

# Uniting Church in Australia Act 1977 No 47

[1977-47]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2008](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Uniting Church in Australia Act 1977 No 47



New South Wales

An Act to make provision for the inauguration of The Uniting Church in Australia; to constitute The Uniting Church in Australia Property Trust (N.S.W.), to define its powers, authorities, duties and functions, and to provide for the vesting in it of certain property; to provide for the construction of certain instruments; to repeal The Congregational Union Incorporation Act, the *Methodist Union Act 1902* and certain other Acts; to amend the *Newington College Council Act 1922* and certain other Acts; and for incidental purposes.

## Part 1 Preliminary

### 1 Name of Act

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

### 2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- (3) Section 20 (3) shall commence on such day (being a day not earlier than the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

### 3 (Repealed)

### 4 Repeals

Each Act specified in Schedule 1 is repealed.

### 5 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

***appointed day*** means the day appointed and notified under section 2 (2).

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

**Basis of Union** means the Basis of Union set forth in Schedule 2.

**Camden College Act** means the Act passed in 1876 and intituled “An Act to incorporate Camden College”.

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

**conveyance** includes transfer, assignment and assurance.

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

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

**Presbyterian Church** means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia subject to the [Presbyterian Church of Australia Act 1971](#).

**property** includes real and personal property and any estate or interest therein and includes any right to receive income.

**Synod** means the Synod of the Church referred to in clause 15 (d) of the Basis of Union within New South Wales.

**the Church** means The Uniting Church in Australia.

**Trust** means The Uniting Church in Australia Property Trust (N.S.W.) constituted by this Act.

**trust property** means property vested in or acquired by the Trust.

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

(2) This Act shall not be construed as operating:

(a) to divest any property from or prevent the vesting of any property in:

- (i) the Council of Newington College, the body politic and corporate constituted by the *Newington College Council Act 1922*,
- (ii) The Methodist Trust Association,
- (iii) the Methodist Overseas-Missions Trust Association,
- (iv) the Council of Saint Andrew's College, or
- (v) any person for the purposes of or in connection with the *Presbyterian Beneficiary Fund Act 1929*, or

(b) to repeal or in any way affect the provisions of:

- (i) the *Saint Andrew's College Act 1998*,
- (ii) the Act passed in 1870 and intituled "An Act to enable the Trustees of certain Church Lands at Maitland to appropriate the income derivable from the same for the benefit of the Presbyterian Congregations of Maitland East and Maitland West and to confer extended powers of leasing on the Trustees and for other purposes.",
- (iii) the *Presbyterian Beneficiary Fund Act 1929*,
- (iv) the *Presbyterian Church of Australia Act 1900*,
- (v) *The Presbyterian Church (New South Wales) Property Trust Act 1936*, or
- (vi) the *Presbyterian Church of Australia Act 1971*.

## **Part 2 Inauguration of the Church**

### **6 Authority to unite**

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

### **7 Name of Church**

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

### **8 Inaugurating Assembly**

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

## **9 Adoption of Constitution**

The Assembly is hereby empowered to adopt a Constitution for the Church consistent with the Basis of Union.

## **10 Amendment of Constitution**

The Assembly may amend, alter, repeal or replace the Constitution adopted by the Assembly from time to time in accordance with the provisions made by the Constitution in that regard.

## **11 Further unions etc**

Notwithstanding anything in this Act or in the Basis of Union it shall be lawful for the Assembly from time to time to resolve that the Church enter into union with other branches of the Christian Church and to determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church.

## **Part 3 Constitution of the Trust**

### **12 Constitution of the Trust**

(1) There is hereby constituted a corporation under the name of "The Uniting Church in Australia Property Trust (N.S.W.)" which shall, subject to this Act, consist of:

(a) three official members, of whom:

(i) one shall be the person holding or acting in the office of Moderator of the Synod,

(ii) one shall be the person holding or acting in the office of Secretary of the Synod, and

(iii) one shall be the person holding or acting in the office of Property Officer of the Synod, and

(b) five other persons appointed by the Synod or, where:

(i) no appointment has been made to one or more of the offices referred to in paragraph (a), or

(ii) fewer than three persons have been appointed to hold all those offices, six other persons so appointed.

