

Legislative Council.

1926.

## A BILL

To regulate the temporal affairs of the  
Congregation or Society Denominated  
Unitarians in New South Wales.

*(As amended and agreed to in Select Committee.)*

WHEREAS by an Act passed in the thirty-third <sup>Preamble.</sup>  
year of the reign of her late Majesty Queen  
Victoria intituled: "An Act to enable the Trustees of  
certain lands being the site for a Unitarian Church or  
5 School at Church Hill, Sydney, to dispose of and convey  
the same and to apply the proceeds of the sale in manner  
therein mentioned and for other purposes," it is recited,  
inter alia:

(a) That two several pieces of land therein described  
10 were granted by grant from the Crown bearing date the  
nineteenth day of July, one thousand eight hundred and  
c 30—A fifty-eight,

20831

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are  
printed in **black letter**.

fifty-eight, to certain Trustees therein named upon trust that the said pieces of land should at all times thereafter be set apart, maintained, and used for a site for the erection thereon of a chapel or school or both for the use of the people called Unitarians, and for no other purpose whatsoever. And farther upon trust that the said Trustees, their heirs, and assigns should when thereunto required by the Governor for the time being convey and assure the said pieces of land unto and to the use of such other person or persons as should at the time be appointed by the said Governor in Council as Trustees in their place. And farther upon other trusts therein mentioned;

(b) That the said people called Unitarians held a chapel and other buildings on a certain parcel of land in Macquarie-street in the city of Sydney;

(c) That the last-mentioned parcel of land, chapel, and buildings were vested in certain Trustees by Indenture, dated the nineteenth day of July, one thousand eight hundred and sixty-six, upon trust to permit and suffer the same from time to time, and for all time thereafter to be used for Divine service and all other congregational purposes by the said people;

(d) That it would be beneficial to the said people that the said last-mentioned parcel should be sold and that the proceeds of such sale should be applied at the discretion of the Trustees of the said grant either to the purchase of other land eligible for the site of a chapel or school or improving the said chapel and buildings erected or built on the said land in Macquarie-street or in erecting a new chapel or other buildings, and

(e) That certain of the Trustees therein named had died and that another had resigned and declined to act in the trusts of the said grant.

And whereas the said lands were sold (in accordance with the provisions of the said Act) and out of the proceeds of such sale the lands described in Schedule A hereto were purchased and vested in certain trustees and a church and school building erected thereon being substantially the buildings now standing upon the said lands.

And

And whereas in farther accordance with the provisions of the said Act, one, William Shaw being one of the Trustees and purporting to act under the powers contained in the said Act, appointed certain other Trustees in the place and stead of the others of the Trustees mentioned in the last preceding paragraph. And whereas doubts have arisen as to the validity of such appointments.

And whereas it will be beneficial to the said Unitarian people to declare fully and effectually the trusts upon which are and shall be held the lands described in the said Schedule A hereto, and the buildings now erected or hereafter to be erected thereon, and the proceeds of the sale of the same or any part thereof and all property real or personal hereafter purchased, given, or acquired for Unitarian Church or School purposes and other purposes incidental thereto, and to appoint and provide for the farther appointment from time to time of Trustees of the said property with powers and subject to the obligation hereinafter set forth and to provide for the management of the temporal affairs of the said Unitarian people. Therefore, be it enacted by the King's Most Excellent Majesty, by and with the consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Unitarian Church Act, 1926." Short title.

2. In this and the following sections of this Act, Definitions. unless inconsistent with the context or subject-matter, the expression,—

(a) "Unitarian Trust property" shall mean (a) the lands described in Schedule A hereto subject to any encumbrances endorsed thereon, and  
35 (b) all other real property and all personal property which is now vested in any person or persons subject to any trust that such property should be set apart, maintained, or used for a site for the erection of a chapel, parsonage,  
40 school or hall for the use of the people called Unitarians or upon trust that such property should

should be used for divine purposes or any other purpose or purposes by the people called Unitarians, and (c) all property, real or personal, which may hereafter be purchased, leased, hired, given, devised, bequeathed or otherwise acquired by or to a Trustee or Trustees for Unitarian Church or School purposes, and (d) all property, real or personal, given, devised, bequeathed, or donated to the people called Unitarians, or to any person or persons upon trust for or for the use or benefit of the people called Unitarians or for Unitarian church or school purposes, but shall not include pecuniary bequests, legacies, gifts, donations or other voluntary dispositions, whether testamentary or otherwise, of less than one hundred and one pounds, of personal property of one hundred pounds or less in value or moneys amounting to one hundred pounds or less, and shall not include subscriptions or offertories by members of the congregation.

- (b) "Unitarian Church" or "Church" shall mean the people called or known as Unitarians in the State of New South Wales.
- (c) "Congregation" shall mean the congregation for the time being of the people called Unitarians in the State of New South Wales including such persons as shall for the time being be members of the Unitarian Church in the State of New South Wales.
- (d) "Person" shall include the Crown, a company and a corporation sole, and shall include persons.
- (e) "Trustees" or "Trustee" shall mean the Trustees or Trustee as the case may be for the time being of Unitarian Trust property, and shall include a Trustee Company and the Public Trustee.
- (f) "Trustee company" shall mean any company registered under any Act for the time being in force, and regulating the formation of companies in the State of New South Wales and

and authorised by its Memorandum of Association to act as a Trustee and carrying on in the said State the business of acting as a Trustee.

5 (g) "Committee" shall mean the body of members of the congregation who shall be declared under or by virtue of this Act to be the committee of the congregation, or who shall from time to time have been elected by the congregation as the committee of the con-  
10 gregation.

(h) "The rules" shall mean all rules or regulations which shall be declared or deemed by or by virtue of this Act to be the rules of the congregation ~~and shall for the time being be in force,~~ and also all rules or regulations from  
15 time to time passed by the congregation in accordance with the provisions of this Act and ~~for the time being in force.~~

**3.** The following persons shall be deemed to be ~~members of the congregation,~~ <sup>Qualification of membership of the congregation.</sup>  
20 members of the congregation, namely:—

(a) Every person over the age of twenty-one years who prior to the date of the passing of this Act or within one month after such date shall have paid all subscriptions which such person shall have prior to such date agreed to pay to the Church and who shall not have been  
25 expelled from the congregation.

(b) Every person over the age of twenty-one years who shall after the date of this Act ~~be~~ have been admitted as a member of the congregation in accordance with the rules and who shall not  
30 have been expelled from the congregation:

Provided that nothing in this section shall prevent <sup>Proviso.</sup> persons who have failed to pay subscriptions or arrears  
35 of subscriptions as provided herein from being eligible to be so elected or otherwise admitted as a member of the committee on such terms and conditions as may be prescribed by the rules, and provided that the congregation may at any time by special resolution expel any  
40 member from the congregation.

**4.** There shall be ~~a~~ an honorary committee of the con- <sup>Committee.</sup>gregation which shall consist of a president, vice-president, secretary,

secretary, one treasurer or such greater number of treasurers as the rules may from time to time prescribe and eight other persons or such greater number as the rules may from time to time prescribe. Each member of the committee shall be deemed an **honorary** officer of the church. No person shall be a member of the committee unless he or she shall have been a member of the congregation for at least one year or for such longer period as the rules may from time to time prescribe, and no person shall be a president or vice-president unless he or she shall have been a member of the congregation for at least two years. The period of membership may be prior or subsequent to the passing of this Act, or may be partly prior or partly subsequent to the passing of this Act. Such committee shall manage the affairs of the church in such manner as it shall think fit, subject to the provisions of this Act and to the rules and to any resolutions or special resolutions passed by the congregation in any general meeting assembled. A quorum of such committee shall be such number as shall be prescribed by the rules, but shall consist of at least five members. Questions shall be decided by vote of the majority of the committee, each member present having one vote, and the chairman having a second or casting vote. The president, vice-president, ~~honorary~~ secretary, or ~~honorary~~ secretaries, ~~honorary~~ treasurer, or ~~honorary~~ treasurers and other members of the committee shall be elected by the congregation annually at such time and in such manner as the rules shall prescribe, and each officer shall hold office for one year from the date of his election, and shall be eligible for re-election. In case of any vacancy occurring in any office, such vacancy may be filled by the congregation in such manner as shall be prescribed by the rules. The person holding any of the above mentioned offices at the time of the passing of this Act, shall be deemed to have been duly elected to such offices respectively under the provisions of this Act, but shall be deemed to have retired from such office at the expiration of six months from the passing of this Act, and shall be eligible for re-election.

