

*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.*

D. L. WHEELER,  
*for Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 29 March, 1977.*

## New South Wales



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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Act No. , 1977.

An Act to make provision for the inauguration of The  
Uniting Church in Australia; to constitute The Uniting  
Church in Australia Property Trust (N.S.W.), to define  
its powers, authorities, duties and functions, and to  
provide for the vesting in it of certain property; to  
provide for the construction of certain instruments; to  
repeal The Congregational Union Incorporation Act, the

Methodist

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Methodist Union Act, 1902, and certain other Acts; to amend the Newington College Council Act, 1922, and certain other Acts; and for incidental purposes.

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.**

**PRELIMINARY.**

10 **1.** This Act may be cited as the "Uniting Church in Australia Act, 1977". Short title.

**2.** (1) This section and section 1 shall commence on the date of assent to this Act. Commence-ment.

15 (2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 (3) Section 20 (3) shall commence on such day (being a day not earlier than the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.



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3. This Act is divided as follows:—

Division  
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—INAUGURATION OF THE CHURCH—ss. 6–11.

PART III.—CONSTITUTION OF THE TRUST—ss. 12–19.

5 PART IV.—ACQUISITION AND VESTING OF TRUST  
PROPERTY—ss. 20–24.

PART V.—MISCELLANEOUS—ss. 25–40.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—BASIS OF UNION.

10 SCHEDULE 3.—AMENDMENT OF ACTS.

SCHEDULE 4.—PROVISIONS AFFECTING PARTICULAR  
INSTRUMENTS, ETC.

SCHEDULE 5.—FORM.

4. Each Act specified in Schedule 1 is repealed.

Repeals.

15 5. (1) In this Act, except in so far as the context or Interpretation.  
subject-matter otherwise indicates or requires—

“appointed day” means the day appointed and notified  
under section 2 (2);

20 “Assembly” means the Assembly of the Church referred  
to in clause 15 (e) of the Basis of Union and  
includes the Inaugurating Assembly;

“Basis of Union” means the Basis of Union set forth in  
Schedule 2;

25 “Camden College Act” means the Act passed in 1876  
and intituled “An Act to incorporate Camden  
College”;

“Congregational

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- 5 "Congregational Church" means The Congregational Union of Australia and the Congregational Unions in each of the States of the Commonwealth, and includes the individual congregational churches which have resolved to enter into union with the Methodist Church and Presbyterian Church and any department, society, auxiliary, activity, fund, service, institution, or any interest of any such individual churches or Unions;
- 10 "conveyance" includes transfer, assignment and assurance;
- "Inaugurating Assembly" means the first Assembly of the Church which is convened in accordance with the Basis of Union;
- 15 "Methodist Church" means the Methodist Church of Australasia and includes any congregation, circuit, department, society, auxiliary, activity, fund, service, institution or interest thereof save and except the Conferences of Fiji, Samoa and Tonga;
- 20 "Presbyterian Church" means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia subject to the Presbyterian Church of Australia Act, 1971;
- 25 "property" includes real and personal property and any estate or interest therein and includes any right to receive income;
- 30 "Synod" means the Synod of the Church referred to in clause 15 (d) of the Basis of Union within New South Wales;
- 35 "the Church" means The Uniting Church in Australia;

"Trust"



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

“trust property” means property vested in or acquired by the Trust;

5 “Uniting Churches” means the Congregational Church, the Methodist Church and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24th  
10 July, 1901, as amended, within the meaning of Part III of the Schedule to the Presbyterian Church of Australia Act, 1971.

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

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

(i) the Council of Newington College, the body politic and corporate constituted by the Newington College Council Act, 1922;

(ii) The Methodist Trust Association;

20 (iii) the Methodist Overseas-Missions Trust Association;

(iv) the body politic and corporate constituted by the Saint Andrew's College Incorporation Act, 1867; or

25 (v) any person for the purposes of or in connection with the Presbyterian Beneficiary Fund Act, 1929; or

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

30 (i) the Saint Andrew's College Incorporation Act, 1867;

(ii)

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

INAUGURATION OF THE CHURCH.

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

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

8. The Inaugurating Assembly shall be deemed to have Inaugura-  
25 been validly convened. ting  
Assembly.



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9. The Assembly is hereby empowered to adopt a Con- Adoption  
stitution for the Church consistent with the Basis of Union. of Con-  
stitution.

10. The Assembly may amend, alter, repeal or replace the Amendment  
Constitution adopted by the Assembly from time to time in of Con-  
5 accordance with the provisions made by the Constitution in stitution.  
that regard.

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

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PART III.

CONSTITUTION OF THE TRUST.

15 12. (1) There is hereby constituted a corporation under Constitution  
the name of "The Uniting Church in Australia Property Trust of the  
(N.S.W.)" which shall, subject to this Act, consist of— Trust.

(a) three official members, of whom—

- 20 (i) one shall be the person holding or acting in  
the office of Moderator of the Synod;
- (ii) one shall be the person holding or acting  
in the office of Secretary of the Synod; and
- 25 (iii) one shall be the person holding or acting in  
the office of Property Officer of the Synod;  
and

(b)

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

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

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

six other persons so appointed.

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

15 (a) shall be deemed to have been duly appointed pursuant to subsection (1) (b) as members of the Trust holding office as from the appointed day until the end of the annual meeting of the Synod next succeeding the appointed day; and

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

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

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

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

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



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**13.** (1) Without affecting the generality of section 38 Powers and duties of Trust. of the Interpretation Act, 1897, but subject to this Act, the Trust may—

- 5 (a) acquire, hold, deal with and dispose of property of any kind;
- (b) mortgage, charge or otherwise encumber any of its property; or
- (c) borrow money for the purposes of the Trust.

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

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

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

20 **15.** A member of the Trust appointed pursuant to section Vacation of office.  
12 (1) (b) shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by notice in writing to the Trust;
- 25 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d)

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- 5 (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (e) is removed from office as a member of the Trust by resolution of the Synod or its Standing Committee.

16. (1) Where the number of members of the Trust for the time being is reduced to less than five, the continuing members of the Trust shall appoint, as members of the Trust filling such of the vacancies as are casual vacancies in the offices of appointed members, until the end of the next annual meeting of the Synod, persons not fewer in number than that required to increase to five the number of members.

15 (2) Subject to subsection (1), where there is a casual vacancy in the office of an appointed member of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next annual meeting of the Synod.

20 17. (1) The members for the time being of the Trust shall have the custody of its common seal, and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

25 (2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust, and every instrument to which the common seal is so affixed shall be signed by not less than two members of the Trust.

30 (3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than two members of the Trust shall be deemed to have been executed in accordance with subsection (2).



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18. (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust. Form and execution of certain contracts, etc.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

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

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

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**PART IV.****ACQUISITION AND VESTING OF TRUST PROPERTY.**

20. (1) Subject to this Act, any property that, immediately before the appointed day, was vested in the Methodist Church (N.S.W.) Property Trust, or was vested in any other person in trust for the Methodist Church, is hereby divested from that Trust or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(2) Subject to this Act, any property that, immediately before the appointed day, was vested in The Congregational Union of New South Wales, or was vested in any other person in trust for the Congregational Church (except the property referred to in Schedules 5, 6 and 7 to the Fellowship of Congregational Churches (New South Wales) Incorporation Act, 1977, and the property referred to in Schedule 2 to the Hunters Hill Congregational Church Act, 1977) is hereby divested from that Union or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(3) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the Presbyterian Church of Australia Act, 1971, and, without restricting the generality of the foregoing, to section 4 of that Act and clause 18 of the Schedule to that Act, any property that, immediately before the day appointed and notified under section 2 (3), was vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, or was vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that

person



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person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(4) If the appointed day is earlier than the day  
5 appointed and notified under section 2 (3), subsection (3) of  
this section does not operate so as to vest any property that,  
immediately before the appointed day, was not vested in any  
person subject to The Presbyterian Church (New South  
Wales) Property Trust Act, 1936, and was not vested in any  
10 other person in trust for the Presbyterian Church or any  
congregation, board or committee of management, session,  
presbytery, committee, council, board or other institution,  
organisation or section thereof.

(5) Subject to this Act, any property that,  
15 immediately before the appointed day, was vested in the body  
corporate constituted under the Camden College Act, or was  
vested in any other person in trust for Camden College, is  
hereby divested from that body or other person and is, to  
the extent that it was so vested, hereby vested (without  
20 conveyance) in the Trust and shall be held by the Trust in  
accordance with the provisions of this Act.

(6) Subject to this Act, any property that,  
immediately before the appointed day, was vested in Tahmoor  
Children's Homes, a company, or was vested in any other  
25 person in trust for that company, is hereby divested from that  
company or other person and is, to the extent that it was so  
vested, hereby vested (without conveyance) in the Trust and  
shall be held by the Trust in accordance with the provisions  
of this Act.

30 (7) Subject to this Act, any property that,  
immediately before the appointed day, was vested in the  
Congregational Homes Trust of N.S.W., a company, or was  
vested in any other person in trust for that company, is hereby  
divested from that company or other person and is, to the

extent

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extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(8) Subject to this Act, all property which pursuant  
 5 to the foregoing provisions of this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of The Congregational Union Incorporation Act, the Methodist Church (N.S.W.) Property Trust Act, 1969, The Presbyterian Church (New South Wales) Property Trust  
 10 Act, 1936, and the Camden College Act.

(9) Except in relation to the trusts declared by the Acts mentioned in subsection (8), the vesting effected by the foregoing provisions of this section shall be without prejudice to—

- 15 (a) any special trust;
- (b) any resulting trust;
- (c) any trust in favour of a donor;
- (d) any trust in favour of a person other than the  
 Uniting Churches or any one or more of them; and
- 20 (e) any reservation, mortgage, charge, encumbrance,  
 lien or lease,

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

(10) The land described in Indenture dated 8th  
 25 January, 1906, registered No. 692 Book 799, on which land is situated the Woollahra Congregational Church Manse, is hereby freed and discharged from the trusts declared by the Indenture and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the  
 30 provisions of this Act.



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(11) Subject to this Act, all property that, immediately before the appointed day, was vested in the body corporate constituted by the Camden College Act to hold upon the terms and conditions and for the purposes set forth in an Indenture dated 21st March, 1878, and referred to therein as the "David Livingstone or Work and Trust Bur-saries", or was vested in any other person in trust for the purposes therein set forth, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust, upon the terms and conditions and for the purposes set forth in the Indenture, as varied by certain orders of the Supreme Court in its equitable jurisdiction made on 30th July, 1917, 9th September, 1937 and 28th February, 1964.

(12) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(13) In this section, "special trust" means any trust other than a trust for the general purposes of the Congrega-tional Church, the Methodist Church or the Presbyterian Church.

**21.** (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—

Construc-  
tion of  
certain  
instru-  
ments.

- (a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust, for the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educa-tional or charitable work of the Church;
- (b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c)

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- (c) is payable to, or receivable by, the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,
- 5 the deed, will or other instrument shall be read and construed and take effect as though the reference therein to the Church or, as the case may be, to that person, were a reference to the Trust.
- (2) Any deed, instrument, document, gift, will or
- 10 other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church unless the context otherwise provides.
- (3) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of an individual church which prior to the appointed day was affiliated with The Congregational Union of New South Wales and
- 20 which resolved to enter into union with the Methodist Church and Presbyterian Church or which has been admitted to membership of the Church, or any person or body on behalf of any such individual church, shall be read and construed as though any reference therein to that individual church or
- 25 that person or body were a reference to the Church unless the context otherwise provides.
- (4) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of—
- 30 (a) Camden College or the body corporate constituted by the Camden College Act;
- (b) Tahmoor Children's Homes, a company; or
- (c) Congregational Homes Trust of N.S.W., a company,

shall



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shall be read and construed as though any reference therein to that College, body or company were a reference to the Church unless the context otherwise provides.

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

- 23.** (1) Subject to subsection (2), a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall,
- 15** in all circumstances and all proceedings whether civil or criminal, be prima facie evidence that the property so specified is so held.

- (2) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the
- 20** Presbyterian Church continuing to function after the appointed day.

- (3) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Fellowship of Congregational Churches (New South
- 25** Wales) or between the Church and any church affiliated with the Fellowship of Congregational Churches (New South Wales).

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

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

PART V.

MISCELLANEOUS.

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

26.



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

Receipt  
for  
certain  
moneys.

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

27. No purchaser, mortgagee, lessee or other person  
15 dealing with the Trust, and neither the Registrar-General nor  
any other persons registering or certifying title shall, upon  
any sale, exchange, mortgage, lease or other dealing purport-  
ing to be entered into by the Trust, be concerned to see or  
inquire into the necessity for or the propriety of the exercise  
20 by the Trust of its powers or the mode of exercising them or  
be affected by notice that the exercise of any such power is  
unauthorised, irregular or improper.

Exonera-  
tion  
from  
inquiry.

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

Service of  
documents.

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**29. (1) The Trust may—**

Trust may  
act as  
executor,  
etc.

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

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

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

**(3) The Trust may—**

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

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



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

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

**32.** (1) The Assembly may make regulations for the control, management and administration of, and dealings with, trust property. Regulations.

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) A regulation under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.



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

(2) The conditions that the Synod or committee may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, mainten-  
20 ance or repair of assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received  
25 pursuant to that scheme and any property of the Trust involved in any such scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in  
30 the Trust shall be bound to inquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—

35 (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

(b)



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(b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

5     **34.** (1) The provisions of section 33 shall apply to and <sup>Saving</sup> in relation to all property at any time held by the Trust except <sup>provision.</sup> to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.

10         (2) Subsection (1) shall not prevent the use of property in a manner referred to in section 33 if the property was merely directed to be held on trust for the worship or purposes of the Church.

15     **35.** (1) Subject to subsection (2), in every case where <sup>Power of</sup> by reason of the circumstances subsequent to the creation of <sup>Synod to</sup> the trusts, including trusts declared under this section, to which <sup>alter trusts.</sup> any property vested in the Trust is for the time being subject, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe the trusts, it shall be  
20 lawful for the Synod by resolution to declare that opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit or purpose of the Church instead of the firstmentioned trusts, and the firstmentioned  
25 trusts shall thereupon by force of the resolution cease and determine, and the property shall thereupon be held upon the other trusts accordingly.

(2) The property shall be dealt with for the same purposes as nearly as may be as the purposes for which the property was immediately before the resolution held unless  
30 the Synod by resolution declares that by reason of circumstances subsequent to the creation of the firstmentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply the property or some part thereof for the same or the like purposes, in which case the property or  
35 that part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as may be declared by resolution of the Synod.

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

Indemnification of certain persons.

10 37. (1) Where the Trust holds money on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest the money or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the money  
 15 so invested is held and any loss arising from any such investment shall likewise be borne rateably.

Blending of trust funds.

(2) The Trust may make advances out of the money referred to in subsection (1) for any purpose of or relating to the Church.

20 (3) Any sum advanced under subsection (2) shall be deemed an investment of the money and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

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



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**39.** (1) As on and from the appointed day, the Trust shall assume responsibility for and become liable to meet all enforceable debts and liabilities of—

Transfer of certain liabilities to Trust.

- (a) the body corporate constituted under the Camden College Act;
- (b) Tahmoor Children's Homes, a company; and
- (c) Congregational Homes Trust of N.S.W., a company.

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

**40.** Schedules 3 and 4 have effect.

Schedules 3 and 4.

**SCHEDULE 1.**

**Sec. 4.**

**REPEALS.**

- Camden College Act.
- The Congregational Union Incorporation Act.
- Methodist Union Act, 1902.
- The Congregational Union Incorporation (Amendment) Act, 1938.
- Congregational Union Incorporation (Amendment) Act, 1969.
- Methodist Church (N.S.W.) Property Trust Act, 1969.

**SCHEDULE**

*Uniting Church in Australia.*

SCHEDULE 2.

Sec. 5.

BASIS OF UNION.

1. The Congregational Union of Australia, the Methodist  
 Church of Australasia and the Presbyterian Church of  
 5 Australia, in fellowship with the whole Church Catholic, and  
 seeking to bear witness to that unity which is both Christ's  
 gift and his will for the Church, hereby enter into union under  
 the name of the Uniting Church in Australia. They pray that  
 this act may be to the glory of God the Father, the Son and  
 10 the Holy Spirit. They praise God for his gifts of grace to  
 each of them in years past; they acknowledge that none of  
 them has responded to God's love with a full obedience; they  
 look for a continuing renewal in which God will use their  
 common worship, witness and service to set forth the word  
 15 of salvation for all mankind. To this end they declare their  
 readiness to go forward together in sole loyalty to Christ the  
 living Head of the Church; they remain open to constant  
 reform under his Word; and they seek a wider unity in the  
 power of the Holy Spirit. In this union these Churches  
 20 commit their members to acknowledge one another in love  
 and joy as believers in our Lord Jesus Christ, to hear anew  
 the commission of the Risen Lord to make disciples of all  
 nations, and daily to seek to obey his will. In entering into  
 this union the Churches concerned are mindful that the  
 25 Church of God is committed to serve the world for which  
 Christ died, and that she awaits with hope the day of the  
 Lord Jesus Christ on which it will be clear that the kingdom  
 of this world has become the kingdom of our Lord and of  
 his Christ, and he shall reign for ever and ever.

30 2. The Uniting Church lives and works within the faith  
 and unity of the One Holy Catholic and Apostolic Church.  
 She recognises that she is related to other Churches in ways  
 which give expression, however partially, to that unity in  
 faith and mission. Recalling the Ecumenical Councils of the  
 35 early centuries, she looks forward to a time when the faith

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the  
5 uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will  
10 continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness  
15 to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church  
20 in Australia, by working together and seeking union with other Churches.

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

Jesus of Nazareth announced the sovereign grace of God  
30 whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility, obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reasserted his claim over the whole of his creation, he  
pardoned sinners, and made in Jesus a representative begin-  
5 ning of a new order of righteousness and love. To God in  
Christ men are called to respond in faith. To this end God  
has sent forth his Spirit that men may trust him as their  
Father, and acknowledge Jesus as Lord. The whole work of  
man's salvation is effected by the sovereign grace of God  
10 alone.

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

4. The Uniting Church acknowledges that the Church is able  
to live and endure through the changes of history only because  
30 her Lord comes, addresses, and deals with men in and through  
the news of his completed work. Christ who is present when he  
is preached among men is the Word of the God who acquits  
the guilty, who gives life to the dead and who brings into being  
what otherwise could not exist. Through human witness in  
35 word and action, and in the power of the Holy Spirit, Christ

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be  
5 the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the  
10 Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and  
15 witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

20 6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the  
25 Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

30 7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accom-

## SCHEDULE



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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.**

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**BASIS OF UNION—continued.**

plished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he  
5 poured out the Holy Spirit at Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church  
10 will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's  
15 Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the  
20 Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consumma-  
25 tion.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the  
30 language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith.