(2) Subject to this Act, the Inaugurating Assembly shall appoint five persons as members of the Trust and the said five persons:

(a) shall be deemed to have been duly appointed pursuant to subsection (1) (b) as members of the Trust holding office as from the appointed day until the end of the



annual meeting of the Synod next succeeding the appointed day, and

(b) shall be eligible for reappointment as members of the Trust.

(3) Subject to this Act, the members of the Trust appointed pursuant to subsection (1) (b) at a Synod after the appointed day:

(a) shall take office as members of the Trust immediately after the end of that Synod,

(b) shall hold office as members of the Trust until the end of the next annual meeting of the Synod, and

(c) shall be eligible for reappointment as members of the Trust.

### **13 Powers and duties of the Trust**

(1) Subject to this Act, the Trust may:

(a) acquire, hold, deal with and dispose of property of any kind,

(b) mortgage, charge or otherwise encumber any of its property, or

(c) borrow money for the purposes of the Trust.

(2) Subject to this Act, the Trust shall hold trust property in trust for the Church and upon any other trust affecting the property.

(3) Subject to subsection (2), the Trust shall hold, manage, administer and otherwise deal with trust property in accordance with the regulations, directions and resolutions of the Assembly.

### **14 Quorum**

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

### **15 Vacation of office**

A member of the Trust appointed pursuant to section 12 (1) (b) shall be deemed to have vacated his office if he:

(a) dies,

(b) resigns his office by notice in writing to the Trust,

(c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

(d) becomes a temporary patient, a continued treatment patient, a protected person or

an incapable person within the meaning of the *Mental Health Act 1958* or a person under detention under Part 7 of that Act, or

- (e) is removed from office as a member of the Trust by resolution of the Synod or its Standing Committee.

#### **16 Casual vacancies**

- (1) Where the number of members of the Trust for the time being is reduced to less than five, the continuing members of the Trust shall appoint, as members of the Trust filling such of the vacancies as are casual vacancies in the offices of appointed members, until the end of the next annual meeting of the Synod, persons not fewer in number than that required to increase to five the number of members.
- (2) Subject to subsection (1), where there is a casual vacancy in the office of an appointed member of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next annual meeting of the Synod.

#### **17 Common seal**

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

#### **18 Form and execution of certain contracts etc**

- (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust.
- (2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.
- (3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may

be made on behalf of the Trust by any person acting under its authority express or implied.

- (4) Any contract which is entered into or any instrument, contract or agreement which is signed on behalf of the Trust shall be deemed to have been entered into or signed with the express authority of the Trust, if it is entered into or signed in accordance with the resolutions of the Synod for the time being in force pursuant to this Act.

#### **19 Execution under seal by agent etc**

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

### **Part 4 Acquisition and vesting of trust property**

#### **20 Vesting of certain property in the Trust**

- (1) Subject to this Act, any property that, immediately before the appointed day, was vested in the Methodist Church (N.S.W.) Property Trust, or was vested in any other person in trust for the Methodist Church, is hereby divested from that Trust or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (2) Subject to this Act, any property that, immediately before the appointed day, was vested in The Congregational Union of New South Wales, or was vested in any other person in trust for the Congregational Church (except the property referred to in Schedules 5, 6 and 7 to the *Fellowship of Congregational Churches (New South Wales) Incorporation Act 1977*, and the property referred to in Schedule 2 to the *Hunters Hill Congregational Church Act 1977*) is hereby divested from that Union or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (3) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the *Presbyterian Church of Australia Act 1971* and, without restricting the generality of the foregoing, to section 4 of that Act and clause 18 of the Schedule to that Act, any property that, immediately before the day appointed and notified under section 2 (3), was vested in any person subject to *The Presbyterian Church (New South Wales) Property Trust 1936*, or was vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

