

South Australia

The Uniting Church in Australia Act 1977

An Act to facilitate the union of various Christian churches and the formation by that Union of a single church to be known as The Uniting Church in Australia; to constitute The Uniting Church in Australia Property Trust (S.A.); to define its powers, authorities, duties and functions; and to provide for the vesting of certain property in The Uniting Church in Australia Property Trust (S.A.) and for purposes connected therewith.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *The Uniting Church in Australia Act 1977*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Division of Act

This Act is divided as follows:

Part 1—Preliminary

Part 2—Inauguration of the Church

Part 3—Constitution of the Trust

Part 4—Property

Part 5—General

4—Repeals and amendment of existing Acts

- (1) The Acts specified in Schedule 2 to this Act are repealed.
- (2) The Acts specified in Schedule 3 to this Act are amended in the manner specified in that Schedule.

5—Interpretation

In this Act, unless the contrary intention appears—

appointed day means the day on which this Act comes into operation;

the Assembly means the Assembly of the Church referred to in clause 15(e) of the Basis of Union and includes the Inaugurating Assembly;

Basis of Union means the Basis of Union set forth in Schedule 1 to this Act;

the Church means The Uniting Church in Australia;

the Congregational Church means the Congregational Union of Australia, the Congregational Unions in each of the States of the Commonwealth, and includes the individual churches which have resolved to enter into union with the Methodist and Presbyterian Churches and any department, society, auxiliary, activity, fund, service, institution, or any interest of any such individual churches or Unions;

conveyance includes transfer;

disposition includes surrender or release;

the Inaugurating Assembly means the first Assembly of the Church which is convened in accordance with the Basis of Union;

incorporated association means an association incorporated under the *Associations Incorporation Act 1956*;

the Methodist Church means the Methodist Church of Australasia and includes any congregation, circuit, department, society, auxiliary, activity, fund, service, institution or interest thereof save and except the Conferences of Fiji, Samoa and Tonga;

the Presbyterian Church means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia, subject to the *Presbyterian Trusts Act 1971*;

the Presbyterian Church continuing to function after the appointed day means the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of the 24th day of July, 1901, as amended, within the meaning of Schedule 3 to the *Presbyterian Trusts Act 1971*;

prescribed association means an incorporated association referred to in Schedule 4 to this Act;

prescribed Congregational Association means a prescribed association designated as a prescribed Congregational Association in Schedule 4 to this Act;

prescribed Presbyterian Association means a prescribed association designated as a prescribed Presbyterian Association in Schedule 4 to this Act;

property includes real and personal property and any estate or interest therein;

the Synod means the Synod of the Church referred to in clause 15(d) of the Basis of Union within South Australia;

the Trust means The Uniting Church in Australia Property Trust (S.A.) constituted by this Act;

the Uniting Churches means the Congregational Church, the Methodist Church, and the Presbyterian Church, save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of the 24th day of July, 1901, as amended, within the meaning of Schedule 3 to the *Presbyterian Trusts Act 1971*.

Part 2—Inauguration of the Church

6—Authority to unite

The Uniting Churches are hereby empowered to unite in accordance with the Basis of Union, such union to take effect from the appointed day.

7—Name of church

The church formed by such union shall be denominated The Uniting Church in Australia.

8—Inaugurating Assembly

The Inaugurating Assembly shall be deemed to have been validly convened.

9—Adoption of Constitution

The Inaugurating Assembly may adopt a Constitution for the Church consistent with the Basis of Union.

10—Amendment of Constitution

Notwithstanding anything in this Act, or in the Basis of Union, the Assembly may—

- (a) amend, alter, repeal or replace the Constitution adopted by the Assembly from time to time in accordance with the provisions made by the Constitution in that regard; and
- (b) resolve to enter into union with other branches of the Christian Church.

Part 3—Constitution of the Trust

11—Constitution of the Trust

- (1) A corporation entitled *The Uniting Church in Australia Property Trust (S.A.)* is hereby constituted.
- (2) The Trust shall consist of eight members, of whom—
 - (a) one shall be the person holding or acting in the office of Moderator of the Synod;

- (b) one shall be the person holding or acting in the office of Secretary of the Synod;
- (c) one shall be the person holding or acting in the office of Property Officer of the Synod;
- (d) the others shall be appointed—
 - (i) until the Synod makes its first appointment of members of the Trust—by the Inaugurating Assembly; and
 - (ii) thereafter by the Synod.
- (3) Subject to subsection (4) of this section, a person appointed as a member of the Trust shall, upon the expiration of his term of office, be eligible for re-appointment.
- (4) No person who has attained the age of seventy years shall be eligible for appointment as a member of the Trust.
- (5) Subject to this Act, a member of the Trust appointed by the Synod in pursuance of this section shall hold office until the end of the meeting of the Synod held in such calendar year (being no later than the third calendar year after the calendar year in which he was last appointed) as the Synod determines.
- (6) The Synod shall appoint one member of the Trust to be Chairman of the Trust and another member to be Secretary of the Trust.
- (7) In the absence of the Chairman from a meeting of the Trust, or in the event of there being a vacancy in the office of Chairman of the Trust when a meeting of the Trust is held, the members present at the meeting shall elect one of their number to act as Chairman at that meeting.

12—Powers and duties of Trust

- (1) The Trust shall have perpetual succession and a common seal and may enter into contracts, sue and be sued in its corporate name and may take and hold any real or personal property.
- (2) The Trust shall hold its property in trust for the Church in accordance with the provisions of this Act and notwithstanding anything in this Act or in the Basis of Union the determinations declarations and interpretations on matters of doctrine worship government and discipline made from time to time in accordance with the provisions of the Constitution for the Church for the time being in force in that regard.
- (3) Notwithstanding the provisions of any trust, but subject to this section, the Trust may—
 - (a) acquire, hold, deal with and dispose of property of any kind; or
 - (b) mortgage, charge or otherwise encumber any of its property; or
 - (c) borrow moneys for the purposes of the Church.
- (4) The Trust shall observe any directions of the Assembly as to the exercise of its powers under this section.

13—Quorum

Four members of the Trust shall constitute a quorum for the purpose of any meeting of the Trust and the decision of a majority of the members present and voting at any meeting of the Trust shall be the decision of the Trust.

14—Vacation of office

A member of the Trust shall be deemed to have vacated his office if—

- (a) he dies; or
- (b) he resigns his office by notice in writing to the Moderator; or
- (c) he is physically or mentally incapable of properly carrying out the duties of a member of the Trust; or
- (d) in the case of a person who holds office as a member of the Trust *ex officio*—he ceases to hold the office by virtue of which he was entitled to membership of the Trust; or
- (e) he is removed by resolution of the Synod or its Standing Committee.

15—Casual vacancies

Where a casual vacancy occurs in the membership of the Trust, the Standing Committee of the Synod may appoint a person to fill the vacancy until the end of the next meeting of the Synod.

16—Common seal

- (1) The members for the time being of the Trust shall have the custody of its common seal and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.
- (2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust and every instrument to which the common seal is so affixed shall be signed by not less than two members of the Trust.
- (3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than two members of the Trust shall be deemed to have been executed in accordance with subsection (2) of this section.

17—Form and execution of certain contracts etc

- (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust.
- (2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

- (3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.
- (4) Any contract which is entered into or any instrument, contract or agreement which is signed on behalf of the Trust shall be deemed to have been entered into or signed with the express authority of the Trust, if it is entered into or signed in accordance with the resolution of the Synod for the time being in force pursuant to this Act.

18—Execution under seal by agent etc

The Trust may, by writing under its common seal, expressly empower any person, in respect of any specific matter, as its agent or attorney to execute any deed, instrument, contract or agreement on its behalf, and any deed signed by such an agent or attorney on behalf of the Trust and under his seal shall bind the Trust and have the same effect as if it were under its common seal.

Part 4—Property

19—Saving provision

- (1) Nothing in this Act shall divest of any property or prevent the vesting of any property in—
 - (a) an incorporated association not being a prescribed association, except by virtue of section 26 of this Act;
 - (b) The Spice Cottages Trust;
 - (c) the trustees of the trust known as the Payneham and Dudley Park Cemeteries Trust under an instrument a memorial of which is registered in the General Registry Office No. 46 Book 469;
 - (d) Scotch College, Adelaide;
 - (e) Annesley College;
 - (f) Prince Alfred College.
- (2) Subsections (4) and (5) of section 21 of this Act shall apply to property which would but for this section have vested in the Trust under that section in the same manner as though it had so vested, but not so as to free property from trusts for any of the uses referred to in subsection (4) of that section.
- (3) Nothing in subsection (3) of section 21 of this Act shall vest in the Trust any property to which the Presbyterian Church continuing to function after the appointed day is or becomes entitled.
- (4) Nothing in this Act shall deprive the Church or any of the Uniting Churches or the Presbyterian Church continuing to function after the appointed day of any rights by virtue of the operation of the *Presbyterian Trusts Act 1971* and without limiting the generality of the foregoing the inclusion or exclusion of any incorporated association as a prescribed Presbyterian Association shall not deprive the Church or any of the Uniting Churches or the Presbyterian Church continuing to function after the appointed day of any right by virtue of the operation of the *Presbyterian Trusts Act 1971*.

