



Western Australia

Churches of Christ, Scientist, Incorporation Act 1961

Compare between:

[13 Dec 2002, 01-a0-08] and [28 Jun 2010, 01-b0-01]

Churches of Christ, Scientist, Incorporation Act 1961

An Act to incorporate First Church of Christ, Scientist, Perth, and to provide for the Incorporation of other Churches of Christ, Scientist, in this State and for other purposes.

Preamble

Whereas —

- (a) certain persons being members of the religious body or denomination accepting and holding the principles, faith and doctrines known as Christian Science and in particular adhering to the tenets set forth in the First Schedule and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Church Manual of The First Church of Christ, Scientist, in Boston, Massachusetts, in the United States of America and known as The Mother Church (in this Act called *the Manual*) have formed themselves into a body or association called First Church of Christ, Scientist, Perth;
- (b) the body or association called First Church of Christ, Scientist, Perth, is incorporated under the *Associations Incorporation Act 1895*, under the name of First Church of Christ, Scientist, Perth, Incorporated and certain real and personal property is vested in that body or association as incorporated under that Act;
- (c) other bodies or associations may be formed from time to time in other places in this State by persons accepting, holding and adhering to the principles, faith and doctrines known as Christian Science and the tenets set forth in the First Schedule

and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice referred to in paragraph (a) of this preamble and laid down in the Manual and may acquire real and personal property and have that real and personal property held by trustees in trust for each such body or association; and

- (d) it is expedient that First Church of Christ, Scientist, Perth, should be incorporated under this Act as a separate corporation and vested with the powers and authorities set forth in this Act and that the real and personal property of First Church of Christ, Scientist, Perth, as incorporated under the *Associations Incorporation Act 1895*, be vested in that body or association as deemed to be incorporated under this Act and that provision be made for the incorporation under this Act of each of the other bodies or associations referred to in paragraph (c) of this preamble and that the real and personal property of such bodies and associations when formed and so incorporated should be then vested in them:

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

1. Short title

This Act may be cited as the *Churches of Christ, Scientist, Incorporation Act 1961*¹.

2. Incorporation of First Church, powers and administration of Church

- (1) All persons who are members of First Church of Christ, Scientist, Perth, accepting and holding the principles, faith and doctrine known as Christian Science and adhering to the tenets set forth in the First Schedule and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Manual and who on and after the coming into operation of this Act constitute the body or association called First Church of Christ, Scientist, Perth, shall cease to be incorporated under the *Associations Incorporation Act 1895*, and shall be deemed to be incorporated under this Act under the corporate name of First Church of Christ, Scientist, Perth (in this Act called ***First Church***) with perpetual succession and a common seal and under that name may sue and be sued, prosecute and defend and take and suffer all other proceedings in all courts, civil and criminal, within the State.
- (2) First Church may, by resolution passed in the manner provided by subsection (3), make by-laws and rules relating to First Church to provide for the following: —
 - (a) the admission, expulsion or re-admission to membership of First Church;
 - (b) the conduct of the officers of First Church and the election and duties of officers;
 - (c) the appointment rotation and duties of readers, librarians and Sunday School superintendents;
 - (d) the keeping of accounts and records;
 - (e) the appointment of auditors;

- (f) the convening and conduct of meetings;
 - (g) the custody, care and maintenance of the property of First Church;
 - (h) the execution and authentication of documents;
 - (i) the authorisation of expenditure;
 - (j) the rescission or amendment of by-laws and rules;
 - (k) the remuneration of officers and employees.
- (3) Any such by-law or rule or any rescission or amendment thereof shall be made by a resolution carried at a meeting of the members of First church convened as provided in section 8 by the majority so provided.
- (4) First Church may purchase, receive, hold and enjoy real and personal property of any description whatsoever and may sell, grant, transfer, convey, exchange, demise (whether by way of building lease or otherwise), give easements over or otherwise dispose of either absolutely or by way of mortgage, charge, lien or other encumbrance any of the property, real or personal, at any time belonging to First Church, but if any such property is subject to any trust the provisions of the trust shall be carried out by First Church in accordance with the trust deed or other instrument creating the Trust, and generally First Church may exercise, subject to the provisions of this Act, all powers, rights and privileges incident to a body corporate.
- (5) The administration of the affairs and the exercise of the powers of First Church shall be vested in the Executive Board duly appointed pursuant to the by-laws and rules of First Church for the time being subject to any by-law or resolution of that Church or any resolution of the members thereof carried at a meeting of those members convened as provided in, section 8.
- (6) The Executive Board has the custody and use of the common seal of First Church and a majority of the members of that Board present at any meeting duly convened has power to use or

direct the use of that seal for all purposes for which the use of that seal is required.

- (7) The common seal shall only be affixed by virtue of a resolution of the majority of the Executive Board and in the presence of 2 members of the Board and of the chairman or the clerk for the time being of First Church and the 2 members and the chairman or clerk shall sign their names to the document to which the seal has been affixed.

3. Rights and obligations preserved etc.

The provisions of this Act apply so as not to affect the continuity of the identity or any rights or obligations of the corporate body First Church, and so as not to render defective any legal proceedings by or against that corporate body, and any legal proceedings that might have been commenced or continued by or against that body corporate as incorporated prior to the coming into operation of this Act may be commenced or continued against it as deemed to be incorporated under this Act.

4. Church property vested in body corporate

- (1) The land described in the Second Schedule which is vested in First Church as incorporated under the *Associations Incorporation Act 1895*, and all other real and personal property held in trust for First Church or for its Executive Board or for any committee of First Church, whether for any special purposes or generally for the Executive Board or committee, shall on and after the coming into operation of this Act vest in First Church without the necessity for any conveyance, transfer or other assurance of that property.
- (2) Where any property vested in First Church under this section consists of land or any estate or interest in land registered under the *Transfer of Land Act 1893*, the Registrar of Titles, upon application made to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the

necessary fees, shall give effect to such vesting by registering First Church as deemed to be incorporated under this Act as the proprietor of the land or estate or interest in land so vested.

5. Incorporation of other churches with same principles etc.

After the coming into operation of this Act if and when any number of persons not less than 16 and including at least 4 members of The Mother Church, The First Church of Christ, Scientist in Boston, Massachusetts, United States of America accepting and holding the principles, faith and doctrines known as Christian Science and adhering to the tenets set forth in the First Schedule and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure and practice laid down in the Manual form themselves into a body or association to be known as a Church of Christ, Scientist, such body or association may, subject to the conditions stated in section 6 become a corporate body under this Act with the same powers, authorities and privileges and subject to the same duties and liabilities, with such adaptations as are necessary, as those provided in this Act in respect of First Church.

6. Conditions precedent for incorporation of other churches

- (1) The conditions referred to in section 5 are the following: —
- (a) the body or association shall have been in existence for at least 6 months prior to the date of the resolution mentioned in paragraph (c);
 - (b) the *bona fides* of the body or association shall be certified in writing under the seal of The Mother Church, The First Church of Christ, Scientist in Boston, Massachusetts, United States of America;
 - (c) a resolution that it is expedient that the body or association should be incorporated under this Act shall be carried by a vote of three-fourths of the members of

- the body or association present at a special meeting convened as provided in section 8;
- (d) a copy of the resolution together with a certificate under the hand of the chairman of the meeting whereat it was carried stating that the meeting was duly convened and that the resolution was carried by a vote of at least three-fourths of those present at the meeting and a copy of the rules of the body or association shall be filed in the office of the Registrar of Companies² together with the certificate referred to in paragraph (b);
 - (e) a statement certified by the clerk and the treasurer of the body or association setting forth the real and personal property belonging to or held in trust for the body or association or any committee thereof and giving the names of the trustee or trustees holding any such property and stating the objects and purposes of each trust or trusts shall be filed in the office of the Registrar of Companies².
- (2) As from the date on which the conditions referred to in subsection (1) are complied with by any body or association referred to in section 5, that body or association —
- (a) shall become a body corporate under this Act; and
 - (b) shall, with such adaptations as are necessary, have the same powers, authorities and privileges and shall be subject to the same duties and liabilities as those provided in this Act in respect of First Church.

7. Vesting of property in other incorporated churches

- (1) When a body or association becomes a body corporate pursuant to section 6 all the real and personal property belonging to or held in trust for the body or association that is or referred to in the documents filed in the office of the Registrar of Companies under subsection (1)(e) of that section shall vest in the body corporate on whose behalf the documents were filed without the necessity for any conveyance, transfer or other assurance.

s. 8

- (2) Where any property vested in a body corporate under this section consists of land or any estate or interest in land registered under the *Transfer of Land Act 1893*, the Registrar of Titles, upon application made to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the necessary fees, shall give effect to such vesting by registering that body corporate as the proprietor of the land or estate or interest in land so vested.

8. Meetings

- (1) Any meeting required by this Act for the purpose of passing a resolution for incorporation of a body or association or for the making of any by-law or rule by a body corporate or for the amendment or rescission of any such by-law or rule shall be convened by notice in writing which shall be forwarded by post to each member of the body or association or body corporate, as the case requires, at least 14 days before the date fixed in the notice for the meeting.
- (2) The notice referred to in subsection (1) shall set out the terms of the proposed resolution and the names of the persons who intend at the meeting to propose and second the resolution.
- (3) The resolution shall be carried by a vote of three-fourths of the members present at the meeting.

First Schedule

s. 2 and 4

Preamble

Tenets of The Mother Church, The First Church of Christ, Scientist

1. As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.
2. We acknowledge and adore one supreme and infinite God. We acknowledge His Son, one Christ; the Holy Ghost or divine Comforter; and man in God's image and likeness.
3. We acknowledge God's forgiveness of sin in the destruction of sin and the spiritual understanding that casts out evil as unreal. But the belief in sin is punished so long as the belief lasts.
4. We acknowledge Jesus' atonement as the evidence of divine, efficacious Love, unfolding man's unity with God through Christ Jesus the Way-shower; and we acknowledge that man is saved through Christ, through Truth, Life, and Love as demonstrated by the Galilean Prophet in healing the sick and overcoming sin and death.
5. We acknowledge that the crucifixion of Jesus and his resurrection served to uplift faith to understand eternal Life, even the allness of Soul, Spirit, and the nothingness of matter.
6. And we solemnly promise to watch, and pray for that Mind to be in us which was also in Christ Jesus; to do unto others as we would have them do unto us; and to be merciful, just and pure.

Second Schedule

s. 4

All of that piece of land containing 2 roods and 28.2 perches being portion of Perth Town Lot H 54 and being Lot 12 on Diagram 7441 and being the whole of the land comprised in Certificate of Title Volume 1008 Folio 871.

Notes

¹ This is a compilation of the *Churches of Christ, Scientist, Incorporation Act 1961*. ~~The~~ and includes the amendments made by the other written laws referred to in the following table.^{1a} The table also contains information about ~~that Act~~ any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Churches of Christ, Scientist, Incorporation Act 1961</i>	13 of 1961	20 Oct 1961	20 Oct 1961

Reprint of the *Churches of Christ, Scientist, Incorporation Act 1961* as at 13 Dec 2002

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<u><i>Standardisation of Formatting Act 2010</i> s. 11³</u>	<u>19 of 2010</u>	<u>28 Jun 2010</u>	<u>To be proclaimed (see s. 2(b))</u>

² At the commencement of this Act, the “Registrar of Companies” was an office created by the *Companies Act 1943*. That Act is now cited as the *Companies (Co-operative) Act 1943*.

³ On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 11 had not come into operation. It reads as follows:

11. *Churches of Christ, Scientist, Incorporation Act 1961* amended

(1) This section amends the *Churches of Christ, Scientist, Incorporation Act 1961*.

(2) In the First Schedule:

(a) delete “**First Schedule**”;

(b) delete “s. 2 and 4”.

and insert:

First Schedule — Tenets of Church

[s. 2 and 5]

(3) In the Second Schedule:

(a) delete “**Second Schedule**”;

(b) delete “s. 4”.

and insert:

Second Schedule — Church land

[s. 4]