- (4) If the appointed day is earlier than the day appointed and notified under section 2 (3), subsection (3) of this section does not operate so as to vest any property that, immediately before the appointed day, was not vested in any person subject to *The Presbyterian Church (New South Wales) Property Trust Act 1936*, and was not vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof.
- (5) Subject to this Act, any property that, immediately before the appointed day, was vested in the body corporate constituted under the Camden College Act, or was vested in any other person in trust for Camden College, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (6) Subject to this Act, any property that, immediately before the appointed day, was vested in Tahmoor Children's Homes, a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (7) Subject to this Act, any property that, immediately before the appointed day, was vested in the Congregational Homes Trust of N.S.W., a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (8) Subject to this Act, all property which pursuant to the foregoing provisions of this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of The Congregational Union Incorporation Act, the *Methodist Church (N.S.W.) Property Trust Act 1969*, *The Presbyterian Church (New South Wales) Property Trust Act 1936* and the Camden College Act.
- (9) Except in relation to the trusts declared by the Acts mentioned in subsection (8), the vesting effected by the foregoing provisions of this section shall be without prejudice to:
  - (a) any special trust,
  - (b) any resulting trust,
  - (c) any trust in favour of a donor,
  - (d) any trust in favour of a person other than the Uniting Churches or any one or more of them, and
  - (e) any reservation, mortgage, charge, encumbrance, lien or lease,

that, immediately before the appointed day, affected the property vested.

- (10) The land described in Indenture dated 8 January 1906, registered No 692 Book 799, on which land is situated the Woollahra Congregational Church Manse, is hereby freed and discharged from the trusts declared by the Indenture and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.
- (11) Subject to this Act, all property that, immediately before the appointed day, was vested in the body corporate constituted by the Camden College Act to hold upon the terms and conditions and for the purposes set forth in an Indenture dated 21 March 1878, and referred to therein as the “David Livingstone or Work and Trust Bursaries”, or was vested in any other person in trust for the purposes therein set forth, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust, upon the terms and conditions and for the purposes set forth in the Indenture, as varied by certain orders of the Supreme Court in its equitable jurisdiction made on 30 July 1917, 9 September 1937 and 28 February 1964.
- (12) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.
- (13) In this section, **special trust** means any trust other than a trust for the general purposes of the Congregational Church, the Methodist Church or the Presbyterian Church.

## 21 Construction of certain instruments

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

the deed, will or other instrument shall be read and construed and take effect as though the reference therein to the Church or, as the case may be, to that person,

were a reference to the Trust.

- (2) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church unless the context otherwise provides.
- (3) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of an individual church which prior to the appointed day was affiliated with The Congregational Union of New South Wales and which resolved to enter into union with the Methodist Church and Presbyterian Church or which has been admitted to membership of the Church, or any person or body on behalf of any such individual church, shall be read and construed as though any reference therein to that individual church or that person or body were a reference to the Church unless the context otherwise provides.
- (4) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of:
  - (a) Camden College or the body corporate constituted by the Camden College Act,
  - (b) Tahmoor Children's Homes, a company, or
  - (c) Congregational Homes Trust of N.S.W., a company,shall be read and construed as though any reference therein to that College, body or company were a reference to the Church unless the context otherwise provides.

## **22 Waiver of certain conditions etc in certain Crown grants**

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

## **23 Evidence**

- (1) Subject to subsection (2), a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal, be prima facie evidence that the property so specified is so held.
- (2) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.
- (3) Subsection (1) does not apply in relation to any dispute concerning property between

the Church and the Fellowship of Congregational Churches (New South Wales) or between the Church and any church affiliated with the Fellowship of Congregational Churches (New South Wales).

- (4) A certificate under the common seal of the Trust to the effect that the estate or interest of persons therein specified in land so specified is an estate or interest vested in the Trust by this Act shall, for the purposes of any application by the Trust to be registered under the *Real Property Act 1900* as the proprietor of that estate or interest pursuant to the vesting, be conclusive evidence of the matter so certified.

#### **24 Certain rights enforceable by the Trust**

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

### **Part 5 Miscellaneous**

#### **25 Claims for compensation upon compulsory acquisition etc**

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

#### **26 Receipt for certain moneys**

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

- (a) is executed in accordance with this Act under the common seal of the Trust,
- (b) is in writing signed by two members of the Trust, or
- (c) is in writing signed by a person or persons purporting to be duly authorised for the purpose by the Trust or two members thereof.

