

**METHODIST CHURCH (W. A.)
PROPERTY
TRUST INCORPORATION.**

No. 62 of 1969.

AN ACT to incorporate the Methodist Church (W.A.) Property Trust, to define its powers, authorities, duties and functions, to make provision for and in relation to the vesting in it of all property held for and on behalf of the Methodist Church of Australasia in the State of Western Australia, and for other purposes connected therewith.

[Assented to 29th September, 1969.]

WHEREAS by virtue of the provisions of the Methodist Church Property Trust Act, 1912, Act No. 29 of 1912, all lands, tenements and hereditaments of whatsoever tenure, including chattels real, situate in Western Australia, together with all rights, easements and appurtenances relating thereto which have been or shall be acquired by gift, purchase, devise, bequest or otherwise for the Methodist Church of Australasia without any special trusts being attached thereto

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are held for that Church upon the trusts and with the powers, authorities and discretions and subject to the provisions and conditions contained in the Methodist Church Model Deed of Western Australia 1912 referred to in that Act and in any future alteration or modification of the Model Deed duly authorised by the Western Australia Conference of that Church and upon and subject to no other trusts or provisions whatsoever; and whereas by virtue of the provisions of the Model Deed such land, tenements and hereditaments are vested in various bodies of trustees; and whereas for the purpose of simplifying the holding of property by or on behalf of the Church in Western Australia and of facilitating and rendering less expensive conveyances of and other transactions and dealings in respect of land so held, it is desirable and expedient to create a body corporate to hold, manage and deal with property of whatsoever nature so held and to make provision for the vesting of all such property in such body corporate; and whereas it is also desirable to make provision for the following matters, namely, for property vested in the body corporate to be available not only for the purposes of the Church in Western Australia but also for use in schemes of co-operation between the Church in Western Australia and churches of other denominations, for the body corporate to have power and authority to carry out, in addition to its main function as the holding body of all property in Western Australia belonging to or to be acquired by that Church, certain other functions for and on behalf of or for the purposes of that Church, for the alteration in certain cases of the purpose to which property vested in the body corporate may be applied, for the extending or varying of the powers of the body corporate as trustee of such property in order to facilitate the administration thereof and for the incorporation by virtue to this Act of certain instrumentalities of the Church in Western Australia.

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the

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Legislative Assembly of Western Australia in this present Parliament assembled and by the authority of the same as follows:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *Methodist Church (W.A.) Property Trust Incorporation Act, 1969.*

Construction.

2. This Act shall be construed as one with the *Methodist Church Property Trust Act, 1912*, which Act is in this Act referred to as “Act No. 29 of 1912”.

Commencement.

3. This Act shall come into operation on the 1st day of January, 1970, which date is in this Act referred to as “the specified date”.

Interpretation.

4. In this Act, unless the context otherwise requires—

“Church” means the Methodist Church of Australasia;

“Church instrumentality” means any congregation, circuit, department, circuit-mission or home-mission station of the Church in Western Australia and includes—

- (a) any auxiliary or other committee of that Church;
- (b) 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 that Church; and
- (c) any fund, trust or foundation created and controlled or administered by that Church;

“Conference” means the Annual Western Australia Conference of the Church;

“conveyance” means every deed, document, instrument, assurance, act or thing made, signed or executed for conveying, transferring, assigning, appointing, surrendering or otherwise disposing of property and includes a transfer of land or transfer of lease under the provisions of the Transfer of Land Act, 1893, and also a Crown Grant or a Crown Lease and a transfer of land or of a lease or of any other interest in land under the Land Act, 1933;

“Model Deed” means the “Methodist Church Model Deed of Western Australia 1912”, referred to in the Act No. 29 of 1912 and every duly authorised alteration or modification thereof;

“property” means real property of any tenure and all rights, easements and appurtenances relating thereto, and also money, all kinds of securities for money, shares in companies, debts, choses in action and all other personal property of every kind and description and every estate share, right, title and interest in and to any property real or personal whether in possession or not and whether vested or contingent;

“Property Trust” means the Methodist Church (W.A.) Property Trust constituted by this Act;

“purposes of the Church” means the religious purposes of the Church in Western Australia and also the social, educational, charitable, philanthropic and commercial purposes and activities of the Church in the State and all similar purposes and activities of a church instrumentality;

“the Laws” means the “Laws of the Methodist Church 1965” in force from time to time and all subsequent amendments thereof made by the General Conference of the Church;

“trust property” means property vested in the Property Trust pursuant to this Act or pursuant to any will conveyance or other instrument;

“Trust Regulations” means the “Methodist Church (W.A.) Trust Regulations” made from time to time pursuant to this Act and in force.

