

Baptist Union Incorporation Act 1919 (Private Act)

[1919-bui]



New South Wales

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Provisions in force

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

Notes—

- **Previously named**
The Baptist Union Incorporation Act

Authorisation

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Baptist Union Incorporation Act 1919 (Private Act)



New South Wales

An Act to incorporate the Baptist Union of New South Wales; to empower such corporation to purchase, acquire, and hold real and personal property, and also to sell, mortgage, and lease real and personal property; and for purposes consequent thereon or incidental thereto.

Preamble

WHEREAS certain persons being members of a religious body or denomination called Baptists, in the State of New South Wales, and holding as their general tenets the doctrines set forth in Schedule A, have formed an association called “The Baptist Union of New South Wales” for the promotion of Christian intercourse amongst its members, the establishment and maintenance of places of worship for the members of the said denomination, the support and assistance of Baptist ministers, the education of candidates for the Baptist ministry, the advancement of home and foreign missions, and the furtherance of the public worship of God in accordance with the said tenets and doctrines; and whereas it is expedient that the said association should be incorporated, and should be invested with the powers and authorities hereinafter set forth:

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:

1A Name of Act

This Act may be cited as the *Baptist Union Incorporation Act 1919*.

1B Definition

In this Act, ***the corporation*** means the body corporate constituted by section 1.

1 To be a body corporate

The members of the said association, called the Baptist Union of New South Wales, and all persons who shall in manner provided by the rules and by-laws for the time being of the said association become members thereof, shall be a body corporate by the name of “The Baptist Union of New South Wales”, and shall have perpetual succession and a common

seal and shall and may enter into contracts, sue and be sued, prosecute and defend, and take all other proceedings in all courts civil and criminal within the said State, and any summons, writ, statement of claim, notice, or other proceedings which it may be necessary to serve upon the corporation may be served upon any member of the executive committee of the corporation.

2 Existing rules to apply

The present rules and by-laws of the said association shall until new by-laws have been made under the provisions hereinafter mentioned be deemed and considered to be and shall be the rules and by-laws of the corporation save and except in so far as they are or may be inconsistent or incompatible with or repugnant to any of the provisions of this Act or any of the laws now or hereafter to be in force in the said State.

3 Power to purchase etc

- (1) The corporation shall have power to purchase, acquire and hold lands and any interest therein and also to sell, mortgage, lease, or otherwise dispose of the said lands or any interest therein, and all lands, tenements, hereditaments, and other property, real or personal, now belonging to the said association under the said rules and by-laws or vested in trustees for the said association or any committee thereof or for the general purposes of the said denomination shall on the passing of this Act be vested in and become the property of the corporation subject to any trusts, special or otherwise, and to all charges and claims and demands in anywise affecting the same.
- (2) The corporation has, and shall be deemed always to have had, power to acquire, purchase, exchange, hire, sell, mortgage, lease, hold and dispose of, and otherwise deal with, personal property.
- (3) The corporation may do and suffer all things that bodies corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted.

3A Validation of grants

- (1) No title to any land to which this section applies shall be held bad either at law or in equity by reason of any breach or non-performance before or after the commencement of *The Baptist Union Incorporation (Amendment) Act 1958*, 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.
- (2) (Repealed)
- (3) In this section:

land to which this section applies means any land:

- (a) granted by the Crown before or after the commencement of *The Baptist Union Incorporation (Amendment) Act 1958*, for or for the use benefit or purposes of the association or body corporate named The Baptist Union of New South Wales, and
- (b) which was at the date of such grant subject to any reservation or dedication made before such commencement under the provisions of the Crown Lands Acts as defined in section 5 of the *Crown Lands Consolidation Act 1913* as amended by subsequent Acts.

4 Management of general business etc

The general business of the corporation shall, subject to the by-laws for the time being of the corporation, be under the immediate management and superintendence of an executive committee (consisting of at least twelve members of the corporation), one of whom shall be called the president of the corporation, and the executive committee for the time being of the corporation shall have the custody of the common seal of the corporation and the form thereof with power to break, alter, and change the same from time to time and all other matters relating thereto which shall from time to time be determined by the said executive committee, and the members of such executive committee or such three or more of them as the by-laws for the time being of the corporation shall direct shall have power to use such common seal for the affairs of the corporation and to affix the same to any deed or document and under such seal either by letter of attorney or otherwise to authorise any person or persons to execute without such seal deeds and contracts and to do all such other things as may be required to be done on behalf of the corporation in conformity with the provisions of this Act and of the by-laws for the time being of the corporation, and it shall not be necessary to use the said seal in respect to any of the ordinary business of the corporation nor for the appointment of its secretary, solicitor, or other officers.

5 Executive committee

The present executive committee of the said association shall be the executive committee of the corporation, and the present officers of the said association shall be the officers of the corporation until they or any of them shall retire or be changed or shall otherwise cease to be members of the executive committee or officers of the said association in pursuance of the by-laws for the time being of the corporation.