#### **27 Exoneration from inquiry**

No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar-General nor any other persons registering or certifying title shall, upon any sale,

exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or inquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorised, irregular or improper.

## **28 Service of documents**

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

## **29 Trust may act as executor etc**

(1) The Trust may:

- (a) apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration of the estate, of a deceased person where the Church has a beneficial interest, vested or contingent, in the estate of that person, or
- (b) accept appointment, and act, as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the Trust by, or pursuant to, this Act, and the trust was created wholly or partly for the benefit of the Church,

and may do all things necessary for the exercise or performance of its powers, authorities, duties or functions as executor, administrator or trustee, as the case may be.

(2) On behalf of the Trust, a member of the Trust or a person employed by the Trust may, if authorised by the Trust for the purpose, swear an affidavit, make a declaration or statement, give security and do any other act or thing that is, by any charter, Act or rule of court, required to be done by a person applying for or granted probate or letters of administration, or administering a trust, as the case may be.

(3) The Trust may:

- (a) renounce executorship,
- (b) decline to act as administrator of an estate, or
- (c) retire, or decline to act, as trustee of property (not being property vested in it by or pursuant to this Act).

(4) Any commission or other remuneration earned by the Trust as an executor, administrator or trustee appointed under the authority of this section shall belong to the Trust and shall be used and applied by it for or towards any object or purpose specified or approved by the Assembly in respect thereof.



### **30 Trust may hold property jointly**

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

### **31 Register of former trustees**

The Trust shall make arrangements for the preservation and custody of the Methodist Church Register of Trustees for New South Wales referred to in section 27 of the *Methodist Church (N.S.W.) Property Trust Act 1969*, and any extract purporting to be an extract from that register in or to the effect of the form contained in Schedule 5 certified under the common seal of the Trust shall without the production of that register be received and taken in all legal proceedings and in all dealings with land and on all occasions whatever as sufficient evidence of the several matters comprised in the extract in so far as they may relate to the land specified in the certificate.

### **32 Regulations**

- (1) The Assembly may make regulations for the control, management and administration of, and dealings with, trust property.
- (2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.
- (3) A regulation under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.

### **33 Co-operative use of property**

- (1) Where it has been decided in accordance with the regulations, directions and resolutions of the Assembly to enter into a scheme of co-operation with or involving a church of another denomination or any congregation or activity of such a church, being a scheme that involves the use of property vested in the Trust, the Trust may, while the scheme of co-operation continues in force, permit that property to be used, managed and administered in connection with that scheme in such manner and upon such conditions as the Synod, or any committee appointed by it for the purpose, determines or prescribes, and the proceeds of sale or mortgage or any other dealing with any such property and all money collected or held in respect of the scheme of co-operation may be paid and applied in such manner as may be determined or prescribed by the Synod or committee.
- (2) The conditions that the Synod or committee may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of

money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any such scheme is, to the extent prescribed therein, hereby charged.

- (3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trust shall be bound to inquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and:
- (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto, and
  - (b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

#### **34 Saving provision**

- (1) The provisions of section 33 shall apply to and in relation to all property at any time held by the Trust except to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.
- (2) Subsection (1) shall not prevent the use of property in a manner referred to in section 33 if the property was merely directed to be held on trust for the worship or purposes of the Church.

#### **35 Power of Synod to alter trusts**

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

creation of the firstmentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply the property or some part thereof for the same or the like purposes, in which case the property or that part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as may be declared by resolution of the Synod.

### **36 Indemnification of certain persons**

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

### **37 Blending of trust funds**

- (1) Where the Trust holds money on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest the money or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the money so invested is held and any loss arising from any such investment shall likewise be borne rateably.
- (2) The Trust may make advances out of the money referred to in subsection (1) for any purpose of or relating to the Church.
- (3) Any sum advanced under subsection (2) shall be deemed an investment of the money and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

### **38 Powers of investment**

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

### **39 Transfer of certain liabilities to Trust**

- (1) As on and from the appointed day, the Trust shall assume responsibility for and become liable to meet all enforceable debts and liabilities of:
  - (a) the body corporate constituted under the Camden College Act,
  - (b) Tahmoor Children's Homes, a company, and
  - (c) Congregational Homes Trust of N.S.W., a company.