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching  
 5 in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom  
 10 of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like  
 15 manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality  
 20 of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon,  
 25 and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide  
 30 fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

5 her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

12. The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptized into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptized may have confirmed to them the promises of God, and be led to deeper commitment to the faith and service into which they have been baptized. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.

20 13. The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members  
5 men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

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

- The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church  
30 praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of  
35 those already ordained, the Church bears witness to

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

5 God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

10 (b) The Uniting Church recognises and accepts as elders or leaders those who at the time of union hold the office of elder, deacon or leader appointed to exercise spiritual oversight, and who, being in good standing in any of the uniting Churches at the time of union, adhere to the Basis of Union. She  
15 will seek to recognise in the congregation those endowed by the Spirit with gifts fitting them for rule and oversight. Such members will be called Elders or Leaders.

20 (c) The Uniting Church recognises and accepts as deaconesses those who at the time of union are deaconesses in good standing in any of the uniting Churches and who adhere to the Basis of Union. She believes that the Holy Spirit will continue to  
25 call women to share in this way in the varied services and witness of the Church, and she will make provision for this. Such members will be called Deaconesses.

30 The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

5 women into such a renewed diaconate: in these  
circumstances she may decide to call them Deacons  
and Deaconesses, whether the service is within or  
beyond the life of the congregation.

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

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

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

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

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

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

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

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

## SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

- 5 (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- 10 (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or
- 15 congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the
- 20 Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will
- 25 promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- 30 (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the
- 35 region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.

SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

(e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

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

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

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

16. The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among  
 5 members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves  
 10 the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law  
 15 is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of  
 20 God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

25 18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship,  
 30 witness and service to his eternal glory through Jesus Christ the Lord. Amen.

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SCHEDULE 3.

Sec. 40.

AMENDMENT OF ACTS.

1. The Wesley College Incorporation Act, 1910, is amended—

Amendment  
of Wesley  
College  
Incorporation  
Act,  
1910.

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

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

Interpre-  
tation.

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

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

“Synod” means the Synod of The Uniting Church in Australia in New South Wales;

“the said church” means the Uniting Church in Australia.

(b) (i) by omitting from section 5 the words “the conference” and by inserting instead the words “the Synod”;

(ii) by omitting from section 5 the words “Provided that any duly ordained minister in connection with the respective conferences of

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

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

30 (c) by omitting from section 7 the word “conference” and by inserting instead the word “Synod”; Sec. 7.  
(Mode of  
election of  
councillors.)

(d) by omitting from section 10 the word “conference” and by inserting instead the word “Synod”; Sec. 10.  
(Tenure of  
office of  
clerical  
councillors.)

## SCHEDULE

*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- 5 (e) by inserting in section 11 after the word “conference” where secondly occurring the words “or  
Synod”; Sec. 11.  
(Tenure of  
office of lay  
councillors.)
- (f) by omitting from section 13 the words “President  
or the acting President” and by inserting instead the Sec. 13.  
(Visitor.)  
word “Moderator”;
- 10 (g) by omitting from section 14 the words “conference  
sitting as one of such courts” and by inserting Sec. 14.  
(Removal or  
suspension  
of  
Principal.)  
instead the words “Synod sitting as one of such  
courts or such other court of the said church having  
jurisdiction in that regard by virtue of the Constitu-  
tion of the said church and the regulations of the  
15 said church”;
- (h) (i) by omitting from section 16 the words Sec. 16.  
(Power of  
making  
by-laws.)  
“President of the conference” and by inserting  
instead the word “Moderator”;
- 20 (ii) by omitting from section 16 the word  
“conference” where secondly occurring and by  
inserting instead the word “Synod”.
2. The Newington College Council Act, 1922, is Amendment  
of Newington  
College  
Council Act,  
1922.  
amended—
- 25 (a) by omitting from section 1A the words “conference  
of the Methodist Church of Australasia in New  
South Wales or of the Committee of Management  
of the Property Department of the said conference” Sec. 1A.  
(Approval  
of confer-  
ence of  
committee  
to sell,  
mortgage,  
etc.)  
and by inserting instead the words “Synod of The  
Uniting Church in Australia in New South Wales  
30 or of any committee thereof empowered to grant  
approval on its behalf”;

## SCHEDULE



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- 5 (b) by omitting from section 5 the words “president of the conference of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”; Sec. 5.  
(Evidence of resolution.)
- 10 (c) by omitting from section 8 (d) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales”; Sec. 8.  
(Application of purchase and mortgage moneys.)
- 15 (d) by inserting after section 9 (7) the following subsections :— Sec. 9.  
(Constitution and election of council.)
- (8) As from the commencement of the first meeting of the Synod of The Uniting Church in Australia in New South Wales—
- 20 (a) the powers and rights conferred upon the New South Wales Conference of the Methodist Church of Australasia by subsections (1), (3), (5) and (6) shall be vested in the said Synod;
- 25 (b) references in those subsections to “the said Church” shall be construed as references to The Uniting Church in Australia;
- 30 (c) references in subsection (4) to the President of the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales; and

## SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 3—*continued.*

AMENDMENT OF ACTS—*continued.*

- 5 (d) references in subsection (4) to the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Synod of The Uniting Church in Australia in New South Wales.
- (e) by omitting section 10 and by inserting instead the following section :—
- 10 10. The councillors of the said college shall hold office until their successors are appointed, but the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales shall always be a member in place of any retiring Moderator.
- 15
- (f) by omitting from section 11 the words “annual conferences of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “annual meetings of the Synod of The Uniting Church in Australia in New South Wales”;
- 20
- (g) (i) by omitting from section 12 the words “the Methodist Church of Australasia in New South Wales” and by inserting instead the words “The Uniting Church in Australia”;
- 25 (ii) by omitting from section 12 the words “annual conference of the said church” and by inserting instead the words “meeting of the Synod of The Uniting Church in Australia in New South Wales”;
- 30 (h) by inserting in section 14 after the word “remuneration,” the words “and to appoint and dismiss the headmaster of the said school”;

Sec. 10.

Temporary continuance in office of councillors.

Sec. 11. (Filling vacancies in council.)

Sec. 12. (Council may make regulations.)

Sec. 14. (Powers of the council.)

SCHEDULE



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- 5 (i) (i) by omitting from section 14A (1) (b) the words "New South Wales Conference of the Methodist Church of Australasia" and by inserting instead the words "the Synod of The Uniting Church in Australia in New South Wales";
- 10 (ii) by omitting section 14A (1) (c), (d), (e) and (f);
- (iii) by omitting section 14A (2);
- 15 (j) (i) by omitting from section 15 the word "president" wherever occurring and by inserting instead the word "Moderator";
- (ii) by omitting from section 15 the words "conference of the Methodist Church of Australasia" and by inserting instead the words "Synod of The Uniting Church in Australia";
- 20 (k) (i) by omitting from section 16 the words "annual conference of the said Methodist Church of Australasia" and by inserting instead the words "Synod of The Uniting Church in Australia";
- (ii) by omitting from section 16 the words "such conference" and by inserting instead the words "such Synod";
- 25 (l) by omitting from section 17 the word "conference" and by inserting instead the word "Synod";
- (m) by omitting from section 17A the words "president of the conference" and by inserting instead the words "Moderator of the Synod of The Uniting Church in Australia in New South Wales".

## SCHEDULE

*Uniting Church in Australia.*

## SCHEDULE 4.

Sec. 40.

## PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.

1. (1) The company registered on 26th March, 1930, The  
and styled "The Methodist Trust Association" shall as on and <sup>The Methodist</sup>  
5 from the appointed day be styled "The Uniting Church <sup>Trust</sup> Association.  
(N.S.W.) Trust Association".

(2) A reference in the Memorandum of Association  
or Articles of Association of The Methodist Trust Association  
to—

- 10 (a) The Methodist Trust Association shall be construed  
as a reference to The Uniting Church (N.S.W.)  
Trust Association;
- (b) the Methodist Church of Australasia or the Metho-  
15 dist Church shall be construed as a reference to The  
Uniting Church in Australia;
- (c) the New South Wales Conference of the Methodist  
Church of Australasia shall be construed as a  
reference to the Synod of The Uniting Church in  
Australia in New South Wales; and
- 20 (d) the President for the time being of the New South  
Wales Conference of the Methodist Church of  
Australasia shall be construed as a reference to  
the Moderator for the time being of that Synod,  
including any person for the time being authorised  
25 by that Synod to perform or carry out the duties  
of Moderator.

2. (1) The company registered on 1st June, 1917, and <sup>Methodist</sup>  
styled "Methodist Overseas-Missions Trust Association" shall <sup>Overseas-</sup>  
as on and from the appointed day be styled "Uniting Church <sup>Missions</sup>  
30 Council of Mission Trust Association". <sup>Trust</sup> Association.

## SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

(2) A reference in the Memorandum of Association  
5 or Articles of Association of the Methodist Overseas-Missions  
Trust Association to the Methodist Overseas-Missions Trust  
Association shall be construed as a reference to the Uniting  
Church Council of Mission Trust Association.

(3) The reference in clause 3 (b) of the Memorandum  
10 of Association to the Methodist Missionary Society of  
Australasia, whose office is situate at 139 Castlereagh Street,  
Sydney, or its successors, shall be construed as a reference  
to The Uniting Church in Australia or any purpose pursued  
by or associated with the Church.

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

(5) The reference in Article 17 of the Articles of  
20 Association to the Department of Overseas-Missions shall be  
construed as a reference to the Uniting Church Council of  
Mission Trust Association.

3. (1) A reference in the Indenture referred to in section  
25 20 (11), or in any of the orders so referred to, to—  
David  
Livingstone  
Bursaries  
Fund.

- (a) "Camden College" or "College" shall be construed  
as a reference to the United Theological College;
- (b) "Council of the College" or "Council" or "President  
and Fellows of the College" shall be construed as  
30 a reference to the council of the United Theological  
College;

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

5 (c) "Warden of the College" shall be construed as a reference to the Principal for the time being of the United Theological College or the person for the time being fulfilling the functions of the Principal; and

10 (d) "The Congregational Union of New South Wales" shall be construed as a reference to the Synod.

(2) The reference in clause 17 of the Indenture to "the Act of Incorporation" shall be construed as a reference to the constitution of the council of the United Theological College.

15 (3) The order so referred to and made on 28th February, 1964, shall be construed as though a reference therein to the Melbourne College of Divinity were a reference to the United Theological College.

20 4. (1) References in the will of William Moore, late of Moore Lawson, Homoeopathic Practitioner, deceased, to— Estate.

(a) The Congregational Union of New South Wales; and

(b) the Committee of that Union,

shall be construed as references to the Trust, but references  
25 therein to that Union, as follows :—

(c) "a fit person or persons who shall be Ministers in full connection with the said Union"; and

(d) "and for the benefit of the Congregational Union of New South Wales",

30 shall be construed as references to the Church.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

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

5. Nothing in clause 1 or 2 prevents the amendment from  
15 time to time of the Memorandum of Association or Articles  
of Association referred to therein in accordance with the  
Companies Act, 1961.

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SCHEDULE 5.

Sec. 31.

FORM.

20 EXTRACT FROM THE METHODIST CHURCH REGISTER OF  
TRUSTEES FOR NEW SOUTH WALES.

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

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977  
[56c]

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Act No. 1977

Uniting Church in Australia

Methodist Union Act, 1902, and certain other Acts to  
amend the Congregational College Council Act, 1912, and  
certain other Acts and for incidental purposes

Mr. T. J. Walker—23 May, 1977

It is enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council of New South Wales, that the following  
provisions shall have effect, and the authority of the laws as  
follows:—

No. , 1977.

## A BILL

To make provision for the inauguration of The  
Uniting Church in Australia; to constitute The Uniting  
Church in Australia Property Trust (N.S.W.), to define  
its powers, authorities, duties and functions, and to  
provide for the vesting in it of certain property; to  
provide for the construction of certain instruments; to  
repeal The Congregational Union Incorporation Act, the

Methodist

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*Uniting Church in Australia.*

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Methodist Union Act, 1902, and certain other Acts; to amend the Newington College Council Act, 1922, and certain other Acts; and for incidental purposes.

[MR F. J. WALKER—23 March, 1977.]

---

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.**

10

**PRELIMINARY.**

1. This Act may be cited as the "Uniting Church in Short Australia Act, 1977". title.

2. (1) This section and section 1 shall commence on the Commence- date of assent to this Act. ment.

15 (2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 (3) Section 20 (3) shall commence on such day (being a day not earlier than the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3.



*Uniting Church in Australia.*

3. This Act is divided as follows:—

Division  
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—INAUGURATION OF THE CHURCH—ss. 6–11.

PART III.—CONSTITUTION OF THE TRUST—ss. 12–19.

5 PART IV.—ACQUISITION AND VESTING OF TRUST  
PROPERTY—ss. 20–24.

PART V.—MISCELLANEOUS—ss. 25–40.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—BASIS OF UNION.

10 SCHEDULE 3.—AMENDMENT OF ACTS.

SCHEDULE 4.—PROVISIONS AFFECTING PARTICULAR  
INSTRUMENTS, ETC.

SCHEDULE 5.—FORM.

4. Each Act specified in Schedule 1 is repealed.

Repeals.

15 5. (1) In this Act, except in so far as the context or Interpretation.  
subject-matter otherwise indicates or requires—

“appointed day” means the day appointed and notified  
under section 2 (2);

20 “Assembly” means the Assembly of the Church referred  
to in clause 15 (e) of the Basis of Union and  
includes the Inaugurating Assembly;

“Basis of Union” means the Basis of Union set forth in  
Schedule 2;

25 “Camden College Act” means the Act passed in 1876  
and intituled “An Act to incorporate Camden  
College”;

“Congregationa<sup>l</sup>

*Uniting Church in Australia.*

- 5 "Congregational Church" means The Congregational Union of Australia and the Congregational Unions in each of the States of the Commonwealth, and includes the individual congregational churches which have resolved to enter into union with the Methodist Church and Presbyterian Church and any department, society, auxiliary, activity, fund, service, institution, or any interest of any such individual churches or Unions;
- 10 "conveyance" includes transfer, assignment and assurance;
- "Inaugurating Assembly" means the first Assembly of the Church which is convened in accordance with the Basis of Union;
- 15 "Methodist Church" means the Methodist Church of Australasia and includes any congregation, circuit, department, society, auxiliary, activity, fund, service, institution or interest thereof save and except the Conferences of Fiji, Samoa and Tonga;
- 20 "Presbyterian Church" means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia subject to the Presbyterian Church of Australia Act, 1971;
- 25 "property" includes real and personal property and any estate or interest therein and includes any right to receive income;
- "Synod" means the Synod of the Church referred to in clause 15 (d) of the Basis of Union within New South Wales;
- 35 "the Church" means The Uniting Church in Australia;

"Trust"



*Uniting Church in Australia.*

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

“trust property” means property vested in or acquired by the Trust;

5 “Uniting Churches” means the Congregational Church, the Methodist Church and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24th  
10 July, 1901, as amended, within the meaning of Part III of the Schedule to the Presbyterian Church of Australia Act, 1971.

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

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

(i) the Council of Newington College, the body politic and corporate constituted by the Newington College Council Act, 1922;

(ii) The Methodist Trust Association;

20 (iii) the Methodist Overseas-Missions Trust Association;

(iv) the body politic and corporate constituted by the Saint Andrew’s College Incorporation Act, 1867; or

25 (v) any person for the purposes of or in connection with the Presbyterian Beneficiary Fund Act, 1929; or

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

30 (i) the Saint Andrew’s College Incorporation Act, 1867;

(ii)

*Uniting Church in Australia.*

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

**PART II.**

**INAUGURATION OF THE CHURCH.**

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

7. The Church formed by such union shall be <sup>Name of</sup> <sup>Church.</sup> denominated "The Uniting Church in Australia".

8. The Inaugurating Assembly shall be deemed to have <sup>Inaugura-</sup> <sup>ting</sup> <sup>Assembly.</sup> been validly convened.

9.



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*Uniting Church in Australia.*

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

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

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

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**PART III.**

**CONSTITUTION OF THE TRUST.**

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

(a) three official members, of whom—

- (i) one shall be the person holding or acting in the office of Moderator of the Synod;
- (ii) one shall be the person holding or acting in the office of Secretary of the Synod; and
- (iii) one shall be the person holding or acting in the office of Property Officer of the Synod; and

(b)

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*Uniting Church in Australia.*

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

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

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

six other persons so appointed.

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

15 (a) shall be deemed to have been duly appointed pursuant to subsection (1) (b) as members of the Trust holding office as from the appointed day until the end of the annual meeting of the Synod next succeeding the appointed day; and

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

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

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

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

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



*Uniting Church in Australia.*

**13.** (1) Without affecting the generality of section 38 Powers and duties of Trust. of the Interpretation Act, 1897, but subject to this Act, the Trust may—

- 5** (a) acquire, hold, deal with and dispose of property of any kind;
- (b) mortgage, charge or otherwise encumber any of its property; or
- (c) borrow money for the purposes of the Trust.

(2) Subject to this Act, the Trust shall hold trust **10** property in trust for the Church and upon any other trust affecting the property.

(3) Subject to subsection (2), the Trust shall hold, manage, administer and otherwise deal with trust property in accordance with the regulations, directions and resolutions **15** of the Assembly.

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

**20** **15.** A member of the Trust appointed pursuant to section Vacation of office. **12** (1) (b) shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by notice in writing to the Trust;
- 25** (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d)

*Uniting Church in Australia.*

- 5 (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (e) is removed from office as a member of the Trust by resolution of the Synod or its Standing Committee.

10 16. (1) Where the number of members of the Trust for the time being is reduced to less than five, the continuing members of the Trust shall appoint, as members of the Trust filling such of the vacancies as are casual vacancies in the offices of appointed members, until the end of the next annual meeting of the Synod, persons not fewer in number than that required to increase to five the number of members.

15 (2) Subject to subsection (1), where there is a casual vacancy in the office of an appointed member of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next annual meeting of the Synod.

20 17. (1) The members for the time being of the Trust shall have the custody of its common seal, and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

25 (2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust, and every instrument to which the common seal is so affixed shall be signed by not less than two members of the Trust.

30 (3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than two members of the Trust shall be deemed to have been executed in accordance with subsection (2).



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*Uniting Church in Australia.*

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18. (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust.

