



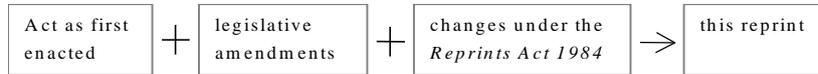
Western Australia

Uniting Church in Australia Act 1976

Reprint 2: The Act as at 14 November 2014

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Uniting Church in Australia Act 1976

Contents

Part I — Preliminary		
1.	Short title	2
2.	Commencement	2
5.	Terms used	2
Part II — Inauguration of the Church		
6.	Authority to unite	4
7.	Name of Church	4
8.	Inaugurating Assembly	4
9.	Adoption of Constitution	4
10.	Amendment of Constitution	4
11.	Further unions etc.	4
Part III — Constitution of the Trust		
12.	Uniting Church in Australia Property Trust (W.A.) established	5
13.	Powers and duties of Trust	6
14.	Quorum	6
15.	Vacation of office	6
16.	Casual vacancies	7
17.	Common seal	7
18.	Form and execution of certain contracts etc.	8
19.	Execution under seal by agent etc.	8

Part IV — Trust property		
20.	Vesting of certain property in Trust	9
21.	Construction of certain instruments	11
22.	Validity of titles to land vested in Trust	12
23.	Evidence as to Trust's property	12
24.	Certain rights enforceable by Trust	13
24A.	Power to sell, lease or mortgage lands granted by Crown upon trust	13
Part V — Variation of trusts		
25.	Variation of trusts	15
26.	Facilitation of performance of Trust	15
27.	Effect of Synod resolution	16
Part VI — Incorporation of Church instrumentalities		
28.	Synod may incorporate Church instrumentality	17
29.	Existing incorporation terminated	17
30.	Purposes of incorporation	18
31.	Evidence of incorporation	18
32.	Vesting of property in incorporated body	18
33.	Constitution of incorporated body	19
34.	Certain bodies incorporated under this Act	19
35.	Termination of incorporation	20
36.	Effect of termination	21
Part VII — General		
37.	Trust's powers as to exchange etc. of property	22
38.	Trust's receipts, effect of	22
39.	Presumptions by people dealing with Trust	22
40.	Service of documents on Trust	23
41.	Trust may act as executor etc.	23
42.	Trust may hold property jointly	24
43.	Co-operative use of property	24
44.	Application of s. 43	26
45.	Trust members etc. entitled to indemnity	26
46.	Blending of Trust funds	26
47.	Investment powers	27
48.	Exemption from duty etc.	27

Schedule — Basis of Union

Notes

Compilation table 38

Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 14 November 2014

Uniting Church in Australia Act 1976

An Act to make provision for the inauguration of the Uniting Church in Australia in accordance with the Basis of Union and to constitute the Uniting Church in Australia Property Trust (W.A.) and for other and incidental purposes.

Part I — Preliminary

1. Short title

This Act may be cited as the *Uniting Church in Australia Act 1976*¹.

2. Commencement

This Act shall come into operation on a day to be appointed by proclamation¹.

[3-4. Deleted by No. 42 of 1991 s. 4.]

5. Terms used

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

appointed day means the day appointed pursuant to section 2;

Assembly means the Assembly of the Uniting Church in Australia as referred to in the Basis of Union;

Basis of Union means the Basis of Union set forth in the Schedule;

Church means the Uniting Church in Australia;

Church instrumentality means any school, college, hospital or other religious, charitable, philanthropic, educational, social, commercial or professional institution, organisation, enterprise, undertaking or other activity conducted or controlled by the Church and includes any fund, trust or foundation created and controlled or administered by the Church;

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

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 1970*;

property includes real and personal property and any estate or interest therein;

Synod means the Synod of the Church within Western Australia;

Trust means Uniting Church in Australia Property Trust (W.A.) constituted by this Act;

Trust property means property vested in or acquired by the Trust by or pursuant to this Act;

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 24 July 1901, as amended, within the meaning of Part III of the Schedule to the *Presbyterian Church of Australia Act 1970*.

Part II — Inauguration of the Church

6. Authority to unite

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

7. Name of Church

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

8. Inaugurating Assembly

The first Assembly of the Church, called the Inaugurating Assembly, convened by the Uniting Churches shall be deemed to have been validly convened.

9. Adoption of Constitution

The Inaugurating Assembly is empowered to adopt a constitution for the Church consistent with the Basis of Union.

10. Amendment of Constitution

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

11. Further unions etc.

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.

