



Western Australia

## **Presbyterian Church Act Amendment Act 1919**

Compare between:

[25 Oct 2002, 01-a0-07] and [28 Jun 2010, 01-b0-01]



## **Presbyterian Church Act Amendment Act 1919**

**An Act to amend the *Presbyterian Church Act 1908*.**

**1. Short title**

This Act may be cited as the *Presbyterian Church Act Amendment Act 1919*, and shall be read as one with the *Presbyterian Church Act 1908*, hereinafter referred to as the principal Act.

[2, 3. Omitted under the Reprints Act 1984 s. 7(4)(e).]

**4. Consolidation of mortgages**

- (1) The Commissioners may effect a consolidation of the mortgages secured on the property of any congregation or several congregations, or on any other property held in trust by the Commissioners.
- (2) Where the land, buildings, or other property of any congregation, mission, or institution (except a mission or institution that has been separately incorporated as provided in section 21 of the *Presbyterian Church Act 1908*) are free from encumbrances, or where the amount raised by any mortgage thereof together with all other mortgages thereon, if any is less than 50% of the realisable value of the security, the Commissioners may, with the approval in writing of the majority of the members and adherents of the congregation, mission, or institution and subject to obtaining all other consents and approvals that are required to be obtained under any Act,

borrow money on the security of such land, building, or other property, for the benefit of any other congregation, mission, or institution other than a mission or institution separately incorporated as provided in section 21 of the *Presbyterian Church Act 1908*: Provided that the money so borrowed shall be used for the purchase or erection of permanent building required for the extension of the work of the Church in Western Australia, or for the reduction of any existing mortgage, or other liability of the other congregation, mission or institution for whose benefit the money has been borrowed.

*[Section 4 amended by No. 19 of 1964 s. 9.]*

**5. Sinking fund**

- (1) A sinking fund shall be established by the Commissioners with the approval of the General Assembly, for the following purposes: —
  - (a) To pay off any mortgage or other liability existing on any land, building, or other property belonging to any congregation, which is held in trust by the Commissioners.
  - (b) To pay off any mortgage or other liability existing on a college, building, institution (except on the property of a separately incorporated mission or institution) or any other property held in trust by the Commissioners.
  - (c) For the creation of a fund for the purchase or erection of any church, manse, school, or other building required for the work of the Church in Western Australia.
- (2) The contributions to the sinking fund shall be in accordance with the scheme and regulations approved by the General Assembly. Such scheme and regulations shall be administered by the Commissioners or a special committee appointed by the General Assembly, and such scheme and regulations shall be binding on all congregations, school councils, boards of management, and other committees of the Church excluding any

mission and institution that has been separately incorporated as provided in section 21 of the *Presbyterian Church Act 1908*.

*[Section 5 amended by No. 19 of 1964 s. 10.]*

**6. Contributions to sinking fund**

- (1) Every congregation, mission, or institution shall make an annual contribution to the sinking fund, in accordance with the following provisions: —
  - (a) Where the amount of a mortgage or other liability exceeds 25%, and is not more than 50% of the realisable value of the land, buildings, or other property secured by such mortgage or other liability, an annual contribution of 1½% on half the realisable value of such property, or 1½% on the amount of such mortgage or other liability, whichever is the greater, shall be made to the sinking fund.
  - (b) Where the amount of a mortgage or other liability secured on the land, buildings, or other property is 25% or less than 25% of the realisable value of such property, an annual contribution of 1½% on the amount of such mortgage or other liability, plus 1% of 25% or more of the realisable value of the property, subject to mortgage or other liability, shall be made to the sinking fund.

- (c) Where the lands, buildings, or other property of a congregation, mission, or institution (excluding any mission or institution that has been separately incorporated as provided in section 21 of the *Presbyterian Church Act 1908*) are free from encumbrances, an annual contribution of 1% of half the realisable value of such property shall be made to the sinking fund:

Provided that where a congregation, mission, or institution is paying off to the satisfaction of the Commissioners a liability, the amount of which exceeds 50% of the realisable value of the property secured or otherwise subject to such liability, such congregation, mission, or institution shall not be required to make an annual contribution to the sinking fund until the amount of the liability has been reduced to 50% of the realisable value of the property subject to or secured by such liability.

- (2) All sinking fund contributions assessed on the amount of a mortgage or other liability of a congregation, mission, or institution, shall be applied by the Commissioners in reduction of the mortgage or liability of the said congregation, mission, or institution, or may be invested by the Commissioner at compound interest with a view to accumulating a fund to pay off such liability at maturity, or to discharge such liability when the sinking fund, plus interest, is sufficient for such purpose; but no contribution to the sinking fund, assessed on the realisable value of the property of any congregation, mission, or institution shall be used for paying off the liability on the property of any other congregation, mission, or institution without the sanction of the General Assembly having been first obtained.
- (3) Voluntary contributions made by the members and adherents or friends of the Church to the sinking fund shall be applied, as may be directed by the contributors, or as the Commissioners may direct.

- (4) Realisable value means such value as may be agreed upon between the Commissioners and board of management, council or committee of any church, mission, or institution, or, in the event of any dispute as to such value, then the realisable value shall be fixed by an arbitrator appointed by the General Assembly.

*[Section 6 amended by No. 19 of 1964 s. 11.]*

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## Notes

<sup>1</sup> This is a compilation of the *Presbyterian Church Act Amendment Act 1919* and includes the amendments made by the other written laws referred to in the following table [1a](#).<sup>2</sup> This table also contains information about any previous reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Presbyterian Church Act Amendment Act 1919</i>	50 of 1919	17 Dec 1919	17 Dec 1919
<i>Presbyterian Church Acts Amendment Act 1964</i> s. 9-11	19 of 1964	8 Oct 1964	8 Oct 1964

**Reprint of the *Presbyterian Church Act Amendment Act 1919* as at 25 Oct 2002**  
(includes amendments listed above)

[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. 51 <sup>3</sup></u>	<u>19 of 2010</u>	<u>28 Jun 2010</u>	<u>To be proclaimed (see s. 2(b))</u>

<sup>2</sup> Other relevant Acts:

*Presbyterian Church of Australia Act 1901*

*Presbyterian Church Act Amendment Act 1924*

*Presbyterian Church of Australia Act 1970.*

<sup>3</sup> On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 51 had not come into operation. It reads as follows:

#### 51. Various written laws amended

(1) This section amends the written laws listed in the Table.



(2) Amend the provisions listed in the Table as set out in the Table.

<b><u>64. Presbyterian Church Act Amendment Act 1919</u></b>		
<u>s. 6(1)</u>	<u>the following provisions:—</u> <u>(a) Where</u> <u>(b) Where</u> <u>(c) Where</u> <u>sinking fund:</u> <u>Provided that where</u>	<u>subsections (1A) to (1D).</u> <u>(1A) Where</u> <u>(1B) Where</u> <u>(1C) Where</u> <u>sinking fund.</u> <u>(1D) Where</u>