Form and  
execution  
of  
certain  
contracts,  
etc.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

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

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

Execution  
under  
seal by  
agent,  
etc.

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PART



*Uniting Church in Australia.*

PART IV.

ACQUISITION AND VESTING OF TRUST PROPERTY.

20. (1) Subject to this Act, any property that, immediately before the appointed day, was vested in the Methodist Church (N.S.W.) Property Trust, or was vested in any other person in trust for the Methodist Church, is hereby divested from that Trust or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(2) Subject to this Act, any property that, immediately before the appointed day, was vested in The Congregational Union of New South Wales, or was vested in any other person in trust for the Congregational Church (except the property referred to in Schedules 5, 6 and 7 to the Fellowship of Congregational Churches (New South Wales) Incorporation Act, 1977, and the property referred to in Schedule 2 to the Hunters Hill Congregational Church Act, 1977) is hereby divested from that Union or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(3) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the Presbyterian Church of Australia Act, 1971, and, without restricting the generality of the foregoing, to section 4 of that Act and clause 18 of the Schedule to that Act, any property that, immediately before the day appointed and notified under section 2 (3), was vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, or was vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that

person



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*Uniting Church in Australia.*

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person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(4) If the appointed day is earlier than the day  
5 appointed and notified under section 2 (3), subsection (3) of this section does not operate so as to vest any property that, immediately before the appointed day, was not vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, and was not vested in any  
10 other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof.

(5) Subject to this Act, any property that,  
15 immediately before the appointed day, was vested in the body corporate constituted under the Camden College Act, or was vested in any other person in trust for Camden College, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without  
20 conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(6) Subject to this Act, any property that, immediately before the appointed day, was vested in Tahmoor Children's Homes, a company, or was vested in any other  
25 person in trust for that company, is hereby divested from that company or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

30 (7) Subject to this Act, any property that, immediately before the appointed day, was vested in the Congregational Homes Trust of N.S.W., a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the

extent

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extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(8) Subject to this Act, all property which pursuant  
5 to the foregoing provisions of this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of The Congregational Union Incorporation Act, the Methodist Church (N.S.W.) Property Trust Act, 1969, The Presbyterian Church (New South Wales) Property Trust  
10 Act, 1936, and the Camden College Act.

(9) Except in relation to the trusts declared by the Acts mentioned in subsection (8), the vesting effected by the foregoing provisions of this section shall be without prejudice to—

- 15 (a) any special trust;
- (b) any resulting trust;
- (c) any trust in favour of a donor;
- (d) any trust in favour of a person other than the  
Uniting Churches or any one or more of them; and
- 20 (e) any reservation, mortgage, charge, encumbrance,  
lien or lease,

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

(10) The land described in Indenture dated 8th  
25 January, 1906, registered No. 692 Book 799, on which land is situated the Woollahra Congregational Church Manse, is hereby freed and discharged from the trusts declared by the Indenture and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the  
30 provisions of this Act.



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(11) Subject to this Act, all property that, immediately before the appointed day, was vested in the body corporate constituted by the Camden College Act to hold upon the terms and conditions and for the purposes set forth in an Indenture dated 21st March, 1878, and referred to therein as the "David Livingstone or Work and Trust Bursaries", or was vested in any other person in trust for the purposes therein set forth, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust, upon the terms and conditions and for the purposes set forth in the Indenture, as varied by certain orders of the Supreme Court in its equitable jurisdiction made on 30th July, 1917, 9th September, 1937 and 28th February, 1964.

(12) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(13) In this section, "special trust" means any trust other than a trust for the general purposes of the Congregational Church, the Methodist Church or the Presbyterian Church.

**21.** (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—

Construc-  
tion of  
certain  
instru-  
ments.

(a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust, for the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church;

(b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c)

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- (c) is payable to, or receivable by, the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,
- 5 the deed, will or other instrument shall be read and construed and take effect as though the reference therein to the Church or, as the case may be, to that person, were a reference to the Trust.
- (2) Any deed, instrument, document, gift, will or
- 10 other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church unless the context otherwise provides.
- (3) Any deed, instrument, document, gift, will or
- 15 other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of an individual church which prior to the appointed day was affiliated with The Congregational Union of New South Wales and
- 20 which resolved to enter into union with the Methodist Church and Presbyterian Church or which has been admitted to membership of the Church, or any person or body on behalf of any such individual church, shall be read and construed as though any reference therein to that individual church or
- 25 that person or body were a reference to the Church unless the context otherwise provides.
- (4) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of—
- 30 (a) Camden College or the body corporate constituted by the Camden College Act;
- (b) Tahmoor Children's Homes, a company; or
- (c) Congregational Homes Trust of N.S.W., a company,

shall



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shall be read and construed as though any reference therein to that College, body or company were a reference to the Church unless the context otherwise provides.

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

23. (1) Subject to subsection (2), a certificate under <sup>Evidence.</sup> the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, <sup>15</sup> in all circumstances and all proceedings whether civil or criminal, be prima facie evidence that the property so specified is so held.

- (2) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the <sup>20</sup> Presbyterian Church continuing to function after the appointed day.

- (3) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Fellowship of Congregational Churches (New South <sup>25</sup> Wales) or between the Church and any church affiliated with the Fellowship of Congregational Churches (New South Wales).

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

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

Certain rights enforce-able by the Trust.

PART V.

20

MISCELLANEOUS.

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

Claims for compensation upon compulsory acquisition, etc.

26.



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

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

27. No purchaser, mortgagee, lessee or other person  
 15 dealing with the Trust, and neither the Registrar-General nor any other persons registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or inquire into the necessity for or the propriety of the exercise  
 20 by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorised, irregular or improper.

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

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**29. (1) The Trust may—**

Trust may  
act as  
executor,  
etc.

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

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

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

**(3) The Trust may—**

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

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



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

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

**32.** (1) The Assembly may make regulations for the control, management and administration of, and dealings with, trust property. Regulations.

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) A regulation under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.

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

(2) The conditions that the Synod or committee may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a  
 20 co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received  
 25 pursuant to that scheme and any property of the Trust involved in any such scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in  
 30 the Trust shall be bound to inquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—

35 (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

(b)



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(b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

5     **34.** (1) The provisions of section 33 shall apply to and <sup>Saving</sup> in relation to all property at any time held by the Trust except <sup>provision.</sup> to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.

10         (2) Subsection (1) shall not prevent the use of property in a manner referred to in section 33 if the property was merely directed to be held on trust for the worship or purposes of the Church.

15     **35.** (1) Subject to subsection (2), in every case where <sup>Power of</sup> by reason of the circumstances subsequent to the creation of <sup>Synod to</sup> the trusts, including trusts declared under this section, to which <sup>alter trusts.</sup> any property vested in the Trust is for the time being subject, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe the trusts, it shall be  
20 lawful for the Synod by resolution to declare that opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit or purpose of the Church instead of the firstmentioned trusts, and the firstmentioned trusts shall thereupon by force of the resolution cease and  
25 determine, and the property shall thereupon be held upon the other trusts accordingly.

(2) The property shall be dealt with for the same purposes as nearly as may be as the purposes for which the property was immediately before the resolution held unless  
30 the Synod by resolution declares that by reason of circumstances subsequent to the creation of the firstmentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply the property or some part thereof for the same or the like purposes, in which case the property or  
35 that part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as may be declared by resolution of the Synod.

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

37. (1) Where the Trust holds money on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest the money or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the money so invested is held and any loss arising from any such investment shall likewise be borne rateably.

(2) The Trust may make advances out of the money referred to in subsection (1) for any purpose of or relating to the Church.

(3) Any sum advanced under subsection (2) shall be deemed an investment of the money and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

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



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**39.** (1) As on and from the appointed day, the Trust shall assume responsibility for and become liable to meet all enforceable debts and liabilities of—

Transfer of certain liabilities to Trust.

- 5 (a) the body corporate constituted under the Camden College Act;
- (b) Tahmoor Children's Homes, a company; and
- (c) Congregational Homes Trust of N.S.W., a company.

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

10 **40.** Schedules 3 and 4 have effect.

Schedules 3 and 4.

SCHEDULE 1.

Sec. 4.

REPEALS.

- Camden College Act.
- The Congregational Union Incorporation Act.
- 15 Methodist Union Act, 1902.
- The Congregational Union Incorporation (Amendment) Act, 1938.
- Congregational Union Incorporation (Amendment) Act, 1969.
- 20 Methodist Church (N.S.W.) Property Trust Act, 1969.

SCHEDULE

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*Uniting Church in Australia.*

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## SCHEDULE 2.

Sec. 5.

## BASIS OF UNION.

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

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the  
5 uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will  
10 continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness  
15 to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church  
20 in Australia, by working together and seeking union with other Churches.

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

Jesus of Nazareth announced the sovereign grace of God  
30 whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility, obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he

## SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reasserted his claim over the whole of his creation, he  
pardoned sinners, and made in Jesus a representative begin-  
5 ning of a new order of righteousness and love. To God in  
Christ men are called to respond in faith. To this end God  
has sent forth his Spirit that men may trust him as their  
Father, and acknowledge Jesus as Lord. The whole work of  
man's salvation is effected by the sovereign grace of God  
10 alone.

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

4. The Uniting Church acknowledges that the Church is able  
to live and endure through the changes of history only because  
30 her Lord comes, addresses, and deals with men in and through  
the news of his completed work. Christ who is present when he  
is preached among men is the Word of the God who acquits  
the guilty, who gives life to the dead and who brings into being  
what otherwise could not exist. Through human witness in  
35 word and action, and in the power of the Holy Spirit, Christ

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be  
5 the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the  
10 Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and  
15 witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

20 6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the  
25 Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

30 7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accom-

## SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

plished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he  
 5 poured out the Holy Spirit at Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church  
 10 will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's  
 15 Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the  
 20 Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consumma-  
 25 tion.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the  
 30 language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

her to understand her own nature and mission. She thanks God  
for the continuing witness and service of evangelist, of scholar,  
5 of prophet and of martyr. She prays that she may be ready  
when occasion demands to confess her Lord in fresh words  
and deeds.

12. The Uniting Church recognises and accepts as her  
members all who are recognised as members of the uniting  
10 Churches at the time of union. Thereafter membership is open  
to all who are baptized into the Holy Catholic Church in the  
name of the Father and of the Son and of the Holy Spirit. The  
Uniting Church will seek ways in which the baptized may  
have confirmed to them the promises of God, and be led to  
15 deeper commitment to the faith and service into which they  
have been baptized. To this end she commits herself to under-  
take, with other Christians, to explore and develop the relation  
of baptism to confirmation and to participation in the Holy  
Communion.

20 13. The Uniting Church affirms that every member of the  
Church is engaged to confess the faith of Christ crucified and  
to be his faithful servant. She acknowledges with thanksgiving  
that the one Spirit has endowed the members of his Church  
with a diversity of gifts, and that there is no gift without its  
25 corresponding service: all ministries have a part in the ministry  
of Christ. The Uniting Church, at the time of union, will recog-  
nise and accept the ministries of those who have been called to  
any task or responsibility in the uniting Churches. The Uniting  
Church will thereafter provide for the exercise by men and  
30 women of the gifts God bestows upon them, and will order her  
life in response to his call to enter more fully into her mission.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members  
5 men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

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

- The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church  
30 praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of  
35 those already ordained, the Church bears witness to

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

5 God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

10 (b) The Uniting Church recognises and accepts as elders or leaders those who at the time of union hold the office of elder, deacon or leader appointed to exercise spiritual oversight, and who, being in good standing in any of the uniting Churches at the time of union, adhere to the Basis of Union. She will seek to recognise in the congregation those  
15 endowed by the Spirit with gifts fitting them for rule and oversight. Such members will be called Elders or Leaders.

20 (c) The Uniting Church recognises and accepts as deaconesses those who at the time of union are deaconesses in good standing in any of the uniting Churches and who adhere to the Basis of Union. She believes that the Holy Spirit will continue to call women to share in this way in the varied  
25 services and witness of the Church, and she will make provision for this. Such members will be called Deaconesses.

30 The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

5 women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses, whether the service is within or beyond the life of the congregation.

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

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

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

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

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

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

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

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

- 5 (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- 10 (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod.
- 15 Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will
- 20 promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- 25 (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the region allotted to it, with such powers and
- 30 authorities as may from time to time be determined by the Assembly.
- 35

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

(e) The Assembly (the national council) consists of  
 5 such ministers, elders/leaders and other Church  
 members as are appointed thereto, the majority  
 being appointed by the Presbyteries and Synods. It  
 has determining responsibility for matters of  
 doctrine, worship, government and discipline,  
 10 including the promotion of the Church's mission,  
 the establishment of standards of theological train-  
 ing and reception of ministers from other  
 communions, and the taking of further measures  
 towards the wider union of the Church. It makes  
 the guiding decisions on the tasks and authority  
 15 to be exercised by other councils. It is obligatory  
 for it to seek the concurrence of other councils,  
 and on occasion of the congregations of the Church,  
 on matters of vital importance to the life of the  
 Church.

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

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

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

16. The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among  
5 members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves  
10 the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law  
15 is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of  
20 God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

25 18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship,  
30 witness and service to his eternal glory through Jesus Christ the Lord. Amen.

*Uniting Church in Australia.*

SCHEDULE 3.

Sec. 40.

AMENDMENT OF ACTS.

1. The Wesley College Incorporation Act, 1910, is amended—

Amendment  
of Wesley  
College  
Incorporation  
Act,  
1910.

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

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

Interpre-  
tation.

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

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

“Synod” means the Synod of The Uniting Church in Australia in New South Wales;

25 “the said church” means the Uniting Church in Australia.

(b) (i) by omitting from section 5 the words “the conference” and by inserting instead the words “the Synod”;

Sec. 5.  
(Principal.)

30 (ii) by omitting from section 5 the words “Provided that any duly ordained minister in connection with the respective conferences of

SCHEDULE



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

5 the church in any of the States of the Commonwealth of Australia, or the Dominion of New Zealand, or the respective conferences of the Methodist, the Wesleyan Methodist, or any other Methodist Church in any other part of the world shall be eligible and may be appointed to the office of Principal, and any

10 such minister who is so appointed shall, as soon as possible after his appointment, become a member of the New South Wales Conference." and by inserting instead the words "Provided that any duly ordained

15 minister in connection with the respective Synods of the said church in any of the States or Territories of Australia or in connection with the respective conferences of the Methodist, Wesleyan Methodist or any other

20 Methodist Church in any part of the world or the Assembly of the Presbyterian Church in any other part of the world or a minister of the Congregational Church in any part of the world shall be eligible and may be appointed

25 to the office of Principal and any such minister who is so appointed shall, as soon as possible after his appointment, become a member of the Synod.";

30 (c) by omitting from section 7 the word "conference" and by inserting instead the word "Synod";

Sec. 7.  
(Mode of election of councillors.)

(d) by omitting from section 10 the word "conference" and by inserting instead the word "Synod";

Sec. 10.  
(Tenure of office of clerical councillors.)

## SCHEDULE

*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- 5 (e) by inserting in section 11 after the word “confer- Sec. 11.  
ence” where secondly occurring the words “or (Tenure of  
Synod”; office of lay  
councillors.)
- (f) by omitting from section 13 the words “President Sec. 13.  
or the acting President” and by inserting instead the (Visitor.)  
word “Moderator”;
- 10 (g) by omitting from section 14 the words “conference Sec. 14.  
sitting as one of such courts” and by inserting (Removal or  
instead the words “Synod sitting as one of such suspension  
courts or such other court of the said church having of  
jurisdiction in that regard by virtue of the Constitu- Principal.)  
tion of the said church and the regulations of the  
15 said church”;
- (h) (i) by omitting from section 16 the words Sec. 16.  
“President of the conference” and by inserting (Power of  
instead the word “Moderator”; making  
by-laws.)
- 20 (ii) by omitting from section 16 the word  
“conference” where secondly occurring and by  
inserting instead the word “Synod”.

2. The Newington College Council Act, 1922, is Amendment  
amended— of Newington  
College  
Council Act,  
1922.

- 25 (a) by omitting from section 1A the words “conference Sec. 1A.  
of the Methodist Church of Australasia in New (Approval  
South Wales or of the Committee of Management of confer-  
of the Property Department of the said conference” ence of  
and by inserting instead the words “Synod of The committee  
Uniting Church in Australia in New South Wales to sell,  
30 or of any committee thereof empowered to grant mortgage,  
approval on its behalf”; etc.)

## SCHEDULE



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- (b) by omitting from section 5 the words “president of the conference of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”; Sec. 5.  
(Evidence of resolution.)
- (c) by omitting from section 8 (d) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales”; Sec. 8.  
(Application of purchase and mortgage moneys.)
- (d) by inserting after section 9 (7) the following subsections :— Sec. 9.  
(Constitution and election of council.)
- (8) As from the commencement of the first meeting of the Synod of The Uniting Church in Australia in New South Wales—
- (a) the powers and rights conferred upon the New South Wales Conference of the Methodist Church of Australasia by subsections (1), (3), (5) and (6) shall be vested in the said Synod;
- (b) references in those subsections to “the said Church” shall be construed as references to The Uniting Church in Australia;
- (c) references in subsection (4) to the President of the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales; and

## SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 3—*continued.*

AMENDMENT OF ACTS—*continued.*

- (d) references in subsection (4) to the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Synod of The Uniting Church in Australia in New South Wales.
- 5
- (e) by omitting section 10 and by inserting instead the following section :—
- 10
10. The councillors of the said college shall hold office until their successors are appointed, but the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales shall always be a member in place of any retiring Moderator.
- 15
- (f) by omitting from section 11 the words “annual conferences of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “annual meetings of the Synod of The Uniting Church in Australia in New South Wales”;
- 20
- (g) (i) by omitting from section 12 the words “the Methodist Church of Australasia in New South Wales” and by inserting instead the words “The Uniting Church in Australia”;
- 25
- (ii) by omitting from section 12 the words “annual conference of the said church” and by inserting instead the words “meeting of the Synod of The Uniting Church in Australia in New South Wales”;
- 30
- (h) by inserting in section 14 after the word “remuneration,” the words “and to appoint and dismiss the headmaster of the said school”;

Temporary continuance in office of councillors.

Sec. 11. (Filling vacancies in council.)

Sec. 12. (Council may make regulations.)

Sec. 14. (Powers of the council.)