Part III — Constitution of the Trust

**12. Uniting Church in Australia Property Trust (W.A.)
 established**

- (1) There is hereby constituted a corporation under the name of “Uniting Church in Australia Property Trust (W.A.)” which shall, subject to this Act, consist of —
 - (a) the Moderator for the time being of the Synod;
 - (b) the Property Officer for the time being of the Synod;
 - (c) 6 other persons, who shall be members of the Church, appointed by the Synod.

- (2) Subject to this Act, the persons appointed by the Inaugurating Assembly of the Church and whose names and duration of appointment shall be published in the *Gazette* —
 - (a) shall be deemed to have been duly appointed pursuant to subsection (1)(c) as members of the Trust holding office until the end of the annual Synod specified in the appointment so that 3 members retire at the end of the annual Synod next succeeding the appointed day and the remaining 3 members retire at the end of the next following annual Synod; and
 - (b) shall be eligible for re-appointment as members of the Trust.

- (3) Subject to this Act, the members of the Trust appointed pursuant to subsection (1)(c) by a Synod after the appointed day —
 - (a) shall take office as members of the Trust immediately after the end of that Synod; and
 - (b) shall hold office as members of the Trust for a term of 2 years expiring at the end of the annual Synod; and
 - (c) shall be eligible for re-appointment as members of the Trust.

s. 13

- (4) A member of the Trust shall be appointed by the Synod as Chairman of the Trust and until so appointed the Moderator shall act as Chairman of the Trust.

13. Powers and duties of Trust

- (1) The Trust shall have perpetual succession and a common seal and may enter into contracts, sue and be sued in its corporate name and may take and hold any real or personal property.
- (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 and with the by-laws of the Synod in so far as such by-laws are not inconsistent with the regulations, directions and resolutions of the Assembly.

14. Quorum

Three members of the Trust shall constitute a 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. Vacation of office

A member of the Trust appointed pursuant to section 12(1)(c) shall be deemed to have vacated his office, thereby giving rise to a casual vacancy, if he —

- (a) dies; or
- (b) resigns his office by notice in writing to the Trust; or
- (c) is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or

- (d) becomes a person in respect of whom an administration order is in force under Part 6 of the *Guardianship and Administration Act 1990*; or
- (e) ceases to be a member of the Church; or
- (f) is removed by resolution of the Synod or its Standing Committee.

[Section 15 amended by No. 24 of 1990 s. 123; No. 18 of 2009 s. 85.]

16. Casual vacancies

- (1) Where there is a casual vacancy in the membership of the Trust, the members of the Trust may appoint a person who is a member of the Church to fill that vacancy until the end of the next succeeding Synod, and the Synod may appoint a person who is a member of the Church to fill such vacancy for the remainder of the term (if any) of the person whose place as aforesaid has been vacated.
- (2) Where by reason of the occurrence of casual vacancies the number of members of the Trust is reduced to less than 5, those members shall, pursuant to the power contained in subsection (1), fill a sufficient number of those vacancies to increase to 5 the number of members of the Trust.

17. Common seal

- (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 2 members of the Trust.

s. 18

- (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 2 members of the Trust shall be deemed to have been executed in accordance with subsection (2).

18. Form and execution of certain contracts etc.

- (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.
- (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 in relation to any Trust property 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. Execution under seal by agent etc.

The Trust may, by writing under its common seal, expressly empower any person, in respect of any specified 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.

Part IV — Trust property

[Heading amended by No. 42 of 1991 s. 5.]

20. Vesting of certain property in Trust

- (1) Subject to this Act, all property that, immediately before the appointed day, was vested the Methodist Church (W.A.) Property Trust or otherwise in trust for the Methodist Church is hereby divested from that 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, all property that, immediately before the appointed day, was vested in the Union of Congregational Churches in Western Australia or otherwise in trust for the Congregational Church is hereby divested from that 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.
- (3A) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the *Presbyterian Church of Australia Act 1970* and, without restricting the generality of the foregoing, to section 4 of the said Act and clause 18 of the Schedule to the said Act, any property that immediately before the appointed day was vested in any person subject to the *Presbyterian Church of Australia Act 1901*, and the *Presbyterian Church Act 1908*, as amended, or otherwise 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 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.
- (3B) Notwithstanding anything contained in this Act, subsection (3A) shall commence on the day specified in that behalf by the

Governor and notified by proclamation published in the *Gazette*².

