

An Act to confirm the Union in New South Wales of the Wesleyan Methodist Church in New South Wales, the Primitive Methodist Church in New South Wales, and the United Methodist Free Churches in New South Wales under the name of the Methodist Church of Australasia; to deal with the real and personal property in New South Wales of the said uniting churches; to give certain powers to the New South Wales Conference of the said the Methodist Church of Australasia; to amend the Wesleyan Methodist Church Property Trust Act, 1889, the Primitive Methodist Church Temporalities Act, 1879, and the Primitive Methodist Church Property Act, 1897; and for other purposes connected with or incidental to the above objects. [28th October, 1902.]

**W**HEREAS the General Conference of the Australasian Wesleyan Methodist Church, held at Adelaide, in the then Province of South Australia, in the year one thousand eight hundred and ninety-four, empowered and authorised each Annual Conference of the said Church to carry into effect within its own bounds union with any or all of the other Methodist Churches within its bounds, on the constitutional basis defined by the said General Conference, and set forth in the printed minutes of such General Conference of the year one thousand eight hundred and ninety-four, but subject to a provision that until Methodist Union had become general throughout Australasia the name of the uniting churches should, when united, be "The Australasian Wesleyan Methodist Church," and that thereafter the united church should be denominated "The Methodist Church of Australasia": And whereas with the consent of the New South Wales Conference (being an Annual Conference of the Australasian Wesleyan Methodist Church, embracing within its jurisdiction the State of New South Wales, and which said Annual Conference is duly constituted by, and forms an integral part of, the said General Conference) an agreement

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agreement was duly made between the following churches, denominations, or religious communities in New South Wales, that is to say, the Wesleyan Methodist Church in New South Wales (being that part of the Australasian Wesleyan Methodist Church which is in New South Wales), the Primitive Methodist Church in New South Wales, and the United Methodist Free Churches in New South Wales, hereinafter called the "uniting churches," to enter into an organic union as one church under the name of the "Australasian Wesleyan Methodist Church" as and from the first day of January, one thousand nine hundred and two, on the said constitutional basis, and in terms of a plan of union agreed to by the respective Annual Conferences or Assemblies constituting the governing bodies of the uniting churches, which said plan of union is fully set forth in the printed minutes of the New South Wales Conference of the Australasian Wesleyan Methodist Church, held at Sydney, in the State of New South Wales, in the year one thousand nine hundred and one, it being agreed that when Methodist Union had become general throughout Australasia the united church should be denominated "The Methodist Church of Australasia": And whereas Methodist Union became general throughout Australasia on the first day of January, one thousand nine hundred and two: And whereas pursuant to such agreement the uniting churches did, on the first day of January, one thousand nine hundred and two, enter into an organic union as one church under the name of "The Methodist Church of Australasia" on the said constitutional basis, and in terms of the said plan of union: And whereas the church named in the said constitutional basis is throughout such basis called "The Australasian Methodist Church," and the missionary society named therein is called "The Australasian Methodist Missionary Society": And whereas the New South Wales Conference of the Methodist Church of Australasia, held at Sydney in the months of February and March, one thousand nine hundred and two, and which Conference included ministerial and lay representatives of all the uniting churches, made and passed certain appointments, resolutions, and orders: And whereas the General Conference of the Australasian Wesleyan Methodist Church empowered each Annual Conference of the said church to obtain such legal enactments as might be necessary to give effect to such union, and also to frame for itself regulations dealing with the term during which a minister may be appointed to the same circuit, church, or chapel subject to certain conditions fixed by such General Conference, and with other matters: And whereas grants have from time to time been made by the Crown to trustees of certain lands in the State of New South Wales for the erection thereon respectively of churches, chapels, schoolhouses, ministers' residences or for other purposes for or in connection with the uniting churches severally, or some  
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of them: And whereas by reason of the said union of the uniting churches, and for other reasons, some of such lands are unsuitable for the purposes for which they were respectively granted, and in respect of other of such lands it is or may be undesirable to carry out the specific trusts upon which they were granted, and it is expedient that such lands should be held upon the trusts and with the powers, authorities, and discretions and subject to the provisions of the model deed referred to in section three hereof: And whereas it is necessary and desirable to obtain legislative authority to confirm the union of the said uniting churches and to declare the trusts upon which all real and personal property in New South Wales now or hereafter held in trust for or in anywise belonging to the said uniting churches, namely, the Wesleyan Methodist Church in New South Wales, the Primitive Methodist Church in New South Wales, and the United Methodist Free Churches in New South Wales, or any of them, shall henceforth be held, and also to give to the New South Wales Conference of the Methodist Church of Australasia power to make appointments of ministers or preachers on trial to the same circuit, church or churches, chapel or chapels, or premises year by year successively for five years or for such greater or lesser number of years as may from time to time be authorised by the General Conference of the Methodist Church of Australasia, and to amend the provisions of the said model deed, and other powers: And whereas it is also necessary to amend the Wesleyan Methodist Church Property Trust Act, 1889, the Primitive Methodist Church Temporalities Act, 1879, and the Primitive Methodist Church Property Act, 1897, and to provide for other matters appertaining to the said uniting churches or one or more of them: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Methodist Union Act, 1902." Short title.
2. Except so far as is inconsistent herewith this Act shall be Incorporation. incorporated and read with the Wesleyan Methodist Church Property Trust Act, 1889, and the said last-mentioned Act, and this Act may be cited as the Methodist Church Property Acts, 1889-1902.
3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires,—