SCHEDULE



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- 5 (i) (i) by omitting from section 14A (1) (b) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “the Synod of The Uniting Church in Australia in New South Wales”;  
Sec. 14A. (Vacancy in office of headmaster.)
- 10 (ii) by omitting section 14A (1) (c), (d), (e) and (f);
- (iii) by omitting section 14A (2);
- 15 (j) (i) by omitting from section 15 the word “president” wherever occurring and by inserting instead the word “Moderator”;  
Sec. 15. (Chairman of council’s meetings.)
- (ii) by omitting from section 15 the words “conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia”;
- 20 (k) (i) by omitting from section 16 the words “annual conference of the said Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia”;  
Sec. 16. (Visitor and chaplain.)
- 25 (ii) by omitting from section 16 the words “such conference” and by inserting instead the words “such Synod”;
- (l) by omitting from section 17 the word “conference” and by inserting instead the word “Synod”;  
Sec. 17. (Report of proceedings of council.)
- 30 (m) by omitting from section 17A the words “president of the conference” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”.  
Sec. 17A. (Evidence.)

## SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 4.

Sec. 40.

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.

1. (1) The company registered on 26th March, 1930, and styled "The Methodist Trust Association" shall as on and from the appointed day be styled "The Uniting Church (N.S.W.) Trust Association".

(2) A reference in the Memorandum of Association or Articles of Association of The Methodist Trust Association to—

- 10 (a) The Methodist Trust Association shall be construed as a reference to The Uniting Church (N.S.W.) Trust Association;
- (b) the Methodist Church of Australasia or the Methodist Church shall be construed as a reference to The Uniting Church in Australia;
- 15 (c) the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Synod of The Uniting Church in Australia in New South Wales; and
- 20 (d) the President for the time being of the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Moderator for the time being of that Synod, including any person for the time being authorised by that Synod to perform or carry out the duties of Moderator.
- 25

2. (1) The company registered on 1st June, 1917, and styled "Methodist Overseas-Missions Trust Association" shall as on and from the appointed day be styled "Uniting Church Council of Mission Trust Association".

SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

5 (2) A reference in the Memorandum of Association or Articles of Association of the Methodist Overseas-Missions Trust Association to the Methodist Overseas-Missions Trust Association shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

10 (3) The reference in clause 3 (b) of the Memorandum of Association to the Methodist Missionary Society of Australasia, whose office is situate at 139 Castlereagh Street, Sydney, or its successors, shall be construed as a reference to The Uniting Church in Australia or any purpose pursued by or associated with the Church.

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

20 (5) The reference in Article 17 of the Articles of Association to the Department of Overseas-Missions shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

25 3. (1) A reference in the Indenture referred to in section 20 (11), or in any of the orders so referred to, to—  
David  
Livingstone  
Bursaries  
Fund.

(a) "Camden College" or "College" shall be construed as a reference to the United Theological College;  
(b) "Council of the College" or "Council" or "President and Fellows of the College" shall be construed as a reference to the council of the United Theological College;  
30

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

5 (c) "Warden of the College" shall be construed as a reference to the Principal for the time being of the United Theological College or the person for the time being fulfilling the functions of the Principal; and

10 (d) "The Congregational Union of New South Wales" shall be construed as a reference to the Synod.

(2) The reference in clause 17 of the Indenture to "the Act of Incorporation" shall be construed as a reference to the constitution of the council of the United Theological College.

15 (3) The order so referred to and made on 28th February, 1964, shall be construed as though a reference therein to the Melbourne College of Divinity were a reference to the United Theological College.

4. (1) References in the will of William Moore, late of Moore  
20 Lawson, Homoeopathic Practitioner, deceased, to— Estate.

(a) The Congregational Union of New South Wales;  
and

(b) the Committee of that Union,

shall be construed as references to the Trust, but references  
25 therein to that Union, as follows :—

(c) "a fit person or persons who shall be Ministers in full connection with the said Union"; and

(d) "and for the benefit of the Congregational Union of New South Wales",

30 shall be construed as references to the Church.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

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

5. Nothing in clause 1 or 2 prevents the amendment from  
15 time to time of the Memorandum of Association or Articles  
of Association referred to therein in accordance with the  
Companies Act, 1961.

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SCHEDULE 5.

Sec. 31.

FORM.

20 EXTRACT FROM THE METHODIST CHURCH REGISTER OF  
TRUSTEES FOR NEW SOUTH WALES.

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

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977  
[56c]

1937

ST. LOUIS, MO.

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the St. Louis Board of Trade, held on the 12th day of January, 1937.

ST. LOUIS, MO.

ST. LOUIS, MO.

ST. LOUIS, MO.

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the St. Louis Board of Trade, held on the 12th day of January, 1937.

ST. LOUIS, MO.

ST.



## UNITING CHURCH IN AUSTRALIA BILL, 1977

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### EXPLANATORY NOTE

THE objects of this Bill are to inaugurate The Uniting Church in Australia, and to give effect to certain arrangements relating to property held by the Churches affected by the union and to be held by the Uniting Church. After the Uniting Church comes into existence, there will continue to be a Presbyterian Church (the subject of existing legislation relating to the Presbyterian Church) and Congregational Churches (the subject of proposed legislation).

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement. The provisions of clause 20 (3) (which relate to the vesting of Presbyterian property) may be brought into force on a later day, subsequent to the commencement of the rest of the Bill.

Clause 3. Division of the proposed Act.

Clause 4 repeals the Acts specified in Schedule 1.

Clause 5. Interpretation.

Clauses 6 and 7 empower the Methodist, Congregational and Presbyterian Churches to unite so as to form a Church named "The Uniting Church in Australia".

Clause 8 treats the Inaugurating Assembly of the Uniting Church as having been validly convened.

Clauses 9 and 10 empower the Assembly of the Uniting Church to adopt, amend and replace a Constitution for the Church.

Clause 11 empowers the Assembly of the Uniting Church to enter into union with other Churches.

Clauses 12–19 constitute a corporation named "The Uniting Church in Australia Property Trust (N.S.W.)".

Clause 20 vests the following property in the Trust:—

(a) all property held by the Methodist Church at the date of union;

(b) all property held by the Congregational Church at the date of union, except property dealt with by—

(i) the Fellowship of Congregational Churches (New South Wales) Incorporation Bill, 1977; and

(ii) the Hunters Hill Congregational Church Bill, 1977;

- (c) all property held by the Presbyterian Church at the date of union, except—
  - (i) property to be retained by the continuing Presbyterian Church, following the determination of the Commission set up under Schedule 3 to the Presbyterian Church of Australia Act, 1971; and
  - (ii) property disposed of or acquired after the date of union and before the date of commencement of clause 20 (3), as mentioned above; and
- (d) all property held by or for Camden College, Tahmoor Children's Homes, the Congregational Homes Trust of N.S.W. and Woollahra Congregational Church Manse.

Clause 21 provides for the construction of wills and other instruments coming into effect after the date of union, so that gifts, etc., to the Uniting Church are to be treated as gifts, etc., to the Trust. The clause also provides that gifts, etc., to the Methodist Church, the Congregational Church, Camden College, Tahmoor Children's Homes and the Congregational Homes Trust of N.S.W. are to be treated as gifts, etc., to the Uniting Church.

Clause 22 waives the consequences of breaches of conditions in Crown grants of land vested in the Trust by the proposed Act.

Clause 23 provides for certificate evidence as to the status of land held by the Trust.

Clause 24 makes the Trust responsible for rights and duties relating to land vested in it by the proposed Act.

Clause 25 empowers the Trust to take suitable action in connection with the compulsory acquisition of land vested in it.

Clause 26 exonerates mortgagees, purchasers and other persons in connection with money for which a receipt is duly given by or on behalf of the Trust.

Clause 27 exonerates certain persons from having to inquire into the exercise of certain powers of the Trust.

Clause 28 relates to the service of documents on the Trust.

Clause 29 authorises the Trust to act as executor, administrator or trustee.

Clause 30 empowers the Trust to hold property jointly with other persons.

Clause 31 relates to the custody of the Methodist Church Register of Trustees for New South Wales.

Clause 32 authorises the Assembly of the Uniting Church to make regulations in connection with trust property.

Clauses 33 and 34 empower trust property to be used in connection with a scheme of co-operation with other denominations.

Clause 35 empowers the New South Wales Synod of the Uniting Church to alter the trusts on which trust property is held, if the Synod is satisfied that it is impossible or inexpedient to observe the trusts.



Clause 36 indemnifies the members of the Trust and other persons from personal liability in connection with the exercise of powers under the proposed Act.

Clause 37 authorises the blending of trust funds.

Clause 38 enables trust funds to be invested in a manner approved by statute or by the Assembly of the Uniting Church, unless expressly forbidden by the trust instrument.

Clause 39 transfers responsibility for the debts and liabilities of Camden College, Tahmoor Children's Homes and the Congregational Homes Trust of N.S.W.

Clause 40 gives effect to Schedules 3 and 4.

Schedule 1 specifies the Acts (relating to the Methodist and Congregational Churches) to be repealed.

Schedule 2 sets out the Basis of Union.

Schedule 3 amends the Acts relating to Wesley College and Newington College consequent on the inauguration of the Uniting Church, and also provides for the appointment and dismissal of the headmaster of Newington College by the Council of the College.

Schedule 4 affects the construction of various instruments, etc., consequent on union, and makes special provision respecting the Estate of William Moore, deceased, so that part of the annual amounts payable to the Trust after union is paid to the continuing Congregational Church.

Schedule 5 contains a form relating to the Register referred to in clause 31.

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**PROOF**

No. , 1977.

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## A BILL

To make provision for the inauguration of The Uniting Church in Australia; to constitute The Uniting Church in Australia Property Trust (N.S.W.), to define its powers, authorities, duties and functions, and to provide for the vesting in it of certain property; to provide for the construction of certain instruments; to repeal The Congregational Union Incorporation Act, the

Methodist

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Methodist Union Act, 1902, and certain other Acts; to amend the Newington College Council Act, 1922, and certain other Acts; and for incidental purposes.

[MR F. J. WALKER—23 March, 1977.]

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5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.**

10

**PRELIMINARY.**

1. This Act may be cited as the "Uniting Church in Australia Act, 1977". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

15 (2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 (3) Section 20 (3) shall commence on such day (being a day not earlier than the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.



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3. This Act is divided as follows:—

Division  
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—INAUGURATION OF THE CHURCH—ss. 6–11.

PART III.—CONSTITUTION OF THE TRUST—ss. 12–19.

5 PART IV.—ACQUISITION AND VESTING OF TRUST  
PROPERTY—ss. 20–24.

PART V.—MISCELLANEOUS—ss. 25–40.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—BASIS OF UNION.

10 SCHEDULE 3.—AMENDMENT OF ACTS.

SCHEDULE 4.—PROVISIONS AFFECTING PARTICULAR  
INSTRUMENTS, ETC.

SCHEDULE 5.—FORM.

4. Each Act specified in Schedule 1 is repealed.

Repeals.

15 5. (1) In this Act, except in so far as the context or Interpretation.  
subject-matter otherwise indicates or requires—

“appointed day” means the day appointed and notified  
under section 2 (2);

20 “Assembly” means the Assembly of the Church referred  
to in clause 15 (e) of the Basis of Union and  
includes the Inaugurating Assembly;

“Basis of Union” means the Basis of Union set forth in  
Schedule 2;

25 “Camden College Act” means the Act passed in 1876  
and intituled “An Act to incorporate Camden  
College”;

“Congregational

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- 5 "Congregational Church" means The Congregational Union of Australia and the Congregational Unions in each of the States of the Commonwealth, and includes the individual congregational churches which have resolved to enter into union with the Methodist Church and Presbyterian Church and any department, society, auxiliary, activity, fund, service, institution, or any interest of any such individual churches or Unions;
- 10 "conveyance" includes transfer, assignment and assurance;
- "Inaugurating Assembly" means the first Assembly of the Church which is convened in accordance with the Basis of Union;
- 15 "Methodist Church" means the Methodist Church of Australasia and includes any congregation, circuit, department, society, auxiliary, activity, fund, service, institution or interest thereof save and except the Conferences of Fiji, Samoa and Tonga;
- 20 "Presbyterian Church" means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia subject to the Presbyterian Church of Australia Act, 1971;
- 25 "property" includes real and personal property and any estate or interest therein and includes any right to receive income;
- 30 "Synod" means the Synod of the Church referred to in clause 15 (d) of the Basis of Union within New South Wales;
- 35 "the Church" means The Uniting Church in Australia;

"Trust"



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

“trust property” means property vested in or acquired by the Trust;

5 “Uniting Churches” means the Congregational Church, the Methodist Church and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24th  
10 July, 1901, as amended, within the meaning of Part III of the Schedule to the Presbyterian Church of Australia Act, 1971.

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

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

(i) the Council of Newington College, the body politic and corporate constituted by the Newington College Council Act, 1922;

(ii) The Methodist Trust Association;

20 (iii) the Methodist Overseas-Missions Trust Association;

(iv) the body politic and corporate constituted by the Saint Andrew's College Incorporation Act, 1867; or

25 (v) any person for the purposes of or in connection with the Presbyterian Beneficiary Fund Act, 1929; or

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

30 (i) the Saint Andrew's College Incorporation Act, 1867;

(ii)

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

PART II.

INAUGURATION OF THE CHURCH.

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

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

8. The Inaugurating Assembly shall be deemed to have Inaugura-  
25 been validly convened. ting  
Assembly.

9.



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

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

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

PART III.

CONSTITUTION OF THE TRUST.

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

(a) three official members, of whom—

- (i) one shall be the person holding or acting in the office of Moderator of the Synod;
- (ii) one shall be the person holding or acting in the office of Secretary of the Synod; and
- (iii) one shall be the person holding or acting in the office of Property Officer of the Synod; and

(b)

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

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

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

six other persons so appointed.

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

15 (a) shall be deemed to have been duly appointed pursuant to subsection (1) (b) as members of the Trust holding office as from the appointed day until the end of the annual meeting of the Synod next succeeding the appointed day; and

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

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

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

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

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

(d)



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**13.** (1) Without affecting the generality of section 38 Powers and duties of Trust. of the Interpretation Act, 1897, but subject to this Act, the Trust may—

- 5 (a) acquire, hold, deal with and dispose of property of any kind;
- (b) mortgage, charge or otherwise encumber any of its property; or
- (c) borrow money for the purposes of the Trust.

(2) Subject to this Act, the Trust shall hold trust 10 property in trust for the Church and upon any other trust affecting the property.

(3) Subject to subsection (2), the Trust shall hold, manage, administer and otherwise deal with trust property in accordance with the regulations, directions and resolutions 15 of the Assembly.

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

20 **15.** A member of the Trust appointed pursuant to section Vacation of office.  
12 (1) (b) shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by notice in writing to the Trust;
- 25 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d)

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- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (e) is removed from office as a member of the Trust by resolution of the Synod or its Standing Committee.

16. (1) Where the number of members of the Trust for the time being is reduced to less than five, the continuing members of the Trust shall appoint, as members of the Trust filling such of the vacancies as are casual vacancies in the offices of appointed members, until the end of the next annual meeting of the Synod, persons not fewer in number than that required to increase to five the number of members.

(2) Subject to subsection (1), where there is a casual vacancy in the office of an appointed member of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next annual meeting of the Synod.

17. (1) The members for the time being of the Trust shall have the custody of its common seal, and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

(2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust, and every instrument to which the common seal is so affixed shall be signed by not less than two members of the Trust.

(3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than two members of the Trust shall be deemed to have been executed in accordance with subsection (2).



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18. (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust. Form and execution of certain contracts, etc.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

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

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

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PART

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**PART IV.**

**ACQUISITION AND VESTING OF TRUST PROPERTY.**

20. (1) Subject to this Act, any property that, immediately before the appointed day, was vested in the Methodist Church (N.S.W.) Property Trust, or was vested in any other person in trust for the Methodist Church, is hereby divested from that Trust or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

Vesting  
of  
certain  
property  
in the  
Trust.

(2) Subject to this Act, any property that, immediately before the appointed day, was vested in The Congregational Union of New South Wales, or was vested in any other person in trust for the Congregational Church (except the property referred to in Schedules 5, 6 and 7 to the Fellowship of Congregational Churches (New South Wales) Incorporation Act, 1977, and the property referred to in Schedule 2 to the Hunters Hill Congregational Church Act, 1977) is hereby divested from that Union or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(3) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the Presbyterian Church of Australia Act, 1971, and, without restricting the generality of the foregoing, to section 4 of that Act and clause 18 of the Schedule to that Act, any property that, immediately before the day appointed and notified under section 2 (3), was vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, or was vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that

person



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person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(4) If the appointed day is earlier than the day  
5 appointed and notified under section 2 (3), subsection (3) of this section does not operate so as to vest any property that, immediately before the appointed day, was not vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, and was not vested in any  
10 other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof.

(5) Subject to this Act, any property that,  
15 immediately before the appointed day, was vested in the body corporate constituted under the Camden College Act, or was vested in any other person in trust for Camden College, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without  
20 conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(6) Subject to this Act, any property that, immediately before the appointed day, was vested in Tahmoor Children's Homes, a company, or was vested in any other  
25 person in trust for that company, is hereby divested from that company or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(7) Subject to this Act, any property that, immediately before the appointed day, was vested in the Congregational Homes Trust of N.S.W., a company, or was vested in any other person in trust for that company, is hereby  
30 divested from that company or other person and is, to the

extent

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extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(8) Subject to this Act, all property which pursuant  
5 to the foregoing provisions of this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of The Congregational Union Incorporation Act, the Methodist Church (N.S.W.) Property Trust Act, 1969, The Presbyterian Church (New South Wales) Property Trust  
10 Act, 1936, and the Camden College Act.

(9) Except in relation to the trusts declared by the Acts mentioned in subsection (8), the vesting effected by the foregoing provisions of this section shall be without prejudice to—

- 15 (a) any special trust;  
(b) any resulting trust;  
(c) any trust in favour of a donor;  
(d) any trust in favour of a person other than the  
Uniting Churches or any one or more of them; and  
20 (e) any reservation, mortgage, charge, encumbrance,  
lien or lease,

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

(10) The land described in Indenture dated 8th  
25 January, 1906, registered No. 692 Book 799, on which land is situated the Woollahra Congregational Church Manse, is hereby freed and discharged from the trusts declared by the Indenture and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the  
30 provisions of this Act.



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(11) Subject to this Act, all property that, immediately before the appointed day, was vested in the body corporate constituted by the Camden College Act to hold upon the terms and conditions and for the purposes set forth in an Indenture dated 21st March, 1878, and referred to therein as the "David Livingstone or Work and Trust Bursaries", or was vested in any other person in trust for the purposes therein set forth, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust, upon the terms and conditions and for the purposes set forth in the Indenture, as varied by certain orders of the Supreme Court in its equitable jurisdiction made on 30th July, 1917, 9th September, 1937 and 28th February, 1964.