5. A register of members of the congregation shall be kept by the committee, and such register shall contain the names of all persons who shall be members of the congregation at the date of the passing of this Act, and at the anniversary of such date in each year or at such other date in each year as may be provided by the rules. Such register shall be kept in the custody of ~~the secretary or of~~ such officer of the Church ~~other person~~ as the committee shall may from time to time appoint, but shall be subject to the directions of the committee, and shall be open to the inspection of members of the congregation at such times and upon such conditions as the committee shall from time to time prescribe. A copy of such register shall once in every year be delivered to the Under Secretary for the Department of the Chief Secretary of the State of New South Wales. If any person shall claim to be entitled to be entered or to be or remain upon the said register as a member of the congregation he shall deliver to the ~~secretary or other~~ officer of the Church or other person for the time being appointed to have the custody of the said register a notice in writing stating the grounds of his claim to be or remain so registered, and shall pay to the ~~secretary~~ officer or such other person as aforesaid such fee not exceeding one pound as shall be prescribed by the rules, or if not prescribed, the fee of ten shillings and sixpence, and within such time as the rules shall prescribe, or if no time is prescribed, within one month from the delivery of the said notice the committee shall hold an inquiry into the claim as disclosed by the said notice, and shall give the person making such claim three clear days' notice of such inquiry, and he shall be entitled to be present and to be heard in support of his claim at such inquiry, and upon such inquiry the committee may or a majority of those present may refuse such claim or direct that the name of the person making such claim shall be entered in such register. The decision of the committee or a majority thereof shall be final except that an appeal therefrom shall lie to the Under Secretary for the Department of the Chief Secretary of the State of New South Wales who is hereby authorised to entertain any such appeal to.

Register of  
members  
of the  
congregation.

to be held in such manner and subject to such conditions as the Under Secretary shall think fit, and upon such appeal the said Under Secretary, whose decision shall be final, may confirm, amend, or reverse the decision of the committee.

General  
meetings  
of the  
congregation.

**6.** General meetings of the congregation shall be held so often as may be prescribed by the rules, and shall be held at least once in each year for the election of officers of the church, and once in every three years for the election of Trustees ~~and~~ or appointment of a Trustee Company or the Public Trustee as a Trustee in accordance with the provisions of this Act. General meetings shall be convened by notice given publicly from the pulpit and posted upon the notice board of the church premises for the time being in use. Such notice shall be signed by the president, or in his absence, by the vice-president or other member appointed by the committee in that behalf, and shall state in general terms the nature of the business of the meeting. ~~Such~~ **A** meeting shall not proceed to the transaction of business unless a quorum of at least fifteen members of the congregation be present, but such meeting shall stand adjourned to such date not earlier than seven days as the members present shall decide and at any such adjourned meeting such quorum as may be prescribed by the Rules may transmit business. No person who has been a member of the congregation for less than two years shall be entitled to vote on the election or appointment of a Trustee.

Appointment  
of ministers  
and members  
of the  
committee.

**7.** The officiating minister or ministers at the date of the passing of this Act shall be deemed to have been duly appointed as such, and the members of the committee of the church holding office at the date of the passing of this Act shall be deemed to be members of the committee in the same manner as if they had been elected under the provisions contained in this Act, and ~~such~~ any person or persons holding office at the date of the passing of this Act shall be entitled to hold their respective offices until another person or persons is or are appointed in their respective places under the provisions of this Rule Act.

**8.** Subject as hereinafter provided Leslie Graham Trustees.  
Curlewis of Sydney, in the State of New South Wales,  
importer, Samuel Nisbet Hogg of Sydney aforesaid,  
accountant, Charles Alexander Maxwell of Sydney afore-  
5 said, retired banker, Robert Pollock, senior, of Sydney,  
architect, and Edith Mary Loudon of Sydney afore-  
said, advertising expert, and the survivors or survivor  
of them and the executors or administrators of the last  
survivor of them shall be the Trustees or Trustee, and  
10 the lands described in the Schedule A hereto, shall as  
from the date of the passing of this Act be deemed to  
be vested in them and the survivors or survivor of them  
or the executors or administrators of the last survivor  
of them or other the Trustees or Trustee for such  
15 estates or interests as the said lands were held at the  
date of the passing of this Act and subject to such  
encumbrances, charges or interests as the same were  
then subject to, and the said lands and all other  
Unitarian Trust property shall be held by the Trustees  
20 or Trustee and the survivors or survivor of them,  
and the executors or administrators of the last survivor  
of them subject to the trusts and conditions declared  
by this Act and with all and singular the powers,  
authorities and discretions vested in the Trustees or  
25 Trustee under or by virtue of this Act.

**9.** (a) Any of the Trustees mentioned in clause eight Retirement  
hereof and any Trustee hereafter elected or appointed or refusal to  
may retire or refuse to act on giving to the committee act or death  
written notice of such retirement or refusal to act. The of Trustee.  
30 Trustees mentioned in clause seven eight and each of  
them and any Trustees or Trustee hereafter elected or  
appointed in place of them or any of them shall  
be deemed to have retired on the expiration of  
six months from the date of this Act or within  
35 three months after the completion of the sale of  
the property comprised in the Schedule A hereto  
whichever shall be the later date. A Trustee Company  
or Public Trustee hereafter appointed a Trustee shall  
cease to be a Trustee at the end of three years from  
40 the date of its appointment but shall be eligible for  
reappointment. In case a Trustee shall die or refuse  
to

to act or shall retire or shall be deemed to have retired or shall have become incapable of acting as a Trustee a new Trustee shall as soon as practicable be elected or appointed to fill the place of the Trustee who shall have died, or shall be deemed to have retired, 5 or who or which shall have refused to act, or shall have retired, or shall have become incapable of acting as a Trustee to act during the unexpired portion of the term for which such Trustee would otherwise be entitled to act by resolution passed at a general meeting 10 of the congregation called for that purpose: Provided always that pending such election the surviving or continuing Trustees or Trustee or the executors or administrators of a sole Trustee may act or continue to act for the time being notwithstanding any vacancy 15 or vacancies arising. After the election of a new Trustee in place of a deceased sole Trustee the executor or executors or the administrator or administrators of such sole surviving Trustee shall not be entitled to act or to exercise any of the powers hereby given to 20 a Trustee.

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Not a Trustee until memorandum duly signed has been filed in Registrar-General's office.

(b) No person or Trustee Company shall, nor shall the Public Trustee be deemed to be a Trustee or be entitled to act as a Trustee or to exercise any of the powers and authorities vested in a Trustee by this Act 25 unless and until a memorandum signed by the president or by the vice-president, and also signed by the secretary or secretaries or by two or more members of the committee stating that such person or persons has or have been duly elected a Trustee, or that such Trustee: 0 Company or the Public Trustee has been appointed a Trustee, has been filed in the office of the Registrar-General of the State of New South Wales who is hereby authorised to receive and record any such memorandum or in such public office as the Chief Secretary shall 35 from time to time direct: Provided that a person taking title under or otherwise dealing with the Trustees or Trustee or taking title to or otherwise dealing with Unitarian Trust property shall not nor shall the said Registrar-General be bound or concerned 40 to inquire whether or not such Trustees or Trustee have or

Proviso.

or has been duly appointed or not or whether or no the provisions of this Act with respect to the appointment of a Trustee other than the registration of the said memorandum have been duly complied with, and  
 5 production of a memorandum purporting to be signed by the president or by the vice-president and also by the secretary or secretaries or by ~~one~~ two or more members of the committee stating that any person has been elected a Trustee or that any Trustee Company or the  
 10 Public Trustee has been duly appointed a Trustee, or of an official copy of such memorandum ~~under seal of the said Registrar General~~ shall be deemed conclusive proof in favour of every person taking title under or otherwise dealing with such person or such Trustee Company or  
 15 the Public Trustee so appointed or taking title to or otherwise dealing with Unitarian Trust property that such person has been duly elected a Trustee or that such Trustee or Public Trustee has been appointed a Trustee under this Act, and as such is entitled to exercise  
 20 all or any of the powers and authorities vested in a Trustee under this Act.

