

PRESBYTERIAN CHURCH.

No. 120 of 1976.

AN ACT to amend the Presbyterian Church Act, 1908 and for other purposes.

[Assented to 1st 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. 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.

Short title.

Commence-
ment.

2. 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".

Section 3
amended.

3. 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.

Presbytery
of Western
Australia.

4. 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. 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

Reversion to
General
Assembly.

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.