(12) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(13) In this section, "special trust" means any trust other than a trust for the general purposes of the Congregational Church, the Methodist Church or the Presbyterian Church.

21. (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—

Construction of certain instruments.

- (a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust, for the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church;
- (b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c)

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- (c) is payable to, or receivable by, the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,
- 5 the deed, will or other instrument shall be read and construed and take effect as though the reference therein to the Church or, as the case may be, to that person, were a reference to the Trust.
- (2) Any deed, instrument, document, gift, will or  
10 other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church unless the context otherwise provides.
- (3) Any deed, instrument, document, gift, will or  
15 other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of an individual church which prior to the appointed day was affiliated with The Congregational Union of New South Wales and  
20 which resolved to enter into union with the Methodist Church and Presbyterian Church or which has been admitted to membership of the Church, or any person or body on behalf of any such individual church, shall be read and construed as though any reference therein to that individual church or  
25 that person or body were a reference to the Church unless the context otherwise provides.
- (4) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of—
- 30 (a) Camden College or the body corporate constituted by the Camden College Act;  
(b) Tahmoor Children's Homes, a company; or  
(c) Congregational Homes Trust of N.S.W., a company,

shall



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shall be read and construed as though any reference therein to that College, body or company were a reference to the Church unless the context otherwise provides.

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

23. (1) Subject to subsection (2), a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal, be prima facie evidence that the property so specified is so held

- (2) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.

- (3) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Fellowship of Congregational Churches (New South Wales) or between the Church and any church affiliated with the Fellowship of Congregational Churches (New South Wales).

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

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

Certain rights enforceable by the Trust.

PART V.

20

MISCELLANEOUS.

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

Claims for compensation upon compulsory acquisition, etc.

26.



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26. A receipt for moneys payable to the Trust shall <sup>Receipt</sup> exonerate the mortgagee, purchaser or other person by whom <sup>for</sup> or on whose behalf the moneys are so payable from any <sup>certain</sup> liability to see to the application thereof, and from any <sup>moneys.</sup> liability for the loss, misapplication or non-application thereof, if the receipt—

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

27. No purchaser, mortgagee, lessee or other person <sup>Exonera-</sup> dealing with the Trust, and neither the Registrar-General nor <sup>tion</sup> any other persons registering or certifying title shall, upon <sup>from</sup> any sale, exchange, mortgage, lease or other dealing purport- <sup>inquiry.</sup> ing to be entered into by the Trust, be concerned to see or inquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorised, irregular or improper.

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

*Uniting Church in Australia.***29. (1) The Trust may—**

Trust may  
act as  
executor,  
etc.

5 (a) apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration of the estate, of a deceased person where the Church has a beneficial interest, vested or contingent, in the estate of that person; or

10 (b) accept appointment, and act, as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the Trust by, or pursuant to, this Act, and the trust was created wholly or partly for the benefit of the Church,

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

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

**(3) The Trust may—**

(a) renounce executorship;

(b) decline to act as administrator of an estate; or

25 (c) retire, or decline to act, as trustee of property (not being property vested in it by or pursuant to this Act).

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



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

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

**32.** (1) The Assembly may make regulations for the control, management and administration of, and dealings with, trust property. Regulations.

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) A regulation under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.

(d)

**33.**

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

(2) The conditions that the Synod or committee may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a  
 20 co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received  
 25 pursuant to that scheme and any property of the Trust involved in any such scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in  
 30 the Trust shall be bound to inquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—

35 (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

(b)



*Uniting Church in Australia.*

(b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

5     **34.** (1) The provisions of section 33 shall apply to and <sup>Saving</sup> in relation to all property at any time held by the Trust except <sup>provision.</sup> to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.

10         (2) Subsection (1) shall not prevent the use of property in a manner referred to in section 33 if the property was merely directed to be held on trust for the worship or purposes of the Church.

**35.** (1) Subject to subsection (2), in every case where <sup>Power of</sup> <sup>Synod to</sup> <sup>alter trusts.</sup> by reason of the circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any property vested in the Trust is for the time being subject, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe the trusts, it shall be   
20 lawful for the Synod by resolution to declare that opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit or purpose of the Church instead of the firstmentioned trusts, and the firstmentioned trusts shall thereupon by force of the resolution cease and   
25 determine, and the property shall thereupon be held upon the other trusts accordingly.

(2) The property shall be dealt with for the same purposes as nearly as may be as the purposes for which the property was immediately before the resolution held unless   
30 the Synod by resolution declares that by reason of circumstances subsequent to the creation of the firstmentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply the property or some part thereof for the same or the like purposes, in which case the property or   
35 that part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as may be declared by resolution of the Synod.

**36.**

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

37. (1) Where the Trust holds money on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest the money or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the money so invested is held and any loss arising from any such investment shall likewise be borne rateably.

(2) The Trust may make advances out of the money referred to in subsection (1) for any purpose of or relating to the Church.

(3) Any sum advanced under subsection (2) shall be deemed an investment of the money and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

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



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**39.** (1) As on and from the appointed day, the Trust shall assume responsibility for and become liable to meet all enforceable debts and liabilities of—

Transfer of certain liabilities to Trust.

- (a) the body corporate constituted under the Camden College Act;
- (b) Tahmoor Children's Homes, a company; and
- (c) Congregational Homes Trust of N.S.W., a company.

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

**40.** Schedules 3 and 4 have effect.

Schedules 3 and 4.

**SCHEDULE 1.**

Sec. 4.

**REPEALS.**

- Camden College Act.
- The Congregational Union Incorporation Act.
- Methodist Union Act, 1902.
- The Congregational Union Incorporation (Amendment) Act, 1938.
- Congregational Union Incorporation (Amendment) Act, 1969.
- Methodist Church (N.S.W.) Property Trust Act, 1969.

**SCHEDULE**

*Uniting Church in Australia.*

SCHEDULE 2.

Sec. 5.

BASIS OF UNION.

1. The Congregational Union of Australia, the Methodist  
Church of Australasia and the Presbyterian Church of  
5 Australia, in fellowship with the whole Church Catholic, and  
seeking to bear witness to that unity which is both Christ's  
gift and his will for the Church, hereby enter into union under  
the name of the Uniting Church in Australia. They pray that  
this act may be to the glory of God the Father, the Son and  
10 the Holy Spirit. They praise God for his gifts of grace to  
each of them in years past; they acknowledge that none of  
them has responded to God's love with a full obedience; they  
look for a continuing renewal in which God will use their  
common worship, witness and service to set forth the word  
15 of salvation for all mankind. To this end they declare their  
readiness to go forward together in sole loyalty to Christ the  
living Head of the Church; they remain open to constant  
reform under his Word; and they seek a wider unity in the  
power of the Holy Spirit. In this union these Churches  
20 commit their members to acknowledge one another in love  
and joy as believers in our Lord Jesus Christ, to hear anew  
the commission of the Risen Lord to make disciples of all  
nations, and daily to seek to obey his will. In entering into  
this union the Churches concerned are mindful that the  
25 Church of God is committed to serve the world for which  
Christ died, and that she awaits with hope the day of the  
Lord Jesus Christ on which it will be clear that the kingdom  
of this world has become the kingdom of our Lord and of  
his Christ, and he shall reign for ever and ever.

30 2. The Uniting Church lives and works within the faith  
and unity of the One Holy Catholic and Apostolic Church.  
She recognises that she is related to other Churches in ways  
which give expression, however partially, to that unity in  
faith and mission. Recalling the Ecumenical Councils of the  
35 early centuries, she looks forward to a time when the faith

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the  
5 uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will  
10 continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness  
15 to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church  
20 in Australia, by working together and seeking union with other Churches.

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

Jesus of Nazareth announced the sovereign grace of God  
30 whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility, obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he

## SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reasserted his claim over the whole of his creation, he  
pardoned sinners, and made in Jesus a representative begin-  
5 ning of a new order of righteousness and love. To God in  
Christ men are called to respond in faith. To this end God  
has sent forth his Spirit that men may trust him as their  
Father, and acknowledge Jesus as Lord. The whole work of  
man's salvation is effected by the sovereign grace of God  
10 alone.

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

4. The Uniting Church acknowledges that the Church is able  
to live and endure through the changes of history only because  
30 her Lord comes, addresses, and deals with men in and through  
the news of his completed work. Christ who is present when he  
is preached among men is the Word of the God who acquits  
the guilty, who gives life to the dead and who brings into being  
what otherwise could not exist. Through human witness in  
35 word and action, and in the power of the Holy Spirit, Christ

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be  
5 the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the  
10 Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and  
15 witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

20 6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the  
25 Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

30 7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accom-

## SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

plished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he  
 5 poured out the Holy Spirit at Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church  
 10 will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's  
 15 Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the  
 20 Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consumma-  
 25 tion.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the  
 30 language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

5 She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom  
10 of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like  
15 manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality  
20 of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon,  
25 and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide  
30 fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

her to understand her own nature and mission. She thanks God  
for the continuing witness and service of evangelist, of scholar,  
5 of prophet and of martyr. She prays that she may be ready  
when occasion demands to confess her Lord in fresh words  
and deeds.

12. The Uniting Church recognises and accepts as her  
members all who are recognised as members of the uniting  
10 Churches at the time of union. Thereafter membership is open  
to all who are baptized into the Holy Catholic Church in the  
name of the Father and of the Son and of the Holy Spirit. The  
Uniting Church will seek ways in which the baptized may  
have confirmed to them the promises of God, and be led to  
15 deeper commitment to the faith and service into which they  
have been baptized. To this end she commits herself to under-  
take, with other Christians, to explore and develop the relation  
of baptism to confirmation and to participation in the Holy  
Communion.

20 13. The Uniting Church affirms that every member of the  
Church is engaged to confess the faith of Christ crucified and  
to be his faithful servant. She acknowledges with thanksgiving  
that the one Spirit has endowed the members of his Church  
with a diversity of gifts, and that there is no gift without its  
25 corresponding service: all ministries have a part in the ministry  
of Christ. The Uniting Church, at the time of union, will recog-  
nise and accept the ministries of those who have been called to  
any task or responsibility in the uniting Churches. The Uniting  
Church will thereafter provide for the exercise by men and  
30 women of the gifts God bestows upon them, and will order her  
life in response to his call to enter more fully into her mission.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members  
5 men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

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

- The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church  
30 praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of  
35 those already ordained, the Church bears witness to

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

5      God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

10      (b) The Uniting Church recognises and accepts as elders or leaders those who at the time of union hold the office of elder, deacon or leader appointed to exercise spiritual oversight, and who, being in good standing in any of the uniting Churches at the time of union, adhere to the Basis of Union. She  
15      will seek to recognise in the congregation those endowed by the Spirit with gifts fitting them for rule and oversight. Such members will be called Elders or Leaders.

20      (c) The Uniting Church recognises and accepts as deaconesses those who at the time of union are deaconesses in good standing in any of the uniting Churches and who adhere to the Basis of Union. She believes that the Holy Spirit will continue to  
25      call women to share in this way in the varied services and witness of the Church, and she will make provision for this. Such members will be called Deaconesses.

30      The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and

**SCHEDULE**



*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

5 women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses, whether the service is within or beyond the life of the congregation.

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

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

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

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

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

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

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

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

SCHEDULE



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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

- 5 (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- 10 (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being
- 15 appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over
- 20 those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will
- 25 promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church
- 30 members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the
- 35 region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.

**SCHEDULE**

*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

- (e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.
- The first Assembly, however, will consist of members of the uniting Churches, appointed in equal numbers by them in such manner as they may determine, and is vested with such powers as may be necessary to establish the Uniting Church according to the provisions of the Basis of Union.

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

SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

16. The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among  
 5 members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves  
 10 the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law  
 15 is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of  
 20 God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

25 18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship,  
 30 witness and service to his eternal glory through Jesus Christ the Lord. Amen.

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SCHEDULE 3.

Sec. 40.

AMENDMENT OF ACTS.

1. The Wesley College Incorporation Act, 1910, is amended—

Amendment  
of Wesley  
College  
Incorporation Act,  
1910.

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

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

Interpre-  
tation.

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

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

“Synod” means the Synod of The Uniting Church in Australia in New South Wales;

“the said church” means the Uniting Church in Australia.

(b) (i) by omitting from section 5 the words “the conference” and by inserting instead the words “the Synod”;

(ii) by omitting from section 5 the words “Provided that any duly ordained minister in connection with the respective conferences of

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

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

- 30 (c) by omitting from section 7 the word “conference” and by inserting instead the word “Synod”; Sec. 7.  
(Mode of  
election of  
councillors.)
- (d) by omitting from section 10 the word “conference” and by inserting instead the word “Synod”; Sec. 10.  
(Tenure of  
office of  
clerical  
councillors.)

## SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 3—*continued.*

AMENDMENT OF ACTS—*continued.*

- 5 (e) by inserting in section 11 after the word “confer- Sec. 11.  
ence” where secondly occurring the words “or (Tenure of  
Synod”; office of lay  
councillors.)
- (f) by omitting from section 13 the words “President Sec. 13.  
or the acting President” and by inserting instead the (Visitor.)  
word “Moderator”;
- 10 (g) by omitting from section 14 the words “conference Sec. 14.  
sitting as one of such courts” and by inserting (Removal or  
instead the words “Synod sitting as one of such suspension  
of  
courts or such other court of the said church having Principal.)  
jurisdiction in that regard by virtue of the Constitu-  
tion of the said church and the regulations of the  
15 said church”;
- (h) (i) by omitting from section 16 the words Sec. 16.  
“President of the conference” and by inserting (Power of  
instead the word “Moderator”; making  
by-laws.)
- 20 (ii) by omitting from section 16 the word  
“conference” where secondly occurring and by  
inserting instead the word “Synod”.

2. The Newington College Council Act, 1922, is Amendment  
amended— of Newing-  
ton College  
Council Act,  
1922.

- 25 (a) by omitting from section 1A the words “conference Sec. 1A.  
of the Methodist Church of Australasia in New (Approval  
South Wales or of the Committee of Management of confer-  
of the Property Department of the said conference” committee  
and by inserting instead the words “Synod of The to sell,  
Uniting Church in Australia in New South Wales mortgage,  
etc.)  
30 or of any committee thereof empowered to grant  
approval on its behalf”;

SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 3—*continued.*

AMENDMENT OF ACTS—*continued.*

- 5 (b) by omitting from section 5 the words “president of the conference of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”; Sec. 5.  
(Evidence of resolution.)
- 10 (c) by omitting from section 8 (d) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales”; Sec. 8.  
(Application of purchase and mortgage moneys.)
- 15 (d) by inserting after section 9 (7) the following subsections :— Sec. 9.  
(Constitution and election of council.)
- (8) As from the commencement of the first meeting of the Synod of The Uniting Church in Australia in New South Wales—
- 20 (a) the powers and rights conferred upon the New South Wales Conference of the Methodist Church of Australasia by subsections (1), (3), (5) and (6) shall be vested in the said Synod;
- 25 (b) references in those subsections to “the said Church” shall be construed as references to The Uniting Church in Australia;
- 30 (c) references in subsection (4) to the President of the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales; and

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 3—*continued.*

AMENDMENT OF ACTS—*continued.*

- 5 (d) references in subsection (4) to the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Synod of The Uniting Church in Australia in New South Wales.
- (e) by omitting section 10 and by inserting instead the following section :— Sec. 10.
- 10 10. The councillors of the said college shall hold office until their successors are appointed, but the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales shall always be a member in place of any retiring Moderator. Temporary continuance in office of councillors.
- 15 (f) by omitting from section 11 the words “annual conferences of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “annual meetings of the Synod of The Uniting Church in Australia in New South Wales”; Sec. 11. (Filling vacancies in council.)
- 20 (g) (i) by omitting from section 12 the words “the Methodist Church of Australasia in New South Wales” and by inserting instead the words “The Uniting Church in Australia”; Sec. 12. (Council may make regulations.)
- 25 (ii) by omitting from section 12 the words “annual conference of the said church” and by inserting instead the words “meeting of the Synod of The Uniting Church in Australia in New South Wales”;
- 30 (h) by inserting in section 14 after the word “remuneration,” the words “and to appoint and dismiss the headmaster of the said school”; Sec. 14. (Powers of the council.)



*Uniting Church in Australia.*

SCHEDULE 3—*continued.*

AMENDMENT OF ACTS—*continued.*

- 5 (i) (i) by omitting from section 14A (1) (b) the words "New South Wales Conference of the Methodist Church of Australasia" and by inserting instead the words "the Synod of The Uniting Church in Australia in New South Wales"; Sec. 14A. (Vacancy in office of headmaster.)
- 10 (ii) by omitting section 14A (1) (c), (d), (e) and (f);
- (iii) by omitting section 14A (2);
- (j) (i) by omitting from section 15 the word "president" wherever occurring and by inserting instead the word "Moderator"; Sec. 15. (Chairman of council's meetings.)
- 15 (ii) by omitting from section 15 the words "conference of the Methodist Church of Australasia" and by inserting instead the words "Synod of The Uniting Church in Australia";
- 20 (k) (i) by omitting from section 16 the words "annual conference of the said Methodist Church of Australasia" and by inserting instead the words "Synod of The Uniting Church in Australia"; Sec. 16. (Visitor and chaplain.)
- 25 (ii) by omitting from section 16 the words "such conference" and by inserting instead the words "such Synod";
- (l) by omitting from section 17 the word "conference" and by inserting instead the word "Synod"; Sec. 17. (Report of proceedings of council.)
- 30 (m) by omitting from section 17A the words "president of the conference" and by inserting instead the words "Moderator of the Synod of The Uniting Church in Australia in New South Wales". Sec. 17A. (Evidence.)

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 4.

Sec. 40.

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.

1. (1) The company registered on 26th March, 1930, and styled "The Methodist Trust Association" shall as on and from the appointed day be styled "The Uniting Church (N.S.W.) Trust Association".

(2) A reference in the Memorandum of Association or Articles of Association of The Methodist Trust Association to—

- 10 (a) The Methodist Trust Association shall be construed as a reference to The Uniting Church (N.S.W.) Trust Association;
- (b) the Methodist Church of Australasia or the Methodist Church shall be construed as a reference to The Uniting Church in Australia;
- 15 (c) the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Synod of The Uniting Church in Australia in New South Wales; and
- 20 (d) the President for the time being of the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Moderator for the time being of that Synod, including any person for the time being authorised by that Synod to perform or carry out the duties of Moderator.
- 25

2. (1) The company registered on 1st June, 1917, and styled "Methodist Overseas-Missions Trust Association" shall as on and from the appointed day be styled "Uniting Church Council of Mission Trust Association".

