

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. 2, 1947.

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

WHEREAS by the Churches of Christ Property Management Act, 1906, provision was made amongst other things for the appointment of trustees to hold property on behalf of individual churches known as Churches of Christ and whereas it is expedient to make provision

Preamble.

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provision for the more satisfactory control of property held by or on behalf of Churches of Christ in New South Wales by the incorporation of the Churches of Christ Property Trust to hold property on behalf of the association of churches known as Churches of Christ in New South Wales: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

PART I.

PRELIMINARY.

Short title,
commencement
and division
into Parts.

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

(2) This Act shall commence upon the first day of May, one thousand nine hundred and forty-seven.

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

PART I.—PRELIMINARY.

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

PART III.—REGISTRAR.

PART IV.—CHURCHES OF CHRIST PROPERTY TRUST.

PART V.—CHURCH TRUSTEES.

PART VI.—GENERAL.

SCHEDULES.

Repeal.

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 The Churches of Christ Property Management Act, 1906, is hereby repealed.

Definitions.

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

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

"Church

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- “Church Trustees” means the trustees for the time being of any Church of Christ registered or deemed to be registered as trustees of such Church of Christ pursuant to Part V of this Act.
- “Churches of Christ in New South Wales” means the association of Churches of Christ affiliated at the commencement of this Act under a constitution known as “The Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory” together with such other Churches of Christ as may from time to time be admitted thereto in accordance with the conditions of admission for the time being in force.
- “Conference” means any meeting of delegates of the churches affiliated as “Churches of Christ in New South Wales” duly called together in accordance with the constitution known as “The Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory.”
- “Conference Auxiliary” means any committee or organisation not being a Conference Department consisting wholly of members of Churches of Christ in New South Wales or elsewhere or any committee or organisation that has for its objects the furtherance of the principles or work of the Churches of Christ in New South Wales or of any Conference Department.
- “Conference Department” means any committee or organisation appointed by or formed by Conference and coming either directly or indirectly under the control or direction of Conference.
- “Member” means member of the Trust.
- “Registrar” means the person from time to time holding office as Registrar in accordance with the provisions of this Act.
- “Trust” means the Churches of Christ Property Trust constituted under this Act.

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Church
government.

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

PART II.

INCORPORATION OF THE CHURCHES OF CHRIST
PROPERTY TRUST.

Incorporation.

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

Seal and
quorum.

6. (1) The members for the time being of the Trust shall have the custody of its common seal and the form of such seal and all other matters relating thereto shall, except as hereinafter provided, be, from time to time, determined at a meeting of the Trust.

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

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

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

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

(4)

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

PART III.

REGISTRAR.

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

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

A member of the Trust may be appointed as Registrar.

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

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

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

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

*Churches of Christ in New South Wales Incorporation.***Funds.**

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

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

Vacancy in office of Registrar.

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

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

PART IV.**CHURCHES OF CHRIST PROPERTY TRUST.****Churches of Christ Property Trust.**

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

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

(3)

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

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

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

Exercise and discharge of powers, authorities, etc., by members.

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

Tenure of office of members.

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

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

(2) The terms of nine years, six years and three years for which members have been appointed in accordance with subsection one of this section shall be deemed to expire upon the appointment of the successors of such members at the annual meeting of Conference held in the ninth, sixth and third year respectively, following their appointment.

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

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**Appoint-
ment of
members.**

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

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

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

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

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

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

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

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

(2)

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

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

Vacancies
in offices
of
members.

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

18. (1) The Trust shall have power from time to time to apply for and obtain representation of the estate of any deceased person under whose will the Trust or any Church of Christ of which the Trust is the Church Trustee under this Act is a beneficiary or under whose will any real or personal property is devised or bequeathed for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities, work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will or not and to do all things necessary to administer such estate.

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

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

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

**Powers of
Trust.**

19. The Trust shall have power—

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

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

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

(d)

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- (d) to purchase, lease or otherwise acquire and hold in the name of the Trust real or personal property as directed by Conference or by any Conference Department, Conference Auxiliary or Church of Christ (of which the Trust is the Church Trustee under this Act) and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with any such property in accordance with the like directions;
- (e) to act as Church Trustee for any Church of Christ in New South Wales in accordance with Part V of this Act;
- (f) to do all things necessary for the proper administration of the properties, estates, bequests or trusts held by the Trust subject to the limitations imposed by law;
- (g) to refuse to hold or manage or administer any property in the hands of or acquired by any Conference Department, Conference Auxiliary, Church of Christ or any trust unless directed by Conference so to do;
- (h) to invest any moneys held by it and not otherwise required in such manner and on such security as may be directed by Conference or by any Conference Department, Conference Auxiliary, Church of Christ, or trust on whose behalf the said moneys are held and failing any such direction to invest the said moneys in—
 - (i) securities authorised or deemed to be authorised by any law in force for the time being relating to the investment of trust funds;
 - (ii) any security which may in the opinion of the Trust benefit the work or objects of Conference, any Conference Department, Conference Auxiliary, Church of Christ or trust on whose behalf the moneys are held;
 - (iii)

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- (iii) loans to any Conference Department, Conference Auxiliary, or Church of Christ in New South Wales; or
- (iv) loans to any organisation where the principal moneys will be used for the support or advancement of the work or objects of the Churches of Christ in New South Wales; and
- (i) (i) to borrow against the security of any property held on behalf of the Churches of Christ in New South Wales or any Conference Department, Conference Auxiliary, Church of Christ or trust such sums and for such purposes as may be directed by Conference, or such Conference Department, Conference Auxiliary, Church of Christ or trust, as the case may be, and to use the moneys so borrowed in accordance with such directions; and
- (ii) to borrow against any security held by it such sums as may be necessary to protect such security.

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

Protection
of
purchasers,
etc.

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

21.

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Officers
of Trust.

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

Expenses.

22. Any expenses incurred by the Trust under this Act shall be a charge against the property, estate, bequest or trust on account of which the expense is incurred.

PART V.

CHURCH TRUSTEES.

Special
resolu-
tion.

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

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

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

(c)

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

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

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

25. Any Church of Christ not registered or not deemed to be registered under this Act in which any property is vested or about to be vested may, on passing

Registration of Churches of Christ.

Churches of Christ in New South Wales Incorporation.

a special resolution in the appropriate form prescribed by Schedule Three to this Act, make application to the Trust to be registered under this Part of this Act. The Trust shall consider the application and may, subject to any direction of Conference, approve of the application or reject the application without assigning any reason for so doing.

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

Existing
Church
Trustees
continued
in office.

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

Appoint-
ment or
change of
Church
Trustees.

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

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

The Registrar shall as soon as practicable after receipt of notification of any special resolution as aforesaid issue to the Church of Christ to which such special resolution relates a Registration of Trustees Certificate in or to the effect of Form 4 in Schedule Five to this Act,

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Act, or an amended certificate in such form as may be necessary to give effect to such special resolution, as the case may require.

28. Upon the issue of any certificate under section twenty-five or section twenty-seven of this Act, the Registrar shall cause a true copy of the said certificate to be published in the Gazette. From and after the date of such publication the said certificate shall be binding and conclusive on all members of the Church of Christ mentioned therein and upon all persons dealing with the said Church of Christ.

Notice of
issue of
certificate.

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

Church
Trustees
to hold
lands on
conditions.

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

Permit
use for
worship,
etc.

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to permit the said buildings to be altered, enlarged, repaired, taken down, and wholly or partially rebuilt, and also to permit any other building or buildings to be erected upon the said lands for the use or benefit of the said Church of Christ.

Raise
money.

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

Use of
moneys.

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

Existing
mortgages,
etc., to
continue.

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

Copies of
special
resolution
—how dealt
with by
Registrar.

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

32.

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32. The Trust shall be entitled to fix fees which they consider adequate to meet all outgoings and expenses incurred by it in the registration of any Church of Christ and the registration of any Church Trustees under this Part of this Act, the issue of certificates of registration pursuant to this Part of this Act, and the outgoings and expenses which may be incurred by the Trust from time to time if such Trust is appointed to act as Church Trustee for any Church of Christ. In the case of the registration of a Church of Christ such fee shall not exceed three pounds three shillings and in the case of the registration of Church Trustees such fee shall not exceed two pounds two shillings and in either case an amount equal to actual out-of-pocket expenses incurred in connection with or incidental to any such registration. The fees payable under this section shall be paid in advance and the Registrar or the Trust shall be entitled to demand the same before proceeding to carry out any of the provisions of this Part of this Act in respect of registration of the Church of Christ or Church Trustees.

Fixing
fees.

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

Churches
with no
Church
Trustees.

c

34.

Churches of Christ in New South Wales Incorporation.

Validity
of sale or
mortgage.

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

PART VI.

GENERAL.

Vesting
of pro-
perty upon
new
appoint-
ments.

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

36.

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

Employment
of barrister,
etc.

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

Professional
men may
act.

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

Indemnity.

Churches of Christ in New South Wales Incorporation.

SCHEDULES.

Sec. 8.

SCHEDULE ONE.

Form 1.

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

Appointment of Registrar.

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

Dated at Sydney this day of 19 ..

By order of the Churches of Christ
Property Trust.

} Members.

Sec. 8.

Form 2.

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

Change of address of Registrar.

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

Dated at Sydney this day of 19 ..

By order of the Churches of Christ
Property Trust.

} Members.

SCHEDULE

Churches of Christ in New South Wales Incorporation.

SCHEDULE TWO.

Sec. 16.

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

Members of Churches of Christ Property Trust.

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

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

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

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

Dated at Sydney this day of 19 ..

Registrar.

SCHEDULE THREE.

Secs. 23, 25,
 and 27.

Special Resolution—Churches seeking registration.

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

Special Resolution—Appointment of Trustees.

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

*Omit
 whichever
 is inapplic-
 able.

Special

Churches of Christ in New South Wales Incorporation.

Special Resolution—Alteration of Trustees.

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

Special Resolution—Appointment of Trust as Trustees.