"Constitutional basis" means the constitutional basis defined by the General Conference of the Australasian Wesleyan Methodist Church, held at Adelaide, in the then Province of South Australia, in the year one thousand eight hundred and ninety-four, as set forth in the printed minutes of such Conference.

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- “Model deed” means the “Wesleyan Methodist Model Deed of New South Wales, 1888,” referred to in the Principal Act, and any duly authorised alteration or modification thereof.
- “Plan of union” means the plan of union agreed to by the respective Annual Conferences or Assemblies constituting the governing bodies of the uniting churches as set forth in the printed minutes of the New South Wales Conference of the Australasian Wesleyan Methodist Church, held at Sydney, in the State of New South Wales, in the year one thousand nine hundred and one.
- “Primitive Methodists” means the members of the religious community commonly known by that name, and includes the people in New South Wales connected in religious fellowship and church government, and called by that name, and, at the time of the passing of this Act, forming part of the connection established in Great Britain, and known as the Primitive Methodist Connection.
- “Primitive Methodist Church,” means the church, connection, society, religious denomination, or community of the Primitive Methodists in New South Wales.
- “Principal Act” means the Wesleyan Methodist Church Property Trust Act, 1889.
- “Uniting Churches” means the Wesleyan Methodist Church, the Primitive Methodist Church, and the United Methodist Free Churches.
- “United Free Methodists” means the members of the community commonly known by that name, and includes the people in New South Wales connected in religious fellowship, and called by that name, and, at the time of the passing of this Act, forming part of the connection or religious community established in Great Britain under the name of the United Methodist Free Churches, upon the union or amalgamation of the Wesleyan Methodist Association with the Wesleyan Methodist Reformers.
- “United Methodist Free Churches” means the churches societies, connection, religious denomination or community of the United Free Methodists in New South Wales.
- “Wesleyan Methodist Church” means the Australasian Wesleyan Methodist Church in New South Wales.

Confirmation of  
Union.

**4.** The Union of the Wesleyan Methodist Church, and the Primitive Methodist Church, and the United Methodist Free Churches, on the constitutional basis and plan of union, on the first day of January, one thousand nine hundred and two, is hereby confirmed.

Name of church, &c.

