

CONCURRENCE COPY

BAPTIST UNION INCORPORATION (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Baptist Churches of New South Wales Property Trust Bill, 1984.

The objects of this Bill are—

- (a) to repeal provisions of The Baptist Union Incorporation Act, 1919 (“the Principal Act”), relating to the holding of property in trust by The Baptist Union of New South Wales (“the Baptist Union”) as a consequence of the enactment of the proposed Baptist Churches of New South Wales Property Trust Act, 1984 (“the Property Trust Act”) (Schedule 1 (1) (b), (2), (7), (8) and (9));
 - (b) to provide for the making of by-laws under the Principal Act by the Baptist Union for the purposes of the Property Trust Act (Schedule 1 (6));
 - (c) to declare that the Baptist Union may acquire, deal with and dispose of personal property (Schedule 1 (5));
 - (d) to state the effect of certain receipts for money given on behalf of the Baptist Union (Schedule 1 (7)—proposed section 10);
 - (e) to exempt certain persons from inquiring into the propriety of the exercise of certain powers by the Baptist Union (Schedule 1 (7)—proposed section 11); and
 - (f) to make minor provisions of a consequential, ancillary or saving nature or for the purposes of statute law revision of the Principal Act.
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**BAPTIST UNION INCORPORATION (AMENDMENT) BILL,
1984**

No. , 1984.

A BILL FOR

An Act to amend The Baptist Union Incorporation Act, 1919, so as to confer certain additional powers on the corporation constituted by that Act and to omit provisions relating to the holding of certain trust property by that corporation; and for other purposes.

[MR WALKER—23 *November*, 1983.]

Baptist Union Incorporation (Amendment).

BE 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:—

5 **Short title.**

1. This Act may be cited as the "Baptist Union Incorporation (Amendment) Act, 1984".

Commencement.

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

10 (2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Baptist Churches of New South Wales Property Trust Act, 1984.

Principal Act.

3. The Baptist Union Incorporation Act, 1919, is referred to in this Act 15 as the Principal Act.

Amendment of Principal Act.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Savings.

5. (1) In this section, "appointed day" means the day referred to in 20 section 2 (2).

(2) Any notice referred to in section 10 of the Principal Act, as in force before the appointed day, being a notice which was published in the Gazette before that day, shall have the same force and effect as it would have had if this Act had not been enacted.

Baptist Union Incorporation (Amendment).

(3) The repeal of section 11 of the Principal Act, as in force before the appointed day, does not operate so as to revive any trust extinguished by the operation of that section before that day.

5 (4) Any reference in any instrument, whether made before, on or after the appointed day, to The Baptist Union Incorporation Act, 1919, shall be read and construed as a reference to the Principal Act, as in force from time to time.

SCHEDULE 1.

(Sec. 4.)

10

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Long title—

Omit “lands” where firstly and secondly occurring, insert instead “real and personal property”.

(b) Long title—

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Omit “, and to vest all lands and other property, real or personal, now belonging to the said union or vested in trustees for the same, in such corporation, and to empower the said corporation to act as trustees of property now or hereafter held in trust for certain Baptist congregations, and for power to alter or vary certain trusts”.

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(2) Preamble—

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Omit “: And whereas certain properties are held by certain trustees upon trust for the said association itself or for certain committees of the said association: And whereas the said denomination is composed of a number of congregations which have from time to time acquired real and personal property which is now vested in various persons as trustees for and on behalf of the said respective congregations upon certain trusts in many respects dissimilar: And whereas

Baptist Union Incorporation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 certain properties have been conveyed to or have been declared to
be held upon trust for certain other congregations which have either
ceased to exist or have not yet come into existence: And whereas
it is expedient that the said association should be incorporated, and
should be invested with the powers and authorities hereinafter set
10 forth, and that the real and personal property so vested in various
persons as trustees upon trust for the said association should be
vested in the said association when incorporated, and that the real
and personal property so vested in various trustees for and on behalf
of the said respective congregations should be capable of being
15 vested in the said association when incorporated, upon the trusts
hereinafter set forth”, insert instead “; and whereas it is expedient
that the said association should be incorporated, and should be
invested with the powers and authorities hereinafter set forth”.

(3) Sections 1A, 1B—

Before section 1, insert:—

Short title.

20 1A. This Act may be cited as the “Baptist Union Incorporation
Act, 1919”.

Interpretation.

1B. In this Act, “the corporation” means the body corporate con-
stituted by section 1.

25 (4) (a) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9—

Omit “said corporation” wherever occurring, insert instead
“corporation”.

(b) Section 1—

Omit “Wales, ’”, insert instead “Wales’”.

Baptist Union Incorporation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 3 (2), (3)—

At the end of section 3, insert:—

5 (2) The corporation has, and shall be deemed always to have had, power to acquire, purchase, exchange, hire, sell, mortgage, lease, hold and dispose of, and otherwise deal with, personal property.

10 (3) The corporation may do and suffer all things that bodies corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted.

(6) Section 7 (2)—

At the end of section 7, insert:—

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

(7) Sections 10, 11—

20 Omit sections 10–13, insert instead:—

Receipt for certain money.

25 10. A receipt for money payable to the corporation shall exonerate the mortgagee, purchaser or other person by whom or on whose behalf the money is so payable from any liability to see to the application thereof, and from any liability for the loss, misapplication or non-application thereof, if the receipt—

(a) is executed in accordance with section 4 under the common seal of the corporation; or

Baptist Union Incorporation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) is in writing signed by not less than 3 persons purporting to be duly authorised for the purpose by the executive committee of the corporation.

Exoneration from inquiry.

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

(8) Schedules, heading—

Omit "SCHEDULES."

(9) Schedule B—

Omit the Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984