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

Sec. 23.

SCHEDULE FOUR.

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

Application for Registration of Church and of Trustees.

Notification to Registrar.

(Strike out the portions not applicable.)

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

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

Resolution :—

Churches of Christ in New South Wales Incorporation.

Resolution:—

Trustees appointed:—

Name	Occupation	Address.
Statutory Declaration.		

Statutory Declaration.

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

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

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

Chairman.

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

SCHEDULE FIVE.

Sec. 24.

Form 1.

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

Registration Certificate No.

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

Dated at this day of 19 ..

Registrar.
Form

Churches of Christ in New South Wales Incorporation.

Sec. 25.

Form 2.

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

Registration Certificate No.

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

Dated at this day of 19 .
Registrar.

Sec. 26.

Form 3.

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

Registration of Trustees. Certificate No.

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

Dated at this day of 19 .
Registrar.

Sec. 27.

Form 4.

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

Registration of Trustees. Certificate No.

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

Dated at this day of 19 .
Registrar.

By Authority:

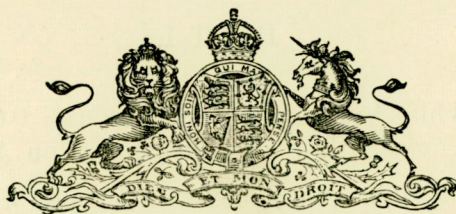
THOMAS HENRY TENNANT, Government Printer, Sydney, 1947.

[Is.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

F. B. LANGLEY,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 13 March, 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. 2, 1947.

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

WHEREAS by the Churches of Christ Property Management Act, 1906, provision was made amongst other things for the appointment of trustees to hold property on behalf of individual churches known as Churches of Christ and whereas it is expedient to make provision

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Churches of Christ in New South Wales Incorporation.

provision for the more satisfactory control of property held by or on behalf of Churches of Christ in New South Wales by the incorporation of the Churches of Christ Property Trust to hold property on behalf of the association of churches known as Churches of Christ in New South Wales: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

PART I.**PRELIMINARY.**

Short title,
commencement
and division
into Parts.

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

(2) This Act shall commence upon the first day of May, one thousand nine hundred and forty-seven.

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

PART I.—PRELIMINARY.

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

PART III.—REGISTRAR.

PART IV.—CHURCHES OF CHRIST PROPERTY TRUST.

PART V.—CHURCH TRUSTEES.

PART VI.—GENERAL.

SCHEDULES.

Repeal.

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

Definitions.

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

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

"Church

Churches of Christ in New South Wales Incorporation.

- “Church Trustees” means the trustees for the time being of any Church of Christ registered or deemed to be registered as trustees of such Church of Christ pursuant to Part V of this Act.
- “Churches of Christ in New South Wales” means the association of Churches of Christ affiliated at the commencement of this Act under a constitution known as “The Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory” together with such other Churches of Christ as may from time to time be admitted thereto in accordance with the conditions of admission for the time being in force.
- “Conference” means any meeting of delegates of the churches affiliated as “Churches of Christ in New South Wales” duly called together in accordance with the constitution known as “The Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory.”
- “Conference Auxiliary” means any committee or organisation not being a Conference Department consisting wholly of members of Churches of Christ in New South Wales or elsewhere or any committee or organisation that has for its objects the furtherance of the principles or work of the Churches of Christ in New South Wales or of any Conference Department.
- “Conference Department” means any committee or organisation appointed by or formed by Conference and coming either directly or indirectly under the control or direction of Conference.
- “Member” means member of the Trust.
- “Registrar” means the person from time to time holding office as Registrar in accordance with the provisions of this Act.
- “Trust” means the Churches of Christ Property Trust constituted under this Act.

Churches of Christ in New South Wales Incorporation.

Church
government.

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

PART II.

INCORPORATION OF THE CHURCHES OF CHRIST
PROPERTY TRUST.

Incorporation.

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

Seal and
quorum.

6. (1) The members for the time being of the Trust shall have the custody of its common seal and the form of such seal and all other matters relating thereto shall, except as hereinafter provided, be, from time to time, determined at a meeting of the Trust.

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

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

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

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

(4)

Churches of Christ in New South Wales Incorporation.

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

PART III.

REGISTRAR.

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

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

A member of the Trust may be appointed as Registrar.

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

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

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

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

10.

Churches of Christ in New South Wales Incorporation.

Funds.

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

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

Vacancy in
office of
Registrar.

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

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

PART IV.**CHURCHES OF CHRIST PROPERTY TRUST.**Churches
of Christ
Property
Trust.

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

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

(3)

Churches of Christ in New South Wales Incorporation.

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

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

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

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

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

Tenure of
office of
members.

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

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

(2) The terms of nine years, six years and three years for which members have been appointed in accordance with subsection one of this section shall be deemed to expire upon the appointment of the successors of such members at the annual meeting of Conference held in the ninth, sixth and third year respectively, following their appointment.

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

Churches of Christ in New South Wales Incorporation.

Appoint-
ment of
members.

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

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

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

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

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

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

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

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

Vacancies
in offices
of
members.

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

18. (1) The Trust shall have power from time to time to apply for and obtain representation of the estate of any deceased person under whose will the Trust or any Church of Christ of which the Trust is the Church Trustee under this Act is a beneficiary or under whose will any real or personal property is devised or bequeathed for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities, work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will or not and to do all things necessary to administer such estate.

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

Powers of
Trust.

19. The Trust shall have power—

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

Churches of Christ in New South Wales Incorporation.

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

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

(d)

Churches of Christ in New South Wales Incorporation.

- (d) to purchase, lease or otherwise acquire and hold in the name of the Trust real or personal property as directed by Conference or by any Conference Department, Conference Auxiliary or Church of Christ (of which the Trust is the Church Trustee under this Act) and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with any such property in accordance with the like directions;
- (e) to act as Church Trustee for any Church of Christ in New South Wales in accordance with Part V of this Act;
- (f) to do all things necessary for the proper administration of the properties, estates, bequests or trusts held by the Trust subject to the limitations imposed by law;
- (g) to refuse to hold or manage or administer any property in the hands of or acquired by any Conference Department, Conference Auxiliary, Church of Christ or any trust unless directed by Conference so to do;
- (h) to invest any moneys held by it and not otherwise required in such manner and on such security as may be directed by Conference or by any Conference Department, Conference Auxiliary, Church of Christ, or trust on whose behalf the said moneys are held and failing any such direction to invest the said moneys in—
 - (i) securities authorised or deemed to be authorised by any law in force for the time being relating to the investment of trust funds;
 - (ii) any security which may in the opinion of the Trust benefit the work or objects of Conference, any Conference Department, Conference Auxiliary, Church of Christ or trust on whose behalf the moneys are held;

(iii)

Churches of Christ in New South Wales Incorporation.

- (iii) loans to any Conference Department, Conference Auxiliary, or Church of Christ in New South Wales; or
- (iv) loans to any organisation where the principal moneys will be used for the support or advancement of the work or objects of the Churches of Christ in New South Wales; and
- (i) (i) to borrow against the security of any property held on behalf of the Churches of Christ in New South Wales or any Conference Department, Conference Auxiliary, Church of Christ or trust such sums and for such purposes as may be directed by Conference, or such Conference Department, Conference Auxiliary, Church of Christ or trust, as the case may be, and to use the moneys so borrowed in accordance with such directions; and
- (ii) to borrow against any security held by it such sums as may be necessary to protect such security.

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

Protection
of
purchasers,
etc.

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

21.

Churches of Christ in New South Wales Incorporation.

Officers
of Trust.

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

Expenses.

22. Any expenses incurred by the Trust under this Act shall be a charge against the property, estate, bequest or trust on account of which the expense is incurred.

PART V.**CHURCH TRUSTEES.**Special
resolu-
tion.

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

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

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

(c)

Churches of Christ in New South Wales Incorporation.

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

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

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

25. Any Church of Christ not registered or not deemed to be registered under this Act in which any property is vested or about to be vested may, on passing

Registration of Churches of Christ.

Churches of Christ in New South Wales Incorporation.

a special resolution in the appropriate form prescribed by Schedule Three to this Act, make application to the Trust to be registered under this Part of this Act. The Trust shall consider the application and may, subject to any direction of Conference, approve of the application or reject the application without assigning any reason for so doing.

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

Existing
Church
Trustees
continued
in office.

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

Appoint-
ment or
change of
Church
Trustees.

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

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

The Registrar shall as soon as practicable after receipt of notification of any special resolution as aforesaid issue to the Church of Christ to which such special resolution relates a Registration of Trustees Certificate in or to the effect of Form 4 in Schedule Five to this Act,

Churches of Christ in New South Wales Incorporation.

Act, or an amended certificate in such form as may be necessary to give effect to such special resolution, as the case may require.

28. Upon the issue of any certificate under section twenty-five or section twenty-seven of this Act, the Registrar shall cause a true copy of the said certificate to be published in the Gazette. From and after the date of such publication the said certificate shall be binding and conclusive on all members of the Church of Christ mentioned therein and upon all persons dealing with the said Church of Christ.

Notice of
issue of
certificate.

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

Church
Trustees
to hold
lands on
conditions.

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

Permit
use for
worship,
etc.

to

Churches of Christ in New South Wales Incorporation.

to permit the said buildings to be altered, enlarged, repaired, taken down, and wholly or partially rebuilt, and also to permit any other building or buildings to be erected upon the said lands for the use or benefit of the said Church of Christ.

Raise
money.

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

Use of
moneys.

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

Existing
mortgages,
etc., to
continue.

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

Copies of
special
resolution
—how dealt
with by
Registrar.

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

32.

Churches of Christ in New South Wales Incorporation.