SCHEDULE



*Uniting Church in Australia.*

SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

(2) A reference in the Memorandum of Association  
5 or Articles of Association of the Methodist Overseas-Missions  
Trust Association to the Methodist Overseas-Missions Trust  
Association shall be construed as a reference to the Uniting  
Church Council of Mission Trust Association.

(3) The reference in clause 3 (b) of the Memorandum  
10 of Association to the Methodist Missionary Society of  
Australasia, whose office is situate at 139 Castlereagh Street,  
Sydney, or its successors, shall be construed as a reference  
to The Uniting Church in Australia or any purpose pursued  
by or associated with the Church.

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

(5) The reference in Article 17 of the Articles of  
20 Association to the Department of Overseas-Missions shall be  
construed as a reference to the Uniting Church Council of  
Mission Trust Association.

3. (1) A reference in the Indenture referred to in section  
25 20 (11), or in any of the orders so referred to, to—

David  
Livingstone  
Bursaries  
Fund.

(a) "Camden College" or "College" shall be construed  
as a reference to the United Theological College;

(b) "Council of the College" or "Council" or "President  
and Fellows of the College" shall be construed as  
30 a reference to the council of the United Theological  
College;

SCHEDULE

*Uniting Church in Australia.*

SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

5 (c) "Warden of the College" shall be construed as a reference to the Principal for the time being of the United Theological College or the person for the time being fulfilling the functions of the Principal; and

10 (d) "The Congregational Union of New South Wales" shall be construed as a reference to the Synod.

(2) The reference in clause 17 of the Indenture to "the Act of Incorporation" shall be construed as a reference to the constitution of the council of the United Theological College.

15 (3) The order so referred to and made on 28th February, 1964, shall be construed as though a reference therein to the Melbourne College of Divinity were a reference to the United Theological College.

20 4. (1) References in the will of William Moore, late of Moore Estate.  
Lawson, Homoeopathic Practitioner, deceased, to—

(a) The Congregational Union of New South Wales;  
and

(b) the Committee of that Union,

25 shall be construed as references to the Trust, but references therein to that Union, as follows :—

(c) "a fit person or persons who shall be Ministers in full connection with the said Union"; and

(d) "and for the benefit of the Congregational Union of New South Wales",

30 shall be construed as references to the Church.

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

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

5. Nothing in clause 1 or 2 prevents the amendment from  
15 time to time of the Memorandum of Association or Articles  
of Association referred to therein in accordance with the  
Companies Act, 1961.

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SCHEDULE 5.

Sec. 31.

FORM.

20 EXTRACT FROM THE METHODIST CHURCH REGISTER OF  
TRUSTEES FOR NEW SOUTH WALES.

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

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977





## New South Wales



ANNO VICESIMO SEXTO

# ELIZABETHÆ II REGINÆ

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### Act No. 47, 1977.

An Act to make provision for the inauguration of The Uniting Church in Australia; to constitute The Uniting Church in Australia Property Trust (N.S.W.), to define its powers, authorities, duties and functions, and to provide for the vesting in it of certain property; to provide for the construction of certain instruments; to repeal The Congregational Union Incorporation Act, the

Methodist

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*Uniting Church in Australia.*

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Methodist Union Act, 1902, and certain other Acts; to amend the Newington College Council Act, 1922, and certain other Acts; and for incidental purposes. [Assented to, 27th April, 1977.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.**

**PRELIMINARY.**

Short  
title.

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

Commence-  
ment.

**2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 20 (3) shall commence on such day (being a day not earlier than the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**3.**



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*Uniting Church in Australia.*

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**3. This Act is divided as follows:—**

Division  
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—INAUGURATION OF THE CHURCH—ss. 6–11.

PART III.—CONSTITUTION OF THE TRUST—ss. 12–19.

PART IV.—ACQUISITION AND VESTING OF TRUST  
PROPERTY—ss. 20–24.

PART V.—MISCELLANEOUS—ss. 25–40.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—BASIS OF UNION.

SCHEDULE 3.—AMENDMENT OF ACTS.

SCHEDULE 4.—PROVISIONS AFFECTING PARTICULAR  
INSTRUMENTS, ETC.

SCHEDULE 5.—FORM.

**4. Each Act specified in Schedule 1 is repealed.**

Repeals.

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

Interpre-  
tation.

“appointed day” means the day appointed and notified  
under section 2 (2);

“Assembly” means the Assembly of the Church referred  
to in clause 15 (e) of the Basis of Union and  
includes the Inaugurating Assembly;

“Basis of Union” means the Basis of Union set forth in  
Schedule 2;

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

Congregational

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*Uniting Church in Australia.*

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

“conveyance” includes transfer, assignment and assurance;

“Inaugurating Assembly” means the first Assembly of the Church which is convened in accordance with the Basis of Union;

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

“Presbyterian Church” means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia subject to the Presbyterian Church of Australia Act, 1971;

“property” includes real and personal property and any estate or interest therein and includes any right to receive income;

“Synod” means the Synod of the Church referred to in clause 15 (d) of the Basis of Union within New South Wales;

“the Church” means The Uniting Church in Australia;

“Trust”



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*Uniting Church in Australia.*

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

"trust property" means property vested in or acquired by the Trust;

"Uniting Churches" means the Congregational Church, the Methodist Church and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24th July, 1901, as amended, within the meaning of Part III of the Schedule to the Presbyterian Church of Australia Act, 1971.

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

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

(i) the Council of Newington College, the body politic and corporate constituted by the Newington College Council Act, 1922;

(ii) The Methodist Trust Association;

(iii) the Methodist Overseas-Missions Trust Association;

(iv) the body politic and corporate constituted by the Saint Andrew's College Incorporation Act, 1867; or

(v) any person for the purposes of or in connection with the Presbyterian Beneficiary Fund Act, 1929; or

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

(i) the Saint Andrew's College Incorporation Act, 1867;

(ii)

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*Uniting Church in Australia.*


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

### INAUGURATION OF THE CHURCH.

Authority  
to unite.

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

Name of  
Church.

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

Inaugura-  
ting  
Assembly.

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



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*Uniting Church in Australia.*

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

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

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

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**PART III.**

**CONSTITUTION OF THE TRUST.**

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

(a) three official members, of whom—

- (i) one shall be the person holding or acting in the office of Moderator of the Synod;
- (ii) one shall be the person holding or acting in the office of Secretary of the Synod; and
- (iii) one shall be the person holding or acting in the office of Property Officer of the Synod; and

(b)

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*Uniting Church in Australia.*

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

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

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

six other persons so appointed.

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

(a) shall be deemed to have been duly appointed pursuant to subsection (1) (b) as members of the Trust holding office as from the appointed day until the end of the annual meeting of the Synod next succeeding the appointed day; and

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

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

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

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

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



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*Uniting Church in Australia.*

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**13.** (1) Without affecting the generality of section 38 Powers and duties of Trust. of the Interpretation Act, 1897, but subject to this Act, the Trust may—

- (a) acquire, hold, deal with and dispose of property of any kind;
- (b) mortgage, charge or otherwise encumber any of its property; or
- (c) borrow money for the purposes of the Trust.

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

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

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

**15.** A member of the Trust appointed pursuant to section Vacation 12 (1) (b) shall be deemed to have vacated his office if he— of office.

- (a) dies;
- (b) resigns his office by notice in writing to the Trust;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(d)

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*Uniting Church in Australia.*

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- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (e) is removed from office as a member of the Trust by resolution of the Synod or its Standing Committee.

Casual  
vacancies.

16. (1) Where the number of members of the Trust for the time being is reduced to less than five, the continuing members of the Trust shall appoint, as members of the Trust filling such of the vacancies as are casual vacancies in the offices of appointed members, until the end of the next annual meeting of the Synod, persons not fewer in number than that required to increase to five the number of members.

(2) Subject to subsection (1), where there is a casual vacancy in the office of an appointed member of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next annual meeting of the Synod.

Common  
seal.

17. (1) The members for the time being of the Trust shall have the custody of its common seal, and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

(2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust, and every instrument to which the common seal is so affixed shall be signed by not less than two members of the Trust.

(3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than two members of the Trust shall be deemed to have been executed in accordance with subsection (2).



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*Uniting Church in Australia.*

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**18.** (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust. Form and execution of certain contracts, etc.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

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

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

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*Uniting Church in Australia.*

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**PART IV.****ACQUISITION AND VESTING OF TRUST PROPERTY.**

Vesting  
of  
certain  
property  
in the  
Trust.

**20.** (1) Subject to this Act, any property that, immediately before the appointed day, was vested in the Methodist Church (N.S.W.) Property Trust, or was vested in any other person in trust for the Methodist Church, is hereby divested from that Trust or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(2) Subject to this Act, any property that, immediately before the appointed day, was vested in The Congregational Union of New South Wales, or was vested in any other person in trust for the Congregational Church (except the property referred to in Schedules 5, 6 and 7 to the Fellowship of Congregational Churches (New South Wales) Incorporation Act, 1977, and the property referred to in Schedule 2 to the Hunters Hill Congregational Church Act, 1977) is hereby divested from that Union or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(3) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the Presbyterian Church of Australia Act, 1971, and, without restricting the generality of the foregoing, to section 4 of that Act and clause 18 of the Schedule to that Act, any property that, immediately before the day appointed and notified under section 2 (3), was vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, or was vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that

person



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*Uniting Church in Australia.*

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person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(4) If the appointed day is earlier than the day appointed and notified under section 2 (3), subsection (3) of this section does not operate so as to vest any property that, immediately before the appointed day, was not vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, and was not vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof.

(5) Subject to this Act, any property that, immediately before the appointed day, was vested in the body corporate constituted under the Camden College Act, or was vested in any other person in trust for Camden College, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(6) Subject to this Act, any property that, immediately before the appointed day, was vested in Tahmoor Children's Homes, a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(7) Subject to this Act, any property that, immediately before the appointed day, was vested in the Congregational Homes Trust of N.S.W., a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the

extent

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*Uniting Church in Australia.*

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extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(8) Subject to this Act, all property which pursuant to the foregoing provisions of this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of The Congregational Union Incorporation Act, the Methodist Church (N.S.W.) Property Trust Act, 1969, The Presbyterian Church (New South Wales) Property Trust Act, 1936, and the Camden College Act.

(9) Except in relation to the trusts declared by the Acts mentioned in subsection (8), the vesting effected by the foregoing provisions of this section shall be without prejudice to—

- (a) any special trust;
- (b) any resulting trust;
- (c) any trust in favour of a donor;
- (d) any trust in favour of a person other than the Uniting Churches or any one or more of them; and
- (e) any reservation, mortgage, charge, encumbrance, lien or lease,

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

(10) The land described in Indenture dated 8th January, 1906, registered No. 692 Book 799, on which land is situated the Woollahra Congregational Church Manse, is hereby freed and discharged from the trusts declared by the Indenture and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.



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(11) Subject to this Act, all property that, immediately before the appointed day, was vested in the body corporate constituted by the Camden College Act to hold upon the terms and conditions and for the purposes set forth in an Indenture dated 21st March, 1878, and referred to therein as the "David Livingstone or Work and Trust Bursaries", or was vested in any other person in trust for the purposes therein set forth, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust, upon the terms and conditions and for the purposes set forth in the Indenture, as varied by certain orders of the Supreme Court in its equitable jurisdiction made on 30th July, 1917, 9th September, 1937 and 28th February, 1964.

(12) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(13) In this section, "special trust" means any trust other than a trust for the general purposes of the Congregational Church, the Methodist Church or the Presbyterian Church.

**21.** (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—

Construc-  
tion of  
certain  
instru-  
ments.

(a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust, for the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church;

(b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c)

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- (c) is payable to, or receivable by, the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,

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

(2) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church unless the context otherwise provides.

(3) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of an individual church which prior to the appointed day was affiliated with The Congregational Union of New South Wales and which resolved to enter into union with the Methodist Church and Presbyterian Church or which has been admitted to membership of the Church, or any person or body on behalf of any such individual church, shall be read and construed as though any reference therein to that individual church or that person or body were a reference to the Church unless the context otherwise provides.

(4) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of—

- (a) Camden College or the body corporate constituted by the Camden College Act;
- (b) Tahmoor Children's Homes, a company; or
- (c) Congregational Homes Trust of N.S.W., a company,

shall



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shall be read and construed as though any reference therein to that College, body or company were a reference to the Church unless the context otherwise provides.

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

**23.** (1) Subject to subsection (2), a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal, be prima facie evidence that the property so specified is so held.

(2) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.

(3) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Fellowship of Congregational Churches (New South Wales) or between the Church and any church affiliated with the Fellowship of Congregational Churches (New South Wales).

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

Certain  
rights  
enforce-  
able by  
the Trust.

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

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PART V.

MISCELLANEOUS.

Claims  
for  
compensa-  
tion  
upon  
compulsory  
acquisition,  
etc.

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



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

Receipt  
for  
certain  
moneys.

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

**27.** No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar-General nor any other persons registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or inquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorised, irregular or improper.

Exonera-  
tion  
from  
inquiry.

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

Service of  
documents.

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Trust may  
act as  
executor,  
etc.

**29. (1) The Trust may—**

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

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

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

**(3) The Trust may—**

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

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



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

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

**32.** (1) The Assembly may make regulations for the control, management and administration of, and dealings with, trust property. Regulations.

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) A regulation under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.

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Co-operative use  
of  
property.

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

(2) The conditions that the Synod or committee may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any such scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trust shall be bound to inquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—

- (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

(b)



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(b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

34. (1) The provisions of section 33 shall apply to and in relation to all property at any time held by the Trust except to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section. <sup>Saving provision.</sup>

(2) Subsection (1) shall not prevent the use of property in a manner referred to in section 33 if the property was merely directed to be held on trust for the worship or purposes of the Church.

35. (1) Subject to subsection (2), in every case where by reason of the circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any property vested in the Trust is for the time being subject, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe the trusts, it shall be lawful for the Synod by resolution to declare that opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit or purpose of the Church instead of the firstmentioned trusts, and the firstmentioned trusts shall thereupon by force of the resolution cease and determine, and the property shall thereupon be held upon the other trusts accordingly. <sup>Power of Synod to alter trusts.</sup>

(2) The property shall be dealt with for the same purposes as nearly as may be as the purposes for which the property was immediately before the resolution held unless the Synod by resolution declares that by reason of circumstances subsequent to the creation of the firstmentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply the property or some part thereof for the same or the like purposes, in which case the property or that part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as may be declared by resolution of the Synod.

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Indemnifi-  
cation  
of certain  
persons.

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

Blending  
of trust  
funds.

**37.** (1) Where the Trust holds money on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest the money or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the money so invested is held and any loss arising from any such investment shall likewise be borne rateably.

(2) The Trust may make advances out of the money referred to in subsection (1) for any purpose of or relating to the Church.

(3) Any sum advanced under subsection (2) shall be deemed an investment of the money and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

Powers of  
investment.

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



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*Uniting Church in Australia.*

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**39.** (1) As on and from the appointed day, the Trust shall assume responsibility for and become liable to meet all enforceable debts and liabilities of—

Transfer  
of certain  
liabilities  
to Trust.

- (a) the body corporate constituted under the Camden College Act;
- (b) Tahmoor Children's Homes, a company; and
- (c) Congregational Homes Trust of N.S.W., a company.

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

**40.** Schedules 3 and 4 have effect.

Schedules  
3 and 4.

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**SCHEDULE 1.**

**Sec. 4.**

**REPEALS.**

Camden College Act.

The Congregational Union Incorporation Act.

Methodist Union Act, 1902.

The Congregational Union Incorporation (Amendment) Act, 1938.

Congregational Union Incorporation (Amendment) Act, 1969.

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

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**SCHEDULE**

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Sec. 5.

**SCHEDULE 2.****BASIS OF UNION.**

1. The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both Christ's gift and his will for the Church, hereby enter into union under the name of the Uniting Church in Australia. They pray that this act may be to the glory of God the Father, the Son and the Holy Spirit. They praise God for his gifts of grace to each of them in years past; they acknowledge that none of them has responded to God's love with a full obedience; they look for a continuing renewal in which God will use their common worship, witness and service to set forth the word of salvation for all mankind. To this end they declare their readiness to go forward together in sole loyalty to Christ the living Head of the Church; they remain open to constant reform under his Word; and they seek a wider unity in the power of the Holy Spirit. In this union these Churches commit their members to acknowledge one another in love and joy as believers in our Lord Jesus Christ, to hear anew the commission of the Risen Lord to make disciples of all nations, and daily to seek to obey his will. In entering into this union the Churches concerned are mindful that the Church of God is committed to serve the world for which Christ died, and that she awaits with hope the day of the Lord Jesus Christ on which it will be clear that the kingdom of this world has become the kingdom of our Lord and of his Christ, and he shall reign for ever and ever.

2. The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches.

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

Jesus of Nazareth announced the sovereign grace of God whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility, obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he

## SCHEDULE

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.**

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**BASIS OF UNION—continued.**

reasserted his claim over the whole of his creation, he pardoned sinners, and made in Jesus a representative beginning of a new order of righteousness and love. To God in Christ men are called to respond in faith. To this end God has sent forth his Spirit that men may trust him as their Father, and acknowledge Jesus as Lord. The whole work of man's salvation is effected by the sovereign grace of God alone.

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

4. The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because her Lord comes, addresses, and deals with men in and through the news of his completed work. Christ who is present when he is preached among men is the Word of the God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ



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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accom-

**SCHEDULE**

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

plished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he poured out the Holy Spirit at Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consummation.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith.

**SCHEDULE**



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*Uniting Church in Australia.*

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**SCHEDULE 2—*continued.*****BASIS OF UNION—*continued.***

She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help

**SCHEDULE**

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

12. The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptized into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptized may have confirmed to them the promises of God, and be led to deeper commitment to the faith and service into which they have been baptized. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.

13. The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.

**SCHEDULE**



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*Uniting Church in Australia.*

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**SCHEDULE 2—*continued.***

**BASIS OF UNION—*continued.***

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

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

The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of those already ordained, the Church bears witness to

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

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

The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses, whether the service is within or beyond the life of the congregation.

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

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

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

SCHEDULE

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*Uniting Church in Australia.*

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**SCHEDULE 2—*continued.*****BASIS OF UNION—*continued.***

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

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

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

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

**SCHEDULE**



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*Uniting Church in Australia.*

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**SCHEDULE 2—*continued.***

**BASIS OF UNION—*continued.***

- (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.

