

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT.

Act No. 2, 1947.

An Act to incorporate the Churches of Christ Property Trust; to define its powers, authorities, duties and functions; to make provision for and in relation to trustees of Churches of Christ and the registration of Churches of Christ; to repeal the Churches of Christ Property Management Act, 1906; and for purposes connected therewith. [Assented to, 21st March, 1947.]

George VI.
No. 2, 1947.

WHEREAS by the Churches of Christ Property Management Act, 1906, provision was made amongst other things for the appointment of trustees to hold property on behalf of individual churches known as Churches of Christ and whereas it is expedient to make provision for the more satisfactory control of property held by or on behalf of Churches of Christ in New South Wales by the incorporation of the Churches of Christ Property Trust to hold property on behalf of the association of churches known as Churches of Christ in New South Wales: 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:—

Preamble.

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Churches of Christ in New South Wales Incorporation Act, 1947."

Short title, commencement and division into Parts.

(2).

4 Churches of Christ in New South Wales Incorporation Act.

No. 2, 1947. (2) This Act shall commence upon the first day of May, one thousand nine hundred and forty-seven.

(3) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—INCORPORATION OF THE CHURCHES OF CHRIST PROPERTY TRUST.

PART III.—REGISTRAR.

PART IV.—CHURCHES OF CHRIST PROPERTY TRUST.

PART V.—CHURCH TRUSTEES.

PART VI.—GENERAL.

SCHEDULES.

Repeal. 2. The Churches of Christ Property Management Act, 1906, is hereby repealed.

Definitions. 3. In this Act unless the context or subject matter otherwise indicates or requires—

“Church of Christ” means the whole of the members whose names are for the time being on the roll of any particular congregation known or styled as a Church of Christ at any particular place in the State of New South Wales or the Australian Capital Territory.

“Church Trustees” means the trustees for the time being of any Church of Christ registered or deemed to be registered as trustees of such Church of Christ pursuant to Part V of this Act.

“Churches of Christ in New South Wales” means the association of Churches of Christ affiliated at the commencement of this Act under a constitution known as “The Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory” together with such other Churches of Christ as may from time to time be admitted thereto in accordance with the conditions of admission for the time being in force.

“Conference” means any meeting of delegates of the churches affiliated as “Churches of Christ in New South Wales” duly called together in accordance with the constitution known as “The Constitution

Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory." No. 2, 1947.

"Conference Auxiliary" means any committee or organisation not being a Conference Department consisting wholly of members of Churches of Christ in New South Wales or elsewhere or any committee or organisation that has for its objects the furtherance of the principles or work of the Churches of Christ in New South Wales or of any Conference Department.

"Conference Department" means any committee or organisation appointed by or formed by Conference and coming either directly or indirectly under the control or direction of Conference.

"Member" means member of the Trust.

"Registrar" means the person from time to time holding office as Registrar in accordance with the provisions of this Act.

"Trust" means the Churches of Christ Property Trust constituted under this Act.

4. Except in respect of the matters and to the extent set forth in this Act nothing in this Act contained shall be held to affect the government management or administration of any Church of Christ coming under the operation of this Act. Church government.

PART II.

INCORPORATION OF THE CHURCHES OF CHRIST PROPERTY TRUST.

5. "The Churches of Christ Property Trust" constituted as hereinafter provided shall be a body corporate under that name and shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation.

6.

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No. 2, 1947. **6.** (1) The members for the time being of the Trust shall have the custody of its common seal and the form of such seal and all other matters relating thereto shall, except as hereinafter provided, be, from time to time, determined at a meeting of the Trust.

Seal and
quorum.

(2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a meeting of the Trust.

Every instrument to which the common seal is so affixed shall be signed by not less than three members of the Trust.

(3) Five members of the Trust shall constitute a quorum for the purposes of any meeting of the Trust:

Provided that where there are two or three vacancies in the offices of members of the Trust four members of the Trust shall constitute a quorum for the purposes of any meeting of the Trust.

(4) No act or proceeding of the Trust shall be invalidated or prejudiced by reason only of the fact that, at the time when such act or proceeding was done, taken or commenced, there were vacancies not exceeding three in number in the offices of members of the Trust.

PART III.

REGISTRAR.

Appoint-
ment of
Registrar.