20—Smith of Dunesk and General Assembly (Clare Trust) Inc.

For the removal of doubts it is declared that this Act shall have no operation with respect to—

- (a) the property subject to a certain deed of gift made in 1853 between Henrietta Smith of Dunesk, Scotland and the Free Church of Scotland; or
- (b) property vested in the General Assembly (Clare Trusts) Inc. by virtue of the Will of Arthur Albert Harmer late of 109 Bruce Street Nedlands in the State of Western Australia Retired Teacher deceased,

except any of such property to which the Church or any of the Uniting Churches is or becomes entitled otherwise than by virtue of the operation of this Act.

Nothing in this section shall be construed so as to give this Act any application to any property which it would not otherwise have.

21—Vesting of certain property in the Trust

- (1) Subject to this Act, all property that immediately before the appointed day was vested in the Methodist Church (S.A.) Property Trust or any other person in trust for the Methodist Church is hereby divested from that person and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (2) Subject to this Act, all property that immediately before the appointed day was vested in—
 - (a) the Congregational Union of South Australia Incorporated; or
 - (b) any other prescribed Congregational Association; or
 - (c) any other person in trust for the Congregational Church,

is hereby divested from that person and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

The whole of the land comprised in Certificate of Title Register Book Volume 873 Folio 20 is hereby divested from the Congregational Union of South Australia Incorporated and vested (without conveyance) in Torrensville Congregational Church Incorporated to be held in accordance with its rules.

The whole of the land comprised in Certificate of Title Register Book Volume 1662 Folio 141 is hereby divested from the Congregational Chapel Building Society of South Australia Incorporated and vested (without conveyance) in Waitpinga Congregational Church Incorporated to be held in accordance with its rules.

Without limiting the generality of the foregoing provisions of this subsection—

- (a) the whole of the land comprised in Certificate of Title Register Book Volume 826 Folio 168; and
- (b) the whole of the land comprised in Limited Certificate of Title Register Book Volume E Folio 116; and
- (c) the whole of the land comprised in Certificate of Title Register Book Volume 3168 Folio 167,

is hereby divested from the persons entitled thereto and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act freed and discharged from any trusts relating thereto.

- (3) Subject to this Act, and subject to all rights created or conferred by or pursuant to or otherwise by virtue of the operation of the provisions of the *Presbyterian Trusts Act 1971* and, without restricting the generality of the foregoing, to section 20 of the said Act and clause 4 of Schedule 3 to the said Act, any property that immediately before the appointed day was vested in any person subject to *The Presbyterian Church of South Australia Act* or the *Presbyterian Trusts Act 1971* or otherwise in trust for the Presbyterian Church or any congregation, board or committee of management, session, Presbytery, Committee, Council, board or other institution, organisation or section thereof or in any prescribed Presbyterian Association is hereby divested from that person and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

From and including the appointed day, property to which section 22 of the *Presbyterian Trusts Act 1971* applies, other than property to or to the benefit of which the Presbyterian Church continuing to function after the appointed day is or becomes entitled by virtue of the operation of that section, shall by operation of this subsection be divested from the person in whom it is vested and vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

Notwithstanding anything hereinbefore contained, this subsection shall come into operation on the day specified in that behalf by proclamation.

- (4) Subject to the provisions of this Act, all property which pursuant to this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of the *Methodist Church (S.A.) Property Trust Act 1972*, *The Presbyterian Church of South Australia Act* and the *Presbyterian Trusts Act 1971*, other than of section 23 of the *Presbyterian Trusts Act 1971*, and from any trust for the general purposes of any of the Uniting Churches.

Property vested in the Trust pursuant to this section that was held immediately before it was so vested in the Trust for use as a place of worship, a manse, a church hall or other property appurtenant to a place of worship, manse or church hall shall be freed and discharged from any trusts for that use to which the property was subject immediately before it was vested in the Trust.

Subject to the foregoing provisions of this subsection, a reference to any of the Uniting Churches in any trust relating to the property vested in the Trust shall be read and construed as though the reference were to the Church.

- (5) Subject to subsection (4) of this section, the vesting effected by this section shall be without prejudice to—
- (a) any special trust; and
 - (b) any resulting trust; and
 - (c) any trust in favour of a donor; and
 - (d) any trust in favour of a person other than the Uniting Churches or any one or more of them; and
 - (e) any reservation, mortgage, charge, encumbrance, loan or lease, that, immediately before the appointed day, affected the property vested.

(6) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(7) In this section—

Presbyterian Church includes The Presbyterian Church of South Australia;

special trust means any trust other than a trust for the general purposes of the Methodist, Congregational or Presbyterian Churches.

22—R.H. White Settlement—Vesting in Trust and alteration of trusts

(1) All property that, immediately before the appointed day, was held by any person subject to the trusts of the R.H. White Settlement is hereby divested from that person and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(2) The property vested in the Trust by this section together with all accretions and income shall be freed and discharged from the trusts of the R.H. White Settlement and shall be held by the Trust in trust for the promotion of Bible studies, and such other religious or educational purposes as the Synod directs. The provisions of this subsection shall apply as though substituted for the trusts of the R.H. White Settlement.

(3) Where, immediately before the appointed day, there was vested in any person divested of property by subsection (1) of this section a right (including a chose in action) arising in law or in equity relating to that property or to the trusts of the R.H. White Settlement, the right is hereby vested in the Trust.

(4) In this section the expression "the trusts of the R.H. White Settlement" means the trusts of the deed dated the 6th of May, 1927 made by Brian Wibberley, William Hutchinson Robinson, Frank Lade, Samuel Carroll Myers, John Grenfell Jenkin, John Henry Nield, William Alfred Langsford, Richard Henry White, Arthur Langsford, Arthur Randolph Uren, Hartley Gladstone Hawkins, Albert Ernest Clarkson, William John White and Shirley Williams Jeffries.

23—Alteration of trusts in Will of J.H. Champness deceased

In the Will of John Henry Champness late of Brighton in the State of South Australia Retired Grazier deceased who died at North Adelaide in the State on the 25th day of August 1924 (the Will and five Codicils having been proved in the Supreme Court on the 8th day of September 1924 by the Executors therein named) the passage—"the President for the time being of the METHODIST CONFERENCE OF SOUTH AUSTRALIA to be applied in or towards payment of the fees and or maintenance of poor and deserving students in residence at or who desire to enter the Methodist Brighton College at Brighton aforesaid and who are unable to pay the fees in whole or in part as the Board or Committee of Management of the said College in their absolute discretion shall decide AND I DECLARE that my Trustees shall not be responsible to see to the application of the said income but the receipt of the President for the time being of the Methodist Conference of South Australia as aforesaid shall be a full and sufficient discharge to my Trustees therefor" shall be deemed to be deleted and the following passage shall be deemed to be substituted therefor—"the Moderator for the time being of the Synod of The Uniting Church in Australia within South Australia to be applied for the support of theological students in such manner as the Moderator thinks fit AND I DECLARE that my Trustees shall not be responsible to see to the application of the said income but that the receipt of the Moderator for the time being of the said Synod shall be a full and sufficient discharge to my Trustees therefor".

24—Construction of certain instruments

- (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—
 - (a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust for, the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church; or
 - (b) is recoverable by the Church or by any person (not being the Trust) for the Church; or
 - (c) is payable to, or receivable by, the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,

the deed, will or other instrument shall be construed and take effect as if the reference therein to the Church, or as the case may be, to that person, were a reference to the Trust.

- (2) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church.

- (3) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Congregational Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Congregational Church were a reference to the Church provided that—
- (a) any deed, instrument, document, gift, will or other provision in favour of or relating to an additional congregation which has been admitted to membership of the Church after the appointed day shall if it comes into operation after the date of admission to membership be read and construed as though any reference therein to the said additional congregation were a reference to the Church;
 - (b) any deed, instrument, document, gift, will or other provision pursuant to which provision is made in favour of the Congregational Church by a member of an individual church which did not resolve to enter into union with the Methodist and Presbyterian Churches and which has not been admitted to membership of the Church shall be read and construed as a reference to the individual church of which the donor was or claimed to be a member at the time of the gift;
 - (c) notwithstanding paragraph (b) of this subsection any special trust for a particular purpose of or relating to the Congregational Church shall where that purpose is at the time of the trust coming into effect being carried on solely by the Church be read and construed as vesting the property in the Trust for the said purpose.