**5.** (1) The church formed by such union shall be denominated “The Methodist Church of Australasia.”

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(2) The constitutional basis shall be read and construed as if the words "The Methodist Church of Australasia" were inserted in place of the words "The Australasian Methodist Church" wherever such words occur; and as if the words "The Methodist Missionary Society of Australasia" were inserted in place of the words "The Australasian Methodist Missionary Society" wherever such words occur.

(3) The Methodist Church of Australasia shall for all purposes be deemed to be the Wesleyan Methodist Church within the meaning of the Principal Act, and the Annual Conference of the Methodist Church of Australasia in New South Wales shall be deemed to be the New South Wales and Queensland Conference within the meaning of the said Act.

(4) The model deed shall, after the passing of this Act, be known, referred to, and cited as "The Methodist Model Deed of New South Wales."

(5) The Wesleyan Methodist Church Register of Trustees for New South Wales, referred to in section six of the Principal Act, shall, after the passing of this Act, be called and inscribed as "The Methodist Church Register of Trustees for New South Wales."

6. The New South Wales Conference of the Methodist Church of Australasia, held in Sydney in the months of February and March, one thousand nine hundred and two, and all elections, appointments, resolutions, and orders, held, made, and passed by such conference, are hereby confirmed and declared to be valid for all purposes.

Confirmation of Conference, appointments, &c.

7. All lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in New South Wales, together with all rights, easements, and appurtenances relating thereto, which, at the time of the passing of this Act, are held upon the trusts of the model deed or of any deed therein referred to, or are otherwise held on behalf of or in trust for the Wesleyan Methodist Church shall from and after the passing of this Act be held for the Methodist Church of Australasia upon the trusts, and with the powers, authorities and discretions, and subject to the terms, provisions, and conditions of the model deed, but subject and without prejudice to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively, and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, and hereditaments, in favour of the donor or any person or corporation other than the Wesleyan Methodist Church, and upon and subject to no other trusts or provisions whatsoever.

Trusts upon which Wesleyan Methodist Church lands are to be held.

8. All lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in New South Wales, together with all rights, easements, and appurtenances relating thereto, which, at the time of the passing of this Act, are held upon the trusts of, and with

Trusts upon which lands of other Methodist Churches are to be held.

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with the powers conferred by, and subject to the provisions of the Primitive Methodist Church Temporalities Act, 1879, and the Primitive Methodist Church Property Act of 1897, or upon any other trusts for the church or people or religious community or denomination called or known as the "Primitive Methodist Church," or the "Primitive Methodists" or the "Primitive Methodist Connection," or upon trust for any Primitive Methodist Society, and also all lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in New South Wales, together with all rights, easements, and appurtenances relating thereto, which, at the time of the passing of this Act, are held upon trust for the church or people or religious community or denomination called or known as the "United Free Methodists" or the "United Methodist Free Churches," or upon trust for any United Methodist Free Church Society, shall, from and after the passing of this Act, be held for the Methodist Church of Australasia upon the trusts, and with the powers, authorities and discretions, and subject to the terms, provisions and conditions of the model deed, but subject and without prejudice to any reservation, mortgage, charge, encumbrance, lien or lease affecting the same respectively, and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, and hereditaments in favour of the donor or any person or corporation other than the Primitive Methodist Church or United Methodist Free Churches, or either of them, and upon and subject to no other trusts or provisions whatsoever.

Trusts upon which college lands, &c., are to be held.

9. All personal property, and all lands, tenements, and hereditaments of whatsoever tenure, including chattels real, situate in New South Wales, together with all rights, easements, and appurtenances relating thereto, which, at the time of the passing of this Act, are held upon trust for the Wesleyan Methodist Church for college purposes or collegiate school purposes or for the purposes of a theological institution shall, from and after the passing of this Act, be held upon trust for the Methodist Church of Australasia, and under the direction and control of the New South Wales Conference thereof, but otherwise subject to the trusts which prior to the passing of this Act had been declared and existed concerning the same.

Trusts upon which certain other lands granted to the United Churches are to be held.

10. All lands heretofore granted or dedicated by the Crown upon trust for the erection thereon respectively of churches, chapels, school houses or ministers' residences, or for other purposes for or in connection with the uniting churches, or any of them, and which are now held upon the said trusts, shall, from and after the passing of this Act, be deemed to have been granted, and shall be held for the Methodist Church of Australasia, upon the trusts, and with the powers, authorities, and discretions, and subject to the terms, provisions, and conditions of the model deed, and upon and subject to no other trusts or provisions whatsoever.

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11. (1) All lands heretofore granted, reserved, dedicated, or now held upon trust, as cemeteries or burial grounds for the burial of the dead of the Wesleyan Methodist Church, the Primitive Methodist Church, or the United Methodist Free Churches shall, from and after the passing of this Act, be deemed to have been granted, reserved or dedicated, and shall be held in trust for the Methodist Church of Australasia for the burial therein of the dead of such last-mentioned church, subject, nevertheless, in all other respects to the trusts, and with the powers declared and existing concerning the same.

Trusts upon which  
burial grounds, &c.,  
are to be held.

(2) The Governor may, in respect of any such lands as to which he has now no power of appointment of trustees, and notwithstanding and in place of any other power of appointment of trustees of such lands, upon the request in writing of the President of the New South Wales Conference of the Methodist Church of Australasia, from time to time, by notification in the Gazette, appoint trustees of such lands.

(3) The Governor may make rules and regulations for the management and control of any such lands, and may impose a penalty not exceeding twenty pounds for the breach of any such rule or regulation.

(4) Such rules and regulations shall upon notification in the Gazette have the force of law.

(5) All penalties imposed by any such rule or regulation may be recovered in the same manner as if they had been imposed by this Act.

12. Whenever by any will, deed, or other instrument any property real or personal has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed, or has been, or shall be declared or directed to be held upon trust, to or for the benefit of the Wesleyan Methodist Church or the Primitive Methodist Church or the United Methodist Free Churches, or intended so to be, or to or for the benefit of any church, chapel, school, fund, institution, society, or auxiliary in connection with any of the said churches, or intended so to be, or shall be or become receivable by or payable to any such church, fund, institution, society, or auxiliary, or receivable by or payable to any officer thereof, and whenever by any will, deed, or other instrument any power, authority, discretion, or power to consent, is given to or becomes exercisable by or is required from the Wesleyan Methodist Church, the Primitive Methodist Church, or the United Methodist Free Churches, or any of them, or of any Conference, Assembly, district committee, district meeting, or district synod of any of the said churches, or of the president, chairman, secretary, or other officer thereof respectively, or of any minister thereof in his official capacity, every such will, deed or other instrument, and every devise, bequest, legacy, testamentary disposition, gift, grant, conveyance, transfer, assignment, appointment, declaration of trust, power, authority, discretion, and consent therein contained or referred to, or intended so to be, shall be read and construed and operate and take effect as if the Methodist Church of Australasia had been

Devises, bequests, &c.

named

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named and referred to therein in place of the uniting church named or referred to, or intended so to be, and as if the New South Wales Conference of the Methodist Church of Australasia had been named and referred to therein in place of the Conference or Assembly of the uniting church named or referred to, or intended so to be, and as if the district meeting or district synod or corresponding church, court, or committee of the Methodist Church of Australasia had been named and referred to therein in place of the district committee, district meeting, or district synod named or referred to, or intended so to be, and as if the president or secretary of the New South Wales Conference of the Methodist Church of Australasia had been named and referred to in place of the president or secretary named or referred to, or intended so to be, and as if the chairman, minister, officer, church, chapel, school, fund, institution, society, or auxiliary of the uniting church named or referred to, or intended so to be, had been named and referred to as a chairman, minister, officer, church, chapel, school, fund, institution, society, or auxiliary of the Methodist Church of Australasia, and the signature of the president for the time being of the New South Wales Conference of the Methodist Church of Australasia signifying the exercise of such power, authority, or discretion, or the giving of such consent shall be evidence of the exercise of such power, authority, or discretion, and of the giving of such consent respectively, and the receipt of the said president, or of any person or persons duly appointed by him from time to time in that behalf, for any such bequest or gift shall be a sufficient discharge to the person or persons liable to pay, deliver, or transfer any money or personal property under such will, deed or other instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be held upon trust shall, subject to the provisions of this Act, and to the trusts of such will, deed or other instrument, and subject to any directions to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the New South Wales Conference of the Methodist Church of Australasia.

Personal property,  
how to be held.

13. All personal property which at the time of the passing of this Act is held in trust for the uniting churches, or any of them, or for any fund, institution, society, or auxiliary thereof, shall from and after the passing of this Act be held upon trust for the Methodist Church of Australasia or for the corresponding fund, institution, society, or auxiliary thereof, as the case may be :

Provided that if by reason of the union of the uniting churches the particular trust upon which any personal property is held fails, such personal property shall be held upon such trusts and for such purposes as shall from time to time be declared or directed by the New South Wales Conference of the Methodist Church of Australasia.

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14. (1) All personal property situate in New South Wales to which the uniting churches, or any of them, or any fund, institution, society, or auxiliary of the uniting churches, or any of them, is entitled, and all personal property to which the Methodist Church of Australasia, the New South Wales Conference of such church, or any fund, institution, society, or auxiliary of such church, is or may hereafter from time to time become entitled, other than personal property which is or may hereafter be vested in trustees upon trust for any such church, conference, fund, institution, society, or auxiliary, is hereby vested or shall vest, as the case may be, in the president for the time being of the New South Wales Conference of the Methodist Church of Australasia and his successors in office, and shall be held by him or by his said successors in trust for the Methodist Church of Australasia, upon such trusts and for such purposes as shall from time to time be declared or directed by the New South Wales Conference of the said church.

Certain property vested in the president of the New South Wales Conference of the Methodist Church of Australasia.

(2) (a) Whenever by any will, deed, or other instrument, or by any gift or other disposition of property made before but not taking effect until after the passing of this Act, or by any will, deed, or other instrument, or by any gift or other disposition of property made after the passing of this Act, any real or personal property has been or is devised, bequeathed, or given to or for the benefit of the uniting churches, or any of them, generally, or to or for the benefit of the Methodist Church of Australasia in New South Wales generally, or to or for the benefit of any fund, institution, society, or auxiliary of any such church or churches generally (other than real or personal property devised, bequeathed, or given to trustees upon trust for any such church or churches, or for any such fund, institution, society, or auxiliary), such real and personal property shall vest in the president for the time being of the New South Wales Conference of the Methodist Church of Australasia and his successors in office.

(b) The said president and his said successors shall hold such real and personal property upon the trusts, if any, declared in respect thereof, and, if no such trusts have been declared, shall hold and deal with such real and personal property and the proceeds thereof in trust for the Methodist Church of Australasia for such purposes and in such manner as the New South Wales Conference of the said church from time to time directs, and shall, if so directed by the said Conference, convey, transfer, or deliver any such real or personal property to such persons, and upon such trusts, as the said Conference directs; and the said president and his said successors, and any persons to whom any such real or personal property is so conveyed, transferred, or delivered, may, subject to and in conformity with any such direction, sell, lease, mortgage, or otherwise deal with any such real or personal property.

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Powers of the  
New South Wales  
Conference.

15. Notwithstanding anything contained herein or in the Principal Act or in the model deed or the deed poll referred to therein, but subject to the constitutional basis and plan of union, the New South Wales Conference of the Methodist Church of Australasia may from time to time,—

(1) To appoint  
Ministers.

(1) Appoint any minister, being a member of such conference, or any preacher on trial, to the same circuit, church or churches, chapel or chapels, or premises, year by year successively for a period not exceeding in the whole five years or for such longer or shorter period as may from time to time be authorised by the General Conference of the Methodist Church of Australasia: Provided that any such yearly appointment for more than three successive years shall be made only in accordance with such conditions as such General Conference has determined or may hereafter from time to time determine.

(2) To make rules  
and regulations.

(2) With the approval of such General Conference, make such rules and regulations for the appointment of its ministers and preachers on trial and the election of its officers as it thinks fit, and from time to time repeal, alter, or vary such rules and regulations.

(3) To alter the  
model deed.

(3) With the approval of such General Conference, but subject to the restriction as to doctrines contained in the constitutional basis, make any other alterations or modifications of the provisions of the model deed or any Schedule thereto:

Provided that whenever the model deed is altered or modified by the said New South Wales Conference, a copy thereof showing such alterations or modifications, and certified by and under the hand of the president for the time being of such Conference, shall forthwith, after such alteration or modification, be deposited in the office of the Registrar-General of New South Wales.

Rights of trustees to  
indemnity preserved.

16. Nothing in this Act shall limit, restrict, take away, or alter any rights or powers which any trustee of real or personal property by this Act directed to be held in trust for the Methodist Church of Australasia or any fund, institution, society or auxiliary thereof had or possessed prior to the passing of this Act, to sell, or mortgage, or be indemnified out of such property in order to liquidate any debts or obligations properly incurred by or resting upon him in respect of such property.

Power to consent  
or approve.

17. (1) The New South Wales Conference of the Methodist Church of Australasia and the president for the time being thereof shall have and possess and are hereby invested with the like powers to consent and to approve of all matters and things which, at the time of the passing of this Act, were had or possessed by the New South Wales Conference of the Australasian Wesleyan Methodist Church and the president thereof respectively.

(2) Whenever any act, matter, or thing is required to be done, testified to, or certified by the president of the Conference or Assembly of

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of any of the uniting churches, such act, matter, or thing may be done, testified to, or certified by the president for the time being of the New South Wales Conference of the Methodist Church of Australasia.

**18.** (1) Every entry and insertion in the Wesleyan Methodist Church Register of Trustees for New South Wales referred to in section six of the Principal Act, made before the passing of this Act in respect of persons nominated and appointed under the model deed to be trustees for the purpose of increasing the number of trustees, shall be as valid and effectual, for all purposes whatsoever, as if such entry and insertion had been expressly authorised by the said section, and notwithstanding that such persons were not so nominated and appointed by reason of any vacancy in any trust, and the provisions of section eight of the said Act shall have and be deemed to have had the same effect as if such persons had been nominated and appointed to be new trustees in the place of some other trustee or trustees.

Vesting of trust property in persons appointed to be additional trustees.

(2) (a) After the passing of this Act the entries and insertions prescribed by section six of the Principal Act in respect of the trustees in the said section referred to shall be made not only in respect of such trustees but also in respect of all persons nominated and appointed under the model deed to be trustees for the purpose of increasing the number of trustees, provided that in place of an insertion as to how the vacancy in the trust occurred the words "additional trustee" shall be inserted;

(b) the provisions of section eight of the said Act shall have the same effect as if such persons so nominated and appointed for the purpose of increasing the number of trustees had been nominated and appointed to be new trustees in the place of some other trustee or trustees.

**19.** Judicial notice shall be taken of the signatures of the president and secretary for the time being of the General Conference of the Methodist Church of Australasia and of the president and secretary for the time being of the New South Wales Conference of the said church.

Judicial notice of signature of president or secretary.

**20.** The president for the time being of the New South Wales Conference of the Methodist Church of Australasia may sue and be sued in all actions and proceedings whether at law or in equity as nominal plaintiff or defendant, as the case may be, for the purpose of—

President of New South Wales Conference to be a representative party in legal proceedings.

- (a) ascertaining or determining the trusts upon which any real or personal property hereinbefore mentioned or referred to are or shall be held;
- (b) ascertaining or determining whether any real or personal property is subject to any trust in favour of any church, denomination, religious community, fund, institution, society, or auxiliary referred to in this Act.