32. The Trust shall be entitled to fix fees which they consider adequate to meet all outgoings and expenses incurred by it in the registration of any Church of Christ and the registration of any Church Trustees under this Part of this Act, the issue of certificates of registration pursuant to this Part of this Act, and the outgoings and expenses which may be incurred by the Trust from time to time if such Trust is appointed to act as Church Trustee for any Church of Christ. In the case of the registration of a Church of Christ such fee shall not exceed three pounds three shillings and in the case of the registration of Church Trustees such fee shall not exceed two pounds two shillings and in either case an amount equal to actual out-of-pocket expenses incurred in connection with or incidental to any such registration. The fees payable under this section shall be paid in advance and the Registrar or the Trust shall be entitled to demand the same before proceeding to carry out any of the provisions of this Part of this Act in respect of registration of the Church of Christ or Church Trustees.

Fixing
fees.

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

Churches
with no
Church
Trustees.

34.

Churches of Christ in New South Wales Incorporation.

Validity
of sale or
mortgage.

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

PART VI.

GENERAL.

Vesting
of pro-
perty upon
new
appoint-
ments.

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

36.

Churches of Christ in New South Wales Incorporation.

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

Employment
of barrister,
etc.

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

Professional
men may
act.

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

Indemnity.

Churches of Christ in New South Wales Incorporation.

SCHEDULES.

Sec. 8.

SCHEDULE ONE.

Form 1.

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

Appointment of Registrar.

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

Dated at Sydney this day of 19 .

By order of the Churches of Christ
Property Trust.

} Members.

Sec. 8.

Form 2.

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

Change of address of Registrar.

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

Dated at Sydney this day of 19 .

By order of the Churches of Christ
Property Trust.

} Members.

SCHEDULE

Churches of Christ in New South Wales Incorporation.

SCHEDULE TWO.

Sec. 16.

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

Members of Churches of Christ Property Trust.

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

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

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

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

Dated at Sydney this day of 19 ..

Registrar.

SCHEDULE THREE.

Secs. 23, 25,
 and 27.

Special Resolution—Churches seeking registration.

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

Special Resolution—Appointment of Trustees.

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

*Omit
 whichever
 is inapplicable.

Special

Churches of Christ in New South Wales Incorporation.

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

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

See. 23.

Application for Registration of Church and of Trustees.

(Strike out the portions not applicable.)

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

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

Resolution :—

Churches of Christ in New South Wales Incorporation.

Resolution:—

Trustees appointed:—

Name

Occupation

Address.

Statutory Declaration.

Statutory Declaration.

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

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

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

Chairman.

Made and declared at
this day of
19 before me J.P.

SCHEDULE FIVE.

Sec. 24.

Form 1.

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

Registration Certificate No.

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

Dated at this day of 19 ..

Registrar.

Form

Churches of Christ in New South Wales Incorporation.

Sec. 25.

Form 2.

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

Registration Certificate No.

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

Dated at this day of 19 .
Registrar.

Sec. 26.

Form 3.

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

Registration of Trustees. Certificate No.

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

Dated at this day of 19 .
Registrar.

Sec. 27.

Form 4.

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

Registration of Trustees. Certificate No.

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

Dated at this day of 19 .
Registrar.

In the name and on behalf of His Majesty I assent to this Act.

NORTHCOTT,
Governor.

*Government House,
Sydney, 21st March, 1947.*

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

F. B. LANGLEY,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 5 March, 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. , 1947.

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

WHEREAS by the Churches of Christ Property Management Act, 1906, provision was made amongst other things for the appointment of trustees to hold property on behalf of individual churches known as
5 Churches of Christ and whereas it is expedient to make

Churches of Christ in New South Wales Incorporation.

provision for the more satisfactory control of property held by or on behalf of Churches of Christ in New South Wales by the incorporation of the Churches of Christ Property Trust to hold property on behalf of the association of churches known as Churches of Christ in New South Wales: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

PART I.

PRELIMINARY.

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

Short title, commencement and division into Parts.

(2) This Act shall commence upon the first day of May, one thousand nine hundred and forty-seven.

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

PART I.—PRELIMINARY.

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

PART III.—REGISTRAR.

PART IV.—CHURCHES OF CHRIST PROPERTY TRUST.

PART V.—CHURCH TRUSTEES.

PART VI.—GENERAL.

SCHEDULES.

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

Repeal.

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

Definitions.

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

"Church

Churches of Christ in New South Wales Incorporation.

- “Church Trustees” means the trustees for the time being of any Church of Christ registered or deemed to be registered as trustees of such Church of Christ pursuant to Part V of this Act.
- 5 “Churches of Christ in New South Wales” means the association of Churches of Christ affiliated at the commencement of this Act under a constitution known as “The Constitution of the
- 10 Conference of Churches of Christ in New South Wales and the Australian Capital Territory” together with such other Churches of Christ as may from time to time be admitted thereto in accordance with the conditions of admission for the time being in force.
- 15 “Conference” means any meeting of delegates of the churches affiliated as “Churches of Christ in New South Wales” duly called together in accordance with the constitution known as “The
- 20 Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory.”
- “Conference Auxiliary” means any committee or organisation not being a Conference Department consisting wholly of members of Churches of
- 25 Christ in New South Wales or elsewhere or any committee or organisation that has for its objects the furtherance of the principles or work of the Churches of Christ in New South Wales or of any Conference Department.
- 30 “Conference Department” means any committee or organisation appointed by or formed by Conference and coming either directly or indirectly under the control or direction of Conference.
- “Member” means member of the Trust.
- 35 “Registrar” means the person from time to time holding office as Registrar in accordance with the provisions of this Act.
- “Trust” means the Churches of Christ Property Trust constituted under this Act.

Churches of Christ in New South Wales Incorporation.

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

Church
government.

PART II.

INCORPORATION OF THE CHURCHES OF CHRIST
PROPERTY TRUST.

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

Incorporation.

6. (1) The members for the time being of the Trust shall have the custody of its common seal and the form of such seal and all other matters relating thereto shall, except as hereinafter provided, be, from time to time, determined at a meeting of the Trust.

Seal and
quorum.

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

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

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

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

(4)

Churches of Christ in New South Wales Incorporation.

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

PART III.

REGISTRAR.

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

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

15 A member of the Trust may be appointed as Registrar.

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

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

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

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

Churches of Christ in New South Wales Incorporation.

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

Funds.

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

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

Vacancy in office of Registrar.

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

PART IV.

25 CHURCHES OF CHRIST PROPERTY TRUST.

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

Churches of Christ Property Trust.

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

(3)

Churches of Christ in New South Wales Incorporation.

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

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

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

Exercise and discharge of powers, authorities, etc., by members.

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

Tenure of office of members.

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

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

(2) The terms of nine years, six years and three
 30 years for which members have been appointed in accordance with subsection one of this section shall be deemed to expire upon the appointment of the successors of such members at the annual meeting of Conference held in the ninth, sixth and third year respectively,
 35 following their appointment.

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

Churches of Christ in New South Wales Incorporation.

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

Appoint-
ment of
members.

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

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

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

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

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

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

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

Vacancies
in offices
of
members.

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

18. (1) The Trust shall have power from time to time to apply for and obtain representation of the estate of any deceased person under whose will the Trust or any Church of Christ of which the Trust is the Church Trustee under this Act is a beneficiary or under whose will any real or personal property is devised or bequeathed for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities, work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will or not and to do all things necessary to administer such estate.

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

(2)

Churches of Christ in New South Wales Incorporation.

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

(3) Whenever the Trust shall have been appointed
10 executor or administrator it shall be subject in all respects to the same control and to removal or restraint from acting and generally to the jurisdiction of the courts in the same manner as any other executor or administrator and, subject to the provisions of the Trustee Act,
15 1925, as amended by subsequent Acts, all the property real and personal of the Trust and the members thereof and their respective estates shall be liable for the proper discharge of the duties of such office.

19. The Trust shall have power—

Powers of
Trust.

(a) to hold on behalf of the Churches of Christ in
20 New South Wales any real or personal property vested by Conference in the Trust, and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such
25 property in accordance with any direction of Conference made in that behalf;

(b) to hold on behalf of any Conference Department
30 or Conference Auxiliary any real or personal property vested by such Conference Department or Conference Auxiliary in the Trust, and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with any direction of such Conference Department or Conference Auxiliary made in that behalf;

(c) (i) to take in the name of the Trust and to hold
35 any real or personal property devised, bequeathed, lent or otherwise made available by or under any will, deed of gift, deed
of

Churches of Christ in New South Wales Incorporation.

- 5 of trust or other instrument for the benefit
of the work or objects of Churches of Christ
generally or for the support or advance-
ment of any of the activities work or objects
of Conference or of any Conference
Department or Conference Auxiliary
whether any particular Church of Christ,
Conference, Conference Department or
10 Conference Auxiliary activity, work or
object is specifically named or referred to
in such will, deed of gift, deed of trust or
other instrument or not; and
- 15 (ii) where conditions attach to any real or
personal property referred to in sub-
paragraph (i) of this paragraph by any
such will, deed of gift, deed of trust or other
instrument, to manage, administer, sell,
exchange, mortgage, lease, dispose of or
otherwise deal with such property in
20 accordance with such conditions, or where
no conditions attach or in so far as such
conditions do not extend or are not
applicable to any such property to manage,
administer, sell, exchange, mortgage, lease,
25 dispose of or otherwise deal with such
property in accordance with any direction
of Conference made in that behalf; and
- 30 (iii) to apply the proceeds, profits or income of
or arising from the management, adminis-
tration, sale, exchange, mortgage, lease,
disposal of or other dealing with such
property as aforesaid in accordance with
the conditions (if any) attaching thereto by
such will, deed of gift, deed of trust or
35 other instrument, or if no such conditions
attach thereto or in so far as such conditions
do not extend or are not applicable thereto,
to apply such proceeds, profits or income in
accordance with any direction of Conference
40 made in that behalf;

(d).

Churches of Christ in New South Wales Incorporation.