PART II.—INCORPORATION OF PROPERTY TRUST.

Constitu-
tion of
Methodist
Church
(W.A.)
Property
Trust.

5. There is hereby constituted a body to be called “Methodist Church (W.A.) Property Trust” which shall be a body corporate under that name with perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name and of acquiring, holding and disposing of or otherwise dealing with real and personal property.

Membership
of Property
Trust.

6. The Property Trust shall consist of ten members of whom—

(a) five (in this section referred to as “the *ex officio* members”) shall be the persons from time to time appointed by the Conference to hold and who for the time being hold the following offices of the Conference namely—

- (i) the President of the Conference;
- (ii) the Secretary of the Conference;
- (iii) the office known as “Connexional Secretary”;
- (iv) the office known as “Conference Legal Adviser”;
- (v) the office known as “Associate Conference Legal Adviser”.

(b) five (in this section referred to as “the appointed members”) shall be appointed as provided in subsection (2) of section 7 of this Act.

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7. (1) The following provisions shall apply in relation to the *ex officio* members—

Ex-officio members.

- (a) Each shall be a member of the Property Trust only for so long as he shall occupy the respective office of the Conference held by him.
- (b) If at any time any of the offices of the Conference mentioned in paragraph (a) of section 6 of this Act is vacant (otherwise than because a casual vacancy has occurred therein) or is abolished or if the same person occupies more than one of such offices, then the number of *ex officio* members (and accordingly the total number of members of the Property Trust) shall on each occasion decrease by one during such time as the office is so vacant or until it is recreated or all offices are again held by separate persons.

(2) The following provisions shall apply in relation to the appointed members:—

Appointed members.

- (a) The first appointed members shall be the following persons:—

Sydney John Jenkins
Leslie Lloyd Semple
James Hewitt Main
Joseph Ernest Little
George Arthur Jenkins.

- (b) Subject as provided in section 8 of this Act—

- (i) The said Sydney John Jenkins shall be a member of the Property Trust from the specified date until the conclusion of the next Conference held thereafter when he shall retire but subject to paragraph (d) of this subsection he may be re-appointed a member by that or any Conference subsequently held.

- (ii) The said Leslie Lloyd Semple shall be a member of the Property Trust from the specified date until the conclusion of the second Conference held thereafter when he shall retire but subject to paragraph (d) of this subsection he may be re-appointed a member by that or any Conference subsequently held.
 - (iii) The said James Hewitt Main shall be a member of the Property Trust from the specified date until the conclusion of the third Conference held thereafter when he shall retire but subject to paragraph (d) of this subsection he may be re-appointed a member by that or any Conference subsequently held.
 - (iv) The said Joseph Ernest Little shall be a member of the Property Trust from the specified date until the conclusion of the fourth Conference held thereafter when he shall retire but subject to paragraph (d) of this subsection he may be re-appointed a member by that or any Conference subsequently held.
 - (v) The said George Arthur Jenkins shall be a member of the Property Trust from the specified date until the conclusion of the fifth Conference held thereafter when he shall retire but subject to paragraph (d) of this subsection he may be re-appointed a member by that or any Conference subsequently held.
- (c) Subject to provisions of paragraph (a) of this subsection, the appointed members shall be appointed by the Conference in such manner as the Conference may prescribe and each shall be a member of the Property Trust from the conclusion of the

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Conference by which he is appointed until the conclusion of the fifth Conference held thereafter when he shall retire but subject to paragraph (d) of this subsection he may be re-appointed a member by that or any Conference subsequently held.

- (d) No person who is over the age of seventy years shall be eligible to be appointed or re-appointed a member of the Property Trust but should he attain that age whilst a member of the Property Trust he shall not, by reason thereof only, cease to be a member thereof.

8. (1) A member of the Property Trust may at any time resign his membership by notice in writing addressed to the Chairman of the Property Trust.

Cessation of membership.

(2) The Conference may at any time resolve that a member of the Property Trust be expelled from membership thereof.

(3) A member of the Property Trust shall *ipso facto* cease to be a member—

- (a) if he duly resigns his membership;
- (b) if he is required to retire from membership by reason of the term of his membership having expired;
- (c) if he is expelled from membership by the Conference;
- (d) if he becomes bankrupt or makes any arrangement or composition with his creditors generally; or
- (e) if he is found to be of unsound mind or to be a person whose person or estate is liable to be dealt with in any manner under the law for the time being relating to mental health.

(4) The continuing or surviving members of the Property Trust may act notwithstanding there is a vacancy in the membership thereof, and such members may, from time to time, whenever a casual vacancy occurs in the membership of the Property Trust by reason of a member thereof dying or ceasing to be a member thereof by force of subsection (3) of this section, appoint some person eligible to be a member of the Property Trust to fill such casual vacancy and in respect of such appointment the following provisions shall apply:—

- (a) The person appointed to fill a casual vacancy shall not continue to be a member of the Property Trust after the conclusion of the Conference next following his appointment unless such appointment is confirmed by that Conference.
- (b) If the Conference mentioned in paragraph (a) refuses to confirm the appointment by the continuing or surviving members of the Property Trust of the person appointed to fill a casual vacancy, that Conference may appoint some other person eligible to be a member of the Property Trust to fill the vacancy.
- (c) A person whose appointment to fill a casual vacancy in the membership of the Property Trust is confirmed by the Conference or any other person appointed by the Conference to fill the casual vacancy, shall be a member of the Property Trust only during the balance of the term of membership of the member dying or ceasing to be a member, at the expiration of which time he shall retire but subject to paragraph (d) of subsection (2) of section 7 of this Act shall be eligible for re-appointment.
- (d) The continuing or surviving members of the Property Trust shall be under no obligation to exercise the power of appointment conferred by this subsection, except where the number of appointed members thereof then remaining is less than three.

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9. (1) There shall be a Chairman of the Property Trust who shall be the official representative thereof on all occasions when it is necessary or desirable for the Property Trust to be officially represented.

Chairman of
Property
Trust.

(2) The Chairman shall be appointed by the Conference from amongst the members for the time being of the Property Trust and shall be Chairman during such time and upon and subject to such conditions as the Conference may prescribe.

10. (1) The members of the Property Trust for the time being shall be at liberty to regulate their own proceedings as they think fit, to appoint such officers as they may consider necessary for the proper administration of the affairs of the Property Trust and to remunerate all or any of such officers as they may consider expedient.

Proceeding
of Property
Trust.

(2) (a) The common seal of the Property Trust shall remain in the custody of the secretary or other the chief executive officer thereof.

(b) The common seal shall not be affixed to any document except in the presence of at least two members of the Property Trust who shall counter-sign such document.

(3) (a) All decisions of the Property Trust shall be made by a simple majority of the members thereof present and voting at any meeting thereof and in a case of equality of votes the Chairman shall have both a deliberative and a casting vote.

(b) Five members present in person at any meeting of the members of the Property Trust shall constitute a quorum.

11. (1) Any contract which if made by or between natural persons would by law be required to be in writing under seal may be made, varied or discharged in the name and on behalf of the Property Trust in writing under its common seal.

Contracts
how made.

(2) Any contract which if made by or between natural persons would by law be required to be in writing and signed by the parties charged therewith may be made, varied or discharged in the name

and on behalf of the Property Trust, in writing by any person acting under its authority express or implied.

(3) Any contract which if made by or between natural persons would by law be valid although made by parole only and not reduced to writing may be made, varied or discharged by parole, in the name and on behalf of the Property Trust by any person acting under its authority express or implied.

(4) Any contract which is made in accordance with the provisions of subsections (1) (2) or (3) of this section shall be effectual in law and shall be binding upon the Property Trust and all other parties thereto their executors, administrators and successors, and any contract in relation to trust property which is entered into or signed in accordance with any direction or request contained in a resolution of the Conference, shall be deemed to have been entered into and signed with the express authority of the Property Trust.

(5) The Property 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 on its behalf any deed, contract, agreement or other instrument and the same when so executed shall bind the Property Trust and have the same effect as if it were executed under its common seal.

Remuneration and indemnity of members of Property Trust.

12. (1) Each member of the Property Trust and any person exercising any powers or performing any duties in relation to any trust property pursuant to this Act or to any regulation or to any direction of the Conference—

- (a) may be remunerated for his services in respect of all or any of such matters in such manner as the Conference shall resolve; and
- (b) shall be entitled to be reimbursed or indemnified by the Conference against all expenses or liabilities incurred by him in connection with the exercise of such powers or the performance of such duties.

(2) A member of the Property Trust shall not incur any personal liability for any matter or thing done by him or liability incurred in his capacity as a member of the Property Trust neither shall he be responsible or answerable for the defaults of any of the other members thereof.

PART III.—VESTING OF TRUST PROPERTY.

13. All real and personal property situated in Western Australia which on the specified date is vested in trustees pursuant to Act No. 29 of 1912 and the Model Deed, and subject as hereinafter provided, all real and personal property which is so situate and which on the specified date or at any time or times thereafter is held by any person or persons, for or on behalf of or in trust for the Church generally or any church instrumentality shall without any conveyance or transfer vest in the Property Trust on behalf of the Church upon the trusts and with the powers, authorities and discretions and subject to the terms and conditions and the provisions of this Act, but nevertheless subject and without prejudice to any special trusts upon which that property may be held and subject also to any reservation, mortgage, charge, encumbrance, loan or lease respecting that property respectively and subject further and without prejudice to any resulting trust or any trust in favour of a donor other than the Church.

Property of the Church in W.A. to vest in Property Trust.

14. (1) On and after the specified date, all property acquired by or for or on behalf of the Church in Western Australia or any church instrumentality shall vest in the Property Trust and together with all other trust property, shall be held by the Property Trust on behalf of the Church and be managed, administered and otherwise dealt with subject to the control and in accordance with the directions of the Conference.

Property in the State acquired by the Church to vest in Property Trust.

(2) For the purposes of this section and in particular for the purpose of regulating and controlling any matter relating to the holding management or administration of trust property vested in the Property Trust pursuant to this Act or the transferring, conveying or otherwise dealing with the same, the Conference may from time to time make such regulations as it shall consider necessary or advisable.

(3) Regulations made pursuant to the power contained in subsection (2) of this section are not subject to section 36 of the Interpretation Act, 1918, and shall not take effect or have the force of law unless and until the General Conference of the Church resolves that it approves of them either as originally submitted to it or in such other form as it may require.

(4) For the purpose of this section the General Conference shall have power in respect of regulations submitted for its approval—

- (a) to disallow them in whole or in part;
- (b) to substitute another regulation or regulations or part of a regulation for that which has been disallowed; and
- (c) to amend or vary a regulation as it thinks fit.

Devises and bequests in favour of the Church to ensure for benefit of Property Trust.

15. (1) Where by a will, deed or other document or instrument (whether made or executed before, on or after the specified date) any property has been or shall be—

- (a) devised, bequeathed, given, granted, released, conveyed, transferred, assigned or appointed to, or is payable to or receivable or recoverable by the Church in Western Australia or any church instrumentality or any officer or official of the Church in Western Australia or of any church instrumentality; or

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- (b) declared or directed to be held upon trust for or for the benefit of the Church in Western Australia or any church instrumentality or for any of the purposes of the Church;

such will, deed or other document or instrument shall be construed and shall operate and take effect as if the Property Trust had been named therein as the devisee, legatee or other beneficiary, donee, grantee, transferee, assignee, or appointee or the trustee or other holder (as the case may be) of the property and the acknowledgment or receipt of the Property Trust or of any person duly authorised by the Property Trust for the purpose, shall be the only good and sufficient discharge for and complete exoneration of the person or persons liable under the will, deed, or other document or instrument to deliver or transfer the property or (in the case of money) to pay it, any provision to the contrary contained in any such will, deed or other document notwithstanding.

(2) All property which becomes vested in or is paid to or received or recovered by the Property Trust by virtue of the provisions of this section shall be held and dealt with by the Property Trust upon trust for the Church, subject to the provisions of the Trust Regulations and any other directions of the Conference and upon and subject to the trusts in the will, deed or other document or instrument declared concerning it subject however as provided in Part IV of this Act.

16. (1) The estate and interest of the Property Trust in and to land which on the specified day becomes vested in it under and by virtue of this Act shall, upon application under the common seal of the Property Trust made to the Commissioner of Titles, the Registrar of Deeds or the Under Secretary of Lands (as the case may require according to whether the land is under the operation of the Transfer of Land Act, 1893, the general system of

Interest of Property Trust in land vested in it to be transmitted to it without formal transfer.

land holding or the Land Act, 1933), without formal transfer and without fee be transmitted to and registered in the name of the Property Trust (without reference to any trusts upon which the land may be held by it) and the Commissioner, Registrar or Under Secretary (as the case may be) shall, without further request or fee, issue to the Property Trust a certificate or certificates of title (in the appropriate form) of the estate and interest of the Property Trust in and to the land mentioned in the application.

(2) The certificate of the Chairman of the Property Trust (or such other person as the Property Trust shall authorise to give such certificate) shall be sufficient evidence of the fact that the land therein mentioned is land to which this section applies and of the estate and interest of the Property Trust therein, and such Commissioner, Registrar or Under Secretary (as the case may be) shall not be bound to enquire further as to whether any other person or body has any interest in the land.

Rights
arising out
of contract
or tort to
vest in
Property
Trust.

17. Any rights including choses in action arising out of contract or tort relating in any way to property vested in the Property Trust by virtue of this Act and which are at the time of such vesting, vested in trustees pursuant to the Model Deed or in any other person, are hereby vested in the Property Trust and may be enforced by it.

Powers of
Property
Trust.

18. It shall be lawful for the Property Trust subject to the Trust Regulations and to the control and direction of the Conference—

- (a) to acquire by purchase or otherwise for and on behalf of the Church, any estate or interest in any land or other property in Western Australia and to hold or deal with the same as the absolute owner thereof, and for that purpose to make and execute all such applications, deeds, documents and other instruments as it considers necessary or expedient;

- (b) to sell any land granted or demised by the Crown to it or to the Church in Western Australia or by this Act vested in or otherwise acquired and held by it in trust for the Church or for any of the purposes of the Church, and to transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trusts to which such land may be subject;
- (c) to mortgage any such land, or to secure moneys borrowed for the purpose of paying and discharging debts heretofore incurred and which are secured by existing mortgages of any such land, and to secure moneys which may hereafter be lawfully borrowed with its approval by any church instrumentality having the use of such land or in trust for which it is held, and for the purpose of such security to assure such land to the mortgagee and his assigns freed and discharged from any trusts to which such land may be subject;
- (d) notwithstanding any such trusts to lease any such land for any term with or without the right of renewal and either by way of building lease or otherwise, and subject to such covenants, conditions, and agreements as it may think fit; and
- (e) to act in relation to the exchange, dedication or resumption of any such land and to make claims for compensation in respect thereof and to agree and settle such claims for such consideration and upon and subject to such terms and conditions as to it may appear desirable;

but no transfer or mortgage, and no lease for a term exceeding twenty-one years, of land granted by the Crown to or for the use or benefit of the Property Trust or the Church in Western Australia without pecuniary consideration, shall be valid unless countersigned as approved by the Governor.

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Release or
other receipt
by Property
Trust to be
sufficient
discharge.

19. A release or other discharge under the common seal of the Property Trust or any other receipt in writing signed on behalf of the Property Trust by any officer of or other person or persons duly authorised by the Property Trust to sign the receipt and receive the money to which the receipt relates, given for any money raised on mortgage of any property vested in the Property Trust or for the purchase money of any trust or other property sold by the Property Trust or for moneys received by way of compensation for the resumption of any property vested in it or for any other moneys which shall be payable to or otherwise receivable by the Property Trust, shall exonerate a mortgagee, a purchaser and any other person paying such moneys to the Property Trust or to any person authorised by it to receive the money, from any further liability to pay the money and from all liability to see to the due application thereof.

Necessity or
propriety for
or mode of
exercise of
powers by
Property
Trust not to
be enquired
into.

20. No purchaser, mortgagee, lessee or other person dealing with the Property Trust or the Commissioner of Titles, the Registrar of Titles, the Minister for Lands, the Under Secretary for Lands or any other person registering or certifying title shall upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into pursuant to a power conferred by this Act or by the Trust Regulations, be concerned to see or enquire into the necessity or propriety for or the mode of exercising the power or be affected by notice that any exercise of the power is unauthorised, irregular or improper.

Power of
Property
Trust to sue.

21. The Property Trust may sue and be sued in all actions and proceedings whether at law or in equity for the purpose of—

- (a) ascertaining or determining the trusts upon which any property is or shall be held; or
- (b) ascertaining or determining whether any property is subject to any trusts in favour of the Church or any church instrumentality.

22. The offices of Custodian of Deeds and Acting Custodian of Deeds created by Act No. 29 of 1912 are abolished on the specified date and on and from such date any of the powers and authorities conferred on the holders of such offices by the Act No. 29 of 1912 and any of the duties or obligations imposed upon them by that Act which may still require to be exercised or carried out, shall be so exercised or carried out by the Property Trust.

Offices of Custodian and Acting Custodian of Deeds abolished.

PART IV.—VARIATION OF TRUSTS.

23. Where by virtue of this Act or otherwise trust property is vested in the Property Trust upon trust for or to be applied in or for some particular purpose of the Church in Western Australia and—

Power of Conference to apply trust property for other purposes of the Church.

- (a) it is impossible, impracticable or inexpedient to carry out the purpose;
- (b) the amount available is inadequate to carry out the purpose;
- (c) the purpose has already been effected;
- (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 Conference may, upon the application of the Property Trust or a church instrumentality made in such manner as the Conference 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 in Western Australia, or to a combination of several of such purposes in such manner as it may direct.

Power of
Conference
to vary
powers of
Property
Trust as
trustee.

24. Where by virtue of this Act or otherwise, trust property is vested in the Property Trust upon trust for or to be applied in or for any of the purposes of the Church in Western Australia or that 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 Property Trust as the trustee thereof or by prescribing or varying the mode of administering the trust, the Conference may, upon the application of the Property Trust or a church instrumentality made in the prescribed manner, resolve that the powers of the Property 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.

Effect of
exercise of
powers by
Conference.

25. Where the Conference resolves as provided in section 23 of this Act 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; and where the Conference resolves as provided in section 24 of this Act the Property Trust shall, thereupon in relation to the property referred to in the resolution henceforth, have the powers and authorities and shall be at liberty to administer that property in the manner mentioned in the resolution.

PART V.—INCORPORATION OF CHURCH INSTRUMENTALITIES.

Incorpora-
tion of
Church
instrumen-
talities.

26. The Conference may, if it considers it necessary or expedient so to do, upon the application of a church instrumentality made in such manner as the Conference shall from time to time prescribe, resolve that the church 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 Conference may determine.

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27. Upon the Conference resolving that a church instrumentality be incorporated under this Act, such church instrumentality shall be deemed to be incorporated for the following purposes:—

Effect of incorporation.

- (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 Methodist Church (W.A.) Property Trust Incorporation Act, 1969”;
- (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 or upon or by any person whomsoever whether interested in it or not;
- (d) subject to the provisions of this Act and of the Trust Regulations of holding, purchasing or in any other manner acquiring any property and of selling, mortgaging, disposing of or otherwise dealing with the same.

28. The fact that a church instrumentality is incorporated under and by virtue of this Act, shall not in anywise affect its status under the Laws as a congregation, circuit, department, circuit-mission or home-mission station of the Church in Western Australia or as an auxiliary or other committee thereof or as a school, college, hospital or other institution, organisation, enterprise or undertaking controlled by the Church in Western Australia (as the case may be) but such church instrumentality shall (subject to this Act and the Trust Regulations) be and continue to be bound by the Laws in the same manner as if it had not been so incorporated.

Incorporation not to affect status of Church instrumentality under the Laws.

Power of
Conference
to vest land
vested in
Property
Trust in
incorporated
Church
instrumen-
tality.

29. (1) Notwithstanding anything contained in the other provisions of this Act or the Trust Regulations, the Conference may, if it considers it necessary or expedient so to do, upon the application of a church instrumentality incorporated under and by virtue of this Act made in the prescribed manner, resolve that all or any property which by virtue of this Act is or hereafter, but for the provisions of this section, would have become vested in the Property Trust (not being property held by it as trustee under a will or deed) and which is used, occupied or controlled by such church instrumentality shall be transferred to or vested in the church instrumentality in its corporate name.

(2) Upon the Conference so resolving such property shall without formal transfer, assignment or conveyance be so transferred and vested in the church instrumentality which thereafter shall, subject to the provisions of this Act and of the Trust Regulations in respect of that property, have all the rights, powers and authorities and undertake all the liabilities and obligations which but for the provisions of this section the Property Trust would have had or been obliged to undertake.

Restriction
on
incorporated
Church
instrumen-
tality
altering
rules.

30. A church instrumentality incorporated under and by virtue of this Act shall not alter, amend, vary or add to any of its objects as set out in its rules and regulations or the qualifications required to be possessed to render a person eligible for membership or alter, amend, vary, delete, add to or repeal in whole or in part any of its other rules and regulations without the approval of the Conference obtained upon application in the prescribed manner.

Certificate
of President
of Confer-
ence to be
evidence of
incorpora-
tion.

31. A certificate under the hand of the President for the time being of the Conference that a church instrumentality is a body corporate by reason of its having been duly incorporated under and by virtue of this Act shall be sufficient evidence of such fact for all purposes.

32. (1) A church instrumentality which at the specified date is incorporated under the Associations Incorporation Act, 1895, shall as from that date cease to be incorporated under that Act and shall be deemed to be incorporated under and by virtue of this Act under the same corporate name (except for the inclusion of the words "Inc." or "Incorporated", as the case may be) or under such other name as the Conference may approve.

Certain incorporated Church instrumentalities to be incorporated under this Act.

(2) A church instrumentality to which this section applies shall as from the specified date have the same rights powers and authorities and be liable and responsible for the same liabilities and obligations as if it had been duly incorporated by a resolution of the Conference carried upon an application made under section 26 of this Act.

(3) As soon as practicable after the specified date the President for the time being of the Conference shall cause notice to be given to the Registrar of Companies of the names of all incorporated associations which by operation of this section have ceased to be incorporated under the Associations Incorporation Act, 1895.

33. The incorporation of a church instrumentality incorporated under and by virtue of this Act shall terminate—

Termination of incorporation of incorporated Church instrumentalities.

- (a) if and when the church instrumentality shall be dissolved in the manner provided in its rules and regulations;
- (b) if at any time before its dissolution the church instrumentality shall apply to the Conference in the prescribed manner for the termination of its incorporation and the Conference shall resolve that it be terminated;
- (c) if the Conference 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.

Property
vested in
incorporated
Church
instrumentality
to vest
in Property
Trust on
termination
of incor-
poration.

34. 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 any formal transfer or other conveyance, vest in the Property Trust and henceforth shall be held by the Property Trust subject to the Trust Regulations for the purposes of the church instrumentality (if it be not then dissolved and is still functioning) but otherwise for such purposes and upon such trusts as the Conference shall direct.

PART VI.—MISCELLANEOUS PROVISIONS.

Power of
Standing
Committee of
Conference
to exercise
powers of
Conference
in certain
cases.

35. Where—

- (a) the Property Trust or a church instrumentality has made an application under section 23 or section 24 of this Act; or
- (b) a church instrumentality has made an application under section 26 or section 29 of this Act,

and the meeting of the Conference to be next held after the date when the application is unconditionally approved by the Standing Committee of the Conference, would not ordinarily be held within a period of three months after the date of such approval, the Standing Committee may, without any previous delegation from the Conference in that behalf, exercise all or any of the powers vested in the Conference under any of those sections and a resolution carried at a duly constituted meeting of the Standing Committee approving of any such application shall for the purpose of the respective section under which the application is made, be as valid and effectual as if the resolution had been carried by the Conference.

No. 62.] *Methodist Church (W.A.) Property Trust Incorporation.* [1969.]

36. Any property which is or becomes vested in or held by the Property Trust by operation of this Act or which by virtue of the provisions of section 29 of this Act is or becomes transferred to or vested in a church instrumentality incorporated under this Act and which, at the date it is or becomes so vested held or transferred, is not rateable land under the provisions of section 532 of the Local Government Act, 1960, or section 72 of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909, or is exempt from assessment of tax under section 10 of the Land Tax Assessment Act, 1907, shall not by reason only that it is so vested or held by the Property Trust and used or occupied by a church instrumentality incorporated under and by virtue of the provisions of this Act or is vested in such a church instrumentality in its corporate name and used or occupied by such church instrumentality, become rateable land or cease to be exempt from assessment of tax under those Acts.

Property vested in Property Trust formerly not rateable or exempt from land tax to continue as such.

37. (1) In addition to the power contained in subsection (2) of section 14 of this Act the Conference shall also have power, from time to time, to make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed to carry this Act into effect or to give effect to any power function duty or authority under this Act and without limiting the generality of the power conferred by this section the regulations may prescribe for all matters relating to the regulating and controlling of the affairs and proceedings of the Property Trust.

Power of Conference to make regulations.

(2) Regulations made pursuant to the power contained in subsection (1) of this section together with those made pursuant to the power contained in subsection (2) of section 14 of this Act and

approved as provided in subsection (3) of that section, shall together form and be cited as the "Methodist Church (W.A.) Property Trust Regulations."

(3) A certificate signed by the President of the Conference for the time being certifying that a regulation contained in or attached to such certificate is a regulation made pursuant to a power contained in this Act and that (in the case of a regulation made pursuant to the power contained in subsection (2) of section 14 of this Act) it is duly approved shall, for all purposes, be conclusive evidence thereof and the due making and approval thereof.

(4) The power contained in subsection (2) of section 14 of this Act and in subsection (1) of this section shall be deemed to include power from time to time—

- (a) to revoke regulations made hereunder absolutely in whole or in part; or
- (b) to revoke the same in whole or in part and to substitute other regulations for those which have been revoked; or
- (c) to alter, amend, modify or vary the same or any of them.

(5) (a) The provisions of section 36 of the Interpretation Act, 1918, shall not apply in respect of any regulation but any regulation shall, without being published in anywise and without being laid before either House of Parliament, take effect and have the force of law as from such date as the Conference shall fix, subject however as provided in subsection (3) of section 14 of this Act and in this section.

(b) Any regulation that contravenes any Act or law in force in the State has to the extent of the inconsistency no force or effect.

Exemption
from stamp
duty.

38. No conveyance or other instrument whereby property is vested in the Property Trust pursuant to the operation of section 13 of this Act or of section 34 of this Act or in a church instrument-

ality incorporated under and by virtue of this Act pursuant to section 29 of this Act shall be chargeable with any stamp duty imposed by the Stamp Act, 1921.

39. (1) Where the Conference or the Standing Committee of the Conference resolves that the Church shall enter into a scheme of co-operation with or involving one or more churches of a denomination or denominations other than the Methodist denomination, the Property Trust shall, for the purpose of such scheme and for so long as the same shall continue, have full power and authority for and on behalf of the Church—

Power to participate in schemes of co-operation with other Church denominations.

- (a) to permit any land or other property vested in it pursuant to this Act to be used, managed or administered for the purposes of such scheme in such manner as it may think fit or otherwise as the Conference or the Standing Committee of the Conference directs;
- (b) to 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) to 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 land or other property for the purposes of any such scheme.

1969.] *Methodist Church (W.A.) Property* [No. 62.
Trust Incorporation.

(2) The power contained in paragraph (a) of subsection (1) of this section shall not be exercisable in respect of any land or other property vested in the Property Trust subject to a condition or other provision which expressly prohibits its use otherwise than solely for the purposes of the Church, but the fact that a condition or provision requires that land or other property to be used in Methodist worship or for Methodist purposes shall not, in itself, be deemed to subject that land or other property to a condition or provision that it be used solely for the purposes of the Church.

Repeal of
s. 24 of Act
No. 29 of
1912.

40. Section 24 of the Act No. 29 of 1912 is hereby repealed.
