

Churches of Christ, Scientist, Incorporation Act 1962 No 21

[1962-21]



New South Wales

Status Information

Currency of version

Current version for 12 October 1979 to date (accessed 10 November 2024 at 12:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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File last modified 11 August 1999

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Churches of Christ, Scientist, Incorporation Act 1962 No 21



New South Wales

An Act to incorporate First Church of Christ, Scientist, Sydney and to provide for the incorporation of other Churches of Christ, Scientist, in New South Wales; and for purposes connected therewith.

Preamble

WHEREAS certain persons being members of the religious body or denomination accepting and holding the principles, faith and doctrines known as Christian Science and in particular adhering to the tenets set forth in the Schedule and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Church Manual of The First Church of Christ, Scientist, in Boston, Massachusetts, in the United States of America and known as The Mother Church (hereinafter referred to as the "Manual"), have formed themselves into a body or association called First Church of Christ, Scientist, Sydney: AND WHEREAS certain real and personal property is held by certain trustees upon trust for the said body or association: AND WHEREAS other persons being members of the said religious body or denomination accepting and holding the said principles, faith and doctrines and adhering to the said tenets and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Manual have formed or may form themselves into separate bodies or associations known as Churches of Christ, Scientist: AND WHEREAS certain real and personal property is or may be held by certain trustees upon trust for each of the said bodies or associations respectively: AND WHEREAS it is expedient that First Church of Christ, Scientist, Sydney, and each other body or association at present or hereafter formed as a Church of Christ, Scientist, should be incorporated as separate corporations, and invested with the powers and authorities hereinafter set forth, and the real and personal property vested in trustees for each such body or association should be vested in each such body or association when incorporated.

BE it therefore enacted by the Queen'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 Name of Act and commencement

- (1) This Act may be cited as the *Churches of Christ, Scientist, Incorporation Act 1962*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Incorporation, powers and administration of First Church of Christ, Scientist, Sydney

- (1) All persons who are members of the said First Church of Christ, Scientist, Sydney accepting and holding the principles, faith and doctrines known as Christian Science and adhering to the tenets set forth in the Schedule and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Manual and who for the time being constitute the body or association called First Church of Christ, Scientist, Sydney shall be a body corporate by the name of "First Church of Christ, Scientist, Sydney" and shall have perpetual succession and a common seal and under that name may sue and be sued, prosecute and defend and take and suffer all other proceedings in all courts civil and criminal.
- (2) The said body corporate (hereinafter referred to as **First Church**) may by resolution as provided in section 10 make by-laws and rules not inconsistent with this Act to provide for the following:
 - (a) the admission to, expulsion from or re-admission to membership,
 - (b) the conduct of the officers and the election and duties of officers,
 - (c) the appointment, rotation and duties of readers, librarians and Sunday School superintendents,
 - (d) the keeping of accounts and records,
 - (e) the appointment of auditors,
 - (f) the convening and conduct of meetings,
 - (g) the custody, care and maintenance of property,
 - (h) the execution and authentication of documents,
 - (i) the authorisation of expenditure,
 - (j) the rescission or amendment of by-laws and rules,
 - (k) the remuneration of officers and employees,of or by such body corporate.
- (3) Any such by-law or rule or any rescission or amendment thereof shall be made by a resolution carried at a meeting of the members of First Church convened as provided

in section 10 by the majority provided in that section.

- (4) It shall be further lawful for First Church to take, purchase, receive, hold and enjoy real and personal property of any description whatsoever and also to sell, grant, transfer, exchange, demise (whether by way of building lease or otherwise), give easements over or otherwise dispose of either absolutely or by way of mortgage, charge, lien or other encumbrance any of the property real or personal at any time belonging to First Church provided that if any such property is subject to any trust the provisions of such trust shall be carried out by First Church in accordance with the trust deed or other instrument creating such trust, and generally to exercise, subject to the provisions of this Act, all powers, rights and privileges incident to a body corporate.
- (5) The administration of the affairs and the exercise of the powers of First Church shall be vested in the Executive Board duly appointed pursuant to the by-laws and rules of First Church for the time being subject to any by-law, rule or resolution of First Church or any resolution of the members of First Church carried at a meeting of such members convened as provided in section 10.
- (6) The said Executive Board shall have the custody and use of the common seal of First Church and a majority of the members of such Executive Board present at any meeting duly convened shall have power to use or direct the use of such seal for all purposes for which the use of such seal is required.
- (7) The seal shall only be affixed by virtue of a resolution of the said majority and in the presence of two members of the said Executive Board and of the chairman or the clerk for the time being of the said Executive Board and the said two members and the chairman or clerk shall sign their names to the document to which the seal has been affixed.

3 Property of First Church vested in corporation

All real and personal property belonging to or held in trust for First Church of Christ, Scientist, Sydney, as constituted immediately before the commencement of this Act, or for its Executive Board or for any committee of First Church of Christ, Scientist, Sydney, as so constituted, whether for any special purposes or generally for First Church of Christ, Scientist, Sydney, as so constituted, or its Executive Board or any such committee, is hereby vested in First Church without the necessity for any conveyance, transfer or other assurance of such property, but such vesting shall not affect any trust, encumbrance, charge, lien, easement, estate or interest to which such property was subject immediately before such commencement.

4 Power of other churches to incorporate

If and when the members for the time being of any of the following bodies or associations accepting and holding the said principles, faith and doctrines and adhering to the said tenets and acknowledging and adopting the principles of church organisation, discipline,

teaching, worship, service, procedure and practice laid down in the Manual and called:

Second Church of Christ, Scientist, Sydney,
Third Church of Christ, Scientist, Sydney,
Fourth Church of Christ, Scientist, Sydney,
Fifth Church of Christ, Scientist, Sydney,
Sixth Church of Christ, Scientist, Sydney,
Seventh Church of Christ, Scientist, Sydney,
First Church of Christ, Scientist, Hornsby,
First Church of Christ, Scientist, Parramatta,
First Church of Christ, Scientist, Ryde,
First Church of Christ, Scientist, Rose Bay,
First Church of Christ, Scientist, Newcastle,
First Church of Christ, Scientist, Wollongong,

respectively, by resolution carried at a meeting of such body or association convened as provided in section 10, resolve that it is expedient that such body or association should be incorporated under the provisions of this Act then as on and from the filing in the office of the Registrar-General in the manner prescribed by regulations made under the [Conveyancing Act 1919](#), as amended by subsequent Acts, of:

- (a) a copy of such resolution certified under the hand of the chairman of such meeting and the clerk of such body or association, and
- (b) a copy of the rules of the said body or association certified as such by the said clerk,

the said body or association shall become a body corporate by the name of "Second Church of Christ, Scientist, Sydney", "Third Church of Christ, Scientist, Sydney", "Fourth Church of Christ, Scientist, Sydney", "Fifth Church of Christ, Scientist, Sydney", "Sixth Church of Christ, Scientist, Sydney", "Seventh Church of Christ, Scientist, Sydney", "First Church of Christ, Scientist, Hornsby", "First Church of Christ, Scientist, Parramatta", "First Church of Christ, Scientist, Ryde", "First Church of Christ, Scientist, Rose Bay", "First Church of Christ, Scientist, Newcastle", "First Church of Christ, Scientist, Wollongong", as the case may be, and shall have perpetual succession and a common seal and under that name may sue and be sued, prosecute and defend and take and suffer all other proceedings in all courts civil and criminal.

5 Rights, powers etc of other churches when incorporated

Each body corporate referred to in section 4 shall have mutatis mutandis the same rights, powers, privileges, duties and liabilities as those provided in this Act in respect of First Church.