- 5 (d) to purchase, lease or otherwise acquire and hold in the name of the Trust real or personal property as directed by Conference or by any Conference Department, Conference Auxiliary or Church of Christ (of which the Trust is the Church Trustee under this Act) and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with any such property in accordance with the like directions;
- 10 (e) to act as Church Trustee for any Church of Christ in New South Wales in accordance with Part V of this Act;
- 15 (f) to do all things necessary for the proper administration of the properties, estates, bequests or trusts held by the Trust subject to the limitations imposed by law;
- 20 (g) to refuse to hold or manage or administer any property in the hands of or acquired by any Conference Department, Conference Auxiliary, Church of Christ or any trust unless directed by Conference so to do;
- 25 (h) to invest any moneys held by it and not otherwise required in such manner and on such security as may be directed by Conference or by any Conference Department, Conference Auxiliary, Church of Christ, or trust on whose behalf the said moneys are held and failing any such direction to invest the said moneys in—
- 30 (i) securities authorised or deemed to be authorised by any law in force for the time being relating to the investment of trust funds;
- 35 (ii) any security which may in the opinion of the Trust benefit the work or objects of Conference, any Conference Department, Conference Auxiliary, Church of Christ or trust on whose behalf the moneys are held;

(iii)

Churches of Christ in New South Wales Incorporation.

- (iii) loans to any Conference Department, Conference Auxiliary, or Church of Christ in New South Wales; or
- 5 (iv) loans to any organisation where the principal moneys will be used for the support or advancement of the work or objects of the Churches of Christ in New South Wales; and
- 10 (i) (i) to borrow against the security of any property held on behalf of the Churches of Christ in New South Wales or any Conference Department, Conference Auxiliary, Church of Christ or trust such sums and for such purposes as may be directed by Conference, or such Conference Department,
- 15 Conference Auxiliary, Church of Christ or trust, as the case may be, and to use the moneys so borrowed in accordance with such directions; and
- 20 (ii) to borrow against any security held by it such sums as may be necessary to protect such security.

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

Protection
of
purchasers,
etc.

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

Churches of Christ in New South Wales Incorporation.

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

Officers
of Trust.

22. Any expenses incurred by the Trust under this Act shall be a charge against the property, estate, bequest or trust on account of which the expense is incurred.

Expenses.

10

PART V.

CHURCH TRUSTEES.

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

Special
resolu-
tion.

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

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

(c)

Churches of Christ in New South Wales Incorporation.

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

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

25. Any Church of Christ not registered or not deemed to be registered under this Act in which any property is vested or about to be vested may, on passing

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

Registration of Churches of Christ.

Churches of Christ in New South Wales Incorporation.

a special resolution in the appropriate form prescribed by Schedule Three to this Act, make application to the Trust to be registered under this Part of this Act. The Trust shall consider the application and may, subject
5 to any direction of Conference, approve of the application or reject the application without assigning any reason for so doing.

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

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

Existing
Church
Trustees
continued
in office.

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

Appoint-
ment or
change of
Church
Trustees.

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

35 The Registrar shall as soon as practicable after receipt of notification of any special resolution as aforesaid issue to the Church of Christ to which such special resolution relates a Registration of Trustees Certificate in or to the effect of Form 4 in Schedule Five to this
Act,

Churches of Christ in New South Wales Incorporation.

Act, or an amended certificate in such form as may be necessary to give effect to such special resolution, as the case may require.

28. Upon the issue of any certificate under section
 5 twenty-five or section twenty-seven of this Act, the Registrar shall cause a true copy of the said certificate to be published in the Gazette. From and after the date of such publication the said certificate shall be binding and conclusive on all members of the Church of Christ
 10 mentioned therein and upon all persons dealing with the said Church of Christ.

Notice of
 issue of
 certificate.

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

Church
 Trustees
 to hold
 lands on
 conditions.

(a) Upon trust at all times to permit the lands and
 30 buildings of which they are the trustees as aforesaid to be used for the purpose of the worship of God in public by the members for the time being of the Church of Christ at the place where the lands and buildings are situated according to the faith and doctrine of
 35 the Churches of Christ and for the instruction of children and adults, and for the promotion of religious and philanthropic objects and purposes and for such other purposes as the said Church of Christ or its officers shall from time to time decide and upon the passing of a
 40 special resolution of the said Church of Christ

Permit
 use for
 worship,
 etc.

Churches of Christ in New South Wales Incorporation.

- 5 to permit the said buildings to be altered, enlarged, repaired, taken down, and wholly or partially rebuilt, and also to permit any other building or buildings to be erected upon the said lands for the use or benefit of the said Church of Christ.
- 10 (b) Upon further trust and upon the passing of a special resolution in that behalf by the Church of Christ of which they are the Church Trustees to raise such sum or sums of money as the said special resolution shall direct, by mortgage over the lands and buildings of the said Church of Christ, or over any portion thereof, and upon trust, at the like direction to sell or lease the whole or any part of the said lands and buildings upon such terms and conditions as the said Church of Christ shall by special resolution decide.
- 15 (c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.
- 20 (c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.
- 25 **30.** Nothing contained in this Act shall be taken to affect any legal or equitable mortgage or any conveyance or contract made before the commencement of this Act by the Church Trustees of any Church of Christ or entered into by any Church of Christ before becoming
- 30 registered under this Part of this Act (as the case may be) with any person for valuable consideration and bona fide without notice of the trusts affecting the lands and buildings purported to have been mortgaged, conveyed or otherwise become the subject-matter of any contract
- 35 as aforesaid.
- 31.** Upon any special resolution other than a special resolution in or to the effect of any form prescribed by Schedule Three to this Act being passed by any Church of Christ the Registrar shall file the copy of the resolution received by him with the duplicate of the certificate of registration for such Church of Christ.

Raise
money.

Use of
moneys.

Existing
mortgages,
etc., to
continue.

Copies of
special
resolution
—how dealt
with by
Registrar.

Churches of Christ in New South Wales Incorporation.

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

5 Part of this Act, the issue of certificates of registration pursuant to this Part of this Act, and the outgoings and expenses which may be incurred by the Trust from time to time if such Trust is appointed to act as Church

10 registration of a Church of Christ such fee shall not exceed three pounds three shillings and in the case of the registration of Church Trustees such fee shall not exceed two pounds two shillings and in either case an amount

15 tion with or incidental to any such registration. The fees payable under this section shall be paid in advance and the Registrar or the Trust shall be entitled to demand the same before proceeding to carry out any of the provisions of this Part of this Act in respect of registration of

20 the Church of Christ or Church Trustees.

Fixing fees.

33. If at any time a Church of Christ registered or deemed to be registered under this Part of this Act and being the holder of real estate has not appointed Church Trustees or if there be no continuing Church Trustees of

25 such Church of Christ and such church fails to call a special meeting of such church for the purpose of passing a special resolution to appoint Church Trustees within three months after being requested so to do by the Registrar, the Registrar may himself call a special meet-

30 ing of such church for the purpose of appointing Church Trustees. If less than five members of such church entitled to vote attend the said special meeting the Registrar shall, without submitting any resolution to the vote, declare the Trust to be Church Trustee of the

35 said church and shall duly proceed to register the Trust as though the same had been duly appointed by the said church and the Trust shall have the like powers, authorities, duties and functions in respect of such church as if it had been duly appointed Church Trustee

40 thereof in conformity with the provisions of section twenty-seven of this Act.

Churches with no Church Trustees.

Churches of Christ in New South Wales Incorporation.

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

Validity
of sale or
mortgage.**PART VI.****GENERAL.**

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

Vesting
of pro-
perty upon
new
appoint-
ments.**36.**

Churches of Christ in New South Wales Incorporation.

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

Employment
of barrister,
etc.

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

Professional
men may
act.

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

Indemnity

Churches of Christ in New South Wales Incorporation.

SCHEDULES.

SCHEDULE ONE.

Sec. 8.

Form 1.

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

5 *Appointment of Registrar.*

Notice is hereby given that in accordance with the provisions of the above Act the Churches of Christ Property Trust has appointed as Registrar under the above Act.

This appointment shall take effect from the date of this notice.

10 The registered address of the Registrar is.....

Dated at Sydney this day of 19 ..

By order of the Churches of Christ
Property Trust.

15

} Members.

Form 2.

Sec. 8.

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

Change of address of Registrar.

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

Dated at Sydney this day of 19 ..

25

By order of the Churches of Christ
Property Trust.

} Members.

SCHEDULE.

Churches of Christ in New South Wales Incorporation.

SCHEDULE TWO.

Sec. 16.

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

Members of Churches of Christ Property Trust.

- 5 At { the conference of the Churches of Christ in New South Wales }
 { a meeting of the remaining members of the Churches of Christ }
 { Property Trust }
- held at on an { election
 { appointment
 of members of the Churches of Christ Property Trust } was
- 10 pursuant to section 15 (3) of the above Act
- { held } in accordance with the provisions of the above Act
 { made }
- and of
 and of
 15 and of
 were appointed as members of the Churches of Christ Property Trust.
 As the result of such appointment, the following persons comprise
 and are registered as the Churches of Christ Property Trust under
 the said Act namely:

- 20 Dated at Sydney this day of 19 ..

Registrar.

SCHEDULE THREE.

Secs. 23, 25,
and 27.

Special Resolution—Churches seeking registration.

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

Special Resolution—Appointment of Trustees.

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

*Omit
whichever
is inapplic-
able.

Special

Churches of Christ in New South Wales Incorporation.

Special Resolution—Alteration of Trustees.

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

Special Resolution—Appointment of Trust as Trustees.

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

SCHEDULE FOUR.

Sec. 23.

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

Application for Registration of Church and of Trustees.

Notification to Registrar.

(Strike out the portions not applicable.)

30 On behalf of the Church of Christ at
 I hereby notify you that at a meeting of the said church held on
the undermentioned resolution
 was duly carried as a special resolution and I hereby request you
 35 to—
 (a) register the church under Part V of the Act;
 (b) register the trustees as set out hereunder;
 (c) record or otherwise give effect to the said resolution.

Resolution:—

Churches of Christ in New South Wales Incorporation.