- (2) On the appointed day, the companies referred to in subsection (1) (b) and (c) are dissolved.

#### **40 Schedules 3 and 4**

Schedules 3 and 4 have effect.

### **Schedule 1 Repeals**

(Section 4)

Camden College Act.

The Congregational Union Incorporation Act.

*Methodist Union Act 1902.*

*The Congregational Union Incorporation (Amendment) Act 1938.*

*Congregational Union Incorporation (Amendment) Act 1969.*

*Methodist Church (N.S.W.) Property Trust Act 1969.*

### **Schedule 2 Basis of Union**

(Section 5)

- 1** The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both Christ's gift and his will for the Church, hereby enter into union under the name of the Uniting Church in Australia. They pray that this act may be to the glory of God the Father, the Son and the Holy Spirit. They praise God for his gifts of grace to each of them in years past; they acknowledge that none of them has responded to God's love with a full obedience; they look for a continuing renewal in which God will use their common worship, witness and service to set forth the word of salvation for all mankind. To this end they declare their readiness to go forward together in sole loyalty to Christ the living Head of the Church; they remain open to constant reform under his Word; and they seek a wider unity in the power of the Holy Spirit. In this union these Churches commit their members to acknowledge one another in love and joy as believers in our Lord Jesus Christ, to hear anew the commission of the Risen Lord to make disciples of all nations, and daily to seek to obey his will. In entering into this union the Churches concerned are mindful that the Church of God is committed to serve the world for which Christ died, and that she awaits with hope the day of the Lord Jesus Christ on which it will be clear that the kingdom of this world has become the kingdom of our Lord and of his Christ, and he shall reign for ever and ever.
- 2** The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn

from their experience. She believes that Christians in Australia are called to bear witness to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches.

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

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

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

- 4** The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because her Lord comes, addresses, and deals with men in and through the news of his completed work. Christ who is present when he is preached among men is the Word of the God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.
- 5** The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the

Scriptures.

- 6** The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.
- 7** The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accomplished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he poured out the Holy Spirit at Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.
- 8** The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consummation.
- 9** The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith. She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.
- 10** The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.
- 11** The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and thanks God for the knowledge of

his ways with men which are open to an informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

- 12** The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptized into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptized may have confirmed to them the promises of God, and be led to deeper commitment to the faith and service into which they have been baptized. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.
- 13** The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.
- 14** The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

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

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

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

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

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

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

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

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

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



believers may be united by mutual submission in the service of the Gospel.

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

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.
- (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.
- (e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

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

Until such time as councils other than the Assembly can be established, the Uniting Church

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

- 16** The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves the form of a servant.
- 17** The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.
- 18** The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship, witness and service to his eternal glory through Jesus Christ the Lord. Amen.

## Schedule 3 Amendment of Acts

(Section 40)

### 1 Amendment of [Wesley College Incorporation Act 1910](#)

The [Wesley College Incorporation Act 1910](#) is amended:

(a) by omitting section 1 and by inserting instead the following section:

- 1** In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**laymen** means all persons of or above the age of eighteen years (other than ministers in connection with the Synod of The Uniting Church in Australia) who are members of the said church in New South Wales.

**Moderator** means the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales, and includes any person for the time being authorised by the Synod to perform or carry out the functions or duties of Moderator.

**Synod** means the Synod of The Uniting Church in Australia in New South Wales.

**the said church** means the Uniting Church in Australia.

(b)

- (i) by omitting from section 5 the words “the conference” and by inserting instead the words “the Synod”,
- (ii) by omitting from section 5 the words “Provided that any duly ordained minister in connection with the respective conferences of the church in any of the States of the Commonwealth of Australia, or the Dominion of New Zealand, or the respective conferences of the Methodist, the Wesleyan Methodist, or any other Methodist Church in any other part of the world shall be eligible and may be appointed to the office of Principal, and any such minister who is so appointed shall, as soon as possible after his appointment, become a member of the New South Wales Conference.” and by inserting instead the words “Provided that any duly ordained minister in connection with the respective Synods of the said church in any of the States or Territories of Australia or in connection with the respective conferences of the Methodist, Wesleyan Methodist or any other Methodist Church in any part of the world or the Assembly of the Presbyterian Church in any other part of the world or a minister of the Congregational Church in any part of the world shall be eligible and may be appointed to the office of Principal and any such minister who is so appointed shall, as soon as possible after his appointment, become a member of the Synod.”,