(c) All Unitarian property which for the time being is vested in the Trustees or Trustee and which is for the time being subject to the provisions of this Act and the  
 25 trusts thereby created shall, upon the registration in manner aforesaid of the memorandum hereinbefore referred to and without any assurance in the law, be deemed to have been duly conveyed, assigned, or transferred to or otherwise legally and effectually vested in  
 30 the person or persons, Trustee Company, or the Public Trustee named in such memorandum as having been elected or appointed Trustees or Trustee either solely or jointly with the surviving or continuing Trustees or Trustee to be held by him, them, or it upon and subject  
 35 to the trusts and conditions for or upon which the same shall be held immediately prior to the registration of the said memorandum.

**10.** Every candidate for election as a Trustee shall give the secretary of the committee or such other  
 40 person as the rules shall provide at least four weeks' notice in writing of his candidature which shall be posted and kept posted on the notice board on the church

Vesting of  
property in  
Trustees.

Notice for  
election as a  
Trustee.

church premises at least three weeks before the holding of the meeting called for the election of Trustees. A notice stating that it is proposed to appoint a Trustee Company or the Public Trustee a Trustee shall at least four weeks before the meeting at which appointment shall be made be posted on the said notice board, and kept so posted during the said period of three weeks. 5

Number  
Trustees.

**11.** The number of Trustees shall not at any time be less than five, provided that any Trustee Company or the Public Trustee may be a sole Trustee, and no person shall be eligible to be elected as a Trustee, or to continue as a Trustee who has not been for two years a member of the congregation. As soon as practicable after the Trustees hereinbefore nominated, and any Trustee hereafter elected in place of any of such Trustees shall have been deemed to have retired from office as Trustees a Trustee Company or the Public Trustee shall be appointed to act as Trustee of Unitarian Church property under this Act. Such appointment shall be made by resolution of the congregation, and shall be for such period not exceeding three years, and at such remuneration and on such terms as shall be authorised by such resolution. 10 15 20

Church or  
other  
building to  
be used for  
place of  
worship or  
meetings.

**12.** (a) The Trustees or the Trustee shall permit and suffer any church or other building for the time being standing on land of whatever tenure which shall form part of Unitarian Trust property to be from time to time and at all times hereafter peaceably and quietly used, occupied, and enjoyed as and for a place for the worship of God by the congregation for services of the Unitarian Church and for meetings of the congregation to be held according to the rules while and so long as such congregation observes and conforms to the provisions of this Act. 25 30

Members  
appointed by  
congregation  
to officiate in  
any church  
building.

(b) The Trustees or the Trustee shall permit to officiate in any church building for the time being standing on land forming part of Unitarian Trust property, such person or persons as a majority of the congregation shall from time to time in manner prescribed by the rules appoint as officiating minister or ministers, until such minister or ministers shall be removed 35 40

removed by a resolution of the majority of the congregation, and shall also permit occasional service of such person or persons as a majority of the committee or the officiating minister acting with the authority of  
5 such committee may from time to time appoint.

(c) The Trustees or the Trustee shall permit and suffer any building for the time being standing on Unitarian Trust property, ~~and not for the time being used or required for use for church or school purposes,~~  
10 or any part of such building to be used or let on hire for purposes other than religious or scholastic, upon payment of such fees upon such terms and conditions as the committee shall from time to time direct, but no such use or hiring shall be for a longer period than  
15 seven days.

Any building may be used for purposes other than religious or scholastic.

**13.** The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation permit any building or other erection for the time being standing upon lands forming part of Unitarian Trust  
20 property to be repaired, altered, added to, improved, rebuilt or pulled down and shall from time to time permit new buildings to be erected on any such lands.

Repairs, alterations, &c., to any building.

**14.** (a) The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation  
25 or of the committee lease or let on hire Unitarian Trust property or any portion thereof for such period not exceeding one year at such rent or hire money and for such purpose whether religious or not, and on such terms and conditions as shall be prescribed by such resolution.

Lease or let or hire property.

30 (b) The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation, lease or let on hire Unitarian Trust property or any portion thereof for such period not exceeding five years at such rent or hire and upon such terms and conditions  
35 as shall be prescribed by such resolution.

(c) The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation mortgage, charge or encumber Unitarian Trust property  
40 or any part thereof for such sum not exceeding two thousand pounds upon such terms and conditions as shall be prescribed by such resolution.

Mortgage, charge, or encumber property.

(d)

(d) The Trustees or the Trustee shall if so directed by a special resolution of the congregation mortgage, charge or encumber Unitarian Trust property or any part thereof for such amount and upon such terms and conditions as may be prescribed by such resolution. 5

Sell,  
exchange, or  
dedicate  
property.

(e) The Trustees or the Trustee shall if so directed by a special resolution of the congregation sell Unitarian Trust property or any part thereof by public auction or private contract at such reserve, if any, and for 10 such price or sum and upon such terms as may be prescribed by such special resolution, or exchange, dedicate or otherwise absolutely dispose of the same or any part thereof for such purposes and upon such conditions as shall be prescribed by such special resolution. 15

Moneys lent  
or invested  
paid to  
Trustees.

(f) All capital moneys payable under or by virtue of any mortgage, charge, exchange, dedication, contract of sale, or other disposition in pursuance of the provisions of this clause or in the discharge or payment off of any mortgage on the security of which moneys 20 forming part of Unitarian Trust property may be lent or invested shall be payable to the Trustees or the Trustee, and the receipt of the Trustees or Trustee for the same shall alone be a sufficient discharge to the person or persons paying the same, and all capital 25 moneys when received by the Trustees or Trustee shall be held by them subject to the provisions of this Act, and to be paid or applied in accordance with the terms of any resolution, or special resolution of the committee or the congregation as the case may be. 30

Rent,  
interest,  
dividends,  
&c., payable  
to Trustees.

(g) All rent, interest, dividends and other income arising from any lease or letting on hire from Unitarian Trust property or from any investment of capital moneys forming part thereof in accordance with the provisions of this Act shall be payable to the 35 Trustees or Trustee, and their or its receipt alone shall be a sufficient discharge to the person or persons paying the same, and all such rent, interest and dividends, and other such income as aforesaid when required by the Trustees or the Trustee shall be held by them subject 40 to the provisions of this Act, and to be paid to the treasurer

treasurer or treasurers or the committee or other the person or persons appointed by the rules to receive the same.

- (h) The Trustees or the Trustee shall not be Trustees not personally liable.
- 5 bound in the case of any sale, leasing, letting on hire, mortgage, charge or encumbrance under any of the provisions of this section to render themselves, himself, or itself in any way personally liable. No purchaser, lessee, tenant, hirer, mortgagee or encumbrancee, or
- 10 other person paying money to the Trustees or Trustee shall be bound to see to the application of the purchase money, rent, principal, or other moneys paid under or in respect of any sale, lease, letting on hire, mortgage, charge, or encumbrance, or otherwise.
- 15 **15.** (a) The net moneys received whether capital or Moneys received to be applied to certain objects. income under any leasing, letting on hire, mortgage, charge, or encumbrances, sale, exchange, dedication, or other disposition in pursuance of the provisions of clause fourteen hereof shall be applied by the Trustees
- 20 or the Trustee to or towards all or any one or more of the following objects, that is to say, for making reasonable provision for such bonus or endowment of any officiating minister, or any person who shall have been an officiating minister, or the widow of any such officiating minister
- 25 or person, or such payment on account of arrears of salary or as a retrospective increase of salary already paid in accordance with a resolution of the congregation or in the purchase or other acquisition of property, real or personal, or the erection and furnishing of buildings
- 30 upon lands forming part of Unitarian Church property now or hereafter erected upon such lands, or and for or towards such other capital expenditure as the congregation may by special resolution direct upon such terms and conditions as shall be provided by such resolution.
- 35 (b) The Trustees or the Trustee shall apply from the said net moneys so received as aforesaid such sum as the committee shall direct in payment of the legal and other expenses of or incidental to the preparation and passing of this Act.
- 40 (c) The Trustees or the Trustee shall as soon as shall reasonably be practicable, if so required from time to

to time by a resolution of the congregation, invest in their his or its name all capital moneys which after such applications and payments as aforesaid shall from time to time be in the hands of the Trustees or the Trustee in such forms of investment for the time being authorised by law or by rule of the Supreme Court of the said State in its equitable jurisdiction as the congregation shall by resolution direct on the terms and conditions prescribed by such resolution. 5

Trustees  
to pay net  
income from  
property to  
persons  
appointed to  
receive same.