**SCHEDULE**

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*Uniting Church in Australia.*

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**SCHEDULE 2—*continued.*****BASIS OF UNION—*continued.***

- (e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

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

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

**SCHEDULE**



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*Uniting Church in Australia.*

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**SCHEDULE 2—*continued.*****BASIS OF UNION—*continued.***

16. The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship, witness and service to his eternal glory through Jesus Christ the Lord. Amen.

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*Uniting Church in Australia.*


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Sec. 40.

**SCHEDULE 3.****AMENDMENT OF ACTS.**

Amendment  
of Wesley  
College  
Incorporation  
Act,  
1910.

1. The Wesley College Incorporation Act, 1910, is amended—

Sec. 1.

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

Interpre-  
tation.

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

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

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

“Synod” means the Synod of The Uniting Church in Australia in New South Wales;

“the said church” means the Uniting Church in Australia.

Sec. 5.  
(Principal.)

(b) (i) by omitting from section 5 the words “the conference” and by inserting instead the words “the Synod”;

(ii) by omitting from section 5 the words “Provided that any duly ordained minister in connection with the respective conferences of

**SCHEDULE**



*Uniting Church in Australia.*

**SCHEDULE 3—*continued.***

**AMENDMENT OF ACTS—*continued.***

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

- (c) by omitting from section 7 the word “conference” and by inserting instead the word “Synod”; Sec. 7.  
(Mode of  
election of  
councillors.)
- (d) by omitting from section 10 the word “conference” and by inserting instead the word “Synod”; Sec. 10.  
(Tenure of  
office of  
clerical  
councillors.)

**SCHEDULE**

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*Uniting Church in Australia.*


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 SCHEDULE 3—*continued.*


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 AMENDMENT OF ACTS—*continued.*

- |                                                            |                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec. 11.<br>(Tenure of<br>office of lay<br>councillors.)   | (e) by inserting in section 11 after the word "conference" where secondly occurring the words "or Synod";                                                                                                                                                                                                                        |
| Sec. 13.<br>(Visitor.)                                     | (f) by omitting from section 13 the words "President or the acting President" and by inserting instead the word "Moderator";                                                                                                                                                                                                     |
| Sec. 14.<br>(Removal or<br>suspension<br>of<br>Principal.) | (g) by omitting from section 14 the words "conference sitting as one of such courts" and by inserting instead the words "Synod sitting as one of such courts or such other court of the said church having jurisdiction in that regard by virtue of the Constitution of the said church and the regulations of the said church"; |
| Sec. 16.<br>(Power of<br>making<br>by-laws.)               | (h) (i) by omitting from section 16 the words "President of the conference" and by inserting instead the word "Moderator";<br><br>(ii) by omitting from section 16 the word "conference" where secondly occurring and by inserting instead the word "Synod".                                                                     |
- Amendment of Newington College Council Act, 1922.
2. The Newington College Council Act, 1922, is amended—
- |                                                                                          |                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec. 1A.<br>(Approval<br>of conference<br>of committee<br>to sell,<br>mortgage,<br>etc.) | (a) by omitting from section 1A the words "conference of the Methodist Church of Australasia in New South Wales or of the Committee of Management of the Property Department of the said conference" and by inserting instead the words "Synod of The Uniting Church in Australia in New South Wales or of any committee thereof empowered to grant approval on its behalf"; |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

SCHEDULE



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- (b) by omitting from section 5 the words “president of the conference of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”; (Evidence of resolution.)
- (c) by omitting from section 8 (d) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales”; (Application of purchase and mortgage moneys.)
- (d) by inserting after section 9 (7) the following subsections :— Sec. 9.
- (8) As from the commencement of the first meeting of the Synod of The Uniting Church in Australia in New South Wales— (Constitution and election of council.)
- (a) the powers and rights conferred upon the New South Wales Conference of the Methodist Church of Australasia by subsections (1), (3), (5) and (6) shall be vested in the said Synod;
- (b) references in those subsections to “the said Church” shall be construed as references to The Uniting Church in Australia;
- (c) references in subsection (4) to the President of the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales; and

## SCHEDULE

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*Uniting Church in Australia.*


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**SCHEDULE 3—*continued.***


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**AMENDMENT OF ACTS—*continued.***

- (d) references in subsection (4) to the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Synod of The Uniting Church in Australia in New South Wales.

Sec. 10.

- (e) by omitting section 10 and by inserting instead the following section :—

Temporary  
continuance  
in office of  
councillors.

10. The councillors of the said college shall hold office until their successors are appointed, but the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales shall always be a member in place of any retiring Moderator.

Sec. 11.

(Filling  
vacancies in  
council.)

- (f) by omitting from section 11 the words “annual conferences of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “annual meetings of the Synod of The Uniting Church in Australia in New South Wales”;

Sec. 12.

(Council  
may make  
regulations.)

- (g) (i) by omitting from section 12 the words “the Methodist Church of Australasia in New South Wales” and by inserting instead the words “The Uniting Church in Australia”;
- (ii) by omitting from section 12 the words “annual conference of the said church” and by inserting instead the words “meeting of the Synod of The Uniting Church in Australia in New South Wales”;

Sec. 14.

(Powers of  
the council.)

- (h) by inserting in section 14 after the word “remuneration,” the words “and to appoint and dismiss the headmaster of the said school”;

**SCHEDULE**



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*Uniting Church in Australia.*

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**SCHEDULE 3—continued.****AMENDMENT OF ACTS—continued.**

- (i) (i) by omitting from section 14A (1) (b) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “the Synod of The Uniting Church in Australia in New South Wales”; Sec. 14A.  
(Vacancy in office of headmaster.)
- (ii) by omitting section 14A (1) (c), (d), (e) and (f);
- (iii) by omitting section 14A (2);
- (j) (i) by omitting from section 15 the word “president” wherever occurring and by inserting instead the word “Moderator”; Sec. 15.  
(Chairman of council’s meetings.)
- (ii) by omitting from section 15 the words “conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia”;
- (k) (i) by omitting from section 16 the words “annual conference of the said Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia”; Sec. 16.  
(Visitor and chaplain.)
- (ii) by omitting from section 16 the words “such conference” and by inserting instead the words “such Synod”;
- (l) by omitting from section 17 the word “conference” and by inserting instead the word “Synod”; Sec. 17.  
(Report of proceedings of council.)
- (m) by omitting from section 17A the words “president of the conference” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”. Sec. 17A.  
(Evidence.)

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**SCHEDULE**

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*Uniting Church in Australia.*


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Sec. 40.

## SCHEDULE 4.

## PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.

The  
Methodist  
Trust  
Association.

1. (1) The company registered on 26th March, 1930, and styled "The Methodist Trust Association" shall as on and from the appointed day be styled "The Uniting Church (N.S.W.) Trust Association".

(2) A reference in the Memorandum of Association or Articles of Association of The Methodist Trust Association to—

- (a) The Methodist Trust Association shall be construed as a reference to The Uniting Church (N.S.W.) Trust Association;
- (b) the Methodist Church of Australasia or the Methodist Church shall be construed as a reference to The Uniting Church in Australia;
- (c) the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Synod of The Uniting Church in Australia in New South Wales; and
- (d) the President for the time being of the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Moderator for the time being of that Synod, including any person for the time being authorised by that Synod to perform or carry out the duties of Moderator.

Methodist  
Overseas-  
Missions  
Trust  
Association.

2. (1) The company registered on 1st June, 1917, and styled "Methodist Overseas-Missions Trust Association" shall as on and from the appointed day be styled "Uniting Church Council of Mission Trust Association".

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

(2) A reference in the Memorandum of Association or Articles of Association of the Methodist Overseas-Missions Trust Association to the Methodist Overseas-Missions Trust Association shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

(3) The reference in clause 3 (b) of the Memorandum of Association to the Methodist Missionary Society of Australasia, whose office is situate at 139 Castlereagh Street, Sydney, or its successors, shall be construed as a reference to The Uniting Church in Australia or any purpose pursued by or associated with the Church.

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

(5) The reference in Article 17 of the Articles of Association to the Department of Overseas-Missions shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

3. (1) A reference in the Indenture referred to in section 20 (11), or in any of the orders so referred to, to—
- David  
Livingstone  
Bursaries  
Fund.
- (a) "Camden College" or "College" shall be construed as a reference to the United Theological College;
  - (b) "Council of the College" or "Council" or "President and Fellows of the College" shall be construed as a reference to the council of the United Theological College;

SCHEDULE

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*Uniting Church in Australia.*


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**SCHEDULE 4—*continued.***


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**PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.***

- (c) "Warden of the College" shall be construed as a reference to the Principal for the time being of the United Theological College or the person for the time being fulfilling the functions of the Principal; and
- (d) "The Congregational Union of New South Wales" shall be construed as a reference to the Synod.

(2) The reference in clause 17 of the Indenture to "the Act of Incorporation" shall be construed as a reference to the constitution of the council of the United Theological College.

(3) The order so referred to and made on 28th February, 1964, shall be construed as though a reference therein to the Melbourne College of Divinity were a reference to the United Theological College.

Moore  
Estate.

4. (1) References in the will of William Moore, late of Lawson, Homoeopathic Practitioner, deceased, to—

(a) The Congregational Union of New South Wales;  
and

(b) the Committee of that Union,

shall be construed as references to the Trust, but references therein to that Union, as follows :—

- (c) "a fit person or persons who shall be Ministers in full connection with the said Union"; and
- (d) "and for the benefit of the Congregational Union of New South Wales",

shall be construed as references to the Church.

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

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

5. Nothing in clause 1 or 2 prevents the amendment from time to time of the Memorandum of Association or Articles of Association referred to therein in accordance with the Companies Act, 1961.

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SCHEDULE 5.

Sec. 31.

FORM.

EXTRACT FROM THE METHODIST CHURCH REGISTER OF  
TRUSTEES FOR NEW SOUTH WALES.

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

C

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

1870

...

...

...

...

...

...

...



*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 31 March, 1977.*

## **New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 47, 1977.**

An Act to make provision for the inauguration of The Uniting Church in Australia; to constitute The Uniting Church in Australia Property Trust (N.S.W.), to define its powers, authorities, duties and functions, and to provide for the vesting in it of certain property; to provide for the construction of certain instruments; to repeal The Congregational Union Incorporation Act, the

Methodist

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*

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*Uniting Church in Australia.*

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Methodist Union Act, 1902, and certain other Acts; to amend the Newington College Council Act, 1922, and certain other Acts; and for incidental purposes. [Assented to, 27th April, 1977.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.**

**PRELIMINARY.**

Short  
title.

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

Commence-  
ment.

**2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 20 (3) shall commence on such day (being a day not earlier than the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**3.**



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*Uniting Church in Australia.*

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3. This Act is divided as follows:—

Division  
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—INAUGURATION OF THE CHURCH—ss. 6–11.

PART III.—CONSTITUTION OF THE TRUST—ss. 12–19.

PART IV.—ACQUISITION AND VESTING OF TRUST  
PROPERTY—ss. 20–24.

PART V.—MISCELLANEOUS—ss. 25–40.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—BASIS OF UNION.

SCHEDULE 3.—AMENDMENT OF ACTS.

SCHEDULE 4.—PROVISIONS AFFECTING PARTICULAR  
INSTRUMENTS, ETC.

SCHEDULE 5.—FORM.

4. Each Act specified in Schedule 1 is repealed.

Repeals.

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

Interpre-  
tation.

“appointed day” means the day appointed and notified  
under section 2 (2);

“Assembly” means the Assembly of the Church referred  
to in clause 15 (e) of the Basis of Union and  
includes the Inaugurating Assembly;

“Basis of Union” means the Basis of Union set forth in  
Schedule 2;

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

Congregational

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*Uniting Church in Australia.*

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

"conveyance" includes transfer, assignment and assurance;

"Inaugurating Assembly" means the first Assembly of the Church which is convened in accordance with the Basis of Union;

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

"Presbyterian Church" means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia subject to the Presbyterian Church of Australia Act, 1971;

"property" includes real and personal property and any estate or interest therein and includes any right to receive income;

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

"the Church" means The Uniting Church in Australia;

"Trust"



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*Uniting Church in Australia.*

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

“trust property” means property vested in or acquired by the Trust;

“Uniting Churches” means the Congregational Church, the Methodist Church and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24th July, 1901, as amended, within the meaning of Part III of the Schedule to the Presbyterian Church of Australia Act, 1971.

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

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

- (i) the Council of Newington College, the body politic and corporate constituted by the Newington College Council Act, 1922;
- (ii) The Methodist Trust Association;
- (iii) the Methodist Overseas-Missions Trust Association;
- (iv) the body politic and corporate constituted by the Saint Andrew's College Incorporation Act, 1867; or
- (v) any person for the purposes of or in connection with the Presbyterian Beneficiary Fund Act, 1929; or

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

- (i) the Saint Andrew's College Incorporation Act, 1867;

(ii)

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*Uniting Church in Australia.*


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

## PART II.

### INAUGURATION OF THE CHURCH.

- |                                |                                                                                                                                                |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority<br>to unite.         | 6. The Uniting Churches are hereby empowered to unite in accordance with the Basis of Union, such union to take effect from the appointed day. |
| Name of<br>Church.             | 7. The Church formed by such union shall be denominated "The Uniting Church in Australia".                                                     |
| Inaugura-<br>ting<br>Assembly. | 8. The Inaugurating Assembly shall be deemed to have been validly convened.                                                                    |



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*Uniting Church in Australia.*

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

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

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

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**PART III.**

**CONSTITUTION OF THE TRUST.**

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

(a) three official members, of whom—

- (i) one shall be the person holding or acting in the office of Moderator of the Synod;
- (ii) one shall be the person holding or acting in the office of Secretary of the Synod; and
- (iii) one shall be the person holding or acting in the office of Property Officer of the Synod; and

(b)

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

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

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

six other persons so appointed.

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

(a) shall be deemed to have been duly appointed pursuant to subsection (1) (b) as members of the Trust holding office as from the appointed day until the end of the annual meeting of the Synod next succeeding the appointed day; and

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

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

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

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

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



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**13.** (1) Without affecting the generality of section 38 Powers and duties of Trust.  
of the Interpretation Act, 1897, but subject to this Act, the Trust may—

- (a) acquire, hold, deal with and dispose of property of any kind;
- (b) mortgage, charge or otherwise encumber any of its property; or
- (c) borrow money for the purposes of the Trust.

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

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

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

**15.** A member of the Trust appointed pursuant to section Vacation of office.  
12 (1) (b) shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by notice in writing to the Trust;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d)

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- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (e) is removed from office as a member of the Trust by resolution of the Synod or its Standing Committee.

Casual  
vacancies.

**16.** (1) Where the number of members of the Trust for the time being is reduced to less than five, the continuing members of the Trust shall appoint, as members of the Trust filling such of the vacancies as are casual vacancies in the offices of appointed members, until the end of the next annual meeting of the Synod, persons not fewer in number than that required to increase to five the number of members.

(2) Subject to subsection (1), where there is a casual vacancy in the office of an appointed member of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next annual meeting of the Synod.

Common  
seal.

**17.** (1) The members for the time being of the Trust shall have the custody of its common seal, and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

(2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust, and every instrument to which the common seal is so affixed shall be signed by not less than two members of the Trust.

(3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than two members of the Trust shall be deemed to have been executed in accordance with subsection (2).

**18.**



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**18.** (1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust. Form and execution of certain contracts, etc.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

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

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

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**PART IV.****ACQUISITION AND VESTING OF TRUST PROPERTY.**

Vesting  
of  
certain  
property  
in the  
Trust.

**20.** (1) Subject to this Act, any property that, immediately before the appointed day, was vested in the Methodist Church (N.S.W.) Property Trust, or was vested in any other person in trust for the Methodist Church, is hereby divested from that Trust or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(2) Subject to this Act, any property that, immediately before the appointed day, was vested in The Congregational Union of New South Wales, or was vested in any other person in trust for the Congregational Church (except the property referred to in Schedules 5, 6 and 7 to the Fellowship of Congregational Churches (New South Wales) Incorporation Act, 1977, and the property referred to in Schedule 2 to the Hunters Hill Congregational Church Act, 1977) is hereby divested from that Union or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(3) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the Presbyterian Church of Australia Act, 1971, and, without restricting the generality of the foregoing, to section 4 of that Act and clause 18 of the Schedule to that Act, any property that, immediately before the day appointed and notified under section 2 (3), was vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, or was vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that

person



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person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(4) If the appointed day is earlier than the day appointed and notified under section 2 (3), subsection (3) of this section does not operate so as to vest any property that, immediately before the appointed day, was not vested in any person subject to The Presbyterian Church (New South Wales) Property Trust Act, 1936, and was not vested in any other person in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof.

(5) Subject to this Act, any property that, immediately before the appointed day, was vested in the body corporate constituted under the Camden College Act, or was vested in any other person in trust for Camden College, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(6) Subject to this Act, any property that, immediately before the appointed day, was vested in Tahmoor Children's Homes, a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(7) Subject to this Act, any property that, immediately before the appointed day, was vested in the Congregational Homes Trust of N.S.W., a company, or was vested in any other person in trust for that company, is hereby divested from that company or other person and is, to the

(II)

extent

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extent that it was so vested, hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

(8) Subject to this Act, all property which pursuant to the foregoing provisions of this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of The Congregational Union Incorporation Act, the Methodist Church (N.S.W.) Property Trust Act, 1969, The Presbyterian Church (New South Wales) Property Trust Act, 1936, and the Camden College Act.

(9) Except in relation to the trusts declared by the Acts mentioned in subsection (8), the vesting effected by the foregoing provisions of this section shall be without prejudice to—

- (a) any special trust;
- (b) any resulting trust;
- (c) any trust in favour of a donor;
- (d) any trust in favour of a person other than the Uniting Churches or any one or more of them; and
- (e) any reservation, mortgage, charge, encumbrance, lien or lease,

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

(10) The land described in Indenture dated 8th January, 1906, registered No. 692 Book 799, on which land is situated the Woollahra Congregational Church Manse, is hereby freed and discharged from the trusts declared by the Indenture and is hereby vested (without conveyance) in the Trust and shall be held by the Trust in accordance with the provisions of this Act.



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*Uniting Church in Australia.*

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(11) Subject to this Act, all property that, immediately before the appointed day, was vested in the body corporate constituted by the Camden College Act to hold upon the terms and conditions and for the purposes set forth in an Indenture dated 21st March, 1878, and referred to therein as the "David Livingstone or Work and Trust Bursaries", or was vested in any other person in trust for the purposes therein set forth, is hereby divested from that body or other person and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trust, upon the terms and conditions and for the purposes set forth in the Indenture, as varied by certain orders of the Supreme Court in its equitable jurisdiction made on 30th July, 1917, 9th September, 1937 and 28th February, 1964.