- (4) Subject to the provisions of this Act, all property which pursuant to this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of the *Congregational Church Lands Act 1855*³ comprising Ordinance 18 Victoriae No. 16³ and the *Congregational Church (Lands) Amendment Act 1942*³, the *Methodist Church Property Trust Act 1912*³, the *Methodist Church (W.A.) Property Trust Incorporation Act 1969*³ and the *Presbyterian Church of Australia Act 1901*, the *Presbyterian Church Act 1908* as amended by Act No. 50 of 1919, Act No. 6 of 1924 and Act No. 19 of 1964 and the *Presbyterian Church of Australia Act 1970*, as amended by Act No. 2 of 1972, respectively.
- (5) Except in relation to the trusts declared by the *Congregational Church Lands Act 1855*³, the *Methodist Church Property Trust Act 1912*³, the *Methodist Church (W.A.) Property Trust Incorporation Act 1969*³, the *Presbyterian Church of Australia Act 1901*, the *Presbyterian Church Act 1908* as amended and the *Presbyterian Church of Australia Act 1970* the vesting effected by this section shall be without prejudice to —
- (a) any special trust; or
 - (b) any resulting trust; or
 - (c) any trust in favour of a donor; or
 - (d) any trust in favour of a person other than the Uniting Churches or any one or more of them; or
 - (e) any reservation, mortgage, charge, encumbrance, lien or lease,

that immediately before the appointed day affected the property vested.

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

- (7) In this section *special trust* shall mean any trust other than a trust for the general purposes of the Methodist, Congregational or Presbyterian Churches, or of any congregation, mission or institution thereof.

[Section 20 amended by No. 19 of 2010 s. 51.]

21. Construction of certain instruments

- (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property —
- (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 or 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; or
 - (b) is recoverable by the Church or by any person (not being the Trust) for the Church; or
 - (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 construed and take effect as if 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 was a reference to the Church unless the context otherwise requires.
- (3) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Congregational Church coming into effect on or after the appointed day shall be read and construed

as though any reference therein to the Congregational Church was a reference to the Church unless the context otherwise requires.

22. Validity of titles to land vested in Trust

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 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 Crown Grant.

23. Evidence as to Trust's property

- (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) shall not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day pursuant to clause 18 of the Schedule to the *Presbyterian Church of Australia Act 1970*.
- (3) 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 *Transfer of Land Act 1893* or the *Property Law Act 1969*, as the proprietor of that estate or interest pursuant to that vesting, be conclusive evidence of the matters so certified.

[Section 23 amended by No. 31 of 1997 s. 134(1).]

24. Certain rights enforceable by Trust

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.

24A. Power to sell, lease or mortgage lands granted by Crown upon trust

- (1) Subject to subsection (2), the Trust may in respect of any land granted by the Crown and held by the Trust in trust for the Church —
 - (a) sell and transfer or otherwise assure any of that land to a purchaser, freed and discharged from any trusts to which the land is subject;
 - (b) mortgage, or otherwise encumber, any of that land and for the purposes of that mortgage or encumbrance transfer any of that land, freed and discharged from any trusts to which the land is subject;
 - (c) notwithstanding any trusts to which the land is subject, lease any of that land for any term, with or without right of renewal, subject to any covenants, conditions and agreements as the Trust thinks fit.
- (2) In respect of any land granted by the Crown without pecuniary consideration —
 - (a) a transfer or other assurance on sale; or
 - (b) a mortgage or other encumbrance; or

s. 24A

(c) a lease for a term exceeding 21 years,
under subsection (1) shall not be valid unless approved, and
countersigned, by the Governor.

[Section 24A inserted by No. 42 of 1991 s. 6.]

Part V — Variation of trusts

25. Variation of trusts

Where by virtue of this Act or otherwise Trust property is vested in the Trust upon trust for or to be applied in or for some particular purpose of the Church and the Synod in its absolute discretion resolves that —

- (a) it is impossible, impracticable or inexpedient to carry out the purpose; or
- (b) the amount available is inadequate to carry out the purpose; or
- (c) the purpose has already been effected; or
- (d) the purpose is illegal or useless or uncertain; or
- (e) the Trust property or any income that has accrued or will accrue therefrom is more than is necessary for the purpose;

then, notwithstanding any rule of law or equity to the contrary, the Synod may, upon the application of the Trust whether on behalf of the Trust or on behalf of a Church instrumentality made in such manner as the Synod shall from time to time prescribe, resolve that the whole or any part of the Trust property or of the income therefrom or of the proceeds of the sale thereof (as the case may be) be applied to some other purpose of the Church or to a combination of several of such purposes in such manner as it may direct.