Resolution:—

Trustees appointed:—

Name _____

Occupation

Address.

Statutory Declaration.

5 *Statutory Declaration.*

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

10 (1) At a special meeting of the members of the Church of Christ
at in the said
State duly convened in accordance with Part V of the
abovenamed Act I was elected chairman of such meeting.

(2) At such meeting the above motion was proposed by and seconded by

15 (3) That such motion was put by me to the vote of the members of such church present at such meeting, and was carried by the vote of at least three-fourths of the members present and entitled to vote at the said meeting as required by Part V of the above Act.

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

Chairman.

Made and declared at.....

25 this day of

19 before me J.P.

SCHEDULE FIVE.

Sec. 24.

Form 1.

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

30 *Registration Certificate No.*

In accordance with the provisions of Part V of the above Act the Church of Christ at being a Church of Christ which immediately before the commencement of the Churches of Christ in New South Wales Incorporation Act, 1947, 35 was associated with the Churches of Christ under the Church of Christ Property Management Act, 1906, for the purposes of such Act, is hereby registered under the Churches of Christ in New South Wales Incorporation Act, 1947, as a church entitled to the benefits of such Act.

40 Dated at this day of 19

Registrar.

Form

Churches of Christ in New South Wales Incorporation.

Form 2.

Sec. 25.

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

Registration Certificate No.

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

Dated at this day of 19 ..
 Registrar.

Form 3.

Sec. 26.

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

15 *Registration of Trustees. Certificate No.*

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

Dated at this day of 19 ..
 Registrar.

Form 4.

Sec. 27.

25

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

Registration of Trustees. Certificate No.

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

40 Dated at this day of 19 ..
 Registrar.

No. , 1947.

A BILL

To incorporate the Churches of Christ Property Trust; to define its powers, authorities, duties and functions; to make provision for and in relation to trustees of Churches of Christ and the registration of Churches of Christ; to repeal the Churches of Christ Property Management Act, 1906; and for purposes connected therewith.

[MR. C. E. MARTIN;—26 *February*, 1947.]

WHEREAS by the Churches of Christ Property Management Act, 1906, provision was made amongst other things for the appointment of trustees to hold property on behalf of individual churches known as
5 Churches of Christ and whereas it is expedient to make
20873 44—A provision

Preamble.

Churches of Christ in New South Wales Incorporation.

provision for the more satisfactory control of property held by or on behalf of Churches of Christ in New South Wales by the incorporation of the Churches of Christ Property Trust to hold property on behalf of the association of churches known as Churches of Christ in New South Wales: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Churches of Christ in New South Wales Incorporation Act, 1947." Short title, commencement and division into Parts.

15 (2) This Act shall commence upon the first day of May, one thousand nine hundred and forty-seven.

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

PART I.—PRELIMINARY.

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

PART III.—REGISTRAR.

PART IV.—CHURCHES OF CHRIST PROPERTY TRUST.

PART V.—CHURCH TRUSTEES.

25 PART VI.—GENERAL.
SCHEDULES.

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

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

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

"Church

Churches of Christ in New South Wales Incorporation.

- “Church Trustees” means the trustees for the time being of any Church of Christ registered or deemed to be registered as trustees of such Church of Christ pursuant to Part V of this Act.
- 5 “Churches of Christ in New South Wales” means the association of Churches of Christ affiliated at the commencement of this Act under a constitution known as “The Constitution of the Conference of Churches of Christ in New South
- 10 Wales and the Australian Capital Territory” together with such other Churches of Christ as may from time to time be admitted thereto in accordance with the conditions of admission for the time being in force.
- 15 “Conference” means any meeting of delegates of the churches affiliated as “Churches of Christ in New South Wales” duly called together in accordance with the constitution known as “The Constitution of the Conference of Churches of Christ in New South Wales and the Australian
- 20 Capital Territory.”
- “Conference Auxiliary” means any committee or organisation not being a Conference Department consisting wholly of members of Churches of Christ in New South Wales or elsewhere or any
- 25 committee or organisation that has for its objects the furtherance of the principles or work of the Churches of Christ in New South Wales or of any Conference Department.
- 30 “Conference Department” means any committee or organisation appointed by or formed by Conference and coming either directly or indirectly under the control or direction of Conference.
- “Member” means member of the Trust.
- 35 “Registrar” means the person from time to time holding office as Registrar in accordance with the provisions of this Act.
- “Trust” means the Churches of Christ Property Trust constituted under this Act.

Churches of Christ in New South Wales Incorporation.

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

PART II.

INCORPORATION OF THE CHURCHES OF CHRIST
PROPERTY TRUST.

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

6. (1) The members for the time being of the Trust shall have the custody of its common seal and the form of such seal and all other matters relating thereto shall, except as hereinafter provided, be, from time to time, determined at a meeting of the Trust. Seal and quorum.

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

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

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

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

(4)

Churches of Christ in New South Wales Incorporation.

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

PART III.

REGISTRAR.

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

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

15 A member of the Trust may be appointed as Registrar.

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

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

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

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

10.

Churches of Christ in New South Wales Incorporation.

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

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

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

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

PART IV.

25 **CHURCHES OF CHRIST PROPERTY TRUST.**

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

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

(3)

Churches of Christ in New South Wales Incorporation.

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

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

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

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

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

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

(2) The terms of nine years, six years and three
30 years for which members have been appointed in accordance with subsection one of this section shall be deemed to expire upon the appointment of the successors of such members at the annual meeting of Conference held in the ninth, sixth and third year respectively,
35 following their appointment.

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

Churches of Christ in New South Wales Incorporation.

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

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

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

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

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

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

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

Vacancies
in offices
of
members.

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

18. (1) The Trust shall have power from time to time to apply for and obtain representation of the estate of any deceased person under whose will the Trust or any Church of Christ of which the Trust is the Church Trustee under this Act is a beneficiary or under whose will any real or personal property is devised or bequeathed for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities, work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will or not and to do all things necessary to administer such estate.

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

19. The Trust shall have power—

Powers of Trust.

(a) to hold on behalf of the Churches of Christ in New South Wales any real or personal property vested by Conference in the Trust, and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with any direction of Conference made in that behalf;

(b) to hold on behalf of any Conference Department or Conference Auxiliary any real or personal property vested by such Conference Department or Conference Auxiliary in the Trust, and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with such property in accordance with any direction of such Conference Department or Conference Auxiliary made in that behalf;

(c) (i) to take in the name of the Trust and to hold any real or personal property devised, bequeathed, lent or otherwise made available by or under any will, deed of gift, deed of

Churches of Christ in New South Wales Incorporation.

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

(ii) where conditions attach to any real or
15 personal property referred to in sub-
paragraph (i) of this paragraph by any
such will, deed of gift, deed of trust or other
instrument, to manage, administer, sell,
exchange, mortgage, lease, dispose of or
otherwise deal with such property in
20 accordance with such conditions, or where
no conditions attach or in so far as such
conditions do not extend or are not
applicable to any such property to manage,
administer, sell, exchange, mortgage, lease,
25 dispose of or otherwise deal with such
property in accordance with any direction
of Conference made in that behalf; and

(iii) to apply the proceeds, profits or income of
or arising from the management, adminis-
30 tration, sale, exchange, mortgage, lease,
disposal of or other dealing with such
property as aforesaid in accordance with
the conditions (if any) attaching thereto by
such will, deed of gift, deed of trust or
35 other instrument, or if no such conditions
attach thereto or in so far as such conditions
do not extend or are not applicable thereto,
to apply such proceeds, profits or income in
accordance with any direction of Conference
40 made in that behalf;

(d)

Churches of Christ in New South Wales Incorporation.

- 5 (d) to purchase, lease or otherwise acquire and hold in the name of the Trust real or personal property as directed by Conference or by any Conference Department, Conference Auxiliary or Church of Christ (of which the Trust is the Church Trustee under this Act) and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with any such property in accordance with the like directions;
- 10 (e) to act as Church Trustee for any Church of Christ in New South Wales in accordance with Part V of this Act;
- 15 (f) to do all things necessary for the proper administration of the properties, estates, bequests or trusts held by the Trust subject to the limitations imposed by law;
- 20 (g) to refuse to hold or manage or administer any property in the hands of or acquired by any Conference Department, Conference Auxiliary, Church of Christ or any trust unless directed by Conference so to do;
- 25 (h) to invest any moneys held by it and not otherwise required in such manner and on such security as may be directed by Conference or by any Conference Department, Conference Auxiliary, Church of Christ, or trust on whose behalf the said moneys are held and failing any such direction to invest the said moneys in—
 - 30 (i) securities authorised or deemed to be authorised by any law in force for the time being relating to the investment of trust funds;
 - 35 (ii) any security which may in the opinion of the Trust benefit the work or objects of Conference, any Conference Department, Conference Auxiliary, Church of Christ or trust on whose behalf the moneys are held;

(iii)

Churches of Christ in New South Wales Incorporation.

- (iii) loans to any Conference Department, Conference Auxiliary, or Church of Christ in New South Wales; or
- 5 (iv) loans to any organisation where the principal moneys will be used for the support or advancement of the work or objects of the Churches of Christ in New South Wales; and
- 10 (i) (i) to borrow against the security of any property held on behalf of the Churches of Christ in New South Wales or any Conference Department, Conference Auxiliary, Church of Christ or trust such sums and for such purposes as may be directed by Conference, or such Conference Department,
- 15 Conference Auxiliary, Church of Christ or trust, as the case may be, and to use the moneys so borrowed in accordance with such directions; and
- 20 (ii) to borrow against any security held by it such sums as may be necessary to protect such security.

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

Protection
of
purchasers,
etc.

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

21.

Churches of Christ in New South Wales Incorporation.

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

Officers
of Trust.

22. Any expenses incurred by the Trust under this Act shall be a charge against the property, estate, bequest or trust on account of which the expense is incurred.

Expenses.

10

PART V.

CHURCH TRUSTEES.

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

Special
resolu-
tion.