**16.** During the period of three months next following 10  
the date of the passing of this Act the Trustees or  
Trustee shall within seven days after the expiration  
of one month after ~~such date pay~~ **the date of the receipt**  
**of any income** and after the expiration of the said period  
of three months the Trustee shall within one month after 15  
the expiration of every period of three months **after the**  
**date of the receipt of any income** pay to the treasurer  
or treasurers or other the person or persons who shall  
by the rules be appointed to receive the same unless  
otherwise directed by the committee all net income 20  
received by the Trustees or Trustee from Unitarian  
Church property during the immediately preceding  
period of one or three months respectively, and also  
such other moneys as by this Act are directed to be paid  
to the Treasurer or Treasurers or to the committee: 25  
Provided that the Trustees shall, if so directed by a  
resolution of the committee, pay all such income and  
moneys as aforesaid to such members of the com-  
mittee not being less than three in number as  
the committee may by such resolution appoint to 30  
receive the same in addition to the treasurer or  
treasurers or other person or persons who shall by the  
rules be appointed to receive the same. The treasurer  
or treasurers or others the person or persons to whom  
the Trustees shall pay such income and money as 35  
aforesaid, shall pay thereout such annual sum by  
way of superannuation or pension to any retired or  
retiring officiating minister, or to his widow, or by such  
instalments and at such periods as shall be directed  
by any special resolution of the congregation and 40  
subject thereto to expend or apply the same for such  
purposes

Proviso.

purposes of the Church, and in payment of such expenses and outgoings as the committee may by resolution direct. If in any year there shall be in the hands of the treasurer or treasurers or the committee or  
 5 other the persons or person appointed by the rules to receive the same accumulations of unexpended income amounting in the aggregate to twice the average income received during the immediately preceding three years such accumulated income shall be paid to the Trustees  
 10 or the Trustee, to be held by them him or it as capital moneys forming part of Unitarian Trust property as hereinbefore provided.

**17.** The Trustees or the Trustee shall if so directed by a resolution of the committee commence and  
 15 prosecute or defend any such legal proceedings as shall by such resolution be directed to be commenced and prosecuted or defended and shall if so directed compromise and settle any legal proceedings whether instituted by or against the Trustees : Provided that the Trustees or the  
 20 Trustee shall be entitled before commencing the prosecution or defence of any legal proceedings to have such security as shall be reasonably required against payment of damages, compensation and legal costs, or any of them, and any dispute as to what is reasonable security  
 25 shall be referred to and decided by the Master in Equity whose decision thereon shall be final and conclusive as against all parties affected thereby : Provided, however, that notwithstanding anything in this clause contained any of the Trustees or the Trustee who or which shall be  
 30 unwilling so to do shall not be bound to commence and prosecute or defend or join in commencing and prosecuting or in defending any such legal proceedings as aforesaid if he or it shall within three days after passing of such resolution as aforesaid give notice in writing to  
 35 the other Trustees for the time being of his refusal to do so or in the case of a sole Trustee to the Committee : Provided that in such case he or it shall be deemed to have retired from his or its office of Trustee as from the date of the giving of such notice as aforesaid.

**18.** On a vacancy occurring in the Ministry of the  
 40 said Church by death, resignation, or incapacity of the  
 c 30—B officiating

Trustees, if directed, shall take legal proceedings.

Proviso.

Vacancy in the Ministry of the Church.

officiating Minister the committee shall forthwith summon a special meeting of the congregation and shall take such steps to obtain applications by or nominations of other persons willing to serve as such Minister and to submit such applications and 5 nominations for selection by the congregation as the congregation may by special resolution of such meeting direct. The meeting so called may be adjourned from time to time, and the committee shall be empowered to resummon such meeting at such dates as may be 10 convenient and to lay before such adjourned meeting such applications or nominations and other information as they may have obtained in pursuance of the resolution carried by such meeting, until the congregation has by special resolution made its selection from among the 15 persons applying or nominated to as the officiating minister of the said church.

Trustees  
exercise  
certain  
powers  
congregation  
becomes  
defunct.

**19.** If in any three consecutive years public worship shall be conducted in any church as aforesaid on less than twelve Sundays the congregation shall for the 20 purposes of this Act be deemed defunct. On the congregation so becoming defunct the powers of sale, mortgage, leasing and hiring and other powers hereby conferred upon the ~~Trustees or~~ Trustee shall be exercisable by the ~~Trustees or~~ Trustee on ~~their~~ his or its own motion 25 and without direction from such congregation and the clear proceeds of such sale, mortgage, leasing or hiring or other dealing shall be employed by ~~them~~, him, or it, subject to the approval of the Governor in Council being first had and obtained for or towards any such 30 Unitarian Church purposes within the State of New South Wales as the Trustee shall think fit, or if not so employed by it ~~or him~~ within five years from the said congregation becoming defunct shall be employed by it ~~or him~~ for such Unitarian Church purposes within any 35 other State in the Commonwealth, or failing this within Great Britain as it ~~or he~~ shall think fit and subject as aforesaid for and towards any such religious or educational purposes as the Governor in Council may think fit. 40

Rules of the  
congregation.

**20.** (a) The rules of the congregation which by memorandum signed by the president or vice-president or other person appointed by the committee for that purpose

purpose shall be declared to be in force at the time of the passing of this Act shall be deemed to have been passed in accordance with this Act and to be the Rules.

(b) The rules may from time to time be  
5 rescinded, altered or added to by special resolution of the congregation.

(c) The rules shall prescribe all things directed to be prescribed by this Act, and in general for the carrying into effect of this Act and ~~the business and affairs~~  
10 ~~may provide for all acts and things which the committee may think proper for regulating the affairs and business~~ of the Church, and ~~may provide for the holding of meetings for including in particular~~ the election of a Trustee or Trustees or the appointment of a Trustee Company  
15 or the Public Trustee or any officer or officers to be appointed under the provisions of this Act, and for the conduct of meetings of the congregation and of the committee.

(d) The congregation shall not at any time  
20 make any rule whereby the acceptance of any creed, No rule whereby acceptance of any creed, &c., is established as condition of membership. article or profession of faith shall be established as a condition of membership of the congregation, and any such rule if made shall have no force or effect, and nothing in this Act expressed shall be deemed to  
25 declare or imply any trust for any particular doctrines or opinion as attached to Unitarian Trust property or to the said congregation. No particular doctrines or opinion are or shall be required to be taught or observed or forbidden to be taught or observed in such congregation :

30 Provided always that this clause shall not prevent Proviso. the congregation from making use of such formularies and means of divine worship and generally worshipping in such manner as by the Rules shall from time to time be prescribed.

35 **21.** (a) A resolution of the congregation or of the committee shall be deemed to have been duly passed by a meeting of the congregation if it shall have been passed by a majority of the members of the congregation or committee respectively present at a meeting of the  
40 congregation or committee respectively which shall have been convened in accordance with the Rules.

(b)

(b) A resolution shall ~~not~~ be deemed to be a special resolution ~~unless~~ if it has been passed by three-fourths or more of the members voting at a meeting of the congregation duly convened in accordance with the rules, and consisting of not less than twenty-five persons, and confirmed by a similar majority present at a subsequent duly convened meeting of the congregation held not earlier than two weeks nor later than four weeks after the meeting at which such resolution shall have been passed. 5 10

Certified copy of any resolution deemed conclusive proof of resolution of which it purports to be a copy.

(c) For the safety of the Trustees or the Trustee or of a person taking title from or paying money to or otherwise dealing with the Trustees or the Trustee the production of a copy certified under the hand of the president or vice-president or other person appointed by resolution of the committee for that purpose to be a copy of any resolution or special resolution of the congregation or the committee shall be deemed to be conclusive proof of the resolution or special resolution of which it purports to be a copy, and that all matters by this Act or by the Rules required to be done or observed prior to or as conditions of the passing of such resolution or special resolution have been done or observed, and that such resolution or special resolution has been duly passed and is in force at the date of such certification as aforesaid. 15 20 25

Repeal.

**22.** The hereinbefore Act intituled "An Act to enable the Trustees of certain lands being the site for a Unitarian Church or School at Church Hill, Sydney, to dispose of and convey the same and to apply the proceeds of the sale in manner therein mentioned and for other purposes," is hereby repealed. 30

#### THE SCHEDULE "A" ABOVE REFERRED TO.

Schedule.

ALL that piece of land in the parish of St. James, county of Cumberland, and State of New South Wales, having a frontage to Liverpool-street, Sydney, on which stands the Unitarian Church, and being the land comprised in Certificate of Title, Volume CXLI, Folio 187. 35

Legislative Council.

1923.

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## A BILL

To regulate the temporal affairs of the  
Congregation or Society Denominated  
Unitarians in New South Wales.

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**W**HEREAS by an Act passed in the thirty-third Preamble.  
year of the reign of her late Majesty Queen  
Victoria intituled: "An Act to enable the Trustees of  
certain lands being the site for a Unitarian Church or  
5 School at Church Hill, Sydney, to dispose of and convey  
the same and to apply the proceeds of the sale in manner  
therein mentioned and for other purposes," it is recited,  
inter alia:

(a) That two several pieces of land therein described  
10 were granted by grant from the Crown bearing date the  
nineteenth day of July, one thousand eight hundred and  
fifty-eight,

fifty-eight, to certain Trustees therein named upon trust that the said pieces of land should at all times thereafter be set apart, maintained, and used for a site for the erection thereon of a chapel or school or both for the use of the people called Unitarians, and for no other purpose whatsoever. And farther upon trust that the said Trustees, their heirs, and assigns should when thereunto required by the Governor for the time being convey and assure the said pieces of land unto and to the use of such other person or persons as should at the time be appointed by the said Governor in Council as Trustees in their place. And farther upon other trusts therein mentioned;

(b) That the said people called Unitarians held a chapel and other buildings on a certain parcel of land in Macquarie-street in the city of Sydney;

(c) That the last-mentioned parcel of land, chapel, and buildings were vested in certain Trustees by Indenture, dated the nineteenth day of July, one thousand eight hundred and sixty-six, upon trust to permit and suffer the same from time to time, and for all time thereafter to be used for divine service and all other congregational purposes by the said people;

(d) That it would be beneficial to the said people that the said last-mentioned parcel should be sold that the proceeds of such sale should be applied at the discretion of the Trustees of the said grant either to the purchase of other land eligible for the site of a chapel or school or improving the said chapel and buildings erected or built on the said land in Macquarie-street or in erecting a new chapel or other buildings, and

(e) That certain of the Trustees therein named had died and that another had resigned and declined to act in the trusts of the said grant.

And whereas the said lands were sold (in accordance with the provisions of the said Act) and out of the proceeds of such sale the lands described in Schedule A hereto were purchased and vested in certain trustees and a church and school building erected thereon being substantially the buildings now standing upon the said lands.

And

And whereas in farther accordance with the provisions of the said Act, one, William Shaw being one of the Trustees and purporting to act under the powers contained in the said Act, appointed certain other Trustees 5 in the place and stead of the others of the Trustees mentioned in the last preceding paragraph. And whereas doubts have arisen as to the validity of such appointments.

And whereas it will be beneficial to the said 10 Unitarian people to declare fully and effectually the trusts upon which are and shall be held the lands described in the said Schedule A hereto, and the buildings now erected or hereafter to be erected thereon, and the proceeds of the sale of the same or any part thereof and 15 all property real or personal hereafter purchased, given, or acquired for Unitarian Church or School purposes and other purposes incidental thereto, and to appoint and provide for the farther appointment from time to time of Trustees of the said property with powers and subject 20 to the obligation hereinafter set forth and to provide for the management of the temporal affairs of the said Unitarian people. Therefore, be it enacted by the King's Most Excellent Majesty, by and with the consent of the Legislative Council and Legislative Assembly of New 25 South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Unitarian Church Short title. Act, 1926.”

2. In this and the following sections of this Act, 30 unless inconsistent with the context or subject-matter, the expression,—

(a) “Unitarian Trust property” shall mean (a) the 35 lands described in Schedule A hereto subject to any encumbrances endorsed thereon, and (b) all other real property and all personal property which is now vested in any person or persons subject to any trust that such property should be set apart, maintained, or used for a 40 site for the erection of a chapel, parsonage, school or hall for the use of the people called Unitarians or upon trust that such property should

should be used for divine purposes or any other purpose or purposes by the people called Unitarians, and (c) all property, real or personal, which may hereafter be purchased, leased, hired, given, devised, bequeathed or otherwise acquired by or to a Trustee or Trustees for Unitarian Church or School purposes, and (d) all property, real or personal, given, devised, bequeathed, or donated to the people called Unitarians, or to any person or persons upon trust for or for the use or benefit of the people called Unitarians or for Unitarian church or school purposes, but shall not include pecuniary bequests, legacies, gifts, donations or other voluntary dispositions, whether testamentary or otherwise, of less than one hundred and one pounds, and shall not include subscriptions or offertories by members of the congregation.

- (b) "Unitarian Church" or "Church" shall mean the people called or known as Unitarians in the State of New South Wales. 20
- (c) "Congregation" shall mean the congregation for the time being of the people called Unitarians in the State of New South Wales including such persons as shall for the time being be members of the Unitarian Church in the State of New South Wales. 25
- (d) "Person" shall include a company and a corporation sole, and shall include persons. 30
- (e) "Trustees" or "Trustee" shall mean the Trustees or Trustee as the case may be for the time being of Unitarian Trust property, and shall include a Trustee Company and the Public Trustee. 35
- (f) "Trustee company" shall mean any company registered under any Act for the time being in force, and regulating the formation of companies in the State of New South Wales and authorised by its Memorandum of Association to act as a Trustee and carrying on in the said State the business of acting as a Trustee. 40

(g)

(g) "Committee" shall mean the body of members of the congregation who shall be declared under or by virtue of this Act to be the committee of the congregation, or who shall from time to time have been elected by the congregation as the committee of the congregation.

(h) "The rules" shall mean all rules or regulations which shall be declared or deemed by or by virtue of this Act to be the rules of the congregation and shall for the time being be in force, and also all rules or regulations from time to time passed by the congregation in accordance with the provisions of this Act and for the time being in force.

**3.** The following persons shall be deemed to be members of the congregation, namely :—

(a) Every person over the age of twenty-one years who prior to the date of the passing of this Act or within one month after such date shall have paid all subscriptions which such person shall have prior to such date agreed to pay to the Church.

(b) Every person over the age of twenty-one years who shall after the date of this Act be admitted as a member of the congregation in accordance with the rules :

Provided that nothing in this section shall prevent persons who have failed to pay subscriptions or arrears of subscriptions as provided herein from being eligible to be so elected or otherwise admitted as a member of the committee on such terms and conditions as may be prescribed by the rules.

**4.** There shall be a committee of the congregation which shall consist of a president, vice-president, secretary, one treasurer or such greater number of treasurers as the rules may from time to time prescribe and eight other persons or such greater number as the rules may from time to time prescribe. Each member of the committee shall be deemed an officer of the church. No person shall be a member of the committee unless

unless he or she shall have been a member of the congregation for at least one year or for such longer period as the rules may from time to time prescribe, and no person shall be a president or vice-president unless he or she shall have been a member of the congregation for at least two years. The period of membership may be prior or subsequent to the passing of this Act, or may be partly prior or partly subsequent to the passing of this Act. Such committee shall manage the affairs of the church in such manner as it shall think fit, subject to the provisions of this Act and to the rules and to any resolutions or special resolutions passed by the congregation in any general meeting assembled. A quorum of such committee shall be such number as shall be prescribed by the rules, but shall consist of at least five members. Questions shall be decided by vote of the majority of the committee, each member present having one vote, and the chairman having a second or casting vote. The president, vice-president, honorary secretary, or honorary secretaries, honorary treasurer, or honorary treasurers and other members of the committee shall be elected by the congregation annually at such time and in such manner as the rules shall prescribe, and each officer shall hold office for one year from the date of his election, and shall be eligible for re-election. In case of any vacancy occurring in any office, such vacancy may be filled by the congregation in such manner as shall be prescribed by the rules. The person holding any of the above-mentioned offices at the time of the passing of this Act, shall be deemed to have been duly elected to such offices respectively under the provisions of this Act, but shall be deemed to have retired from such office at the expiration of six months from the passing of this Act, and shall be eligible for re-election.

5. A register of members of the congregation shall be kept by the committee, and such register shall contain the names of all persons who shall be members of the congregation at the date of the passing of this Act, and at the anniversary of such date in each year or at such other date in each year as may be provided by the

- the rules. Such register shall be kept in the custody of the secretary or of such other person as the committee shall from time to time appoint, but shall be subject to the directions of the committee, and shall be open to
- 5 the inspection of members of the congregation at such times and upon such conditions as the committee shall from time to time prescribe. A copy of such register shall once in every year be delivered to the Under-Secretary for the Department of the Chief Secretary of
- 10 the State of New South Wales. If any person shall claim to be entitled to be entered upon the said register as a member of the congregation he shall deliver to the secretary or other the person for the time being appointed to have the custody of the said register a
- 15 notice in writing stating the grounds of his claim to be so registered, and shall pay to the secretary or such other person as aforesaid such fee not exceeding one pound as shall be prescribed by the rules, or if not prescribed, the fee of ten shillings and sixpence, and within
- 20 such time as the rules shall prescribe, or if no time is prescribed, within one month from the delivery of the said notice the committee shall hold an enquiry into the claim as disclosed by the said notice, and shall give the person making such claim three clear days' notice of such
- 25 enquiry, and he shall be entitled to be present and to be heard in support of his claim at such enquiry, and upon such enquiry the committee may or a majority of those present may refuse such claim or direct that the name of the person making such claim shall be entered in such
- 30 register. The decision of the committee or a majority thereof shall be final except that an appeal therefrom shall lie to the Under-Secretary for the Department of the Chief Secretary of the State of New South Wales who is hereby authorised to entertain any such appeal
- 35 to be held in such manner and subject to such conditions as the Under-Secretary shall think fit, and upon such appeal the said Under-Secretary, whose decision shall be final, may confirm, amend, or reverse the decision of the committee.
- 40 6. General meetings of the congregation shall be held so often as may be prescribed by the rules, and shall

shall be held at least once in each year for the election of officers of the church, and once in every three years for the election of Trustees and appointment of a Trustee Company or the Public Trustee as a Trustee in accordance with the provisions of this Act. 5  
General meetings shall be convened by notice given publicly from the pulpit and posted upon the notice board of the church premises for the time being in use. Such notice shall be signed by the president, or in his absence, by the vice-president or other member appointed 10 by the committee in that behalf, and shall state in general terms the nature of the business of the meeting. Such meeting shall not proceed to the transaction of business unless a quorum of at least fifteen members of the congregation be present. No person who has been 15 a member of the congregation for less than two years shall be entitled to vote on the election or appointment of a Trustee.

**7.** The officiating minister or ministers at the date of the passing of this Act shall be deemed to have been 20 duly appointed as such, and the members of the committee of the church holding office at the date of the passing of this Act shall be deemed to be members of the committee in the same manner as if they had been elected under the provisions contained in this Act, 25 and such person or persons shall be entitled to hold their respective offices until another person or persons is or are appointed in their respective places under the provisions of this Rule.

**8.** Subject as hereinafter provided Leslie Graham 30 Curlewis of Sydney, in the State of New South Wales, importer, Samuel Nisbet Hogg of Sydney aforesaid, accountant, Charles Alexander Maxwell of Sydney aforesaid, retired banker, Robert Pollock, senior, of Sydney, architect, and Edith Mary Loudon of Sydney afore- 35 said, advertising expert, and the survivors or survivor of them and the executors or administrators of the last survivor of them shall be the Trustees or Trustee, and the lands described in the Schedule A hereto, shall as from the date of the passing of this Act be deemed to 40 be vested in them and the survivors or survivor of them  
or

or the executors or administrators of the last survivor of them or other the Trustees or Trustee for such estates or interests as the said lands were held at the date of the passing of this Act and subject to such  
5 encumbrances, charges or interests as the same were then subject to, and the said lands and all other Unitarian Trust property shall be held by the Trustees or Trustee and the survivors or survivor of them, and the executors or administrators of the last survivor  
10 of them subject to the trusts and conditions declared by this Act and with all and singular the powers, authorities and discretions vested in the Trustees or Trustee under or by virtue of this Act.

9. (a) Any of the Trustees mentioned in clause eight  
15 hereof and any Trustee hereafter elected or appointed may retire or refuse to act on giving to the committee written notice of such retirement or refusal to act. The Trustees mentioned in clause seven and each of them and any Trustees or Trustee hereafter elected or  
20 appointed shall be deemed to have retired on the expiration of six months from the date of this Act or within three months after the completion of the sale of the property comprised in the Schedule A hereto whichever shall be the later date. A Trustee Company  
25 or Public Trustee hereafter appointed a Trustee shall cease to be a Trustee at the end of three years from the date of its appointment but shall be eligible for reappointment. In case a Trustee shall die or refuse to act or shall retire or shall be deemed to have  
30 retired or shall have become incapable of acting as a Trustee a new Trustee shall as soon as practicable be elected or appointed to fill the place of the Trustee who shall have died, or shall be deemed to have retired, or who or which shall have refused to act, or shall  
35 have retired, or shall have become incapable of acting as a Trustee to act during the unexpired portion of the term for which such Trustee would otherwise be entitled to act by resolution passed at a general meeting of the congregation called for that purpose: Provided  
40 always that pending such election the surviving or continuing Trustees or Trustee or the executors or administrators

administrators of a sole Trustee may act or continue to act for the time being notwithstanding any vacancy or vacancies arising. After the election of a new Trustee in place of a deceased sole Trustee the executor or executors or the administrator or administrators of such sole surviving Trustee shall not be entitled to act or to exercise any of the powers hereby given to a Trustee. 5

(b) No person or Trustee Company shall, nor shall the Public Trustee be deemed to be a Trustee or be entitled to act as a Trustee or to exercise any of the powers and authorities vested in a Trustee by this Act unless and until a memorandum signed by the president or by the vice-president, and also signed by the secretary or secretaries or by two or more members of the committee stating that such person or persons has or have been duly elected a Trustee, or that such Trustee Company or the Public Trustee has been appointed a Trustee, has been filed in the office of the Registrar-General of the State of New South Wales who is hereby authorised to receive and record any such memorandum : 10  
Provided that a person taking title under or otherwise dealing with the Trustees or Trustee or taking title to or otherwise dealing with Unitarian Trust property shall not nor shall the said Registrar-General be bound or concerned to inquire whether or not such Trustees or Trustee have or has been duly appointed or not or whether or not the provisions of this Act with respect to the appointment of a Trustee other than the registration of the said memorandum have been duly complied with, and 15  
production of a memorandum purporting to be signed by the president or by the vice-president and also by the secretary or secretaries or by one or more members of the committee stating that any person has been elected a Trustee or that any Trustee Company or the Public Trustee has been duly appointed a Trustee, or of an official copy of such memorandum under seal of the said Registrar-General shall be deemed conclusive proof in 20  
favour of every person taking title under or otherwise dealing with such person or such Trustee Company or the Public Trustee so appointed or taking title to or 25  
otherwise 30  
otherwise 35  
otherwise 40  
otherwise

otherwise dealing with Unitarian Trust property that such person has been duly elected a Trustee or that such Trustee or Public Trustee has been appointed a Trustee under this Act, and as such is entitled to exercise  
5 all or any of the powers and authorities vested in a Trustee under this Act.

(c) All Unitarian property which for the time being is vested in the Trustees or Trustee and which is for the time being subject to the provisions of this Act and the  
10 trusts thereby created shall, upon the registration in manner aforesaid of the memorandum hereinbefore referred to and without any assurance in the law, be deemed to have been duly conveyed, assigned, or transferred to or otherwise legally and effectually vested in  
15 the person or persons, Trustee Company, or the Public Trustee named in such memorandum as having been elected or appointed Trustees or Trustee either solely or jointly with the surviving or continuing Trustees or Trustee to be held by him, them, or it upon and subject  
20 to the trusts and conditions for or upon which the same shall be held immediately prior to the registration of the said memorandum.

**10.** Every candidate for election as a Trustee shall give the secretary of the committee or such other  
25 person as the rules shall provide at least four weeks' notice in writing of his candidature which shall be posted and kept posted on the notice board on the church premises at least three weeks before the holding of the meeting called for the election of Trustees. A  
30 notice stating that it is proposed to appoint a Trustee Company or the Public Trustee a Trustee shall at least four weeks before the meeting at which appointment shall be made be posted on the said notice board, and kept so posted during the said period of three weeks.

**11.** The number of Trustees shall not at any time be less than five, provided that any Trustee Company or the Public Trustee may be a sole Trustee, and no person shall be eligible to be elected as a Trustee, or to continue as a Trustee who has not been for two years a member  
40 of the congregation. As soon as practicable after the Trustees hereinbefore nominated, and any Trustee  
hereafter

hereafter elected in place of any of such Trustees shall have been deemed to have retired from office as Trustees a Trustee Company or the Public Trustee shall be appointed to act as Trustee of Unitarian Church property under this Act. Such appointment shall be made by resolution of the congregation, and shall be for such period not exceeding three years, and at such remuneration and on such terms as shall be authorised by such resolution. 5

**12.** (a) The Trustees or the Trustee shall permit and suffer any church or other building for the time being standing on land of whatever tenure which shall form part of Unitarian Trust property to be from time to time and at all times hereafter peaceably and quietly used, occupied, and enjoyed as and for a place for the worship of God by the congregation for services of the Unitarian Church and for meetings of the congregation to be held according to the rules while and so long as such congregation observes and conforms to the provisions of this Act. 10 15 20

(b) The Trustees or the Trustee shall permit to officiate in any church building for the time being standing on land forming part of Unitarian Trust property, such person or persons as a majority of the congregation shall from time to time in manner prescribed by the Rules appoint as officiating minister or ministers, until such minister or ministers shall be removed by a resolution of the majority of the congregation, and shall also permit occasional service of such person or persons as a majority of the committee or the officiating minister acting with the authority of such committee may from time to time appoint. 25 30

(c) The Trustees or the Trustee shall permit and suffer any building for the time being standing on Unitarian Trust property, and not for the time being used or required for use for church or school purposes, or any part of such building to be used or let on hire for purposes other than religious or scholastic, upon payment of such fees upon such terms and conditions as the committee shall from time to time direct, but no such use or hiring shall be for a longer period than seven days. 35 10

**13.**

**13.** The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation permit any building or other erection for the time being standing upon lands forming part of Unitarian Trust property to be repaired, altered, added to, improved, rebuilt or pulled down and shall from time to time permit new buildings to be erected on any such lands.

**14.** (a) The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation or of the committee lease or let on hire Unitarian Trust property or any portion thereof for such period not exceeding one year at such rent or hire money and for such purpose whether religious or not, and on such terms and conditions as shall be prescribed by such resolution.

**15** (b) The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation, lease or let on hire Unitarian Trust property or any portion thereof for such period not exceeding five years at such rent or hire and upon such terms and conditions **20** as shall be prescribed by such resolution.

(c) The Trustees or the Trustee shall from time to time if so directed by a resolution of the congregation mortgage, charge or encumber Unitarian Trust property or any part thereof for such sum not exceeding two **25** thousand pounds upon such terms and conditions as shall be prescribed by such resolution.

(d) The Trustees or the Trustee shall if so directed by a special resolution of the congregation mortgage, charge or encumber Unitarian Trust property **30** or any part thereof for such amount and upon such terms and conditions as may be prescribed by such resolution.

(e) The Trustees or the Trustee shall if so directed by a special resolution of the congregation sell **35** Unitarian Trust property or any part thereof by public auction or private contract at such reserve, if any, and for such price or sum and upon such terms as may be prescribed by such special resolution, or exchange, dedicate or otherwise absolutely dispose of the same or any part **40** thereof for such purposes and upon such conditions as shall be prescribed by such special resolution.

(f)

(f) All capital moneys payable under or by virtue of any mortgage, charge, exchange, dedication, contract of sale, or other disposition in pursuance of the provisions of this clause or in the discharge or payment off of any mortgage on the security of which moneys forming part of Unitarian Trust property may be lent or invested shall be payable to the Trustees or the Trustee, and the receipt of the Trustees or Trustee for the same shall alone be a sufficient discharge to the person or persons paying the same, and all capital moneys when received by the Trustees or Trustee shall be held by them subject to the provisions of this Act, and to be paid or applied in accordance with the terms of any resolution, or special resolution of the committee or the congregation as the case may be.

15

(g) All rent, interest, dividends and other income arising from any lease or letting on hire from Unitarian Trust property or from any investment of capital moneys forming part thereof in accordance with the provisions of this Act shall be payable to the Trustees or Trustee, and their or its receipt alone shall be a sufficient discharge to the person or persons paying the same, and all such rent, interest and dividends, and other such income as aforesaid when required by the Trustees or the Trustee shall be held by them subject to the provisions of this Act, and to be paid to the treasurer or treasurers or the committee or other the person or persons appointed by the rules to receive the same.

20

25

(h) The Trustees or the Trustee shall not be bound in the case of any sale, leasing, letting on hire, mortgage, charge or encumbrance under any of the provisions of this section to render themselves, himself, or itself in any way personally liable. No purchaser, lessee, tenant, hirer, mortgagee or encumbrancee, or other person paying money to the Trustees or Trustee shall be bound to see to the application of the purchase money, rent, principal, or other moneys paid under or in respect of any sale, lease, letting on hire, mortgage, charge, or encumbrance, or otherwise.

40

15.

**15.** (a) The net moneys received whether capital or income under any leasing, letting on hire, mortgage, charge, or encumbrances, sale, exchange, dedication, or other disposition in pursuance of the provisions of clause fourteen hereof shall be applied by the Trustees or the Trustee to or towards all or any one or more of the following objects, that is to say, for making reasonable provision for such bonus or endowment of any officiating minister, or any person who shall have been an officiating minister, or the widow of any such officiating minister or person, or such payment on account of arrears of salary or as a retrospective increase of salary already paid in accordance with a resolution of the congregation or in the purchase or other acquisition of property, real or personal, or the erection and furnishing of buildings upon lands forming part of Unitarian Church property now or hereafter erected upon such lands, or for or towards such other capital expenditure as the congregation may by special resolution direct upon such terms and conditions as shall be provided by such resolution.

(b) The Trustees or the Trustee shall apply from the said net moneys so received as aforesaid such sum as the committee shall direct in payment of the legal and other expenses of or incidental to the preparation and passing of this Act.

(c) The Trustees or the Trustee shall as soon as shall reasonably be practicable, if so required from time to time by a resolution of the congregation, invest in their his or its name all capital moneys which after such applications and payments as aforesaid shall from time to time be in the hands of the Trustees or the Trustee in such forms of investment for the time being authorised by law or by rule of the Supreme Court of the said State in its equitable jurisdiction as the congregation shall by resolution direct on the terms and conditions prescribed by such resolution.

**16.** During the period of three months next following the date of the passing of this Act the Trustees or Trustee shall within seven days after the expiration of one month after such date pay and after the expiration of the said period of three months the Trustee

Trustee shall within one month after the expiration of every period of three months pay to the treasurer or treasurers or other the person or persons who shall by the rules be appointed to receive the same unless otherwise directed by the committee all net income 5 received by the Trustees or Trustee from Unitarian Church property during the immediately preceding period of one or three months respectively, and also such other moneys as by this Act are directed to be paid to the treasurer or treasurers or to the committee: 10 Provided that the Trustees shall, if so directed by a resolution of the committee, pay all such income and moneys as aforesaid to such members of the committee not being less than three in number as the committee may by such resolution appoint to 15 receive the same in addition to the treasurer or treasurers or other person or persons who shall by the rules be appointed to receive the same. The treasurer or treasurers or others the person or persons to whom the Trustees shall pay such income and money as 20 aforesaid, shall pay thereout such annual sum by way of superannuation or pension to any retired or retiring officiating minister, or to his widow, or by such instalments and at such periods as shall be directed by any special resolution of the congregation and 25 subject thereto to expend or apply the same for such purposes of the Church, and in payment of such expenses and outgoings as the committee may by resolution direct. If in any year there shall be in the hands of the treasurer or treasurers or the committee or 30 other the persons or person appointed by the rules to receive the same accumulations of unexpended income amounting in the aggregate to twice the average income received during the immediately preceding three years such accumulated income shall be paid to the Trustees 35 or the Trustee, to be held by them him or it as capital moneys forming part of Unitarian Trust property as hereinbefore provided.

**17.** The Trustees or the Trustee shall if so directed by a resolution of the committee commence and 40 prosecute or defend any such legal proceedings as shall by

by such resolution be directed to be commenced and prosecuted or defended and shall if so directed compromise and settle any legal proceedings whether instituted by or against the Trustees : Provided that the Trustees or the  
5 Trustee shall be entitled before commencing the prosecution or defence of any legal proceedings to have such security as shall be reasonably required against payment of damages, compensation and legal costs, or any of them, and any dispute as to what is reasonable security  
10 shall be referred to and decided by the Master in Equity whose decision thereon shall be final and conclusive as against all parties affected thereby : Provided, however, that notwithstanding anything in this clause contained  
15 any of the Trustees or the Trustee who or which shall be unwilling so to do shall not be bound to commence and prosecute or defend or join in commencing and prosecuting or in defending any such legal proceedings as  
aforesaid if he or it shall within three days after passing of such resolution as aforesaid give notice in writing to  
20 the other Trustees for the time being of his refusal to do so or in the case of a sole Trustee to the Committee : Provided that in such case he or it shall be deemed to have retired from his or its office of Trustee as from the date of the giving of such notice as aforesaid.

25 **18.** On a vacancy occurring in the Ministry of the said Church by death, resignation, or incapacity of the officiating Minister the committee shall forthwith summon a special meeting of the congregation and shall take such steps to obtain applications by or  
30 nominations of other persons willing to serve as such Minister and to submit such applications and nominations for selection by the congregation as the congregation may by special resolution of such meeting direct. The meeting so called may be adjourned from  
35 time to time, and the committee shall be empowered to resummon such meeting at such dates as may be convenient and to lay before such adjourned meeting such applications or nominations and other information as they may have obtained in pursuance of the resolution  
40 carried by such meeting, until the congregation has by  
c 30—B special

special resolution made its selection from among the persons applying or nominated to the officiating minister of the said church.

**19.** If in any three consecutive years public worship shall be conducted in any church as aforesaid on less than twelve Sundays the congregation shall for the purposes of this Act be deemed defunct. On the congregation becoming so defunct the powers of sale, mortgage, leasing and hiring and other powers hereby conferred upon the Trustees or Trustee shall be exercisable by the Trustees or Trustee on their his or its own motion and without direction from such congregation and the clear proceeds of such sale, mortgage, leasing or hiring or other dealing shall be employed by them, him, or it, subject to the approval of the Governor in Council being first had and obtained for or towards any such Unitarian Church purposes within the State of New South Wales as the Trustee shall think fit, or if not so employed by it or him within five years from the said congregation becoming defunct shall be employed by it or him for such Unitarian Church purposes within any other State in the Commonwealth, or failing this within Great Britain as it or he shall think fit and subject as aforesaid for and towards any such religious or educational purposes as the Governor in Council may think fit.

**20.** (a) The rules of the congregation which by memorandum signed by the president or vice-president or other person appointed by the committee for that purpose shall be declared to be in force at the time of the passing of this Act shall be deemed to have been passed in accordance with this Act and to be the Rules.

(b) The rules may from time to time be rescinded, altered or added to by special resolution of the congregation.

(c) The rules shall prescribe all things directed to be prescribed by this Act, and in general for the carrying into effect of this Act and the business and affairs of the Church, and may provide for the holding of meetings for the election of a Trustee or Trustees or the appointment of a Trustee Company or

or the Public Trustee or any officer or officers to be appointed under the provisions of this Act, and for the conduct of meetings of the congregation and of the committee.

- 5 (d) The congregation shall not at any time make any rule whereby the acceptance of any creed, article or profession of faith shall be established as a condition of membership of the congregation, and any such rule if made shall have no force or effect, and  
10 nothing in this Act expressed shall be deemed to declare or imply any trust for any particular doctrines or opinion as attached to Unitarian Trust property or to the said congregation. No particular doctrines or opinion are or shall be required to be taught or observed or for-  
15 bidden to be taught or observed in such congregation :

Provided always that this clause shall not prevent the congregation from making use of such formularies and means of divine worship and generally worshipping in such manner as by the Rules shall from time to time  
20 be prescribed.

- 21.** (a) A resolution of the congregation or of the committee shall be deemed to have been duly passed by a meeting of the congregation if it shall have been passed by a majority of the members of the congregation  
25 or committee respectively present at a meeting of the congregation or committee respectively which shall have been convened in accordance with the Rules.

(b) A resolution shall not be deemed to be a special resolution unless it has been passed by three-  
30 fourths or more of the members voting at a meeting of the congregation duly convened in accordance with the rules, and consisting of not less than twenty-five persons, and confirmed by a similar majority present at a subsequent duly convened meeting of the  
35 congregation held not earlier than two weeks nor later than four weeks after the meeting at which such resolution shall have been passed.

- (c) For the safety of the Trustees or the Trustee or of a person taking title from or paying  
40 money to or otherwise dealing with the Trustees or the Trustee the production of a copy certified under the hand

hand of the president or vice-president or other person appointed by resolution of the committee for that purpose to be a copy of any resolution or special resolution of the congregation or the committee shall be deemed to be conclusive proof of the resolution or special resolution of which it purports to be a copy, and that all matters by this Act or by the Rules required to be done or observed prior to or as conditions of the passing of such resolution or special resolution have been done or observed, and that such resolution or special resolution has been duly passed. 5 10

**22.** The hereinbefore Act intituled "An Act to enable the Trustees of certain lands being the site for a Unitarian Church or School at Church Hill, Sydney, to dispose of and convey the same and to apply the proceeds of the sale in manner therein mentioned and for other purposes," is hereby repealed. 15

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THE SCHEDULE "A" ABOVE REFERRED TO.

ALL that piece of land in the parish of St. James, county of Cumberland, and State of New South Wales, having a frontage to Liverpool-street, Sydney, on which stands the Unitarian Church, and being the land comprised in Certificate of Title, Volume CXLI, Folio 187. 20