26. Facilitation of performance of Trust

Where by virtue of this Act or otherwise Trust property is vested in the Trust upon trust for or to be applied in or for any of the purposes of the Church or of a Church instrumentality and the administration of the Trust property or the carrying out of the trust can be facilitated by extending or varying the powers of the Trust as the trustee thereof or by prescribing or varying the mode of administering the trust, the Synod may, upon the

s. 27

application of the Trust whether on behalf of the Trust or on behalf of a Church instrumentality made in such manner as the Synod shall from time to time prescribe, resolve that the powers of the Trust as such trustee be extended or varied or the mode of administering the trust be prescribed or varied, in such manner as it shall direct.

27. Effect of Synod resolution

- (1) Where the Synod resolves as provided in section 25 the property to which the resolution refers shall thereupon be subject to the trusts mentioned in the resolution freed and discharged from the trusts to which it was subject prior to the passing of the resolution.
- (2) Where the Synod resolves as provided in section 26 the Trust shall, in relation to the property referred to in the resolution, have the powers and authorities and may administer that property in the manner provided for in the resolution.

Part VI — Incorporation of Church instrumentalities

28. Synod may incorporate Church instrumentality

The Synod may, if it thinks fit, upon the application of a Church instrumentality made in such manner as the Synod may from time to time prescribe, resolve that the instrumentality be separately incorporated as a body corporate under and by virtue of this Act in such manner and upon and subject to such conditions, restrictions, limitations and other provisions as the Synod may determine.

29. Existing incorporation terminated

- (1) Subject to subsection (2), a Church instrumentality which on the appointed day is incorporated under the *Associations Incorporation Act 1895*⁴, or the *Methodist Church (W.A.) Property Trust Incorporation Act 1969*³, or the *Presbyterian Church Act 1908* as amended, shall as from that day cease to be so incorporated.
- (2) In the case of an incorporated body which before the day referred to in section 20(3B) is an institution of the Presbyterian Church in Western Australia, the provisions of subsection (1) of this section shall have no operation if before that day the Commission appointed in accordance with clause 18 of the Schedule to the *Presbyterian Church of Australia Act 1970* determines that such institution is to vest in or be retained by the Presbyterian Church continuing to function after the appointed day pursuant to clause 18 of the said Schedule.
- (3) As soon as practicable after the appointed day, or the day referred to in section 20(3B), as the case may be, the Moderator for the time being of the Synod shall cause notice to be given to the Commissioner for Corporate Affairs of the names of all incorporated associations which by operation of this section have ceased to be incorporated under the *Associations Incorporation Act 1895*⁴.

[Section 29 amended by No. 19 of 2010 s. 51.]

30. Purposes of incorporation

Upon the Synod resolving that a Church instrumentality be incorporated under this Act, such instrumentality shall be deemed to be incorporated for the following purposes, subject always to any conditions, restrictions, limitations or provisions determined by the Synod under section 28 —

- (a) of using as its designation (but not necessarily as part of its name) the words “a body corporate incorporated under the provisions of the *Uniting Church in Australia Act 1976*”;
- (b) of having and using a common seal on which shall be inscribed the name of the Church instrumentality;
- (c) of suing and being sued in its own name in respect of any claim by or upon it by any person whomsoever whether interested in it or not;
- (d) of holding, purchasing or in any other manner acquiring any property and of selling, mortgaging, disposing of or otherwise dealing with the same.

31. Evidence of incorporation

A certificate under the hand of the Moderator for the time being of the Synod that a Church instrumentality is a body corporate by reason of its being duly incorporated under and by virtue of this Act shall be sufficient evidence of such fact for all purposes.

32. Vesting of property in incorporated body

- (1) Upon the Synod resolving that a Church instrumentality shall be incorporated under and by virtue of this Act, all property which by virtue of this Act is, or would have become hereafter, but for the provisions of this section, vested in the Trust (not being property held by the Trust as Trustee under a will or deed) and which is used, occupied or controlled by such Church instrumentality shall be vested without conveyance in the Church instrumentality in its corporate name, and the Church instrumentality shall thereafter have all the rights, powers and authorities and undertake all the

liabilities and obligations which, but for the provisions of this section the Trust would have had or been obliged to undertake.

- (2) A certificate under the common seal of a Church instrumentality to the effect that the estate or interest of persons therein specified is an estate or interest vested in the instrumentality by this Act shall for the purposes of any application by the instrumentality to be registered under the *Transfer of Land Act 1893* or the *Property Law Act 1969*, as the proprietor of an estate or interest pursuant to that vesting, be conclusive evidence of the matters as certified.