15 (a) a special meeting of the members of the Church of Christ shall be called by the secretary of the Church of Christ after being requested so to do by the Church Trustees or by the Board of officers of the Church of Christ or on receipt of a requisition signed by not less than ten members of the Church of Christ;

20

(b) notice of such special meeting shall be given by announcement at the church services held by such Church of Christ on the two Sundays preceding the meeting, by affixing a notice in a prominent place at the entrance to the building in which such church services are held and allowing the same to remain there for the two Sundays preceding the meeting and by inserting, not less than three nor more than fourteen days before the date of the meeting, an advertisement in at least one daily or weekly newspaper circulating in the district in which such Church of Christ is situated.

25

30

35

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

(c)

Churches of Christ in New South Wales Incorporation.

- 5 (c) at such special meeting only such members of the Church of Christ who are twenty-one years of age or over and whose names are on the roll of such Church of Christ according to the custom and practice of such Church of Christ shall be entitled to vote;
- 10 (d) the members of such Church of Christ present at such meeting shall elect one of their number or a member of the Trust or the Registrar to be chairman thereof and any member present thereat may propose a motion of which notice has been given in accordance with the appropriate form of resolution set forth in Schedule Three to this Act or such other appropriate form embodying any matter required or permitted by this Part of this Act to be the subject of any special resolution. Such motion shall be duly seconded, and after discussion the chairman shall put the motion to the vote of the members of such Church of Christ present at such meeting and the motion shall be deemed carried if three-fourths of the members present and entitled to vote vote in favour of the motion;
- 20 (e) if the said motion shall be carried as aforesaid the chairman of the meeting shall forward to the Registrar a copy of the motion so carried accompanied by a statutory declaration verifying the said motion in the form set forth in Schedule Four to this Act.
- 25 30

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

25. Any Church of Christ not registered or not deemed to be registered under this Act in which any property is vested or about to be vested may, on passing

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

Registration of Churches of Christ.

Churches of Christ in New South Wales Incorporation.

a special resolution in the appropriate form prescribed by Schedule Three to this Act, make application to the Trust to be registered under this Part of this Act. The Trust shall consider the application and may, subject
 5 to any direction of Conference, approve of the application or reject the application without assigning any reason for so doing.

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

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

Existing
Church
Trustees
continued
in office.

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

Appoint-
ment or
change of
Church
Trustees.

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

35 The Registrar shall as soon as practicable after receipt of notification of any special resolution as aforesaid issue to the Church of Christ to which such special resolution relates a Registration of Trustees Certificate in or to the effect of Form 4 in Schedule Five to this
 Act,

Churches of Christ in New South Wales Incorporation.

Act, or an amended certificate in such form as may be necessary to give effect to such special resolution, as the case may require.

28. Upon the issue of any certificate under section
 5 twenty-five or section twenty-seven of this Act, the Registrar shall cause a true copy of the said certificate to be published in the Gazette. From and after the date of such publication the said certificate shall be binding and conclusive on all members of the Church of Christ
 10 mentioned therein and upon all persons dealing with the said Church of Christ.

Notice of
 issue of
 certificate.

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

Church
 Trustees
 to hold
 lands on
 conditions.

(a) Upon trust at all times to permit the lands and
 buildings of which they are the trustees as
 30 aforesaid to be used for the purpose of the worship of God in public by the members for the time being of the Church of Christ at the place where the lands and buildings are situated according to the faith and doctrine of
 35 the Churches of Christ and for the instruction of children and adults, and for the promotion of religious and philanthropic objects and purposes and for such other purposes as the said Church of Christ or its officers shall from time to time decide and upon the passing of a
 40 special resolution of the said Church of Christ

Permit
 use for
 worship,
 etc.

Churches of Christ in New South Wales Incorporation.

- 5 to permit the said buildings to be altered, enlarged, repaired, taken down, and wholly or partially rebuilt, and also to permit any other building or buildings to be erected upon the said lands for the use or benefit of the said Church of Christ.
- 10 (b) Upon further trust and upon the passing of a special resolution in that behalf by the Church of Christ of which they are the Church Trustees to raise such sum or sums of money as the said special resolution shall direct, by mortgage over the lands and buildings of the said Church of Christ, or over any portion thereof, and upon trust, at the like direction to sell or lease the whole or any part of the said lands and buildings upon such terms and conditions as the said Church of Christ shall by special resolution decide.
- 15 (c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.
- 20 (c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.
- 25 **30.** Nothing contained in this Act shall be taken to affect any legal or equitable mortgage or any conveyance or contract made before the commencement of this Act by the Church Trustees of any Church of Christ or entered into by any Church of Christ before becoming registered under this Part of this Act (as the case may be) with any person for valuable consideration and bona fide without notice of the trusts affecting the lands and buildings purported to have been mortgaged, conveyed or otherwise become the subject-matter of any contract as aforesaid.
- 30 **31.** Upon any special resolution other than a special resolution in or to the effect of any form prescribed by Schedule Three to this Act being passed by any Church of Christ the Registrar shall file the copy of the resolution received by him with the duplicate of the certificate of registration for such Church of Christ.
- 40

Raise money.

Use of moneys.

Existing mortgages, etc., to continue.

Copies of special resolution—how dealt with by Registrar.

Churches of Christ in New South Wales Incorporation.

32. The Trust shall be entitled to fix fees which they consider adequate to meet all outgoings and expenses incurred by it in the registration of any Church of Christ and the registration of any Church Trustees under this Part of this Act, the issue of certificates of registration pursuant to this Part of this Act, and the outgoings and expenses which may be incurred by the Trust from time to time if such Trust is appointed to act as Church Trustee for any Church of Christ. In the case of the registration of a Church of Christ such fee shall not exceed three pounds three shillings and in the case of the registration of Church Trustees such fee shall not exceed two pounds two shillings and in either case an amount equal to actual out-of-pocket expenses incurred in connection with or incidental to any such registration. The fees payable under this section shall be paid in advance and the Registrar or the Trust shall be entitled to demand the same before proceeding to carry out any of the provisions of this Part of this Act in respect of registration of the Church of Christ or Church Trustees.

Fixing
fees.

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

Churches
with no
Church
Trustees.

Churches of Christ in New South Wales Incorporation.

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

Validity
of sale or
mortgage.

PART VI.

20

GENERAL.

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

Vesting
of pro-
perty upon
new
appoint-
ments.**36.**

Churches of Christ in New South Wales Incorporation.

- 36.** The Trust and any Church Trustees appointed under this Act shall be entitled at any time to employ a barrister, solicitor, or any other person to advise it or them or to act for it or them or to do anything that it or they consider necessary to protect its or their interests as a Trust or as trustees or the interests of Conference, or any Conference Department, Conference Auxiliary, Church of Christ, or trust, estate, or bequest for which it or they act as trustee or trustees under this Act. Employment of barrister, etc.
- 37.** Any member or Church Trustee being a barrister-at-law, solicitor, accountant, auditor, estate agent, auctioneer, architect, surveyor, builder or engaged in any other profession, business or trade, may in the practice or carrying on of such profession, business or trade, act for and on behalf of the Trust, Conference, or Conference Department, Conference Auxiliary, Church of Christ, trust, estate or bequest of which he is a member or trustee, as the case may be, in like manner as if he were not a member or trustee and shall be entitled to charge and be paid all professional or other charges for any matter or thing done by him under the authority of this section. Professional men may act.
- 38.** Every member and every Church Trustee and the Registrar appointed under this Act shall in the absence of mala fides be indemnified out of the funds of Conference or of the Conference Department, Conference Auxiliary, Church of Christ, trust, estate or bequest, as the case may require, against all expenses or liability incurred by him in connection with the administration of the property of such Conference, Conference Department, Conference Auxiliary, Church of Christ, trust, estate or bequest, as the case may be. Indemnity.

SCHEDULES

Churches of Christ in New South Wales Incorporation.

SCHEDULES.

SCHEDULE ONE.

Sec. 8.

Form 1.

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

5 *Appointment of Registrar.*

Notice is hereby given that in accordance with the provisions of the above Act the Churches of Christ Property Trust has appointed as Registrar under the above Act.

This appointment shall take effect from the date of this notice.

10 The registered address of the Registrar is.....

Dated at Sydney this day of 19 .

By order of the Churches of Christ
Property Trust.

15

} Members.

Form 2.

Sec. 8.

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

Change of address of Registrar.

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

Dated at Sydney this day of 19 .

25

By order of the Churches of Christ
Property Trust.

} Members.

SCHEDULE.

Churches of Christ in New South Wales Incorporation.

SCHEDULE TWO.

Sec. 16.

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

Members of Churches of Christ Property Trust.

5 At { the conference of the Churches of Christ in New South Wales }
 { a meeting of the remaining members of the Churches of Christ }
 { Property Trust }
 held at on an { election
 { appointment
 of members of the Churches of Christ Property Trust } was
 10 pursuant to section 15 (3) of the above Act }
 { held } in accordance with the provisions of the above Act
 { made }
 and of
 and of
 15 and of
 were appointed as members of the Churches of Christ Property Trust.
 As the result of such appointment, the following persons comprise
 and are registered as the Churches of Christ Property Trust under
 the said Act namely:

20 Dated at Sydney this day of 19 .

Registrar.

SCHEDULE THREE.

Secs. 23, 25,
and 27.

Special Resolution—Churches seeking registration.

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

Special Resolution—Appointment of Trustees.

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

*Omit
whichever
is inapplic-
able.

Special

Churches of Christ in New South Wales Incorporation.

Special Resolution—Alteration of Trustees.

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

Special Resolution—Appointment of Trust as Trustees.

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

SCHEDULE FOUR.

Sec. 23.

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

Application for Registration of Church and of Trustees.

Notification to Registrar.

30 (Strike out the portions not applicable.)
 On behalf of the Church of Christ at
 I hereby notify you that at a meeting of the said church held on
the undermentioned resolution
 was duly carried as a special resolution and I hereby request you
 35 to—
 (a) register the church under Part V of the Act;
 (b) register the trustees as set out hereunder;
 (c) record or otherwise give effect to the said resolution.

Resolution:—

Resolution:—

Name _____

Address.

5

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

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

Made and declared at.....

19 before meJ.P.

Sec. 24.

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

30

In accordance with the provisions of Part V of the above Act the Church of Christ at being a Church of Christ which immediately before the commencement of the Churches of Christ in New South Wales Incorporation Act, 1947, 35 was associated with the Churches of Christ under the Church of Christ Property Management Act, 1906, for the purposes of such Act, is hereby registered under the Churches of Christ in New South Wales Incorporation Act, 1947, as a church entitled to the benefits of such Act.

Registrar.

Form

Churches of Christ in New South Wales Incorporation.

Form 2.

Sec. 25.

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

Registration Certificate No.

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

Dated at this day of 19 .

Registrar.

Form 3.

Sec. 26.

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

15 *Registration of Trustees. Certificate No.*

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

Dated at this day of 19 .

Registrar.

Form 4.

Sec. 27.

25

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

Registration of Trustees. Certificate No.

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

40 Dated at this day of 19 .

Registrar.

Churches of Christ in New South Wales Incorporation Bill, 1947.

EXPLANATORY NOTE.

THE object of this Bill is to provide for the constitution of a Churches of Christ Property Trust as a body corporate and so facilitate the administration of and dealings with property held by Churches of Christ within the State, Conference, Conference Auxiliaries and Conference Departments. The Bill defines the powers, authorities, duties and functions of such Trust and makes provision as to the appointment of Church Trustees for individual Churches of Christ and the trusts applicable to such Churches.

The Bill will supersede the Churches of Christ Property Management Act, 1906, the repeal of which is provided for.

PROOF

Act No. , 1947.

A BILL

To incorporate the Churches of Christ Property Trust; to define its powers, authorities, duties and functions; to make provision for and in relation to trustees of Churches of Christ and the registration of Churches of Christ; to repeal the Churches of Christ Property Management Act, 1906; and for purposes connected therewith.

[Mr. C. E. MARTIN;—26 *February*, 1947.]

WHEREAS by the Churches of Christ Property Management Act, 1906, provision was made amongst other things for the appointment of trustees to hold property on behalf of individual churches known as
5 Churches of Christ and whereas it is expedient to make
20873 —A provision

Preamble.

Churches of Christ in New South Wales Incorporation.

provision for the more satisfactory control of property held by or on behalf of Churches of Christ in New South Wales by the incorporation of the Churches of Christ Property Trust to hold property on behalf of the association of churches known as Churches of Christ in New South Wales: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

PART I.

PRELIMINARY.

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

Short title, commencement and division into Parts.

(2) This Act shall commence upon the first day of May, one thousand nine hundred and forty-seven.

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

PART I.—PRELIMINARY.

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

PART III.—REGISTRAR.

PART IV.—CHURCHES OF CHRIST PROPERTY TRUST.

PART V.—CHURCH TRUSTEES.

PART VI.—GENERAL.

SCHEDULES.

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

Repeal.

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

Definitions.

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

"Church

Churches of Christ in New South Wales Incorporation.

- “Church Trustees” means the trustees for the time being of any Church of Christ registered or deemed to be registered as trustees of such Church of Christ pursuant to Part V of this Act.
- 5 “Churches of Christ in New South Wales” means the association of Churches of Christ affiliated at the commencement of this Act under a constitution known as “The Constitution of the
- 10 Conference of Churches of Christ in New South Wales and the Australian Capital Territory” together with such other Churches of Christ as may from time to time be admitted thereto in accordance with the conditions of admission for the time being in force.
- 15 “Conference” means any meeting of delegates of the churches affiliated as “Churches of Christ in New South Wales” duly called together in accordance with the constitution known as “The
- 20 Constitution of the Conference of Churches of Christ in New South Wales and the Australian Capital Territory.”
- “Conference Auxiliary” means any committee or organisation not being a Conference Department consisting wholly of members of Churches of
- 25 Christ in New South Wales or elsewhere or any committee or organisation that has for its objects the furtherance of the principles or work of the Churches of Christ in New South Wales or of any Conference Department.
- 30 “Conference Department” means any committee or organisation appointed by or formed by Conference and coming either directly or indirectly under the control or direction of Conference.
- “Member” means member of the Trust.
- 35 “Registrar” means the person from time to time holding office as Registrar in accordance with the provisions of this Act.
- “Trust” means the Churches of Christ Property Trust constituted under this Act.

Churches of Christ in New South Wales Incorporation.

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

Church
government.

PART II.

INCORPORATION OF THE CHURCHES OF CHRIST
PROPERTY TRUST.

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

Incorporation.

6. (1) The members for the time being of the Trust shall have the custody of its common seal and the form of such seal and all other matters relating thereto shall, except as hereinafter provided, be, from time to time, determined at a meeting of the Trust.

Seal and
quorum.

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

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

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

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

(4)

Churches of Christ in New South Wales Incorporation.

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

PART III.

REGISTRAR.

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

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

15 A member of the Trust may be appointed as Registrar.

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

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

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

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

Churches of Christ in New South Wales Incorporation.

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

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

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

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

Vacancy in
office of
Registrar.

PART IV.

25 CHURCHES OF CHRIST PROPERTY TRUST.

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

Churches
of Christ
Property
Trust.

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

(3)

Churches of Christ in New South Wales Incorporation.

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

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

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

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

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

Tenure of
office of
members.

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

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

(2) The terms of nine years, six years and three
 30 years for which members have been appointed in accordance with subsection one of this section shall be deemed to expire upon the appointment of the successors of such members at the annual meeting of Conference held in the ninth, sixth and third year respectively,
 35 following their appointment.

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

Churches of Christ in New South Wales Incorporation.

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

Appoint-
ment of
members.

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

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

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

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

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

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

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

Vacancies
in offices
of
members.

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

18. (1) The Trust shall have power from time to time to apply for and obtain representation of the estate of any deceased person under whose will the Trust or any Church of Christ of which the Trust is the Church Trustee under this Act is a beneficiary or under whose will any real or personal property is devised or bequeathed for the benefit of the work or objects of Churches of Christ generally or for the support or advancement of any of the activities, work or objects of Conference or of any Conference Department or Conference Auxiliary whether any particular Church of Christ, Conference, Conference Department or Conference Auxiliary activity, work or object is specifically named or referred to in such will or not and to do all things necessary to administer such estate.

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

(2)

Churches of Christ in New South Wales Incorporation.

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

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

19. The Trust shall have power—

Powers of Trust.

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

Churches of Christ in New South Wales Incorporation.

- 5 of trust or other instrument for the benefit
of the work or objects of Churches of Christ
generally or for the support or advance-
ment of any of the activities work or objects
of Conference or of any Conference
Department or Conference Auxiliary
whether any particular Church of Christ,
Conference, Conference Department or
Conference Auxiliary activity, work or
10 object is specifically named or referred to
in such will, deed of gift, deed of trust or
other instrument or not; and
- 15 (ii) where conditions attach to any real or
personal property referred to in sub-
paragraph (i) of this paragraph by any
such will, deed of gift, deed of trust or other
instrument, to manage, administer, sell,
exchange, mortgage, lease, dispose of or
otherwise deal with such property in
20 accordance with such conditions, or where
no conditions attach or in so far as such
conditions do not extend or are not
applicable to any such property to manage,
administer, sell, exchange, mortgage, lease,
25 dispose of or otherwise deal with such
property in accordance with any direction
of Conference made in that behalf; and
- 30 (iii) to apply the proceeds, profits or income of
or arising from the management, adminis-
tration, sale, exchange, mortgage, lease,
disposal of or other dealing with such
property as aforesaid in accordance with
the conditions (if any) attaching thereto by
such will, deed of gift, deed of trust or
35 other instrument, or if no such conditions
attach thereto or in so far as such conditions
do not extend or are not applicable thereto,
to apply such proceeds, profits or income in
accordance with any direction of Conference
40 made in that behalf;
- (d)

Churches of Christ in New South Wales Incorporation.

- 5 (d) to purchase, lease or otherwise acquire and hold in the name of the Trust real or personal property as directed by Conference or by any Conference Department, Conference Auxiliary or Church of Christ (of which the Trust is the Church Trustee under this Act) and to manage, administer, sell, exchange, mortgage, lease, dispose of or otherwise deal with any such property in accordance with the like directions;
- 10 (e) to act as Church Trustee for any Church of Christ in New South Wales in accordance with Part V of this Act;
- 15 (f) to do all things necessary for the proper administration of the properties, estates, bequests or trusts held by the Trust subject to the limitations imposed by law;
- 20 (g) to refuse to hold or manage or administer any property in the hands of or acquired by any Conference Department, Conference Auxiliary, Church of Christ or any trust unless directed by Conference so to do;
- 25 (h) to invest any moneys held by it and not otherwise required in such manner and on such security as may be directed by Conference or by any Conference Department, Conference Auxiliary, Church of Christ, or trust on whose behalf the said moneys are held and failing any such direction to invest the said moneys in—
- 30 (i) securities authorised or deemed to be authorised by any law in force for the time being relating to the investment of trust funds;
- 35 (ii) any security which may in the opinion of the Trust benefit the work or objects of Conference, any Conference Department, Conference Auxiliary, Church of Christ or trust on whose behalf the moneys are held;

(iii)

Churches of Christ in New South Wales Incorporation.

- (iii) loans to any Conference Department, Conference Auxiliary, or Church of Christ in New South Wales; or
- 5 (iv) loans to any organisation where the principal moneys will be used for the support or advancement of the work or objects of the Churches of Christ in New South Wales; and
- 10 (i) (i) to borrow against the security of any property held on behalf of the Churches of Christ in New South Wales or any Conference Department, Conference Auxiliary, Church of Christ or trust such sums and for such purposes as may be directed by Conference, or such Conference Department, Conference Auxiliary, Church of Christ or trust, as the case may be, and to use the moneys so borrowed in accordance with such directions; and
- 15
- 20 (ii) to borrow against any security held by it such sums as may be necessary to protect such security.

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

Protection
of
purchasers,
etc.

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

21.

Churches of Christ in New South Wales Incorporation.

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

Officers
of Trust.

22. Any expenses incurred by the Trust under this Act shall be a charge against the property, estate, bequest or trust on account of which the expense is incurred.

Expenses.

10

PART V.

CHURCH TRUSTEES.

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

Special
resolu-
tion.

15 (a) a special meeting of the members of the Church of Christ shall be called by the secretary of the Church of Christ after being requested so to do by the Church Trustees or by the Board of officers of the Church of Christ or on receipt of
 20 a requisition signed by not less than ten members of the Church of Christ;

(b) notice of such special meeting shall be given by announcement at the church services held by such Church of Christ on the two Sundays
 25 preceding the meeting, by affixing a notice in a prominent place at the entrance to the building in which such church services are held and allowing the same to remain there for the two
 30 Sundays preceding the meeting and by inserting, not less than three nor more than fourteen days before the date of the meeting, an advertisement in at least one daily or weekly newspaper circulating in the district in which such Church of Christ is situated.

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

(c)

Churches of Christ in New South Wales Incorporation.

- 5 (c) at such special meeting only such members of the Church of Christ who are twenty-one years of age or over and whose names are on the roll of such Church of Christ according to the custom and practice of such Church of Christ shall be entitled to vote;
- 10 (d) the members of such Church of Christ present at such meeting shall elect one of their number or a member of the Trust or the Registrar to be chairman thereof and any member present thereat may propose a motion of which notice has been given in accordance with the appropriate form of resolution set forth in Schedule Three to this Act or such other appropriate form embodying any matter required or permitted by this part of this Act to be the subject of any special resolution. Such motion shall be duly seconded, and after discussion the chairman shall put the motion to the vote of the members of such Church of Christ present at such meeting and the motion shall be deemed carried if three-fourths of the members present and entitled to vote vote in favour of the motion;
- 20 (e) if the said motion shall be carried as aforesaid the chairman of the meeting shall forward to the Registrar a copy of the motion so carried accompanied by a statutory declaration verifying the said motion in the form set forth in Schedule Four to this Act.
- 25
- 30

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

25. Any Church of Christ not registered or not deemed to be registered under this Act in which any property is vested or about to be vested may, on passing

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

Registration of Churches of Christ.

Churches of Christ in New South Wales Incorporation.

a special resolution in the appropriate form prescribed by Schedule Three to this Act, make application to the Trust to be registered under this Part of this Act. The Trust shall consider the application and may, subject
 5 to any direction of Conference, approve of the application or reject the application without assigning any reason for so doing.

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

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

Existing
Church
Trustees
continued
in office.

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

Appoint-
ment or
change of
Church
Trustees.

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

35 The Registrar shall as soon as practicable after receipt of notification of any special resolution as aforesaid issue to the Church of Christ to which such special resolution relates a Registration of Trustees Certificate in or to the effect of Form 4 in Schedule Five to this
 Act,

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Act, or an amended certificate in such form as may be necessary to give effect to such special resolution, as the case may require.

28. Upon the issue of any certificate under section
5 twenty-five or section twenty-seven of this Act, the Registrar shall cause a true copy of the said certificate to be published in the Gazette. From and after the date of such publication the said certificate shall be binding and conclusive on all members of the Church of Christ
10 mentioned therein and upon all persons dealing with the said Church of Christ.

Notice of
issue of
certificate.

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

Church
Trustees
to hold
lands on
conditions.

(a) Upon trust at all times to permit the lands and
30 buildings of which they are the trustees as aforesaid to be used for the purpose of the worship of God in public by the members for the time being of the Church of Christ at the place where the lands and buildings are situated according to the faith and doctrine of
35 the Churches of Christ and for the instruction of children and adults, and for the promotion of religious and philanthropic objects and purposes and for such other purposes as the said Church of Christ or its officers shall from time to time decide and upon the passing of a
40 special resolution of the said Church of Christ

Permit
use for
worship,
etc.

Churches of Christ in New South Wales Incorporation.

- 5 to permit the said buildings to be altered, enlarged, repaired, taken down, and wholly or partially rebuilt, and also to permit any other building or buildings to be erected upon the said lands for the use or benefit of the said Church of Christ.
- 10 (b) Upon further trust and upon the passing of a special resolution in that behalf by the Church of Christ of which they are the Church Trustees to raise such sum or sums of money as the said special resolution shall direct, by mortgage over the lands and buildings of the said Church of Christ, or over any portion thereof, and upon trust, at the like direction to sell or lease the whole or any part of the said lands and buildings upon such terms and conditions as the said Church of Christ shall by special resolution decide.
- 15 (c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.
- 20 (c) Upon further trust, from time to time, to apply the moneys coming to their hands in and towards the administration of the Church of Christ of which they are the Church Trustees as directed by special resolution of the said Church in that behalf.
- 25 **30.** Nothing contained in this Act shall be taken to affect any legal or equitable mortgage or any conveyance or contract made before the commencement of this Act by the Church Trustees of any Church of Christ or entered into by any Church of Christ before becoming registered under this Part of this Act (as the case may be) with any person for valuable consideration and bona fide without notice of the trusts affecting the lands and buildings purported to have been mortgaged, conveyed or otherwise become the subject-matter of any contract as aforesaid.
- 30 **31.** Upon any special resolution other than a special resolution in or to the effect of any form prescribed by Schedule Three to this Act being passed by any Church of Christ the Registrar shall file the copy of the resolution received by him with the duplicate of the certificate of registration for such Church of Christ.
- 40

Raise money.

Use of moneys.

Existing mortgages, etc., to continue.

Copies of special resolution—how dealt with by Registrar.

Churches of Christ in New South Wales Incorporation.

32. The Trust shall be entitled to fix fees which they consider adequate to meet all outgoings and expenses incurred by it in the registration of any Church of Christ and the registration of any Church Trustees under this Part of this Act, the issue of certificates of registration pursuant to this Part of this Act, and the outgoings and expenses which may be incurred by the Trust from time to time if such Trust is appointed to act as Church Trustee for any Church of Christ. In the case of the registration of a Church of Christ such fee shall not exceed three pounds three shillings and in the case of the registration of Church Trustees such fee shall not exceed two pounds two shillings and in either case an amount equal to actual out-of-pocket expenses incurred in connection with or incidental to any such registration. The fees payable under this section shall be paid in advance and the Registrar or the Trust shall be entitled to demand the same before proceeding to carry out any of the provisions of this Part of this Act in respect of registration of the Church of Christ or Church Trustees.

Fixing
fees.

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

Churches
with no
Church
Trustees.

—B

34.

Churches of Christ in New South Wales Incorporation.

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

Validity
of sale or
mortgage.

PART VI.**GENERAL.**

20

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

Vesting
of pro-
perty upon
new
appoint-
ments.

36.

Churches of Christ in New South Wales Incorporation.

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

Employment
of barrister,
etc.

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

Professional
men may
act.

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

Indemnity.

Churches of Christ in New South Wales Incorporation.

SCHEDULES.

SCHEDULE ONE.

Sec. 8.

Form 1.

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

5 *Appointment of Registrar.*

Notice is hereby given that in accordance with the provisions of the above Act the Churches of Christ Property Trust has appointed as Registrar under the above Act.

This appointment shall take effect from the date of this notice.

10 The registered address of the Registrar is.....

Dated at Sydney this day of 19 .

By order of the Churches of Christ
Property Trust.

15 } Members.

Form 2.

Sec. 8.

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

Change of address of Registrar.

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

Dated at Sydney this day of 19 .

25 By order of the Churches of Christ
Property Trust.

} Members.

SCHEDULE.

Churches of Christ in New South Wales Incorporation.

SCHEDULE TWO.

Sec. 16.

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

Members of Churches of Christ Property Trust.

5 At { the conference of the Churches of Christ in New South Wales }
 { a meeting of the remaining members of the Churches of Christ }
 { Property Trust }
 held at on an { election
 { appointment
 of members of the Churches of Christ Property Trust } was
 10 pursuant to section 15 (3) of the above Act }
 { held } in accordance with the provisions of the above Act
 { made }
 and of
 and of
 15 and of
 were appointed as members of the Churches of Christ Property Trust.
 As the result of such appointment, the following persons comprise
 and are registered as the Churches of Christ Property Trust under
 the said Act namely:

20 Dated at Sydney this day of 19 .

Registrar.

SCHEDULE THREE.

Secs. 23, 25,
and 27.

Special Resolution—Churches seeking registration.

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

Special Resolution—Appointment of Trustees.

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

*Omit
whichever
is inapplic-
able.

Special

Churches of Christ in New South Wales Incorporation.

Special Resolution—Alteration of Trustees.

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

Special Resolution—Appointment of Trust as Trustees.

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

SCHEDULE FOUR.

Sec. 23.

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

Application for Registration of Church and of Trustees.

Notification to Registrar.

(Strike out the portions not applicable.)

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

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

Resolution:—

Churches of Christ in New South Wales Incorporation.

Resolution:—

Trustees appointed:—

Name

Occupation

Address.

Statutory Declaration.

5 *Statutory Declaration.*

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

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

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

Chairman.

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

SCHEDULE FIVE.

Sec. 24.

Form 1.

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

30 *Registration Certificate No.*

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

40 Dated at this day of 1946.

Registrar.

Form

Churches of Christ in New South Wales Incorporation.

Form 2.

Sec. 25.

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

Registration Certificate No.

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

Dated at this day of 19 .
 Registrar.

Form 3.

Sec. 26.

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

15 *Registration of Trustees. Certificate No.*

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

Dated at this day of 19 .
 Registrar.

Form 4.

Sec. 27.

25

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

Registration of Trustees. Certificate No.

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

40 Dated at this day of 19 .
 Registrar.