

PRESBYTERIAN CHURCH.

13^o Elizabeth II., No. XIX.

No. 19 of 1964.

AN ACT to amend the Presbyterian Church Act, 1908 and the Presbyterian Church Act Amendment Act, 1919.

[*Assented to 8th October, 1964.*]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1) This Act may be cited as the *Presbyterian Church Acts Amendment Act, 1964.*

(2) In this Act the Presbyterian Church Act, 1908 is referred to as the principal Act and the Presbyterian Church Act Amendment Act, 1919 is referred to as the amending Act.

(3) This Act shall be read as one with the principal Act as amended by the amending Act and the Presbyterian Church Act Amendment Act, 1924.

Acts Nos.
2 of 1908,
50 of 1919
and 6 of
1924.

2. Section four of the principal Act is amended by substituting for the words, or institution connected therewith" in line six, the passage, "mission or institution connected therewith, other than a mission or institution that is separately incorporated as provided in section twenty-one of this Act".

S. 4
amended.

3. Section seven of the principal Act is amended—

S. 7
amended.

- (a) by substituting for the words, "thereto belonging are" in line two the word, "is";
- (b) by adding after the word, "erected" in line three the passage, "and which lands, tenements and hereditaments belong to and are held by the Commissioners upon trust for any particular congregation";
- (c) by adding after the word, "manse" in line six the words, "of any particular congregation"; and
- (d) by substituting for the words, "the congregation of such Church" in lines seven and eight, the words, "that congregation".

S. 9
amended.

4. Section nine of the principal Act is amended—

- (a) by substituting for the word, "All" being the first word in the section the passage, "(1) Subject to subsection (2) of this section, all"; and
- (b) by adding the following subsection—
 - (2) This section does not apply to any real or personal property that is given, devised or bequeathed to any mission or

institution separately incorporated as provided in section twenty-one of this Act. .

S. 10
amended.

5. Section ten of the principal Act is amended by adding after the word, "Commissioners" in line two, the words, "or by any mission or institution of the said Church that has been separately incorporated as provided in section twenty-one of this Act".

S. 16
amended.

6. Section sixteen of the principal Act is amended by adding after the word, "therewith" in line five the passage, "(whether or not the mission or institution is separately incorporated as provided in section twenty-one of this Act)".

S. 20
amended.

7. Section twenty of the principal Act is amended—

(a) by adding after the word, "held" in line five, the words, "by or"; and

(b) by adding after the word, "therewith" in line seven the passage, " , whether or not any of those missions or institutions is separately incorporated as provided in section twenty-one of this Act".

S. 21
added.

8. The principal Act is amended by adding after section twenty a section as follows—

Assembly to
separately
incorporate
a mission or
institution
of the
church.

21. (1) The General Assembly may resolve that any mission or institution of the Church shall be separately incorporated according to law in such manner and subject to such conditions, restrictions, limitations and provisions as the General Assembly may by resolution determine.

(2) Subject to this Act, on the date on which a mission or institution becomes so separately incorporated—

- (a) the whole of the real and personal property that immediately before that date was exclusively used in the work and activities of the mission or institution, including all such real and personal property as was then held by the Commissioners upon trust for that mission or institution, and all contractual rights and benefits then existing that relate to the mission or institution, are hereby vested in the mission or institution in its corporate name, subject to all easements, encumbrances, rights, trusts and equities, affecting the same; and
- (b) all debts, liabilities and obligations of every class or kind existing at that date that relate to the mission or institution by force of this section and without any transfer or assignment, shall be taken over by the mission or institution as so incorporated, and the mission or institution shall indemnify and at all times after that date keep indemnified the Commissioners and all persons who prior to that date were liable for those debts, liabilities and obligations.

(3) Subject to this Act and to all easements, encumbrances, trusts and equities affecting the same, each mission or institution incorporated as provided in this section, shall hold in its corporate name—

- (a) all real and personal property, rights and benefits that are acquired by it after it is so incorporated; and
- (b) all real and personal property given to the Commissioners in trust for the mission or institution after it is so incorporated.

(4) Notwithstanding the operation and effect of the foregoing provisions of this section on any mission or institution, any mission or institution incorporated as therein provided, shall continue to be a mission or institution of the said Church and shall be subject to the provisions of section twenty of the Presbyterian Church Act, 1908.

(5) Every transfer, conveyance, assignment, application, deed and instrument that may be necessary for the purpose of effectually vesting the real and personal property, rights and benefits referred to in subsection (2) of this section in the corporate name of a mission or institution incorporated as provided in this section shall be free from all—

(a) duty imposed by the Stamp Act, 1921, and

(b) fees that, but for this subsection, would be payable in respect thereof under the Transfer of Land Act, 1893.

(6) Where an institution is separately incorporated pursuant to this section, if the institution is a school or college all vacant land held by the institution and all land so held that is used exclusively or mainly for the purposes of the school or college is not rateable property or rateable land under the provisions of the Local Government Act, 1960 or the Metropolitan Water Supply, Sewerage and Drainage Act, 1909 and is exempt from assessment for taxation under the Land Tax Assessment Act, 1907. .

S. 4 of
Act No. 50
of 1919
amended.

9. Subsection (2) of section four of the amending Act is amended—

(a) by adding after the word, “institution” in line two, the passage, “(except a mission or institution that has been separately incorporated as provided in section twenty-one of the Presbyterian Church Act, 1908)”;

- (b) by adding after the word, "thereof" in line three the passage, "together with all other mortgages thereon, if any";
- (c) by adding after the word, "institution" in line seven, the words, "and subject to obtaining all other consents and approvals that are required to be obtained under any Act";
- (d) by adding after the word, "institution" in line nine the passage, "other than a mission or institution separately incorporated as provided in section twenty-one of the Presbyterian Church Act, 1908,"; and
- (e) by substituting for the passage, "to the amount of not less than fifty per cent. of the realisable value of the land, buildings, or other property of any congregation, mission, or institution secured by such mortgage." in lines fourteen to seventeen, the passage, "of the other congregation, mission or institution for whose benefit the money has been borrowed."

10. Section five of the amending Act is amended—

S. 5 of
Act No. 50
of 1919
amended.

- (a) by adding after the word, "institution" in line two of paragraph (b) of subsection (1) the passage, "(except on the property of a separately incorporated mission or institution)"; and
- (b) by adding after the word, "Church" being the last word in subsection (2), the passage, "excluding any mission and institution that has been separately incorporated as provided in section twenty-one of the Presbyterian Church Act, 1908".

S. 6 of
Act No. 50
of 1919
amended.

11. Paragraph (c) of subsection (1) of section six of the amending Act is amended by adding after the word, "institution" in line two the passage, "(excluding any mission or institution that has been separately incorporated as provided in section twenty-one of the Presbyterian Church Act, 1908)".