[Section 32 amended by No. 31 of 1997 s. 134(2).]

33. Constitution of incorporated body

A Church instrumentality incorporated under and by virtue of this Act shall operate according to a constitution granted and approved by the Synod in the same manner as it may make by-laws, and any amendment, alteration, variation, deletion or addition to the said constitution shall be made and approved by the Synod in the manner prescribed in the said constitution, provided always that a Church instrumentality which is a University College within the meaning of the *University Colleges Act 1926*, shall be constituted in accordance with the provisions of that Act and the Trust created under section 5 of that Act.

34. Certain bodies incorporated under this Act

- (1) As from the appointed day, the following Church instrumentalities shall be deemed to be incorporated under and by virtue of this Act —
- (a) Kingswood College;
 - (b) Methodist Ladies' College;
 - (c) Penrhos College;
 - (d) St. Columba College;
 - (e) Wesley College;
 - (f) Good Samaritan Industries.

s. 35

- (2) As from the day referred to in section 20(3B) if the Commission appointed in accordance with clause 18 of the Schedule to the *Presbyterian Church of Australia Act 1970*, determines that either or both Presbyterian Ladies' College and Scotch College are to vest in the Church, the College or Colleges shall be deemed to be incorporated under and by virtue of this Act.
- (3) In the case of each of the Church instrumentalities deemed to be incorporated pursuant to subsections (1) and (2), the provisions of section 32 shall, as from the appointed day or the day referred to in section 20(3B) as the case may be, apply as if each such instrumentality had been duly incorporated by a resolution of the Synod pursuant to an application made under section 28.
- (4) The existing constitution of each such Church instrumentality shall continue *mutatis mutandis* in full force and effect provided that the Synod may grant and approve a new constitution for any such instrumentality in the manner prescribed in section 33.

[Section 34 amended by No. 19 of 2010 s. 51.]

35. Termination of incorporation

The incorporation of a Church instrumentality incorporated under and by virtue of this Act shall terminate —

- (a) if and when the Church instrumentality shall be dissolved in the manner provided in its constitution;
- (b) if at any time before its dissolution the Church instrumentality shall apply to the Synod in the prescribed manner for the termination of its incorporation and the Synod shall resolve that it be terminated;
- (c) if the Synod shall for any sufficient reason consider it fit and proper that the incorporation of the Church instrumentality should be terminated and upon its own motion shall so resolve provided that any such motion shall require at least 14 days' notice to the members of the Synod and shall not be passed unless two-thirds of

those members present and voting shall approve such motion.

36. Effect of termination

Where the incorporation of a Church instrumentality incorporated under and by virtue of this Act is terminated, the Church instrumentality shall thereupon cease to be a body corporate and all land and other property held by or belonging to, or vested in it, whether in its corporate name or otherwise, shall without conveyance vest in the Trust and henceforth shall be held by the Trust for the purposes of the Church instrumentality if it be not then dissolved and is still functioning but otherwise, subject to the provisions of the *University Colleges Act 1926*, for such purposes and upon such trusts as the Synod shall direct.

Part VII — General

37. Trust's powers as to exchange etc. of property

Subject to any resolution or direction of the Synod 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.

38. Trust's receipts, effect of

A receipt for moneys payable to the Trust shall exonerate the mortgagee, purchaser or other person by 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 —

- (a) is executed in accordance with this Act under the common seal of the Trust; or
- (b) is in writing signed by 2 members of the Trust; or
- (c) is in writing signed by a person or persons duly authorised for the purpose by the Trust or 2 members thereof.

39. Presumptions by people dealing with Trust

No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar of Titles 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 Trust, be concerned to see or enquire 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.

40. Service of documents on Trust

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, Property Officer of the Synod or on any person appearing to be authorised by the Trust to accept service thereof.

41. Trust may act as executor etc.

(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;

s. 42

- (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 Synod in respect thereof.

42. Trust may hold property jointly

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.