6 New by-laws for future conduct of affairs

The executive committee for the time being of the corporation shall within two years after the passing of this Act convene by not less than three weeks' notice by advertisement in at least three consecutive numbers of two or more of the Sydney newspapers a meeting of the persons entitled to vote for any purpose under the present rules and by-laws of the said association, and shall submit for the approval of such meeting the by-laws proposed

for the future conduct of the affairs of the corporation, and the furtherance of the objects for which the said association was originally formed as hereinbefore recited, and in such by-laws provisions shall be made respecting the following matters, that is to say:

- (a) The number, change, retirement, election, and appointment of members of the executive committee of the corporation, and of the president, secretary, treasurer, and other officers of the corporation, and the rights, powers, duties, and obligations of the members of such committee, the secretary, treasurer, and other officers of the corporation.
- (b) The appointment of such other permanent or temporary committee as shall from time to time be required for the furtherance of the objects for which the said association was originally formed as hereinbefore recited.
- (c) The meetings of the members of the corporation.
- (d) The election, admission, retirement, and removal of members of the corporation.
- (e) The rights, liabilities, and qualifications of members of the corporation.
- (f) The mode of altering or repealing the by-laws of the corporation, and of making others, and
- (g) the efficient management of the affairs and business of the corporation generally, and the promotion of the objects for which the said association was formed as hereinbefore recited.

At such meeting so convened as aforesaid, or at some adjournment thereof, the proposed by-laws shall be approved of by a majority of the votes of the members of the corporation present at such meeting and voting according to the provisions of the said present rules and by-laws, and thereupon within five weeks and after the expiration of two days another meeting shall be convened for the purpose of confirming and finally passing such proposed by-laws which shall not be passed except by a like majority of votes as aforesaid, and upon such proposed by-laws being so finally passed the same shall be deemed and considered to be and shall be the by-laws for the time being of the corporation, save and except in so far as any of them are, or shall, or may be altered, varied or repealed by, or are, or shall, or may be inconsistent, or incompatible, or repugnant to any of the provisions of this Act.

7 Alteration or repeal of by-laws

- (1) The by-laws of the corporation or any of them may from time to time be altered or repealed and new by-laws may be made in accordance with any provisions in the then existing by-laws: Provided that any alteration or repeal of any by-law and every new by-law shall be first approved of by a majority of the votes of the members present at a meeting of the corporation convened for the purpose, and shall be finally passed by a majority of votes at another meeting also convened for the purpose.

- (2) The corporation may make by-laws, not inconsistent with the *Baptist Churches of New South Wales Property Trust Act 1984*, for or with respect to any matter that by that Act is required or permitted to be prescribed by by-laws of the corporation or that is necessary or convenient to be so prescribed for carrying out or giving effect to that Act.

8 Registration of by-laws

A copy of the said by-laws or of any alteration or repeal of any by-law and of every new by-law proved to be such by the statutory declaration of the president of the corporation or by any member of the executive committee for the time being of the corporation shall be registered in the office for the registration of deeds at Sydney, and shall be open for inspection at all reasonable times by the public, and the said by-laws or any alteration or repeal of any by-law or any new by-law shall not be in force until so registered.

9 Proof of by-laws

The production of a written or printed copy of the by-laws of the corporation having the common seal of the corporation affixed thereto shall be sufficient evidence in any court of civil or criminal jurisdiction of such by-laws, and the production of a minute book of the corporation containing a minute of the proceedings of any meeting of the members of the corporation or of any meeting of the executive committee and purporting to be signed by some member of the executive committee therein represented as having presided as chairman at such meeting or having been present thereat, shall be prima facie evidence in any court of civil or criminal jurisdiction that such meeting was held as therein represented and of the proceedings thereof.

10 Receipt for certain money

A receipt for money payable to the corporation shall exonerate the mortgagee, purchaser or other person by whom or on whose behalf the money is 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 section 4 under the common seal of the corporation, or
- (b) is in writing signed by not less than 3 persons purporting to be duly authorised for the purpose by the executive committee of the corporation.

11 Exoneration from inquiry

No purchaser, mortgagee, lessee or other person dealing with the corporation and neither the Registrar-General, the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the corporation, be concerned to see or inquire into the necessity for or the propriety of the exercise by the corporation 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.

12, 13 (Repealed)

Schedule A

- 1 The Sinfulness of man
- 2 The Deity of Jesus Christ
- 3 His atonement for the sin of Man
- 4 The need of the Holy Spirit for conversion
- 5 The Divine Inspiration of the Scriptures
- 6 The Resurrection of the Dead
- 7 Rewards and punishments in a future state
- 8 The Baptism of Believers only by Immersion

Schedule B (Repealed)