6 Vesting of property of existing churches other than First Church

On and from the date of incorporation of each body corporate referred to in section 4 all real and personal property belonging to or held in trust for the body or association on whose behalf the documents referred to in that section were filed or for its Executive Board or for any committee of such body or association whether for any special purposes or generally for such body or association or its Executive Board or any such committee, shall vest in the said body corporate without the necessity for any conveyance, transfer or other assurance, but such vesting shall not affect any trust, encumbrance, charge, lien, easement, estate or interest to which such property was subject immediately before such vesting.

7 Incorporation of churches to be formed

If and when any number of persons not less than sixteen and including at least four members of The Mother Church, The First Church of Christ, Scientist, in Boston, Massachusetts, in the United States of America, accepting and holding the said principles, faith and doctrines and adhering to the said tenets and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Manual shall form themselves into a body or association to be known as a Church of Christ, Scientist, such body or association may subject to the conditions stated in section 8 become a body corporate and shall have mutatis mutandis the same rights, powers, privileges, duties and liabilities as those provided in this Act in respect of First Church.

8 Conditions of incorporation

The conditions referred to in section 7 shall be as follows:

- (a) the body or association shall have been in existence for at least six months prior to the date of the resolution mentioned in paragraph (c),
- (b) the bona fides of such body or association shall be certified in writing under the seal of The Mother Church, The First Church of Christ, Scientist, in Boston, Massachusetts, in the United States of America,
- (c) a resolution that it is expedient that such body or association should be incorporated shall be carried at a meeting of such body or association convened as provided in section 10, and
- (d) a copy of the said resolution together with a certificate under the hand of the

chairman of the said meeting stating that the said meeting was duly convened and that the said resolution was carried by a vote of at least three-fourths of those present at the said meeting, a copy of the rules of such body or association and the certificate referred to in paragraph (b) shall be filed in the office of the Registrar-General in the manner prescribed by regulations made under the *Conveyancing Act 1919*, as amended by subsequent Acts.

9 Vesting of property in churches formed after the commencement of this Act

On and from the filing in the office of the Registrar-General of the documents referred to in paragraph (d) of section 8, all real and personal property belonging to or held in trust for the body or association on whose behalf such documents were filed or for its Executive Board or for any committee of such body or association whether for any special purposes or generally for such body or association or its Executive Board or any such committee, shall vest in the body corporate incorporated by virtue of section 7 without the necessity for any conveyance, transfer or other assurance, but such vesting shall not affect any trust, encumbrance, charge, lien, easement, estate or interest to which such property was subject immediately before such vesting.

10 Meetings

Any meeting required by this Act for the purpose of passing a resolution for incorporation of a body or association or for the making of any by-law or rule or for the amendment or rescission of any by-law or rule shall be convened by notice in writing which shall be forwarded by post to each member of such body or association or body corporate, as the case may be, at least fourteen days before the date fixed in such notice for such meeting. Such notice shall set out the terms of the proposed resolution and the names of the persons who intend at such meeting to propose and second such resolution. Any such resolution in order to have force and effect shall be carried by a vote of three-fourths of the members present at such meeting.

Schedule Tenets of the Mother Church, the First Church of Christ, Scientist

(Section 2)

- 1** As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.
- 2** We acknowledge and adore one supreme and infinite God. We acknowledge His Son, one Christ; the Holy Ghost or divine Comforter; and man in God's image and likeness.
- 3** We acknowledge God's forgiveness of sin in the destruction of sin and the spiritual understanding that casts out evil as unreal. But the belief in sin is punished so long as the belief lasts.
- 4** We acknowledge Jesus' atonement as the evidence of divine, efficacious Love, unfolding man's unity with God through Christ Jesus the Way-shower: and we acknowledge that man is saved through Christ, through Truth, Life, and Love as demonstrated by the Galilean Prophet in healing

the sick and overcoming sin and death.

- 5** We acknowledge that the crucifixion of Jesus and his resurrection served to uplift faith to understand eternal Life, even the allness of Soul, Spirit, and the nothingness of matter.
- 6** And we solemnly promise to watch, and pray for that Mind to be in us which was also in Christ Jesus; to do unto others as we would have them do unto us; and to be merciful, just and pure.

MARY BAKER EDDY