43. Co-operative use of property

- (1) Where it has been decided in accordance with the laws of the Church 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 —
 - (a) permit that property or property subsequently vested in the Trust 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 and the proceeds of sale or mortgage or any other dealing with such property and all moneys collected or held in respect of such scheme of co-operation may be paid and applied in such manner as may be determined by the Synod or such committee; and
 - (b) join with any such other church or churches in acquiring the absolute or any limited estate or interest in any land or other property required for the purposes of any such scheme and to hold it as co-owner with or otherwise in conjunction with such other church or churches in such

manner as may be agreed between it and such other church or churches and to do all such acts and to enter into or complete all such contracts, transfers, leases, deeds or other documents as may be necessary or desirable to give effect to such acquisition; and

- (c) be a member of any association or organisation of churches or church representatives or other body (whether incorporated or unincorporated) the object or one of the objects of which is the acquiring, holding, using, managing or administering of land or other property for the purposes of any such scheme.
- (2) The conditions that the Synod may determine or prescribe under subsection (1) 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 required 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 scheme is, to the extent provided therein, hereby charged.
- (3) Neither the Registrar of Titles nor any person dealing *bona fide* and for value with any property vested in the Trust shall be bound to enquire 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) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to

s. 44

that affects the property mortgaged or charged in favour of that person.

44. Application of s. 43

- (1) The provisions of section 43 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.
- (2) Subsection (1) shall not prevent the use of property in a manner referred to in section 43 if the property was merely directed to be held on trust for the worship or purposes of the Church.

45. Trust members etc. entitled to indemnity

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 resolution or direction of the Assembly or Synod 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 or the performance by him of the duty unless incurred in the course of fraudulent or negligent breach of trust.

46. Blending of Trust funds

- (1) Where the Trust holds moneys on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest such moneys or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the moneys so invested are held and any loss arising from any such investment shall likewise be borne rateably.
- (2) The Trust may make advances out of the moneys referred to in subsection (1) for any purpose of or relating to the Church.

- (3) Any sum so advanced shall be deemed an investment of such moneys 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.

[Section 46 amended by No. 19 of 2010 s. 51.]

47. Investment powers

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, as trust funds may be invested under Part III of the *Trustees Act 1962* or by the Assembly either by itself or by delegation to the Synod.

[Section 47 amended by No. 1 of 1997 s. 18.]

48. Exemption from duty etc.

No conveyance or other instrument whereby property is vested in the Trust or in a body corporate pursuant to this Act shall be chargeable with any duty under the *Duties Act 2008*, and no conveyance or other instrument in relation to land so vesting shall be chargeable with fees under the *Transfer of Land Act 1893*.

[Section 48 amended by No. 12 of 2008 Sch. 1 cl. 39.]

Schedule — Basis of Union

[s. 5]

[Heading amended by No. 19 of 2010 s. 4.]

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 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 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 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 accomplished 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. 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 and 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 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.
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 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 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.

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 representative, 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.
- (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.
- (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.

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.



Notes

- ¹ This reprint is a compilation as at 14 November 2014 of the *Uniting Church in Australia Act 1976* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Uniting Church in Australia Act 1976</i>	139 of 1976	13 Dec 1976	Act other than s. 20(3): 22 Jun 1977 (see s. 2 and <i>Gazette</i> 17 Jun 1977 p. 1811); s. 20(3): 9 Nov 1979 (see s. 20(3)(b) and <i>Gazette</i> 9 Nov 1979 p. 3491)
<i>Guardianship and Administration Act 1990</i> s. 123	24 of 1990	7 Sep 1990	20 Oct 1992 (see s. 2 and <i>Gazette</i> 2 Oct 1992 p. 4811)
<i>Uniting Church in Australia Amendment Act 1991</i>	42 of 1991	12 Dec 1991	12 Dec 1991 (see s. 2)
<i>Trustees Amendment Act 1997</i> s. 18	1 of 1997	6 May 1997	16 Jun 1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)
<i>Acts Amendment (Land Administration) Act 1997</i> Pt. 61	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
Reprint of the <i>Uniting Church in Australia Act 1976</i> as at 6 Sep 2002 (includes amendments listed above)			
<i>Duties Legislation Amendment Act 2008</i> Sch. 1 cl. 39	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 85	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 4 and 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
Reprint 2: The <i>Uniting Church in Australia Act 1976</i> as at 14 Nov 2014 (includes amendments listed above)			

² 9 November 1979 (see *Gazette* 9 November 1979 p. 3491).

³ Repealed by s. 3 of this Act.

⁴ Repealed by the *Associations Incorporation Act 1987*.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
appointed day	5
Assembly	5
Basis of Union	5
Church.....	5
Church instrumentality.....	5
Congregational Church	5
Methodist Church	5
Presbyterian Church.....	5
property	5
special trust	20(7)
Synod	5
Trust.....	5
Trust property	5
Uniting Churches	5