(c) by omitting from section 7 the word “conference” and by inserting instead the word “Synod”,

(d) by omitting from section 10 the word “conference” and by inserting instead the word “Synod”,

(e) by inserting in section 11 after the word “conference” where secondly occurring the words “or Synod”,

(f) by omitting from section 13 the words “President or the acting President” and by inserting instead the word “Moderator”,

(g) by omitting from section 14 the words “conference sitting as one of such courts” and by inserting instead the words “Synod sitting as one of such courts or such other court of the said church having jurisdiction in that regard by virtue of the Constitution of the said church and the regulations of the said church”,

(h)

- (i) by omitting from section 16 the words “President of the conference” and by inserting instead the word “Moderator”,

- (ii) by omitting from section 16 the word “conference” where secondly occurring and by inserting instead the word “Synod”.

## **2 Amendment of *Newington College Council Act 1922***

The *Newington College Council Act 1922*, is amended:

- (a) by omitting from section 1A the words “conference of the Methodist Church of Australasia in New South Wales or of the Committee of Management of the Property Department of the said conference” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales or of any committee thereof empowered to grant approval on its behalf”,
- (b) by omitting from section 5 the words “president of the conference of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”,
- (c) by omitting from section 8 (d) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales”,
- (d) by inserting after section 9 (7) the following subsections:

(8) As from the commencement of the first meeting of the Synod of The Uniting Church in Australia in New South Wales:

- (a) the powers and rights conferred upon the New South Wales Conference of the Methodist Church of Australasia by subsections (1), (3), (5) and (6) shall be vested in the said Synod,
  - (b) references in those subsections to “the said Church” shall be construed as references to The Uniting Church in Australia,
  - (c) references in subsection (4) to the President of the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales, and
  - (d) references in subsection (4) to the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Synod of The Uniting Church in Australia in New South Wales.
- (e) by omitting section 10 and by inserting instead the following section:

**10** The councillors of the said college shall hold office until their successors are appointed, but the Moderator for the time being of the Synod of The Uniting

Church in Australia in New South Wales shall always be a member in place of any retiring Moderator.

- (f) by omitting from section 11 the words “annual conferences of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “annual meetings of the Synod of The Uniting Church in Australia in New South Wales”,
- (g)
  - (i) by omitting from section 12 the words “the Methodist Church of Australasia in New South Wales” and by inserting instead the words “The Uniting Church in Australia”,
  - (ii) by omitting from section 12 the words “annual conference of the said church” and by inserting instead the words “meeting of the Synod of The Uniting Church in Australia in New South Wales”,
- (h) by inserting in section 14 after the word “remuneration,” the words “and to appoint and dismiss the headmaster of the said school”,
- (i)
  - (i) by omitting from section 14A (1) (b) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “the Synod of The Uniting Church in Australia in New South Wales”,
  - (ii) by omitting section 14A (1) (c), (d), (e) and (f),
  - (iii) by omitting section 14A (2),
- (j)
  - (i) by omitting from section 15 the word “president” wherever occurring and by inserting instead the word “Moderator”,
  - (ii) by omitting from section 15 the words “conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia”,
- (k)
  - (i) by omitting from section 16 the words “annual conference of the said Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia”,
  - (ii) by omitting from section 16 the words “such conference” and by inserting instead the words “such Synod”,
- (l) by omitting from section 17 the word “conference” and by inserting instead the word “Synod”,

- (m) by omitting from section 17A the words “president of the conference” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”.