25—Resolution of ambiguities etc

Where by virtue of a provision of this Part a reference to a Uniting church is to be read and construed as a reference to the Church and any ambiguity or obscurity results from construing the reference in accordance with that provision, the Synod may give such directions as it considers necessary or expedient to resolve the ambiguity or obscurity and the reference shall thereafter be read and construed in accordance with that direction.

26—Handing over of property by incorporated association

- (1) An incorporated association may request the Synod to accept all or part of its property.
- (2) On acceptance by the Synod of the request the property of the incorporated association the subject of the request shall be divested from the incorporated association and vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act. Section 21 of this Act shall apply as though the property had vested upon the appointed day.
- (3) This section shall not of itself confer any authority on an incorporated association of the Presbyterian Church continuing to function after the appointed day, or any congregation, board or committee of management, session, Presbytery, Committee, Board or other institution, organisation or section thereof, to request the Synod to accept all or any part of its property under this section.

27—Dissolution

- (1) Where property of an incorporated association is vested in the Trust pursuant to this Act and the incorporated association thereby or partly thereby and partly by virtue of the operation of the *Presbyterian Trusts Act 1971* ceases to have any property whatsoever the incorporated association shall be automatically dissolved.
- (2) Subject to the *Presbyterian Trusts Act 1971* and, without limiting the generality of the foregoing, to sections 22 and 23 of that Act, a trust or other disposition in favour of an incorporated association so dissolved shall operate so as to vest the property in the Trust.
- (3) Without limiting the generality of section 31 of this Act, the Trust shall have and may exercise all the rights, powers and remedies which the dissolved incorporated association would have had had it not been dissolved and shall be subject (but only to the extent of the property vested in the Trust by this Act or property representing that property) to the liabilities and obligations to which the dissolved incorporated association would have been subject had it not been dissolved.
- (4) A certificate of the Property Officer of the Synod lodged with the Registrar of Companies that an incorporated association has been dissolved pursuant to this Act on a day specified therein shall be conclusive evidence of the facts so certified.

28—Power to alter rules of incorporated association

- (1) Notwithstanding anything contained in the rules of an incorporated association the rules may be altered with the consent of the Synod so that any reference therein to any of the Uniting Churches is altered to refer to the Church.
- (2) The rules shall be altered in accordance with the procedure laid down therein as nearly as is practicable. Anything to be done by any of the Uniting Churches for the purpose of altering the rules may be done by the Synod.
- (3) Where the rules do not provide for alteration they may with the consent of the Synod be altered for the purposes of this section by an instrument under the seal of the incorporated association.
- (4) Nothing in this section shall derogate from the operation of the *Presbyterian Trusts Act 1971*.

29—Waiver of certain conditions etc in certain Crown grants

No title to any land vested in the Trust by this Act shall be held bad either at law or in equity by reason of any breach or non-performance before or after the appointed day of any condition, trust or proviso contained in the grant by the Crown of the land and every provision for forfeiture or reverter in respect of any such breach or non-performance shall be deemed to have been released by the Crown as from the date of Crown grant.

30—Evidence

- (1) Subject to subsection (2) of this section, a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal, be *prima facie* evidence that the property so specified is so held.

- (2) Subsection (1) of this section shall not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.

31—Certain rights enforceable by the Trust

Subject to this Act, where any property is vested in the Trust pursuant to this Act, the Trust shall, in relation to that property, have and be subject to all the rights, powers, remedies, liabilities and obligations and may exercise and discharge, in relation to that property, all or any of the rights, powers and remedies which the person in whom the property was theretofore vested or by whom it was theretofore held would have had and been subject to and might have exercised and discharged in relation to that property if the property had not been divested from him and vested in the Trust.

32—Registration of interests of Trust in land

- (1) Where the Trust—
- (a) applies to the Registrar-General to be registered as the proprietor of an estate or interest in land; and
 - (b) furnishes the Registrar-General with—
 - (i) a certificate under the common seal of the Trust to the effect that the estate or interest has vested in the Trust in pursuance of this Act; and
 - (ii) such duplicate certificates of title or other instruments as may be required by the Registrar-General,
- the Registrar-General shall, without further inquiry, and without fee, register the Trust as the proprietor of the relevant estate or interest.
- (2) No stamp duty shall be payable in respect of an application or certificate under subsection (1) of this section.

Part 5—General

33—Claims for compensation upon compulsory acquisition etc

Subject to any resolution or direction of the Assembly or of any Committee appointed by it for the purpose, the Trust may act in relation to the exchange, dedication or compulsory acquisition of any property vested in it, may make claims for compensation in respect thereof and may agree to and settle any such claims, for such considerations, and on and subject to any terms and conditions, as may appear advisable to it.

34—Receipt for certain moneys

A receipt for moneys payable to the Trust shall exonerate the mortgagee, purchaser or other person by or on whose behalf the moneys are so payable from any liability to see to the application thereof, and from any liability for the loss, misapplication or non-application thereof, if the receipt—

- (a) is executed in accordance with this Act under the common seal of the Trust;
or
- (b) is in writing signed by two members of the Trust; or

- (c) is in writing signed by a person or persons duly authorised for the purpose of the Trust or two members thereof.

35—Exoneration from enquiry

No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar-General nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or enquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorised, irregular or improper.

36—Service of documents

The service of any writ, statement of claim, summons or other legal process on the Trust may be effected by serving it on the Moderator, Secretary of the Synod, Property Officer of the Synod or on any person appearing to be authorised by the Trust to accept service thereof.

37—Trust may act as executor etc

- (1) The Trust may—
- (a) apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration of the estate, of a deceased person where the Church has a beneficial interest, vested or contingent, in the estate of that person; or
 - (b) accept appointment, and act, as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the Trust by, or pursuant to, this Act, and the trust is wholly or partly for the benefit of the Church,
- and may do all things necessary for the exercise or performance of its powers, authorities, duties or functions as executor, administrator or trustee, as the case may be.
- (2) On behalf of the Trust, a member of the Trust or a person employed by the Trust may, if authorised by the Trust for the purpose, swear an affidavit, make a declaration or statement, give security and do any other act or thing that is, by any charter, Act or rule of court, required to be done by a person applying for or granted probate or letters of administration or administering a trust, as the case may be.
- (3) The Trust may—
- (a) renounce executorship;
 - (b) decline to act as administrator of an estate;
 - (c) retire, or decline to act, as trustee of property (not being property vested in it by or pursuant to this Act).
- (4) Any commission or other remuneration earned by the Trust as an executor, administrator or trustee appointed under the authority of this section shall belong to the Trust and shall be used and applied by it for or towards any object or purpose specified or approved by the Assembly in respect thereof.

38—Trust may hold property jointly

The Trust may hold or acquire any real or personal property either alone or jointly with another or others as joint tenants or tenants-in-common.

39—Regulations

- (1) The Assembly may make regulations for the control, management and administration of, and dealings with, the property of the Trust.
- (2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) of this section and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.
- (3) A regulation under subsection (1) of this section may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.
- (4) Section 38 of the *Acts Interpretation Act 1956* does not apply to regulations made under this section.

40—Co-operative use of property

- (1) Where it has been decided in accordance with the laws of the Church to enter into a scheme of co-operation with or involving a church of another denomination or any congregation or activity of such a church, being a scheme that involves the use of property vested in the Trust, the Trust may, while the scheme of co-operation continues in force, permit that property to be used, managed and administered in connection with that scheme in such manner and upon such conditions as the Synod, or any committee appointed by it for the purpose, determines or prescribes, and the proceeds of sale or mortgage or any other dealing with such property and all moneys collected or held in respect of such scheme of co-operation may be paid and applied in such manner as may be determined or prescribed by the Synod or such committee.
- (2) The conditions that the Synod may determine or prescribe under subsection (1) of this section may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme or co-operation over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any scheme is, to the extent prescribed therein, hereby charged.
- (3) Neither the Registrar-General nor any person dealing *bona fide* and for value with any property vested in the Trust shall be bound to enquire whether any security or charge referred to in subsection (2) of this section exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—
 - (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

- (b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

41—Saving provision

- (1) The provisions of section 40 of this Act shall apply to and in relation to all property at any time held by the Trust except to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.
- (2) Subsection (1) of this section shall not prevent the use of property in a manner referred to in section 40 of this Act if the property was merely directed to be held on trust for the worship or other purposes of the Church.

42—Power of Synod to alter trusts

- (1) Subject to subsection (2) of this section, in every case where by reason of the circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any property vested in the Trust is for the time being subject, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe such trusts, it shall be lawful for the Synod by resolution to declare such its opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit, or purpose of the Church instead of such first mentioned trusts, and such first mentioned trusts shall thereupon by force of the said resolution cease and determine, and such property shall thereupon be held upon such other trusts accordingly.
- (2) Such property shall be dealt with for the same purposes as nearly as may be as the purposes for which such property was immediately before such resolution held unless the Synod shall by resolution declare that by reason of circumstances subsequent to the creation of the first mentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply such property or some part thereof for the same or the like purposes, in which case such property or such part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as shall be declared by resolution of the Synod.

43—Indemnifications of certain persons

A member of the Trust, and any other person, exercising a power or performing a duty pursuant to this Act or pursuant to any resolution or direction of the Assembly, his executors and administrators, shall be entitled to be indemnified out of the property of the Trust against all expenses or liabilities incurred by him in connection with the exercise by him of the power and the performance by him of the duty unless incurred in the course of fraudulent or negligent breach of trust.

44—Blending of Trust Funds

- (1) Where the Trust holds moneys on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest such moneys or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the moneys so invested are held and any loss arising from any such investment shall likewise be borne rateably.

(2) —

- (a) The Trust may make advances out of the moneys referred to in subsection (1) of this section for any purpose of or relating to the Church.
- (b) Any sum so advanced shall be deemed an investment of such moneys and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

45—Powers of investment

The Trust unless expressly forbidden by any instrument creating any special trust, may invest any funds in its hands, whether at the time in a state of investment or not, in any form of investment authorised by statute or by the Assembly either by itself or by delegation to the Synod.

Schedule 1—The Basis of Union

- 1 The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both Christ's gift and his will for the Church, hereby enter into union under the name of The Uniting Church in Australia. They pray that this act may be to the glory of God the Father, the Son and the Holy Spirit. They praise God for his gifts of grace to each of them in years past; they acknowledge that none of them has responded to God's love with a full obedience; they look for a continuing renewal in which God will use their common worship, witness and service to set forth the word of salvation for all mankind. To this end they declare their readiness to go forward together in sole loyalty to Christ the living Head of the Church; they remain open to constant reform under his Word; and they seek a wider unity in the power of the Holy Spirit. In this union these Churches commit their members to acknowledge one another in love and joy as believers in our Lord Jesus Christ, to hear anew the commission of the Risen Lord to make disciples of all nations, and daily to seek to obey his will. In entering into this union the Churches concerned are mindful that the Church of God is committed to serve the world for which Christ died, and that she awaits with hope the day of the Lord Jesus Christ on which it will be clear that the kingdom of this world has become the kingdom of our Lord and of his Christ, and he shall reign for ever and ever.

2 The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches.

3 The Uniting Church acknowledges that the faith and unity of the Holy Catholic and Apostolic Church are built upon the one Lord Jesus Christ. The Church preaches Christ the risen crucified One and confesses him as Lord to the glory of God the Father. In Jesus Christ God was reconciling the world to himself. In love for the world, God gave his Son to take away the world's sin.

Jesus of Nazareth announced the sovereign grace of God whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility, obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he reasserted his claim over the whole of his creation, he pardoned sinners, and made in Jesus a representative beginning of a new order of righteousness and love. To God in Christ men are called to respond in faith. To this end God has sent forth his Spirit that men may trust him as their Father, and acknowledge Jesus as Lord. The whole work of man's salvation is effected by the sovereign grace of God alone.

The Church as the fellowship of the Holy Spirit confesses Jesus as Lord over her own life, she also confesses that he is Head over all things, the beginning of a new creation, of a new mankind. God in Christ has given to men in the Church the Holy Spirit as a pledge and foretaste of that coming reconciliation and renewal which is the end in view for the whole creation. The Church's call is to serve that end: to be a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself. The Church lives between the time of Christ's death and resurrection and the final consummation of all things which he will bring; she is a pilgrim people, always on the way towards a promised goal; here she does not have a continuing city but seeks one to come. On the way Christ feeds her with Word and Sacraments, and she has the gift of the Spirit in order that she may not lose the way.

- 4 The Uniting Church acknowledges that the Church is able to live and endure through changes of history only because her Lord comes, addresses, and deals with men in and through the news of his completed work. Christ who is present when he is preached among men is the Word of the God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.
- 5 The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel as set forth in the Scriptures.
- 6 The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.
- 7 The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accomplished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he poured out the Holy Spirit at Pentecost. Baptism into Christ's Body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church will baptise those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.
- 8 The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptised people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consummation.

- 9 The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith. She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.
- 10 The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.
- 11 The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific inquiry which has characterised recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.
- 12 The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptised into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptised may have confirmed to them the promises of God, and be led to deeper commitment to the faith and service into which they have been baptised. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.
- 13 The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.

- 14 The Uniting Church from inception, will seek the guidance of the Holy Spirit to recognise among her members men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end—

- (a) The Uniting Church recognises and accepts as ministers of the Word all who have held such office in any of the uniting Churches, and who, being in good standing in one of those Churches at the time of union, adhere to the Basis of Union. This adherence and acceptance may take place at the time of union or at a later date. Since the Church lives by the power of the Word, she is assured that God, who has never left himself without witness to that Word, will, through Christ and in the power of the Holy Spirit, call and set apart members of the Church to be ministers of the Word. These will preach the Gospel, administer the sacraments and exercise pastoral care so that all may be equipped for their particular ministries, thus maintaining the apostolic witness to Christ in the Church. Such members will be called Ministers and their setting apart will be known as Ordination.

The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of those already ordained, the Church bears witness to God's faithfulness and declares the hope by which she lives. In company with other Christians The Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination, and of the significance of ordination in the life of the Church.

- (b) The Uniting Church recognises and accepts as elders or leaders those who at the time of union hold the office of elder, deacon or leader appointed to exercise spiritual oversight, and who, being in good standing in any of the uniting Churches at the time of union, adhere to the Basis of Union. She will seek to recognise in the congregation those endowed by the Spirit with gifts fitting them for rule and oversight. Such members will be called Elders or Leaders.
- (c) The Uniting Church recognises and accepts as deaconesses those who at the time of union are deaconesses in good standing in any of the uniting Churches and who adhere to the Basis of Union. She believes that the Holy Spirit will continue to call women to share in this way in the varied services and witness of the Church, and she will make provision for this. Such members will be called Deaconesses.

The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses whether the service is within or beyond the life of the congregation.

- (d) The Uniting Church recognises and accepts as lay preachers those who at the time of union are accredited lay preachers (local preachers) in any of the uniting Churches and who adhere to the Basis of Union. She will seek to recognise those endowed with the gift of the Spirit for this task, will provide for their training, and will gladly wait upon that fuller understanding of the obedience of the Christian man which should flow from their Ministry. Such members will be called Lay Preachers.

In the above subparagraphs the phrase "adhere to the Basis of Union" is understood as willingness to live and work within the faith and unity of the One Holy Catholic and Apostolic Church as that way is described in this Basis. Such adherence allows for difference of opinion in matters which do not enter into the substance of the faith.

The Uniting Church recognises that the type and duration of ministries to which men and women are called vary from time to time and place to place, and that in particular she comes into being in a period of reconsideration of traditional forms of the ministry and of renewed participation of all the people of God in the preaching of the Word, the administration of the sacraments, the building up of the fellowship in mutual love, in commitment to Christ's mission, and in service of the world for which he died.

- 15 The Uniting Church recognises that responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them. The Uniting Church therefore so organises her life that locally, regionally and nationally government will be entrusted to representatives, men and women, bearing the gifts and graces with which God has endowed them for the building up of his Church. The Uniting Church is governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation both to the Church and the world.

The Uniting Church acknowledges that Christ alone is supreme in his Church, and that he may speak to her through any of her councils. It is the task of every council to wait upon God's Word, and to obey his will in the matters allocated to its oversight. Each council will recognise the limits of its own authority and give heed to other councils of the Church, so that the whole body of believers may be united by mutual submission in the service of the Gospel.

To this end The Uniting Church makes provision in her constitution for the following:

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church and to serve the world. The Congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.
- (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.

- (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.
- (e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

The first Assembly, however, will consist of members of the uniting Churches, appointed in equal numbers by them in such manner as they may determine, and is vested with such powers as may be necessary to establish The Uniting Church according to the provisions of the Basis of Union.

Until such time as councils other than the Assembly can be established, The Uniting Church recognises and accepts the various agencies for the discharge of responsibility which are in existence in the uniting Churches. She invites any such continuing bodies immediately to enter into a period of self-examination in which members are asked to consider afresh their common commitment to the Church's mission, and their demonstration of her unity. She prays that God will enable them to order their lives for these purposes.

- 16 The Uniting Church recognises the responsibility and freedom which belongs to councils to acknowledge gifts among members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves the form of a servant.

- 17 The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.
- 18 The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship, witness and service to his eternal glory through Jesus Christ the Lord. Amen

Schedule 2—Acts to be repealed

Methodist Church (S.A.) Property Trust Act 1972

The Methodist Church Act 1911

Way College Incorporation Act 1899

Schedule 3

Amendments to *Prince Alfred College Incorporation Act 1878*

Section 1 is amended by inserting "and miscellaneous" after "Management" therein.

Section 2 is amended by striking out "1878" and inserting in lieu thereof "1878-1976".

Section 3 is amended—

- (a) by striking out the definition of *Committee* and inserting in lieu thereof—

Council means the Council of the College;

- (b) by striking out the definition of *South Australia Conference* and inserting in lieu thereof—

Synod means the Synod of The Uniting Church in Australia within South Australia or the Standing Committee thereof.

Section 6 is repealed.

Section 8 is amended by striking out "Committee" twice occurring therein and inserting in lieu thereof in each case "Council".

Section 11 is amended—

- (a) by striking out "Committee" and inserting in lieu thereof "Council";
- (b) by striking out "on the college estate".

Section 12 is amended—

- (a) by striking out "So long as the total amount of the debts remaining on the security of the college estate shall not exceed Five Thousand Pounds";
- (b) by striking out "Committee" and inserting in lieu thereof "Council".

Section 13 is repealed and the following section is enacted and inserted in its place:

13—Power to borrow

The College may borrow money and for that purpose may give security over the property of the College.

Section 14 is repealed and the following section is enacted and inserted in its place:

14—Investment

The College may invest any portion of the general funds of the College which are not required for immediate expenditure in any of the investments for the time being being authorised by the laws of the Commonwealth of Australia or any State or Territory thereof for investment of trust funds and in the purchase or mortgage of real estate or leasehold estate and in the purchase or acquisition of bonds debentures debenture stock mortgages unsecured deposits registered notes obligations or securities or the guaranteed preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company or public municipal or local body or authority in the Commonwealth of Australia with power to vary or transpose any of such investments from time to time.

Sections 15 to 31 inclusive are repealed and the following sections are enacted and inserted in their place ("and miscellaneous" being inserted in the heading after "Management"):

15—Fundamental principle

The fundamental principle of the College is that no instruction shall be imparted thereat which shall in any way contravene the doctrines of The Uniting Church in Australia and nothing in this Act or in any rule shall in any way violate this principle.

16—The Council

The College shall be managed and governed by a council to be called "The Prince Alfred College Council", which shall have the sole management and government of the College and of the business and affairs thereof, and may execute and exercise all trusts and powers in the name and on behalf of the College.

17—Constitution

- (1) Subject to subsection (2) of this section the composition of the Council and its method of election and operation shall be defined from time to time in rules to be known as "The Constitution of The Prince Alfred College Council". The Constitution shall subject to this Act be as set out in Part 2 of the Schedule hereto. Subject to the Constitution the proceedings of the Council shall be conducted in such manner as the Council determines.

- (2) Not less than one-third but not more than one-half of the ordinary members of the Council must be ministers of The Uniting Church in Australia.

A majority of the members of the Council must be confirmed members of The Uniting Church in Australia.

There shall be a President of the Council who must be a minister of The Uniting Church in Australia.

- (3) In this section *ordinary member* means a member of the Council other than an officer or *ex officio* member.

18—Council to abide by directions of Synod

The Council shall conform to and abide by all directions to be given by the Synod with reference to the College, but no such direction shall invalidate any prior act of the Council or be of any effect so far as it may be repugnant to this Act or to the fundamental principle of the College.

19—Variation of Constitution

- (1) Subject to this section the Council may vary the Constitution.
- (2) A variation must not be inconsistent with this Act.
- (3) A variation shall come into force upon being approved by the Synod.
- (4) A variation must be passed by twelve members of the Council present and voting at a meeting of the Council, or three-quarters of the members present and voting, whichever is the greater.
- (5) At least twenty-eight days notice in writing of the meeting setting out the proposed variation must be given to members of the Council in accordance with the Constitution.
- (6) A resolution passed at a meeting of the Council varying the Constitution shall not be invalidated solely by the accidental failure to give notice to any member of the Council as required by this section.
- (7) In this section *vary* means vary by any means whatever whether by addition revocation or substitution and *variation* has a corresponding meaning.
- (8) Section 38 of the *Acts Interpretation Act 1915* shall not apply to any variation made pursuant to this section.

20—Certificate of Moderator

A certificate purporting to be signed by the Moderator of the Synod and purporting to certify that any act was done by or on behalf of the Synod for the purposes of this Act shall be conclusive evidence of that act and that the act was validly done by or on behalf of the Synod.

The schedules are amended by striking out Part 2 and inserting the following headings and clauses in lieu thereof:

Part 2—The Constitution of the Prince Alfred College Council

1—Electoral Committee

- (1) The Annual Meeting of the Synod shall appoint the President, Treasurer and Secretary of the College and in addition shall appoint not less than forty persons but not more than fifty persons (of whom not less than one-third and not more than one-half must be Ministers of The Uniting Church in Australia) as an Electoral Committee who shall appoint from their number sixteen ordinary members of the Council.
- (2) The persons appointed by the Synod as an Electoral Committee shall include all persons serving immediately prior to the Annual Meeting of the Synod as an officer or member of the Council.
- (3) Two meetings of the Electoral Committee shall be held in each year, one of which shall be held not more than six weeks after the Annual Meeting of the Synod for the purpose of electing the sixteen ordinary members of the Council and the other of which shall be held not less than four weeks before the next Annual Meeting of the Synod for the purpose of recommending to the Synod the names of persons to be appointed to the Electoral Committee for the following year.
- (4) A decision or resolution carried by a majority of the votes cast at a meeting of the Electoral Committee shall be a valid decision or resolution of the Electoral Committee.
- (5) The quorum of the Electoral Committee shall be twenty.

2—Membership of Council

- (1) The Council shall consist of the following members:
 - (a) the President; and
 - (b) the Treasurer; and
 - (c) the Secretary,who shall be officers of the Council;
 - (d) the Headmaster for the time being of the College who shall be an additional member of the Council *ex officio*; and
 - (e) sixteen ordinary members appointed by the Electoral Committee; and
 - (f) not more than four additional ordinary members who shall be appointed by a majority vote of the other members of the Council.
- (2) The Chairman of the Council shall be appointed from one of their number by the Council at the first meeting of the Council held after each Annual Meeting of the Synod.

3—Term of appointment

The term of appointment of each of the President Treasurer and Secretary shall be for one year, and (subject to clause 4 hereof) the term of the appointment of each ordinary member of Council shall be for two years except that the term of appointment of each additional member of Council appointed under clause 2(1)(f) hereof shall be for such period not exceeding two years as the Council shall think fit.

No person shall be appointed by the Electoral Committee as an ordinary member of Council on more than five consecutive occasions.

Any person who has served as an ordinary member of Council for five consecutive terms may nevertheless be appointed an officer of the Council or serve for one additional term as an appointee under clause 2(1)(f) hereof after which he may be re-appointed by the Electoral Committee as an ordinary member of the Council.

4—Half Council to retire each year

One-half of the ordinary members of the Council shall retire each year. Those to retire at the end of the first year after this Constitution comes into operation shall be selected by agreement and in default of agreement by lot.

5—Transitional

The members of the subcommittee known as the Prince Alfred College Council holding office on the day on which this Constitution comes into operation and the Headmaster of the College holding office *ex officio* shall comprise the Council and remain in office until the Council is appointed pursuant to this Constitution.

6—Casual vacancy

- (1) The Synod may appoint a person to fill any casual vacancy in the office of President Treasurer and Secretary.
- (2) The Council may appoint a person to fill any casual vacancy in the ordinary members of the Council.
- (3) A person appointed under this clause to fill any casual vacancy shall remain in office for the remainder of the term of the person in whose place he is appointed.

7—Quorum

The quorum of the Council shall be seven.

8—Auditor

The Auditor of the College shall be appointed by the Synod.

9—Removal of member

- (1) The Council may, by passing a motion at a meeting at which at least twelve members are present and voting for that motion, recommend to the Synod that the appointment of any member of the Council be terminated.

Written notice of the meeting setting out the proposed motion shall be given in accordance with the Constitution to members of the Council at least twenty-eight days before the meeting at which the vote is taken.

- (2) The Synod may, on the recommendation of the Council, terminate the appointment of any member of the Council.

10—Subcommittees

The Council may appoint subcommittees of any number of its members or of other people and may delegate any of its powers to any subcommittee and fix the quorum thereof and may cancel such appointment and delegation. Every subcommittee in exercise of its powers shall conform to such regulations as may be imposed by the Council. A subcommittee may co-opt any person and on so doing shall notify the Council of that fact.

11—Voting

At every meeting, whether of the Council or of a subcommittee, the chairman of the Council shall have a deliberative as well as a casting vote and every question, except as provided by the Act or clause 9 hereof, shall be decided by a majority of the votes of persons voting thereon and the decision shall be deemed the act of the Council or of the subcommittee.

12—Validity of acts done

An act or proceeding of the Council or of a subcommittee shall not be invalid by reason only of a vacancy in its membership and notwithstanding the subsequent discovery of a defect in the appointment or tenure of a member of the Council or of a subcommittee or in the composition thereof, any such act or proceeding shall be as valid and effectual as if the member had duly held office or the Council or subcommittee had been duly composed.

13—Minutes

The Council shall cause minutes to be kept of the proceedings at all meetings, whether of the Council or of any subcommittee, and such minutes, if signed by the Chairman of the meeting, or by three members of the Council or subcommittee present at the meeting shall be prima facie evidence of all matters therein stated, and that the meeting was duly convened and held and the validity of the proceedings shall not be impeached on any ground not appearing on the face of the minutes themselves.

14—Notice of meetings

Notice of meeting may be given to a member by delivering the notice of the meeting to him or by posting notice of the meeting in an envelope addressed to the member at his last known or most usual address. Notice given by post shall be deemed to be given on the day following the posting of the notice. Except where the Act or this Constitution requires notice in writing to be given, notice may be given orally.

15—Annual report

The Council shall annually present to the Synod a report of its proceedings for the period of twelve months ending on the prescribed day immediately preceding the day on which the Annual Meeting of the Synod is held and a balance-sheet, exhibiting the receipts and expenditure of the College for the same period, and the debts and liabilities of the College so that the general and financial position of the College may plainly appear.

In this clause *prescribed day* means the 31st day of December or other day selected by the Council.

16—Seal

The Seal of the College shall be used only on the authority of the Council and all documents to which the seal shall be affixed shall be countersigned by two members of the Council.

Amendments to *Methodist Ladies College Incorporation Act 1920*

Section 1—Insert "and miscellaneous" after "Management".

Section 2—Delete "*Methodist Ladies College Incorporation Act 1920*" and insert "*Annesley College Act 1920-1976*".

Section 3—

Delete the definition of *College* and insert—

College means the body incorporated as Annesley College by this Act;.

Delete the definition of *Committee* and insert—

Council means the Council of the College;.

Delete the definition of *The Conference* and insert—

Synod means the Synod of The Uniting Church in Australia within South Australia;.

Section 4—Section 4 is repealed and the following section is enacted and inserted in its place:

4—Incorporation

- (1) The body corporate formerly known as Methodist Ladies College shall continue in existence as a body corporate named "Annesley College".
- (2) The College—
 - (a) shall have perpetual succession and a common seal;
 - (b) subject to this Act shall have power to—
 - (i) break, alter or vary the seal; or
 - (ii) acquire, accept, hold or dispose of property; or
 - (iii) borrow, invest, or otherwise deal with moneys and give security; or

- (iv) acquire or incur any other rights or liabilities that may properly attach to an incorporated body and otherwise exercise all the powers and functions of an incorporated body.
- (3) The membership of the College shall consist of all persons who have voluntarily subscribed to the funds of the College.

Section 6—Section 6 is repealed.

Section 7—Section 7 is repealed and the following section is enacted and inserted in its place:

7—Change of name

- (1) A reference in any instrument or Act to Methodist Ladies College shall refer to the College.
- (2) This Act shall be sufficient authority for the Registrar-General or any other person keeping any register or any other record whether pursuant to statute or otherwise to substitute "Annesley College" for "Methodist Ladies College" in the register or other record and in any document issuing out of that register or other record.

Section 8—In paragraph I, delete "Committee" and insert "Council". In paragraph II, delete "Committee" and insert "Council" and insert "(whether male or female)" after "students".

Section 11—Delete "Committee" and insert "Council".

Section 12—

Delete "Five thousand pounds" and insert "Ten thousand dollars".

Delete "Committee" and insert "Council".

Section 13—Section 13 is repealed and the following section is enacted and inserted in its place:

13—College estate may be sold, leased, or mortgaged

The Council may sell, lease or otherwise dispose of all or any part of the College estate and may mortgage the same, with or without power of sale, for the purpose of raising money for redeeming any mortgage to which the same may be subject, or for the purpose of raising money for building, or for the purpose of purchasing land, or for any purpose approved by the Synod either specially or generally but no mortgagee shall be concerned in any way as regards the purpose for which the money is wanted or applied, and so far as regards the protection of mortgagees, the right to mortgage shall be deemed absolute and unqualified at all times.

Section 14—Section 14 is repealed and the following section is enacted and inserted in its place:

14—Investment

The College may retain in the same state of investment any investment of which any disposition is made to or in favour of the College or which otherwise comes into the hands of the College and may invest any portion of the general funds of the College which are not required for immediate expenditure in the purchase or mortgage of real estate in any State or Territory of the Commonwealth or in the Government securities of any State or Territory of the Commonwealth or of the Commonwealth of Australia or in any other mode of investment authorised by the *Trustee Act 1936*, for the investment of trust funds and may manage realise or vary any investment and take up any rights or benefits arising from any investment.

Sections 15 to 31—Sections 15 to 31 inclusive are repealed and the following sections are enacted and inserted in their place ("and miscellaneous" being inserted in the heading after "Management"):

15—Management

The College shall be managed and governed by a Council which, subject to the express provisions hereof, shall have the sole management and government of the College and of the business and affairs thereof and may execute and exercise all trusts and powers in the name and on behalf of the College.

16—Constitution

The composition of the Council, its method of election and the regulation of its proceedings shall be prescribed from time to time by rules to be known as "The Constitution of Annesley College Council" and the Constitution shall, subject to this Act, be as set out in Part 2 of the Schedule hereto. Subject to the rules the proceedings of the Council shall be conducted in such a manner as the Council determines.

17—Report to Synod

The Council shall present to the annual meeting of the Synod a report of its proceedings and financial statements for the period of twelve months ending on the prescribed day immediately preceding the day on which the annual meeting of the Synod is held or commences so that the general and financial position of the College may plainly appear.

In this section *prescribed day* means the 31st day of December or other day selected by the Council.

18—Directions by Synod

The Council shall conform to and abide by all directions to be given by the Synod with reference to the College, but no such direction shall invalidate any prior act of the Council, or be of any effect so far as it may be repugnant to this Act or to the fundamental principle of the College.

19—Amendments to Constitution and Rules

- (1) Subject to this section, the Council may by resolution amend the Constitution by making, adding to, altering or repealing any rule and make rules for the management of the business and affairs of the College, and for carrying this Act into effect.
- (2) A resolution under this section must be passed at a meeting of the Council by at least two-thirds of the members of the Council voting at the meeting of the Council.
- (3) Notice of the meeting in writing setting out the proposed amendments or rules must be given in accordance with the Constitution to every member of the Council at least twenty-eight days prior to the meeting.
- (4) An amendment or rule shall not take effect until approved by the Synod and shall take effect on the day on which such approval is given or on such other day as is fixed by the resolution of the Council.
- (5) No amendment or rule shall be inconsistent with this Act.
- (6) Section 38 of the *Acts Interpretation Act 1915* shall not apply to any amendment or rule under subsection (1) of this section.

20—Fundamental principle

The fundamental principle of the College is that no instruction shall be imparted thereat which in any way contravenes the doctrines of The Uniting Church in Australia and nothing in this Act or in any rule shall in any way violate this principle.

21—Powers of Synod

- (1) The Standing Committee of the Synod may exercise on behalf of the Synod any right, power or authority conferred upon the Synod by this Act except where the right, power or authority is exercisable at the annual meeting of the Synod.
- (2) A certificate purporting to be signed by the Moderator of the Synod and purporting to certify that any act was done by or on behalf of the Synod for the purposes of this Act shall be conclusive evidence of that act and that the act was validly done by or on behalf of the Synod.

The Schedule—Delete Part 2 of the Schedule and insert the following in its place:

Part 2—The Constitution of Annesley College Council

1—Interpretation

In this Constitution *the Act* means the *Annesley College Act 1920*.

2—Membership of Council

The Council shall consist of not less than twenty but not more than forty-four officers and other members at least one-half of whom shall be confirmed members of The Uniting Church in Australia and at least one-fourth of whom shall be appointed from members of the Synod unless the Synod determines to appoint a lesser number. The Head of the College shall be an additional member *ex officio*.

3—Officers

The officers of the Council shall be a Chairman, a Deputy Chairman, a Secretary and a Treasurer. Either the Chairman or the Deputy Chairman must, unless the Synod determines otherwise, be a Minister of the Word of The Uniting Church in Australia.

4—Appointment of officers and other members

The officers and other members (except the Head of the College) and an Auditor shall be appointed by the Synod at its annual meeting. Each person so appointed shall hold office for the period of twelve months commencing on the prescribed day next following the annual meeting of the Synod. In this rule *prescribed day* means the first day of January or other day selected by the Council. In appointing the officers and such other members the Synod shall have regard to nominations made to the Synod by the Council. Until members of the Council appointed by the Synod take office, the Council shall consist of the Head of the College holding office *ex officio* and the officers and other members of the Committee holding office immediately prior to this Constitution coming into operation.

5—Re-appointment

Each appointed member of the Council shall be eligible for re-appointment for a maximum of nine consecutive years except that any member who is an officer in his tenth consecutive year of membership of the Council shall be eligible for re-appointment as an officer for a maximum of five subsequent consecutive years. No period of service prior to the first day of January next following the day on which this Constitution comes into operation shall be counted for the purposes of this rule.

6—Removal from office

- (1) The Synod may remove a member of the Council from office at any time and shall remove a member of the Council from office if requested so to do by resolution of the Council passed by at least two-thirds of the members of the Council voting at a meeting of the Council.
- (2) Notice of the meeting in writing stating the proposed motion to remove a member must be given in accordance with this Constitution to every member of the Council at least fourteen days prior to the meeting.

7—Filling of casual vacancy

The Council may appoint a person to fill any casual vacancy among the appointed members and the person so appointed shall fill such vacancy for the unexpired portion of the term of the person in whose place he is appointed.

8—Quorum

At every meeting of the Council one-quarter of the total number of members shall form a quorum.

9—Subcommittee

The Council may appoint any subcommittee of any number of its members and other persons and may delegate all or any of its powers to any subcommittee and fix the quorum thereof and may cancel such appointment and delegation. Every subcommittee in the exercise of its powers shall conform to such regulations and directions as may be imposed and given by the Council. Any subcommittee may co-opt any person and on so doing shall notify the Council of that fact. The Council shall appoint from the members of the Council the Chairman of each subcommittee.

10—Voting

At every meeting, whether of the Council or of a subcommittee, the Chairman shall have a deliberative as well as a casting vote and, except where otherwise provided in the Act or in this Constitution, every question shall be decided by a majority of the votes of persons voting thereon.

11—Notice of meeting

Notice of meeting may be given to a member by delivering notice in writing of the meeting to him or by posting notice of the meeting in an envelope addressed to the member at his last known or most usual address. Notice given by post shall be deemed to be given on the day following the posting of the notice. Notice may be given orally in circumstances which in the opinion of the Chairman or the Secretary constitute an emergency, unless the Act or this Constitution requires notice in writing.

12—Validity of acts done

An act or proceeding of the Council or of a subcommittee shall not be invalid by reason only of the accidental failure to give notice of meeting to any member or of a vacancy in its membership and notwithstanding the subsequent discovery of a defect in the appointment or tenure of a member of the Council or of a subcommittee or in the composition thereof any such act or proceeding shall be as valid and effectual as if the member had duly held office or the Council or subcommittee had been duly composed.

13—Minutes

The Council shall cause minutes to be kept of the proceedings at all meetings whether of the Council or of any subcommittee and the minutes, if signed by any person purporting to be the Chairman of the meeting at which the minutes are confirmed, shall be conclusive evidence of all matters therein stated and that the meeting was duly convened and held and the validity of the proceedings shall not be impeached on any ground not appearing on the face of the minutes themselves.

14—Seal

The seal of the College shall be used only on the authority of the Council and all documents to which the seal is affixed must be countersigned by two members of the Council one of whom must be the Chairman, Deputy Chairman, Secretary or Treasurer.

Amendments to *The Parkin Congregational Mission of South Australia Incorporated Act 1968*

Section 1—

Strike out "Congregational"

Strike out "1968" and insert "1968-1976" in lie thereof.

Section 3—Strike out "Congregational" in the definition of *the Mission*.

New section 3A—The following new section is enacted and inserted after section 3:

3A—Change of name

- (1) The name of The Parkin Congregational Mission of South Australia Incorporated is changed to "The Parkin Mission of South Australia Incorporated".
- (2) A reference in any instrument or Act to The Parkin Congregational Mission of South Australia Incorporated shall refer to The Parkin Mission of South Australia Incorporated.
- (3) This Act shall be sufficient authority for the Registrar-General or any other person keeping any register or other record whether pursuant to statute or otherwise to substitute "The Parkin Mission of South Australia Incorporated" for "The Parkin Congregational Mission of South Australia Incorporated" in the register for other record and in any document issuing out of that register or other record.

The Schedule as amended by Deed made the 3rd day of July, 1973 by the Governors of the Mission (the amendments made whereby shall have the same force and effect as if made by statute on that day) shall be amended as follows:

- 1 By deleting from clause 1 "Part 2—Electors, clauses 3—5".
- 2 By deleting from clause 2 the definitions *clerical governor*, *elector*, *lay governor*, *the Mission* and inserting in lieu thereof the following definitions:

clerical governor means a governor who is an ordained minister of The Uniting Church in Australia;

lay governor means a governor who is a lay person of The Uniting Church in Australia;

the Mission means The Parkin Mission of South Australia Incorporated.

- 3 By deleting from the definition *the Mission Territory* in clause 2 "electors" and inserting in lieu thereof "Synod".
- 4 By inserting in clause 2 after the definition of *the Secretary* the following definition:

Synod means the Synod of The Uniting Church in Australia within South Australia.
- 5 By deleting Part 2, the heading and clauses 3 to 5 inclusive.
- 6 By deleting from clause 6(1) "Congregational denomination" twice occurring therein and inserting in lieu thereof in each case "Uniting Church in Australia".
- 7 By deleting from clause 6(2) "the commencement of *The Parkin Congregational Mission of South Australia Incorporation Act 1968*" and inserting in lieu thereof "the commencement of *The Uniting Church in Australia Act 1976-1977*".
- 8 By deleting the provisions of clause 7(1) and inserting in lieu thereof "The Synod shall in each year, at the time of, or as nearly as practicable to the time of, its annual meeting conduct an election of governors in the manner prescribed by rules made under this deed".
- 9 By deleting from clause 7(2)(b) "1970" and inserting in lieu thereof "1979".
- 10 By deleting from clause 7(5) "The electors" and inserting in lieu thereof "The Synod".
- 11 By deleting from clause 8(1)(e) "president of the Congregational Union of South Australia Incorporated" and inserting in lieu thereof "Moderator of the Synod".
- 12 By deleting from clause 8(1)(f) "Congregational" and inserting at the end thereof "of The Uniting Church in Australia".
- 13 By deleting from clause 8(1)(g) "president of the Congregational Union of South Australia Incorporated" and inserting in lieu thereof "Moderator of the Synod".
- 14 By deleting from clause 8(1)(h) "electors" and inserting in lieu thereof "Synod".
- 15 By deleting clause 8(2) and inserting the following:
 - (2) The governors may elect a person to fill a casual vacancy in the office of governor and a person so appointed shall hold office until the next succeeding election of governors.
- 16 By deleting from clause 10(1) "or to summon a meeting of the electors".
- 17 By inserting after clause 12(2) the following subclause:
 - (2a) The Governors may delegate to such persons as they think fit and upon such terms as they determine any of their powers or functions under this deed.
- 18 By deleting clause 16 and substituting in lieu thereof:

16—Accounts and audit

- (1) The governors shall after the end of each financial year, prepare a report of their proceedings during that financial year, and a financial statement showing accurately and in detail the trust property as at the end of that financial year, and the income and expenditure of the Mission during that financial year.
- (2) The balance-sheet shall be duly audited by an auditor appointed by the Synod.
- (3) The auditor's remuneration shall be fixed by the governors and paid out of income.
- (4) The report and balance-sheet shall be printed and presented to the next following annual meeting of the Synod.
- (5) For the purposes of this clause a financial year shall be a period fixed by rules made under this deed.

19 By deleting clause 18A and inserting in lieu thereof the following clause:

18A—Power to borrow

The governors may borrow money and for that purpose may give security over any real or personal property of the Mission.

20 By deleting from clause 19(2) "of the Congregational denomination" and inserting in lieu thereof "being confirmed members of The Uniting Church in Australia".

21 By deleting from clause 20(3) "the Congregational denomination" and inserting "The Uniting Church in Australia".

22 By deleting clause 24(1) and inserting in lieu thereof:

- (1) The governors may, from time to time, by instrument in writing under the seal of the Mission, and with the approval of the Synod, alter all, or any, of the provisions of this deed, and may, in the instrument, fix the time at which the alteration shall come into force.

23 By deleting from clause 24(4) "Council of the Congregational Union of South Australia Incorporated" and inserting in lieu thereof the word "Synod".

24 By deleting clause 25(1)(a).

25 By deleting from clause 25(2) "an elector" and inserting in lieu thereof "any member of the Synod".

26 By deleting clause 25(3) and inserting the following subclause in lieu thereof:

- (3) The secretary shall send to the Standing Committee of the Synod a copy of all rules made under this clause.

27 By deleting from clause 25(4) "The electors may, at a meeting duly convened for the purpose within three months of" and inserting in lieu thereof "The Synod may at its next annual meeting after".

Amendments to *The Parkin Trust Incorporated Act 1926*

Section 1—Strike out "1926" and insert "1926-1976" in lieu thereof.

New section 12A—The following new section is enacted and inserted after section 12:

12A—Amendments to Deed

The original Deed of Settlement as amended by the Amending Deed of Settlement, this Act, *The Parkin Trust Incorporated Act Amendment Act 1961* and the *Parkin Trust Incorporated Act Amendment Act 1967* is amended as follows:

- (a) by deleting clause 1 and inserting in lieu thereof the following clause:
 - 1 The seven persons holding office as Governors of The Parkin Trust Incorporated immediately before the commencement of *The Uniting Church in Australia Act 1976* shall subject to this Deed continue to hold office under this Deed and shall be the Trustees and Governors of the said Trust and of the additions and accumulations thereof and of the rents and incomes arising therefrom.
- (b) by deleting from clause 4(b) "among the Congregational or Independent Churches of the Commonwealth of Australia" and inserting in lieu thereof "of The Uniting Church in Australia", by adding "of Australia" after "Commonwealth" and by deleting therefrom "Doctrinal Schedule embodied in the Model Trust Deed adopted and published by the Congregational Union of England and Wales Incorporated as such Doctrinal Schedule is set forth in the Second Schedule hereto or other the Doctrinal Schedule for the time being of such Union", and inserting in lieu thereof "doctrinal requirements of the Assembly of The Uniting Church in Australia".
- (c) by deleting from clause 6 "Doctrinal Schedule embodied in the said Model Trust Deed or other Model Trust Deed for the time being" and inserting in lieu thereof "doctrinal requirements of the Assembly of The Uniting Church in Australia".
- (d) by deleting from clause 7 "among the Congregational and Independent Churches of the Commonwealth of Australia" and inserting in lieu thereof "in The Uniting Church in Australia" and by deleting therefrom the words "said Doctrinal Schedule" and inserting in lieu thereof "doctrinal requirements of the Assembly of The Uniting Church in Australia" and by deleting the words "Congregational Churches" and inserting in lieu thereof "The Uniting Church in Australia" and by deleting "Congregational Churches of South Australia" twice occurring therein and in each case inserting in lieu thereof "Uniting Church in Australia".
- (e) clauses 8 to 12 inclusive shall be deemed deleted and the following clauses 8 to 12 inclusive inserted in lieu thereof:

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- 8 For the purposes of this Deed there shall be seven Governors of whom three shall be ordained ministers of The Uniting Church in Australia and four lay members of The Uniting Church in Australia.
- 9 (1) The Synod of The Uniting Church in Australia within South Australia (hereinafter referred to as *the Synod*) shall in each year, at the time of, or as nearly as practical to the time of, its annual meeting conduct an election of Governors in the manner prescribed by by-laws made under this deed.
- (2) Immediately before an election is held the office of two Governors or if the election is that held in 1977 or in a year three years or a multiple of three years thereafter the offices of three Governors shall, in addition to the office of any Governor appointed pursuant to clause 11, become vacant.
- (3) The Governors whose offices shall become vacant shall be those who have been longest in office since being last elected a Governor.
- (4) The Governors whose offices become vacant under this clause shall be eligible for re-election.
- 10 The office of a Governor shall become vacant if—
- (a) he dies; or
 - (b) he resigns by written notice addressed to the Secretary; or
 - (c) he is absent from this State for more than twelve consecutive months without the consent in writing of the majority of the remainder of the Governors; or
 - (d) he becomes bankrupt or compounds with his creditors for less than one hundred cents in the dollar; or
 - (e) he becomes, in the opinion of the Moderator of the Synod incapable by reason of mental or physical illness of further performing the duties and obligations of a Governor; or
 - (f) he ceases to have the status of an active member of a church of The Uniting Church in Australia; or
 - (g) he is guilty, in the opinion of the Moderator of the Synod, of any conduct unbecoming a trustee; or

- (h) a resolution removing him from office is duly passed at a meeting of Synod.
- 11 The Governors may elect a person to fill a casual vacancy in the office of Governor and the person so appointed shall hold office until the next succeeding election of Governors.
- 12 All Governors shall continue in office until their successors or respective successors shall be appointed.
- (f) by deleting from clause 13 the words, "The said William Parkin shall be President of the Corporation during his life and the Governors at their first meeting after the decease of the said William Parkin or as soon thereafter as may be convenient and from thence year by year or as occasion shall require shall" and inserting in lieu thereof "The Governors shall at their first meeting after each annual election".
- (g) by deleting from clause 14 "Committee of the Congregational Union of South Australia" and inserting in lieu thereof "next annual meeting of the Synod" and by deleting the words "Congregational Union of South Australia" and inserting in lieu thereof "Synod".
- (h) clause 17 shall be deemed deleted and the following clause inserted in lieu thereof:
- 17(1) The Governors may from time to time by instrument in writing under the Seal of the Corporation and with the approval of a resolution of the Synod alter all, or any, of the provisions of this Deed and may, in the instrument, fix the time at which the alteration shall come into force.
- (2) The provisions of this Deed may be altered in any manner whatsoever under subclause (1) of this clause except that no alteration shall be made altering the character of the Institution as a religious and charitable institution.
- (3) In this clause *alter* means alter by any means whatsoever whether by addition, revocation or substitution and *alteration* has a corresponding meaning.
- (4) The secretary shall send to the Synod a copy of all alterations made under this clause.
- (i) by adding after clause 18 the following clause:

- 19 The Governors may delegate to such persons or body corporate as they shall think fit and upon such terms as they shall from time to time determine all or any of their powers and functions under this Deed but any such delegation shall not derogate from the powers of the Governors personally to act under this Deed in any manner.
- (j) by inserting at the end of clause 20 "or to borrow for the trusts hereof upon the security of all or any of such real and personal property".
- (k) by deleting the Schedule to the said Deed.

Schedule 4

Prescribed Congregational Associations

Congregational Chapel Building Society of South Australia Incorporated
Congregational Union of South Australia Incorporated
Angaston Congregational Church Incorporated
Bordertown Congregational Church Incorporated
Clayton Independent Church Incorporated
The Gawler Congregational Church Incorporated
Thompson Memorial Congregational Church Incorporated
Glenelg Congregational Church Incorporated
The Trinity Independent Church Incorporated
Henley Beach Congregational Church Incorporated
Hindmarsh Congregational Church Incorporated
Houghton Congregational Church Incorporated
The Kapunda Congregational Church Incorporated
Vardon Memorial Congregational Church Incorporated
Milang Congregational Church Incorporated
North Adelaide Congregational Church Incorporated
Ottoway Congregational Church Incorporated
Port Adelaide Congregational Church Incorporated
The Port Elliot Congregational Church Incorporated
Port Pirie Congregational Church Incorporated
Rose Park Congregational Church Incorporated
Sandy Creek Congregational Church Incorporated
Truro Congregational Church Incorporated
Stow Memorial Church Incorporated

Manthorpe Memorial Congregational Church Incorporated
Newland Memorial Congregational Church Incorporated

Prescribed Presbyterian Associations

Scots Church Adelaide Inc.
Woodville Presbyterian Church Inc.
Clare Presbyterian Church Inc.
The Goodwood Presbyterian Church Inc.
The Port Adelaide Presbyterian Church Incorporated
Saint Andrews Presbyterian Church Wallaroo Incorporated
Saint Andrews Presbyterian Church Mount Gambier Incorporated
Cowandilla Presbyterian Church Inc.
Finchley Park Presbyterian Church Inc.
Clearview Presbyterian Church Inc.
Plympton Park Presbyterian Church Inc.
Saint Andrews Presbyterian Church Unley Incorporated
Glencoe Presbyterian Church Inc.
Hawthorn Presbyterian Church Inc.
Seacliff Presbyterian Church Inc.
Hart Presbyterian Church Inc.
Black Forest Presbyterian Church Inc.
Elizabeth Presbyterian Church Inc.
Presbyterian Church of St. Peters Inc.
The General Assembly of the Presbyterian Church of South Australia Inc.
The Presbyterian Church Development Fund Inc.
The Presbyterian Church Development Fund (No. 2) Inc.
The Presbyterian Fellowship of Australia in South Australia Inc.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act

Year	No	Title	Assent	Commencement
1977	8	<i>The Uniting Church in Australia Act 1977</i>	28.4.1977	22.6.1977 (<i>Gazette 16.6.1977 p1708</i>)