7. The Trust shall, as occasion requires, appoint a member of a Church of Christ to be Registrar under this Act.

If at any time the office of Registrar is vacant the Conference Secretary shall act as Registrar until such time as a Registrar is appointed in accordance with the foregoing provision.

A member of the Trust may be appointed as Registrar.

The person who immediately before the commencement of this Act held office as Registrar under the Churches of Christ Property Management Act, 1906, shall be the Registrar under this Act until his successor has been appointed in accordance with the foregoing provision, but such person shall be eligible for such appointment.

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8. The Trust shall cause to be inserted in the Gazette notice of appointment of the Registrar and notice of any change in the address of the Registrar.

No. 2, 1947.
Notice of appointment.

Such notice shall be in or to the effect of Form 1 or Form 2 (as the case may require) of Schedule One to this Act.

9. The Registrar shall keep a duplicate of all certificates issued by him under this Act and may make such duplicates available for inspection by any person and shall on demand issue to any person an extract of any such certificate and may charge a fee of five shillings for each inspection or extract as aforesaid.

Keeping and inspection of duplicates of certificates issued under this Act.

10. All funds in the hands of the Registrar under the Churches of Christ Property Management Act, 1906, immediately before the commencement of this Act, and all funds coming into the hands of the Registrar under this Act shall be the property of the Trust and shall be applied towards the administration of this Act:

Funds.

Provided that any such funds that the Trust considers not to be required for such purposes may be used by the Trust for the benefit of the work or objects of Churches of Christ in New South Wales in such manner as the Trust decides.

11. The office of Registrar shall be deemed to have become vacant if the Registrar—

Vacancy in office of Registrar.

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Trust;
- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1946; or
- (e) is removed from office by resolution of the Trust.

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PART IV.

CHURCHES OF CHRIST PROPERTY TRUST.

Churches
of Christ
Property
Trust.

12. (1) There shall be constituted a Churches of Christ Property Trust.

(2) The Trust shall, subject to subsection three of this section, consist of nine members being members in good standing of a Church of Christ and appointed by Conference in the manner hereinafter provided.

(3) (a) The first Trust shall consist of the following members: Andrew Cowie Maclean, Esquire; Norman Douglas Morris, Esquire; Percy Herbert Morton, Esquire; Joseph Leslie Stimson, Esquire; Clement Armour Verco, Esquire; Richard Henry Wakeley, Esquire; and Spencer Charles Woolley, Esquire.

(b) Such members shall, subject to section seventeen of this Act, hold office until their successors have been appointed at the annual meeting of Conference held in the year, one thousand nine hundred and forty-eight.

Exercise
and dis-
charge of
powers,
authorities,
etc., by
members.

13. The members shall in the exercise and discharge of their powers, authorities, duties and functions be subject to the direction and control of Conference in so far as the exercise or discharge of such powers, authorities, duties and functions is not regulated or controlled by or under this Act.

Tenure of
office of
members.

14. (1) At the annual meeting of Conference held in the year, one thousand nine hundred and forty-eight, nine members of the Trust shall be appointed.

Three of such members shall be appointed for a term of nine years, three shall be appointed for a term of six years and three shall be appointed for a term of three years.

Members appointed subsequent to those appointed at the annual meeting of Conference held in the year, one thousand nine hundred and forty-eight, shall be appointed for a term of nine years.

(2) The terms of nine years, six years and three years for which members have been appointed in accordance

accordance with subsection one of this section shall be deemed to expire upon the appointment of the successors of such members at the annual meeting of Conference held in the ninth, sixth and third year respectively, following their appointment. No. 2, 1947.

(3) This section shall be read subject to section seventeen of this Act.

15. (1) At the annual meeting of Conference held in every third year after the year one thousand nine hundred and forty-eight, three members shall be appointed to fill the vacancies occurring upon the retirement of members in accordance with section fourteen of this Act. Appoint-
ment of
members.

(2) In the event of a casual vacancy occurring in the office of a member an appointment of a successor shall be made at the annual meeting of Conference next following the occurrence of such vacancy and the member appointed to fill such vacancy shall hold office only for the remainder of the term of office of the member whose place he fills.

(3) In the event of the number of members at any time falling below six the remaining members shall appoint such number of persons qualified for appointment as members as may be necessary to bring the number up to six.

A person so appointed under this subsection shall, subject to section seventeen of this Act, hold office only until the vacancy shall be filled at the next annual meeting of Conference in the like manner and with the like effect as a casual vacancy is filled under subsection two of this section.

(4) In the event of any determination at any time being required as to which member shall be the retiring member or which member shall hold office for any particular term, in default of such determination being made by Conference, the Trust shall make such determination.

(5) Any member if duly qualified shall upon the expiration of his term of office be eligible for re-appointment.

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Appoint-
ments
to be by
election
and to be
notified.

16. (1) The persons to be appointed members at any annual meeting of Conference shall be the persons who have been the successful candidates at an election held at such annual meeting in such manner as Conference determines.

(2) As soon as practicable after each appointment of a member the names of all the persons comprising the Trust shall be registered by the Registrar and notice thereof in or to the effect of the form in Schedule Two to this Act shall be published by him in the Gazette.

Vacancies
in offices
of
members.

17. The office of a member shall be deemed to have become vacant if the member—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Trust;
- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1946;
- (e) absents himself from four consecutive meetings of the Trust without leave of the Trust; or
- (f) is removed from office by resolution of Conference, which resolution shall be carried by a three-fourths majority of those delegates present and entitled to vote.

Powers of
Trust in
respect of
representa-
tion of
estate of
deceased
persons.

18. (1) The Trust shall have power from time to time to apply for and obtain representation of the estate of any deceased person under whose will the Trust or any Church of Christ of which the Trust is the Church Trustee under this Act is a beneficiary or under whose will any real or personal property is devised or bequeathed for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities, work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of

Christ,

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Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will or not and to do all things necessary to administer such estate. No. 2, 1947-

(2) Any member of the Trust authorised for the purpose by the Trust may on behalf of the Trust swear affidavits, make declarations, statements of defence or other statements, give security and do any other act or thing required by any Charter, Act of Parliament or rule of court to be made by persons making application for probate or letters of administration.

(3) Whenever the Trust shall have been appointed executor or administrator it shall be subject in all respects to the same control and to removal or restraint from acting and generally to the jurisdiction of the courts in the same manner as any other executor or administrator and, subject to the provisions of the Trustee Act, 1925, as amended by subsequent Acts, all the property real and personal of the Trust and the members thereof and their respective estates shall be liable for the proper discharge of the duties of such office.

19. The Trust shall have power—

- (a) to hold on behalf of the Churches of Christ in New South Wales any real or personal property vested by Conference in the Trust, and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with any direction of Conference made in that behalf;
- (b) to hold on behalf of any Conference Department or Conference Auxiliary any real or personal property vested by such Conference Department or Conference Auxiliary in the Trust, and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with any direction of such Conference Department or Conference Auxiliary made in that behalf;
- (c) (i) to take in the name of the Trust and to hold any real or personal property devised, bequeathed, lent or otherwise made available by or under any will, deed of gift, deed

Powers of Trust.

of

No. 2, 1947.

of trust or other instrument for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will, deed of gift, deed of trust or other instrument or not; and

- (ii) where conditions attach to any real or personal property referred to in subparagraph (i) of this paragraph by any such will, deed of gift, deed of trust or other instrument, to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with such conditions, or where no conditions attach or in so far as such conditions do not extend or are not applicable to any such property to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with any direction of Conference made in that behalf; and
- (iii) to apply the proceeds, profits or income of or arising from the management, administration, sale, exchange, mortgage, lease, disposal of or other dealing with such property as aforesaid in accordance with the conditions (if any) attaching thereto by such will, deed of gift, deed of trust or other instrument, or if no such conditions attach thereto or in so far as such conditions do not extend or are not applicable thereto, to apply such proceeds, profits or income in accordance with any direction of Conference made in that behalf;

(d)

- (d) to purchase, lease or otherwise acquire and hold in the name of the Trust real or personal property as directed by Conference or by any Conference Department, Conference Auxiliary or Church of Christ (of which the Trust is the Church Trustee under this Act) and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with any such property in accordance with the like directions; No. 2, 1947.
- (e) to act as Church Trustee for any Church of Christ in New South Wales in accordance with Part V of this Act;
- (f) to do all things necessary for the proper administration of the properties, estates, bequests or trusts held by the Trust subject to the limitations imposed by law;
- (g) to refuse to hold or manage or administer any property in the hands of or acquired by any Conference Department, Conference Auxiliary, Church of Christ or any trust unless directed by Conference so to do;
- (h) to invest any moneys held by it and not otherwise required in such manner and on such security as may be directed by Conference or by any Conference Department, Conference Auxiliary, Church of Christ, or trust on whose behalf the said moneys are held and failing any such direction to invest the said moneys in—
- (i) securities authorised or deemed to be authorised by any law in force for the time being relating to the investment of trust funds;
 - (ii) any security which may in the opinion of the Trust benefit the work or objects of Conference, any Conference Department, Conference Auxiliary, Church of Christ or trust on whose behalf the moneys are held;
 - (iii) loans to any Conference Department, Conference Auxiliary, or Church of Christ in New South Wales; or
 - (iv)

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(iv) loans to any organisation where the principal moneys will be used for the support or advancement of the work or objects of the Churches of Christ in New South Wales; and

(i) (i) to borrow against the security of any property held on behalf of the Churches of Christ in New South Wales or any Conference Department, Conference Auxiliary, Church of Christ or trust such sums and for such purposes as may be directed by Conference, or such Conference Department, Conference Auxiliary, Church of Christ or trust, as the case may be, and to use the moneys so borrowed in accordance with such directions; and

(ii) to borrow against any security held by it such sums as may be necessary to protect such security.

**Protection
of
purchasers,
etc.**

20. (1) No purchaser, lessee, mortgagee or other person dealing with the Trust and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, lease, mortgage, or other dealing purporting to be made under a power conferred on the Trust by this Act be concerned to see or inquire into the necessity for or the propriety or the mode of exercising the same, or be affected by notice that the exercise of the power is unauthorised, irregular or improper.

(2) A receipt for any money payable to the Trust signed by a member thereof shall be a sufficient discharge in favour of, and shall exonerate the person paying such money from all responsibility for the application of such money.

**Officers
of Trust.**

21. The Trust may appoint a secretary, accountant, auditors and such other officers or employees as it may consider necessary for the effective carrying out of its powers, authorities, duties and functions and may pay such salary, fees or remuneration for such services as the Trust may consider appropriate.

22.

22. Any expenses incurred by the Trust under this Act shall be a charge against the property, estate, bequest or trust on account of which the expense is incurred. No. 2, 1947.
Expenses.

PART V.

CHURCH TRUSTEES.

23. For the purposes of this Part of this Act in order to pass a special resolution a Church of Christ shall adopt the following procedure, namely:— Special
resolu-
tion.

- (a) a special meeting of the members of the Church of Christ shall be called by the secretary of the Church of Christ after being requested so to do by the Church Trustees or by the Board of officers of the Church of Christ or on receipt of a requisition signed by not less than ten members of the Church of Christ;
- (b) notice of such special meeting shall be given by announcement at the church services held by such Church of Christ on the two Sundays preceding the meeting, by affixing a notice in a prominent place at the entrance to the building in which such church services are held and allowing the same to remain there for the two Sundays preceding the meeting and by inserting, not less than three nor more than fourteen days before the date of the meeting, an advertisement in at least one daily or weekly newspaper circulating in the district in which such Church of Christ is situated.

Every such notice shall state the nature of the business to be considered at such special meeting;

- (c) at such special meeting only such members of the Church of Christ who are twenty-one years of age or over and whose names are on the roll of such Church of Christ according to the custom and practice of such Church of Christ shall be entitled to vote;

(d).

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- (d) the members of such Church of Christ present at such meeting shall elect one of their number or a member of the Trust or the Registrar to be chairman thereof and any member present thereat may propose a motion of which notice has been given in accordance with the appropriate form of resolution set forth in Schedule Three to this Act or such other appropriate form embodying any matter required or permitted by this Part of this Act to be the subject of any special resolution. Such motion shall be duly seconded, and after discussion the chairman shall put the motion to the vote of the members of such Church of Christ present at such meeting and the motion shall be deemed carried if three-fourths of the members present and entitled to vote vote in favour of the motion;
- (e) if the said motion shall be carried as aforesaid the chairman of the meeting shall forward to the Registrar a copy of the motion so carried accompanied by a statutory declaration verifying the said motion in the form set forth in Schedule Four to this Act.

Churches associated under Churches of Christ Property Management Act, 1906.

24. Any Church of Christ which immediately before the commencement of this Act was associated with the Churches of Christ under the Churches of Christ Property Management Act, 1906, for the purposes of that Act shall be deemed to be registered under this Part of this Act and the Registrar shall issue to every such Church of Christ a certificate in or to the effect of Form 1 of Schedule Five to this Act.

Registration of Churches of Christ.

25. Any Church of Christ not registered or not deemed to be registered under this Act in which any property is vested or about to be vested may, on passing a special resolution in the appropriate form prescribed by Schedule Three to this Act, make application to the Trust to be registered under this Part of this Act. The Trust shall consider the application and may, subject

to

to any direction of Conference, approve of the application or reject the application without assigning any reason for so doing. **No. 2, 1947.**

If the application is approved by the Trust the Registrar shall issue to such Church of Christ a certificate in or to the effect of Form 2 in Schedule Five to this Act.

26. The persons who immediately before the commencement of this Act held office as trustees of any Church of Christ associated with the Churches of Christ under the Churches of Christ Property Management Act, 1906, shall be deemed to be duly registered as trustees of such Church of Christ under this Part of this Act. Upon furnishing the Registrar with such evidence as he may require of their due appointment as Church Trustees under the said Act the Registrar shall issue to the Church of Christ of which such persons are Church Trustees a certificate in or to the effect of Form 3 in Schedule Five to this Act.

Existing Church Trustees continued in office.

27. Any Church of Christ registered or deemed to be registered or applying for registration under this Part of this Act may, by special resolution in the appropriate form prescribed by Schedule Three to this Act, appoint Church Trustees or remove any Church Trustee or Church Trustees, or appoint Church Trustees to fill any vacancies in the offices of Church Trustees or appoint additional trustees.

Appointment or change of Church Trustees.

The Trust may pursuant to the foregoing provisions of this section be appointed Church Trustee of any Church of Christ.

The Registrar shall as soon as practicable after receipt of notification of any special resolution as aforesaid issue to the Church of Christ to which such special resolution relates a Registration of Trustees Certificate in or to the effect of Form 4 in Schedule Five to this Act, or an amended certificate in such form as may be necessary to give effect to such special resolution, as the case may require.

28. Upon the issue of any certificate under section twenty-five or section twenty-seven of this Act, the Registrar shall cause a true copy of the said certificate to

Notice of issue of certificate.

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No. 2, 1947. to be published in the Gazette. From and after the date of such publication the said certificate shall be binding and conclusive on all members of the Church of Christ mentioned therein and upon all persons dealing with the said Church of Christ.

Church
Trustees
to hold
lands on
conditions.

29. The Church Trustees of any Church of Christ deemed to be registered under this Part of this Act by virtue of section twenty-six of this Act shall continue to hold, and the Church Trustees of any Church of Christ registered under this Part of this Act after the commencement of this Act shall hold the lands and buildings standing in their names as such Church Trustees freed and discharged of and from all trusts and equities which affected the same prior to the appointment of Church Trustees of such Church of Christ and shall continue to hold or hold the same, as the case may be, for and on behalf of the Church of Christ to which before the appointment of Church Trustees of such Church of Christ those lands and buildings belonged, but subject to the following trusts and with the following powers, that is to say:—

Permit
use for
worship,
etc.

- (a) Upon trust at all times to permit the lands and buildings of which they are the trustees as aforesaid to be used for the purpose of the worship of God in public by the members for the time being of the Church of Christ at the place where the lands and buildings are situated according to the faith and doctrine of the Churches of Christ and for the instruction of children and adults, and for the promotion of religious and philanthropic objects and purposes and for such other purposes as the said Church of Christ or its officers shall from time to time decide and upon the passing of a special resolution of the said Church of Christ to permit the said buildings to be altered, enlarged, repaired, taken down, and wholly or partially rebuilt, and also to permit any other building or buildings to be erected upon the said lands for the use or benefit of the said Church of Christ.

(b)

(b) Upon further trust and upon the passing of a special resolution in that behalf by the Church of Christ of which they are the Church Trustees to raise such sum or sums of money as the said special resolution shall direct, by mortgage over the lands and buildings of the said Church of Christ, or over any portion thereof, and upon trust, at the like direction to sell or lease the whole or any part of the said lands and buildings upon such terms and conditions as the said Church of Christ shall by special resolution decide.

No. 2, 1947.
Raise money.

(c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.

Use of moneys.

30. Nothing contained in this Act shall be taken to affect any legal or equitable mortgage or any conveyance or contract made before the commencement of this Act by the Church Trustees of any Church of Christ or entered into by any Church of Christ before becoming registered under this Part of this Act (as the case may be) with any person for valuable consideration and bona fide without notice of the trusts affecting the lands and buildings purported to have been mortgaged, conveyed or otherwise become the subject-matter of any contract as aforesaid.

Existing mortgages, etc., to continue.

31. Upon any special resolution other than a special resolution in or to the effect of any form prescribed by Schedule Three to this Act being passed by any Church of Christ the Registrar shall file the copy of the resolution received by him with the duplicate of the certificate of registration for such Church of Christ.

Copies of special resolution—how dealt with by Registrar.

32. The Trust shall be entitled to fix fees which they consider adequate to meet all outgoings and expenses incurred by it in the registration of any Church of Christ and the registration of any Church Trustees under this

Fixing fees.

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No. 2, 1947. Part of this Act, the issue of certificates of registration pursuant to this Part of this Act, and the outgoings and expenses which may be incurred by the Trust from time to time if such Trust is appointed to act as Church Trustee for any Church of Christ. In the case of the registration of a Church of Christ such fee shall not exceed three pounds three shillings and in the case of the registration of Church Trustees such fee shall not exceed two pounds two shillings and in either case an amount equal to actual out-of-pocket expenses incurred in connection with or incidental to any such registration. The fees payable under this section shall be paid in advance and the Registrar or the Trust shall be entitled to demand the same before proceeding to carry out any of the provisions of this Part of this Act in respect of registration of the Church of Christ or Church Trustees.

Churches
with no
Church
Trustees.

33. If at any time a Church of Christ registered or deemed to be registered under this Part of this Act and being the holder of real estate has not appointed Church Trustees or if there be no continuing Church Trustees of such Church of Christ and such church fails to call a special meeting of such church for the purpose of passing a special resolution to appoint Church Trustees within three months after being requested so to do by the Registrar, the Registrar may himself call a special meeting of such church for the purpose of appointing Church Trustees. If less than five members of such church entitled to vote attend the said special meeting the Registrar shall, without submitting any resolution to the vote, declare the Trust to be Church Trustee of the said church and shall duly proceed to register the Trust as though the same had been duly appointed by the said church and the Trust shall have the like powers, authorities, duties and functions in respect of such church as if it had been duly appointed Church Trustee thereof in conformity with the provisions of section twenty-seven of this Act.

Validity
of sale or
mortgage.

34. Upon any sale, mortgage or lease by any Church Trustee or Church Trustees of any Church of Christ registered or deemed to be registered under this Part of this Act, the purchaser, mortgagee, or lessee shall be
exonerated

exonerated from seeing to the application of the moneys paid by him to such Church Trustee or Church Trustees and from all liability in respect of the same, upon having produced to him a statutory declaration of the chairman of a special meeting of the said church declaring that at such special meeting a special resolution was passed in accordance with this Act authorising such sale, mortgage, or lease and that the deed of conveyance, transfer, mortgage, lease or other instrument prepared in pursuance thereof properly evidences and carries out the terms of such special resolution and that the person or persons executing the same is or are the Church Trustee or Church Trustees of the Church of Christ so desiring to deal with the property.

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PART VI.

GENERAL.

35. Upon the appointment of new members to the Trust or of any Church Trustees in succession to prior Church Trustees all the property vested immediately before such appointment in the Trust or vested in the Church Trustees of the Church of Christ in respect of which such appointment has been made shall thereupon become and be legally and effectually vested in the Trust or such new Church Trustees as the case may require. Every new member or Church Trustee appointed as aforesaid shall have the same powers, authorities, duties and discretions and shall in all respects act as if he had been originally appointed as a member or Church Trustee, as the case may be.

Vesting of property upon new appointments.

36. The Trust and any Church Trustees appointed under this Act shall be entitled at any time to employ a barrister, solicitor, or any other person to advise it or them or to act for it or them or to do anything that it or they consider necessary to protect its or their interests as a Trust or as trustees or the interests of Conference, or

Employment of barrister, etc.

any

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No. 2, 1947. any Conference Department, Conference Auxiliary, Church of Christ, or trust, estate, or bequest for which it or they act as trustee or trustees under this Act.

Professional
men may
act.

37. Any member or Church Trustee being a barrister-at-law, solicitor, accountant, auditor, estate agent, auctioneer, architect, surveyor, builder or engaged in any other profession, business or trade, may in the practice or carrying on of such profession, business or trade, act for and on behalf of the Trust, Conference, or Conference Department, Conference Auxiliary, Church of Christ, trust, estate or bequest of which he is a member or trustee, as the case may be, in like manner as if he were not a member or trustee and shall be entitled to charge and be paid all professional or other charges for any matter or thing done by him under the authority of this section.

Indemnity.

38. Every member and every Church Trustee and the Registrar appointed under this Act shall in the absence of mala fides be indemnified out of the funds of Conference or of the Conference Department, Conference Auxiliary, Church of Christ, trust, estate or bequest, as the case may require, against all expenses or liability incurred by him in connection with the administration of the property of such Conference, Conference Department, Conference Auxiliary, Church of Christ, trust, estate or bequest, as the case may be.

SCHEDULES.

Churches of Christ in New South Wales Incorporation Act.

23

SCHEDULES.

No. 2, 1947.

SCHEDULE ONE.

Sec. 8.

Form 1.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Appointment of Registrar.

Notice is hereby given that in accordance with the provisions of the above Act the Churches of Christ Property Trust has appointed as Registrar under the above Act. This appointment shall take effect from the date of this notice. The registered address of the Registrar is.....

Dated at Sydney this day of 19 .

By order of the Churches of Christ Property Trust.

} Members.

Form 2.

Sec. 8.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Change of address of Registrar.

Notice is hereby given in accordance with the provisions of the above Act that the registered address of the Registrar has been changed and such address now is

Dated at Sydney this day of 19 .

By order of the Churches of Christ Property Trust.

} Members.

Churches of Christ in New South Wales Incorporation Act.

No. 2, 1947.

SCHEDULE TWO.

Sec. 16.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Members of Churches of Christ Property Trust.

At { the conference of the Churches of Christ in New South Wales }
 { a meeting of the remaining members of the Churches of Christ }
 { Property Trust }

held at on an { election }
 of members of the Churches of Christ Property Trust { appointment } was
 pursuant to section 15 (3) of the above Act

{ held } in accordance with the provisions of the above Act
 { made }

and of
 and of
 and of
 were appointed as members of the Churches of Christ Property Trust.
 As the result of such appointment, the following persons comprise
 and are registered as the Churches of Christ Property Trust under
 the said Act namely:

Dated at Sydney this day of 19 .

Registrar.

Secs. 23, 25,
and 27.

SCHEDULE THREE.

Special Resolution—Churches seeking registration.

That in the opinion of this meeting it is desirable that the Church of Christ at shall seek registration under Part V of the Churches of Christ in New South Wales Incorporation Act, 1947, for the purpose of securing the benefits of the Act and accordingly this meeting hereby instructs the chairman of the meeting to make application to the Registrar and to do all things necessary to effect such registration.

Special Resolution—Appointment of Trustees.

That this meeting of the members of the Church of Christ at in accordance with the provisions of Part V of the Churches of Christ in New South Wales Incorporation Act, 1947, hereby appoints as Church Trustees of all property now owned by or hereafter to be acquired by the church or as Church Trustees to fill vacancies in the offices of the Church Trustees or as additional Church Trustees,* and hereby instructs the chairman of the meeting to make application to the Registrar and to do all things necessary to have the said Trustees duly registered under the Act.

*Omit
 whichever
 is inapplic-
 able.

Special

Churches of Christ in New South Wales Incorporation Act.

Special Resolution—Alteration of Trustees.

No. 2, 1947.

That this meeting of the members of the Church of Christ at in accordance with the provisions of Part V of the Churches of Christ in New South Wales Incorporation Act, 1947, being desirous of making a change in the Church Trustees to hold all church property now held by or hereafter to be acquired by the church hereby removes from the office of trusteeand appoints as new trusteesto act in conjunction with the continuing Trustees.....and hereby directs the chairman of the meeting to make application to the Registrar and to do all things necessary to have the said alteration of trustees duly registered under the Act.

Special Resolution—Appointment of Trust as Trustees.

That this meeting of the members of the Church of Christ atin accordance with the provisions of Part V of the Churches of Christ in New South Wales Incorporation Act, 1947, hereby { terminates the appointment of all trustees ; appoints under the Act and appoints in their stead } the Churches of Christ Property Trust to hold all church property now held by or hereafter to be acquired by the church and hereby directs the chairman of the meeting to make application to the Registrar and to do all things necessary to have the Churches of Christ Property Trust duly registered as trustee under the Act.

SCHEDULE FOUR.

Sec. 23.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Application for Registration of Church and of Trustees.

Notification to Registrar.

(Strike out the portions not applicable.)

On behalf of the Church of Christ at I hereby notify you that at a meeting of the said church held onthe undermentioned resolution was duly carried as a special resolution and I hereby request you to—

- (a) register the church under Part V of the Act;
- (b) register the trustees as set out hereunder;
- (c) record or otherwise give effect to the said resolution.

Resolution:—

Churches of Christ in New South Wales Incorporation Act.

No. 2, 1947. Resolution:—

Trustees appointed:—

Name	Occupation	Address.
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Statutory Declaration.

Statutory Declaration.

I of in the State of New South Wales do solemnly and sincerely declare as follows:—

- (1) At a special meeting of the members of the Church of Christ at in the said State duly convened in accordance with Part V of the abovenamed Act I was elected chairman of such meeting.
- (2) At such meeting the above motion was proposed by and seconded by
- (3) That such motion was put by me to the vote of the members of such church present at such meeting, and was carried by the vote of at least three-fourths of the members present and entitled to vote at the said meeting as required by Part V of the above Act.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Chairman.

Made and declared at.....
 this day of
 19 before meJ.P.

Sec. 24.

SCHEDULE FIVE.

Form 1.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Registration Certificate No.

In accordance with the provisions of Part V of the above Act the Church of Christ at being a Church of Christ which immediately before the commencement of the Churches of Christ in New South Wales Incorporation Act, 1947, was associated with the Churches of Christ under the Church of Christ Property Management Act, 1906, for the purposes of such Act, is hereby registered under the Churches of Christ in New South Wales Incorporation Act, 1947, as a church entitled to the benefits of such Act.

Dated at this day of 19 ..

Registrar.
 Form

Churches of Christ in New South Wales Incorporation Act.

Form 2.

No. 2, 1947.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Sec. 25.

Registration Certificate No.

In accordance with the provisions of Part V of the above Act the Church of Christ at having complied with the requirements of the said Act and made application for registration under the said Act and such application having been duly approved by the Churches of Christ Property Trust it is hereby certified that the said Church of Christ has been registered under the above Act as a church entitled to the benefits of the said Act.

Dated at this day of 19 .
Registrar.

Form 3.

Sec. 26.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Registration of Trustees. Certificate No.

The Church of Christ at having had Church Trustees under and in accordance with the provisions of the Churches of Christ Property Management Act, 1906, the said trustees namely: (Here insert name, occupation, and address of each trustee) have been duly registered as Church Trustees of the said Church of Christ under and in accordance with the provisions of Part V of the Churches of Christ in New South Wales Incorporation Act, 1947.

Dated at this day of 19 .
Registrar.

Form 4.

Sec. 27.

CHURCHES OF CHRIST IN NEW SOUTH WALES INCORPORATION ACT, 1947.

Registration of Trustees. Certificate No.

In accordance with the provisions of Part V of the above Act the Church of Christ at having made application for the registration of { as Church Trustees of the Churches of Christ Property Trust as Church Trustee } under section twenty-seven of the said Act and having done all things necessary for such registration it is hereby certified that the Church Trustee(s) of the said Church of Christ as from the date of this certificate { are the persons hereinbefore named. } is the Churches of Christ Property Trust. }

Dated at this day of 19 .
Registrar.

JUSTICES