## **Schedule 4 Provisions affecting particular instruments etc**

(Section 40)

### **1 The Methodist Trust Association**

- (1) The company registered on 26 March 1930 and styled “The Methodist Trust Association” shall as on and from the appointed day be styled “The Uniting Church (N.S.W.) Trust Association”.
- (2) A reference in the Memorandum of Association or Articles of Association of The Methodist Trust Association to:
- (a) The Methodist Trust Association shall be construed as a reference to The Uniting Church (N.S.W.) Trust Association,
  - (b) the Methodist Church of Australasia or the Methodist Church shall be construed as a reference to The Uniting Church in Australia,
  - (c) the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Synod of The Uniting Church in Australia in New South Wales, and
  - (d) the President for the time being of the New South Wales Conference of the Methodist Church of Australia shall be construed as a reference to the Moderator for the time being of that Synod, including any person for the time being authorised by that Synod to perform or carry out the duties of Moderator.

### **2 Methodist Overseas-Missions Trust Association**

- (1) The company registered on 1 June 1917 and styled “Methodist Overseas-Missions Trust Association” shall as on and from the appointed day be styled “Uniting Church Council of Mission Trust Association”.
- (2) A reference in the Memorandum of Association or Articles of Association of the Methodist Overseas-Missions Trust Association to the Methodist Overseas-Missions Trust Association shall be construed as a reference to the Uniting Church Council of Mission Trust Association.
- (3) The reference in clause 3 (b) of the Memorandum of Association to the Methodist Missionary Society of Australasia, whose office is situate at 139 Castlereagh Street, Sydney, or its successors, shall be construed as a reference to The Uniting Church in Australia or any purpose pursued by or associated with the Church.

- (4) The reference in Articles 3 and 15 of the Articles of Association to the Board of Missions, controlling the Department of Overseas-Missions of the Methodist Church of Australasia shall be construed as a reference to The Uniting Church in Australia.
- (5) The reference in Article 17 of the Articles of Association to the Department of Overseas-Missions shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

### **3 David Livingstone Bursaries Fund**

- (1) A reference in the Indenture referred to in section 20 (11), or in any of the orders so referred to, to:
  - (a) “Camden College” or “College” shall be construed as a reference to the United Theological College,
  - (b) “Council of the College” or “Council” or “President and Fellows of the College” shall be construed as a reference to the council of the United Theological College,
  - (c) “Warden of the College” shall be construed as a reference to the Principal for the time being of the United Theological College or the person for the time being fulfilling the functions of the Principal, and
  - (d) “The Congregational Union of New South Wales” shall be construed as a reference to the Synod.
- (2) The reference in clause 17 of the Indenture to “the Act of Incorporation” shall be construed as a reference to the constitution of the council of the United Theological College.
- (3) The order so referred to and made on 28 February 1964 shall be construed as though a reference therein to the Melbourne College of Divinity were a reference to the United Theological College.

### **4 Moore Estate**

- (1) References in the will of William Moore, late of Lawson, Homoeopathic Practitioner, deceased, to:
  - (a) The Congregational Union of New South Wales, and
  - (b) the Committee of that Union,shall be construed as references to the Trust, but references therein to that Union, as follows:
  - (c) “a fit person or persons who shall be Ministers in full connection with the said Union”, and

(d) “and for the benefit of the Congregational Union of New South Wales”,  
shall be construed as references to the Church.

- (2) Out of the one-third share of the residue of the final available balance of income, distributable annually, of the Estate of the said William Moore, deceased, payable on or after the appointed day by the trustees of the will in accordance with the trusts of the will to the Trust pursuant to the vesting of the right to receive the income in the Trust by this Act, a one-fifth share thereof shall forthwith upon receipt thereof by the Trust be paid by the Trust to the Fellowship of Congregational Churches (New South Wales) for its general purposes.

## **5 Amendment of Memorandum or Articles of Association**

Nothing in clause 1 or 2 prevents the amendment from time to time of the Memorandum of Association or Articles of Association referred to therein in accordance with the [Corporations Act 2001](#) of the Commonwealth.

## **Schedule 5 Form**

### **Extract from the Methodist Church Register of Trustees for New South Wales**

THE UNITING CHURCH IN AUSTRALIA PROPERTY TRUST (N.S.W.) hereby certifies that, on the ..... day of ....., 19 .., the Trustees of (here specify the land to which the certificate relates) were the following persons: