards

John Kennedy

7 Ilford Road Frenchs Forest 2086

Phone (02) 93451 2361