(12) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(13) In this section, "special trust" means any trust other than a trust for the general purposes of the Congregational Church, the Methodist Church or the Presbyterian Church.

21. (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property—

Construc-  
tion of  
certain  
instru-  
ments.

- (a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust, for the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church;
- (b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c)

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- (c) is payable to, or receivable by, the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,

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

(2) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church were a reference to the Church unless the context otherwise provides.

(3) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of an individual church which prior to the appointed day was affiliated with The Congregational Union of New South Wales and which resolved to enter into union with the Methodist Church and Presbyterian Church or which has been admitted to membership of the Church, or any person or body on behalf of any such individual church, shall be read and construed as though any reference therein to that individual church or that person or body were a reference to the Church unless the context otherwise provides.

(4) Any deed, instrument, document, gift, will or other provision coming into effect on or after the appointed day pursuant to which provision is made in favour of—

- (a) Camden College or the body corporate constituted by the Camden College Act;
- (b) Tahmoor Children's Homes, a company; or
- (c) Congregational Homes Trust of N.S.W., a company,

shall



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*Uniting Church in Australia.*

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shall be read and construed as though any reference therein to that College, body or company were a reference to the Church unless the context otherwise provides.

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

**23.** (1) Subject to subsection (2), a certificate under Evidence. the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal, be prima facie evidence that the property so specified is so held.

(2) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.

(3) Subsection (1) does not apply in relation to any dispute concerning property between the Church and the Fellowship of Congregational Churches (New South Wales) or between the Church and any church affiliated with the Fellowship of Congregational Churches (New South Wales).

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

Certain  
rights  
enforce-  
able by  
the Trust.

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

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**PART V.**

**MISCELLANEOUS.**

Claims  
for  
compensa-  
tion  
upon  
compulsory  
acquisition,  
etc.

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

**26.**



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

Receipt  
for  
certain  
moneys.

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

**27.** No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar-General nor any other persons registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or inquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorised, irregular or improper.

Exonera-  
tion  
from  
inquiry.

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

Service of  
documents.

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Trust may  
act as  
executor,  
etc.

**29. (1) The Trust may—**

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

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

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

**(3) The Trust may—**

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

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



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

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

**32.** (1) The Assembly may make regulations for the control, management and administration of, and dealings with, trust property. Regulations.

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specifies in the certificate or an annexure thereto the form of a regulation under subsection (1) and in force on a day specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) A regulation under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.

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Co-operative use  
of  
property.

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

(2) The conditions that the Synod or committee may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any such scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trust shall be bound to inquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—

(a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

(b)



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- (b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

**34.** (1) The provisions of section 33 shall apply to and in relation to all property at any time held by the Trust except <sup>Saving provision.</sup> to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.

(2) Subsection (1) shall not prevent the use of property in a manner referred to in section 33 if the property was merely directed to be held on trust for the worship or purposes of the Church.

**35.** (1) Subject to subsection (2), in every case where by reason of the circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any property vested in the Trust is for the time being subject, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe the trusts, it shall be lawful for the Synod by resolution to declare that opinion, and by the same or any subsequent resolution to declare other trusts for or for the use, benefit or purpose of the Church instead of the firstmentioned trusts, and the firstmentioned trusts shall thereupon by force of the resolution cease and determine, and the property shall thereupon be held upon the other trusts accordingly. <sup>Power of Synod to alter trusts.</sup>

(2) The property shall be dealt with for the same purposes as nearly as may be as the purposes for which the property was immediately before the resolution held unless the Synod by resolution declares that by reason of circumstances subsequent to the creation of the firstmentioned trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply the property or some part thereof for the same or the like purposes, in which case the property or that part thereof may be dealt with and applied for the use and benefit of the Church for such other purposes as may be declared by resolution of the Synod.

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Indemnifi-  
cation  
of certain  
persons.

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

Blending  
of trust  
funds.

**37.** (1) Where the Trust holds money on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest the money or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the money so invested is held and any loss arising from any such investment shall likewise be borne rateably.

(2) The Trust may make advances out of the money referred to in subsection (1) for any purpose of or relating to the Church.

(3) Any sum advanced under subsection (2) shall be deemed an investment of the money and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

Powers of  
investment.

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

**39.**



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**39.** (1) As on and from the appointed day, the Trust shall assume responsibility for and become liable to meet all enforceable debts and liabilities of—

Transfer  
of certain  
liabilities  
to Trust.

- (a) the body corporate constituted under the Camden College Act;
- (b) Tahmoor Children's Homes, a company; and
- (c) Congregational Homes Trust of N.S.W., a company.

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

**40.** Schedules 3 and 4 have effect.

Schedules  
3 and 4.

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**SCHEDULE 1.**

**Sec. 4.**

**REPEALS.**

Camden College Act.

The Congregational Union Incorporation Act.

Methodist Union Act, 1902.

The Congregational Union Incorporation (Amendment) Act, 1938.

Congregational Union Incorporation (Amendment) Act, 1969.

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

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**SCHEDULE**

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Sec. 5.

## SCHEDULE 2.

## BASIS OF UNION.

1. The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both Christ's gift and his will for the Church, hereby enter into union under the name of the Uniting Church in Australia. They pray that this act may be to the glory of God the Father, the Son and the Holy Spirit. They praise God for his gifts of grace to each of them in years past; they acknowledge that none of them has responded to God's love with a full obedience; they look for a continuing renewal in which God will use their common worship, witness and service to set forth the word of salvation for all mankind. To this end they declare their readiness to go forward together in sole loyalty to Christ the living Head of the Church; they remain open to constant reform under his Word; and they seek a wider unity in the power of the Holy Spirit. In this union these Churches commit their members to acknowledge one another in love and joy as believers in our Lord Jesus Christ, to hear anew the commission of the Risen Lord to make disciples of all nations, and daily to seek to obey his will. In entering into this union the Churches concerned are mindful that the Church of God is committed to serve the world for which Christ died, and that she awaits with hope the day of the Lord Jesus Christ on which it will be clear that the kingdom of this world has become the kingdom of our Lord and of his Christ, and he shall reign for ever and ever.

2. The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches.

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

Jesus of Nazareth announced the sovereign grace of God whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility, obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

reasserted his claim over the whole of his creation, he pardoned sinners, and made in Jesus a representative beginning of a new order of righteousness and love. To God in Christ men are called to respond in faith. To this end God has sent forth his Spirit that men may trust him as their Father, and acknowledge Jesus as Lord. The whole work of man's salvation is effected by the sovereign grace of God alone.

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

4. The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because her Lord comes, addresses, and deals with men in and through the news of his completed work. Christ who is present when he is preached among men is the Word of the God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ

SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be the disciples of a crucified Lord; in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment: it is he who by the gift of the Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accom-

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

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BASIS OF UNION—*continued.*

plished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he poured out the Holy Spirit at Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consummation.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith.

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterised recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help

SCHEDULE

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.**

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**BASIS OF UNION—continued.**

her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

12. The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptized into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptized may have confirmed to them the promises of God, and be led to deeper commitment to the faith and service into which they have been baptized. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.

13. The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

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

The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of those already ordained, the Church bears witness to

SCHEDULE

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*Uniting Church in Australia.*

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**SCHEDULE 2—continued.****BASIS OF UNION—continued.**

God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

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

The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses, whether the service is within or beyond the life of the congregation.

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

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

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

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

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

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

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

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

- (b) The Elders' or Leaders' Meeting (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship, witness and service in the region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.

SCHEDULE

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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*BASIS OF UNION—*continued.*

- (e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

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

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

## SCHEDULE



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*Uniting Church in Australia.*

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SCHEDULE 2—*continued.*

BASIS OF UNION—*continued.*

16. The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship, witness and service to his eternal glory through Jesus Christ the Lord. Amen.

*Uniting Church in Australia.*

Sec. 40.

## SCHEDULE 3.

## AMENDMENT OF ACTS.

Amendment  
of Wesley  
College  
Incorporation  
Act,  
1910.

1. The Wesley College Incorporation Act, 1910, is amended—

Sec. 1.

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

Interpre-  
tation.

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

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

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

“Synod” means the Synod of The Uniting Church in Australia in New South Wales;

“the said church” means the Uniting Church in Australia.

Sec. 5.  
(Principal.)

(b) (i) by omitting from section 5 the words “the conference” and by inserting instead the words “the Synod”;

(ii) by omitting from section 5 the words “Provided that any duly ordained minister in connection with the respective conferences of

SCHEDULE



*Uniting Church in Australia.*

**SCHEDULE 3—continued.**

**AMENDMENT OF ACTS—continued.**

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

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

**Sec. 7.**  
(Mode of  
election of  
councillors.)

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

**Sec. 10.**  
(Tenure of  
office of  
clerical  
councillors.)

**SCHEDULE**

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*Uniting Church in Australia.*


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**SCHEDULE 3—continued.**


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**AMENDMENT OF ACTS—continued.**

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| <p>Sec. 11.<br/>(Tenure of<br/>office of lay<br/>councillors.)</p>    | (e) by inserting in section 11 after the word "conference" where secondly occurring the words "or Synod";                                                                                                                                                                                                                        |
| <p>Sec. 13.<br/>(Visitor.)</p>                                        | (f) by omitting from section 13 the words "President or the acting President" and by inserting instead the word "Moderator";                                                                                                                                                                                                     |
| <p>Sec. 14.<br/>(Removal or<br/>suspension<br/>of<br/>Principal.)</p> | (g) by omitting from section 14 the words "conference sitting as one of such courts" and by inserting instead the words "Synod sitting as one of such courts or such other court of the said church having jurisdiction in that regard by virtue of the Constitution of the said church and the regulations of the said church"; |
| <p>Sec. 16.<br/>(Power of<br/>making<br/>by-laws.)</p>                | <p>(h) (i) by omitting from section 16 the words "President of the conference" and by inserting instead the word "Moderator";</p> <p>(ii) by omitting from section 16 the word "conference" where secondly occurring and by inserting instead the word "Synod".</p>                                                              |

Amendment of Newington College Council Act, 1922.      2. The Newington College Council Act, 1922, is amended—

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| <p>Sec. 1A.<br/>(Approval<br/>of conference<br/>of committee<br/>to sell,<br/>mortgage,<br/>etc.)</p> | (a) by omitting from section 1A the words "conference of the Methodist Church of Australasia in New South Wales or of the Committee of Management of the Property Department of the said conference" and by inserting instead the words "Synod of The Uniting Church in Australia in New South Wales or of any committee thereof empowered to grant approval on its behalf"; |
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**SCHEDULE**



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*Uniting Church in Australia.*

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**SCHEDULE 3—continued.**

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**AMENDMENT OF ACTS—continued.**

- (b) by omitting from section 5 the words “president of the conference of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “Moderator of the Synod of The Uniting Church in Australia in New South Wales”; Sec. 5.  
(Evidence of resolution.)
- (c) by omitting from section 8 (d) the words “New South Wales Conference of the Methodist Church of Australasia” and by inserting instead the words “Synod of The Uniting Church in Australia in New South Wales”; Sec. 8.  
(Application of purchase and mortgage moneys.)
- (d) by inserting after section 9 (7) the following subsections :— Sec. 9.  
(Constitution and election of council.)
- (8) As from the commencement of the first meeting of the Synod of The Uniting Church in Australia in New South Wales—
- (a) the powers and rights conferred upon the New South Wales Conference of the Methodist Church of Australasia by subsections (1), (3), (5) and (6) shall be vested in the said Synod;
- (b) references in those subsections to “the said Church” shall be construed as references to The Uniting Church in Australia;
- (c) references in subsection (4) to the President of the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales; and

**SCHEDULE**

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*Uniting Church in Australia.*


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**SCHEDULE 3—continued.**
**AMENDMENT OF ACTS—continued.**

- (d) references in subsection (4) to the New South Wales Conference of the Methodist Church of Australasia shall be construed as references to the Synod of The Uniting Church in Australia in New South Wales.
- Sec. 10.** (e) by omitting section 10 and by inserting instead the following section :—  
**Temporary continuance in office of councillors.**  
 10. The councillors of the said college shall hold office until their successors are appointed, but the Moderator for the time being of the Synod of The Uniting Church in Australia in New South Wales shall always be a member in place of any retiring Moderator.
- Sec. 11.** (f) by omitting from section 11 the words “annual conferences of the Methodist Church of Australasia in New South Wales” and by inserting instead the words “annual meetings of the Synod of The Uniting Church in Australia in New South Wales”;  
**(Filling vacancies in council.)**
- Sec. 12.** (g) (i) by omitting from section 12 the words “the Methodist Church of Australasia in New South Wales” and by inserting instead the words “The Uniting Church in Australia”;  
**(Council may make regulations.)**  
 (ii) by omitting from section 12 the words “annual conference of the said church” and by inserting instead the words “meeting of the Synod of The Uniting Church in Australia in New South Wales”;
- Sec. 14.** (h) by inserting in section 14 after the word “remuneration,” the words “and to appoint and dismiss the headmaster of the said school”;  
**(Powers of the council.)**

**SCHEDULE**



*Uniting Church in Australia.*SCHEDULE 3—*continued.*AMENDMENT OF ACTS—*continued.*

- (i) (i) by omitting from section 14A (1) (b) the words "New South Wales Conference of the Methodist Church of Australasia" and by inserting instead the words "the Synod of The Uniting Church in Australia in New South Wales"; Sec. 14A.  
(Vacancy in office of headmaster.)
- (ii) by omitting section 14A (1) (c), (d), (e) and (f);
- (iii) by omitting section 14A (2);
- (j) (i) by omitting from section 15 the word "president" wherever occurring and by inserting instead the word "Moderator"; Sec. 15.  
(Chairman of council's meetings.)
- (ii) by omitting from section 15 the words "conference of the Methodist Church of Australasia" and by inserting instead the words "Synod of The Uniting Church in Australia";
- (k) (i) by omitting from section 16 the words "annual conference of the said Methodist Church of Australasia" and by inserting instead the words "Synod of The Uniting Church in Australia"; Sec. 16.  
(Visitor and chaplain.)
- (ii) by omitting from section 16 the words "such conference" and by inserting instead the words "such Synod";
- (l) by omitting from section 17 the word "conference" and by inserting instead the word "Synod"; Sec. 17.  
(Report of proceedings of council.)
- (m) by omitting from section 17A the words "president of the conference" and by inserting instead the words "Moderator of the Synod of The Uniting Church in Australia in New South Wales". Sec. 17A.  
(Evidence.)

## SCHEDULE

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*Uniting Church in Australia.*


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Sec. 40.

## SCHEDULE 4.

## PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.

The  
Methodist  
Trust  
Association.

1. (1) The company registered on 26th March, 1930, and styled "The Methodist Trust Association" shall as on and from the appointed day be styled "The Uniting Church (N.S.W.) Trust Association".

(2) A reference in the Memorandum of Association or Articles of Association of The Methodist Trust Association to—

- (a) The Methodist Trust Association shall be construed as a reference to The Uniting Church (N.S.W.) Trust Association;
- (b) the Methodist Church of Australasia or the Methodist Church shall be construed as a reference to The Uniting Church in Australia;
- (c) the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Synod of The Uniting Church in Australia in New South Wales; and
- (d) the President for the time being of the New South Wales Conference of the Methodist Church of Australasia shall be construed as a reference to the Moderator for the time being of that Synod, including any person for the time being authorised by that Synod to perform or carry out the duties of Moderator.

Methodist  
Overseas-  
Missions  
Trust  
Association.

2. (1) The company registered on 1st June, 1917, and styled "Methodist Overseas-Missions Trust Association" shall as on and from the appointed day be styled "Uniting Church Council of Mission Trust Association".

## SCHEDULE



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*Uniting Church in Australia.*

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**SCHEDULE 4—continued.**

**PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
continued.**

(2) A reference in the Memorandum of Association or Articles of Association of the Methodist Overseas-Missions Trust Association to the Methodist Overseas-Missions Trust Association shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

(3) The reference in clause 3 (b) of the Memorandum of Association to the Methodist Missionary Society of Australasia, whose office is situate at 139 Castlereagh Street, Sydney, or its successors, shall be construed as a reference to The Uniting Church in Australia or any purpose pursued by or associated with the Church.

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

(5) The reference in Article 17 of the Articles of Association to the Department of Overseas-Missions shall be construed as a reference to the Uniting Church Council of Mission Trust Association.

3. (1) A reference in the Indenture referred to in section 20 (11), or in any of the orders so referred to, to—

David  
Livingstone  
Bursaries  
Fund.

- (a) "Camden College" or "College" shall be construed as a reference to the United Theological College;
- (b) "Council of the College" or "Council" or "President and Fellows of the College" shall be construed as a reference to the council of the United Theological College;

**SCHEDULE**

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*Uniting Church in Australia.*


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**SCHEDULE 4—continued.**


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**PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
continued.**

(c) "Warden of the College" shall be construed as a reference to the Principal for the time being of the United Theological College or the person for the time being fulfilling the functions of the Principal; and

(d) "The Congregational Union of New South Wales" shall be construed as a reference to the Synod.

(2) The reference in clause 17 of the Indenture to "the Act of Incorporation" shall be construed as a reference to the constitution of the council of the United Theological College.

(3) The order so referred to and made on 28th February, 1964, shall be construed as though a reference therein to the Melbourne College of Divinity were a reference to the United Theological College.

Moore  
Estate.

4. (1) References in the will of William Moore, late of Lawson, Homoeopathic Practitioner, deceased, to—

(a) The Congregational Union of New South Wales;  
and

(b) the Committee of that Union,  
shall be construed as references to the Trust, but references therein to that Union, as follows :—

(c) "a fit person or persons who shall be Ministers in full connection with the said Union"; and

(d) "and for the benefit of the Congregational Union of New South Wales",

shall be construed as references to the Church.

**SCHEDULE**



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*Uniting Church in Australia.*

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SCHEDULE 4—*continued.*

PROVISIONS AFFECTING PARTICULAR INSTRUMENTS, ETC.—  
*continued.*

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

5. Nothing in clause 1 or 2 prevents the amendment from time to time of the Memorandum of Association or Articles of Association referred to therein in accordance with the Companies Act, 1961.

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SCHEDULE 5.

Sec. 31.

FORM.

EXTRACT FROM THE METHODIST CHURCH REGISTER OF  
TRUSTEES FOR NEW SOUTH WALES.

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

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

L. W. STREET,  
*Lieutenant-Governor.*

*Government House.*  
*Sydney, 27th April, 1977.*

