



Western Australia

Presbyterian Church Act 1976

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Contents

1.	Short title	1
2.	Commencement	1
3.	Section 3 amended	1
4.	Presbytery of Western Australia	2
5.	Reversion to General Assembly	3
	Notes	
	Compilation table	4

Presbyterian Church Act 1976

An Act to amend the *Presbyterian Church Act 1908* and for other purposes.

[Assented to 1 December 1976.]

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: —

1. Short title

This Act may be cited as the *Presbyterian Church Act 1976*, and shall be read with the *Presbyterian Church Act 1908*, as amended by Act No. 50 of 1919, Act No. 6 of 1924, Act No. 19 of 1964, Act No. 91 of 1970 and Act No. 2 of 1972.

2. Commencement

This Act shall come into operation on a day to be appointed by proclamation, and such day is in this Act referred to as “the appointed day”.

3. Section 3 amended

Section 3 of the *Presbyterian Church Act 1908* is amended by substituting for the definition “**Minister**” the following definition —

“**Minister**” means any person recognised as a minister of the Presbyterian Church of Australia by a Presbytery of the

Presbyterian Church in Western Australia and who is a member of that Presbytery.

4. Presbytery of Western Australia

On and after the appointed day until such time as a notice is published in the *Government Gazette* pursuant to section 5 of this Act the following provisions shall apply —

- (a) the *Presbyterian Church Act 1908*, as amended, shall be read as if —
 - (i) the word “**Church**” means that portion of the Presbyterian Church of Australia which is in Western Australia;
 - (ii) the words “**General Assembly**” mean the Presbytery of Western Australia;
 - (iii) the word “**Moderator**” means the moderator for the time being of the Presbytery of Western Australia;
- (b) there shall be a presbytery to be known as the Presbytery of Western Australia constituted in accordance with the rules and regulations of the Church and possessed of all such powers and authorities as belong to such a body thereunder, but —
 - (i) any minister of the Presbyterian Church of Australia who is performing ministerial functions within the Church may attend the initial meeting of the presbytery as a member thereof and for the purpose of forming a quorum shall be deemed to be a minister of a separate parish; and
 - (ii) the initial meeting of the presbytery will have been validly convened if the date, time and place of such meeting shall have been agreed upon by a majority of the persons entitled to attend as members thereof;
- (c) notwithstanding that pursuant to the power contained in subsection (3) of section 4 of the *Presbyterian Church of*

Australia Act 1970, continuing congregations in Western Australia may be placed under the jurisdiction of a church court in another State, such congregations and the Presbytery of Western Australia shall remain subject to the rules and regulations of the Presbyterian Church in Western Australia regarding or applicable to presbyteries, sessions, boards of management and congregations, which shall continue to apply within the said Presbytery and the said congregations.

5. Reversion to General Assembly

The Presbytery of Western Australia may at any time by resolution declare itself to be the General Assembly of the Presbyterian Church in Western Australia and in that capacity it may take such steps as may be necessary for the General Assembly to be duly constituted and convened and upon the publication in the *Government Gazette* of a notice setting out the said declaration signed by the moderator for the time being of the presbytery the provisions of section 4 of this Act shall cease to have any operation or effect, but all persons, things and circumstances appointed or created by or under the *Presbyterian Church Act 1908* as amended, or the Presbytery of Western Australia upon and after the appointed day shall continue to have the same status, operation and effect as they would have had if the said declaration had not been made.

Notes

- ^{1.} This is a compilation of the *Presbyterian Church Act 1976* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Presbyterian Church Act 1976</i>	120 of 1976	1 Dec 1976	22 Jun 1977 (see <i>Gazette</i> 17 Jun 1977 p. 1811)