



Western Australia

## **Presbyterian Church of Australia Act 1901**

Compare between:

[25 Oct 2002, 01-a0-09] and [28 Jun 2010, 01-b0-01]



## **Presbyterian Church of Australia Act 1901**

**An Act to enable certain arrangements entered into by and on behalf of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia for constituting one Presbyterian Church of Australia, to be carried into effect, and to make provision with regard to the property held by, or on behalf of, or in connection with, the Presbyterian Church in Western Australia, or by any Congregation or body connected therewith, or by any person for or on behalf of the said Church, or any Congregation of the said Church, and for other purposes in connection with such Church.**

### **Preamble**

Whereas the Presbyterian Church of New South Wales, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania, the Presbyterian Church of Victoria, and the Presbyterian Church in Western Australia have resolved to unite and form one Presbyterian Church, to be called the Presbyterian Church of Australia, upon the terms contained in the Scheme of Union set forth in the Schedule: And whereas by an Act of the Legislative Council of Western Australia, passed in the 48th year of the reign of her late Majesty Queen Victoria, numbered 20<sup>2</sup>, it was provided that certain properties of the said Presbyterian Church of Western Australia should be held in the manner in the said Act provided: And whereas it is expedient that the said union should be effected upon the terms contained in the said Scheme of Union: And whereas the assent of the Parliament of Western Australia is necessary to effect this object:

**s. 1**

---

Be it therefore enacted by the King'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, that is to say: —

**1. Short title**

This Act shall be called, and may for all purposes be cited as, the *Presbyterian Church of Australia Act 1901*<sup>1</sup>.

**2. Commencement**

This Act shall not come into operation until —

- (a) The Moderators of the General Assemblies of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia sign a deed poll declaring that the said Churches have agreed to unite upon the terms of the Scheme of Union set forth in the Schedule hereto; and
- (b) The Parliament of each of the States of New South Wales, Queensland, South Australia, Tasmania, and Victoria has passed an Act giving effect to the said Scheme of Union; and
- (c) A notice that such union has taken place, and such Acts have been passed, signed by the Moderator of the General Assembly of the Presbyterian Church in Western Australia, has been published in the *Government Gazette*.

The production of a copy of the *Government Gazette* containing such notice, and purporting to be signed by such Moderator, shall be conclusive evidence that the requirements of this section have been duly complied with.

**3. WA Church property to be held subject to Scheme of Union**

Upon the coming into operation of this Act, notwithstanding anything contained in the said Act numbered 20 or in any deed,

declaration, or statement of trust, all hereditaments, estates, and temporal privileges, and all equitable rights belonging to the Presbyterian Church in Western Australia, and the congregations thereof, or held on behalf of or in connection with such Church and congregations or bodies connected therewith, in this section called properties of the Church, shall be held subject to the provisions of the said Scheme of Union. All decisions of the General Assembly of the Presbyterian Church of Australia, or the Judicial Commission thereof, given or come to in accordance with the said Scheme of Union, shall be binding on the Presbyterian Church in Western Australia and its Judicatories, and on all congregations and members of the said Church, and on all properties of the Church. Save as aforesaid, the trusts upon which such properties of the Church respectively are held shall not be affected or varied by this Act.

**4. Standards of religious belief**

The standards of religious belief and of ecclesiastical government set forth in the said Scheme of Union shall be held to be the standards as well of the Presbyterian Church in Western Australia as of the Presbyterian Church of Australia, and the subordinate standard therein set forth may from time to time be altered in accordance with the provisions contained in the said Scheme of Union.

Adherence to such standards, subject to any such alteration as aforesaid, shall be required as entitling the said Presbyterian Church in Western Australia, and the congregations and office-bearers thereof respectively, to continued possession in all time coming of the hereditaments, estates, temporal privileges, and equitable rights of whatsoever nature, whether such hereditaments, estates, temporal privileges, and equitable rights have already accrued, or may hereafter from time to time accrue, to the said Presbyterian Church in Western Australia, or to any or all of the several congregations and office-bearers respectively forming the said Presbyterian Church in Western Australia.

**s. 4**

---

Provided nevertheless that if any alteration is made in the said subordinate standard, any person, being a Minister or office-bearer of the said Presbyterian Church in Western Australia at the time of the making of such alteration, may continue to be a Minister or office-bearer of such Church, and to retain all his rights and privileges so long as he adheres to the standards of religious belief and ecclesiastical government set forth in the Scheme of Union, either without alteration or with such part of the alteration or alterations so made as he may approve of.

## **The Schedule**

[Section 2.]

### **THE SCHEME OF UNION**

#### **PREAMBLE**

The Presbyterian Church 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 holding the same doctrine, government, discipline, and form of worship, believing that it would be for the glory of God and the advancement of His Kingdom that they should form one Presbyterian Church as hereinafter provided, to be called the Presbyterian Church of Australia, and under authority to Christ alone, the Head of the Church and Head over all things to His Church, agree to unite on the following basis, and subject to the following articles, to be subscribed by the Moderators of the respective Churches in their name and on their behalf: —

#### **BASIS OF UNION**

- I. The supreme standard of the United Church shall be the Word of God contained in the Scriptures of the Old and New Testaments.
- II. The subordinate standard of the United Church shall be the Westminster Confession of Faith read in the light of the following declaratory statement: —
  - (1) That in regard to the doctrine of redemption as taught in the subordinate standard, and in consistency therewith, the love of God to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and the free offer of salvation to men without distinction, on the ground of Christ's all-sufficient sacrifice, are regarded by this Church as vital to the Christian faith. And inasmuch as the Christian faith rests upon, and the Christian consciousness takes hold of certain objective supernatural historic facts, especially the incarnation, the atoning life and death, and the resurrection and ascension of our Lord, and His bestowment of His Holy Spirit, this Church regards those whom it admits to the office of the holy ministry as pledged to give a chief place in their teaching to these cardinal facts, and to the message of redemption and reconciliation implied and manifested in them.

**The Schedule**

---

- (2) That the doctrine of God's eternal decree, including the doctrine of election to eternal life, is held as defined in the Confession of Faith, chapter III., section I., where it is expressly stated that according to this doctrine "neither is God the author of sin, nor is violence offered to the will of the creature, nor is the liberty or contingency of second causes taken away, but rather established," and further, that the said doctrine is held in connection and harmony with the truth that God is not willing that any should perish, but that all should come to repentance, that He has provided a salvation sufficient for all and adapted to all and offered to all in the Gospel, and that every hearer of the Gospel is responsible for his dealing with the free and unrestricted offer of eternal life.
- (3) That while none are saved except through the mediation of Christ and by the grace of the Holy Spirit, Who worketh when and where and how it pleaseth Him, while the duty of sending the Gospel to the heathen who are sunk in ignorance, sin, and misery is imperative, and while the outward and ordinary means of salvation for those capable of being called by the Word are the ordinances of the Gospel, in accepting the subordinate standard it is not required to be held that any who die in infancy are lost, or that God may not extend His grace to any who are without the pale of ordinary means as it may seem good in His sight.
- (4) That in holding and teaching according to the Confession of Faith, the corruption of man's nature as fallen, this Church also maintains that there remain tokens of man's greatness as created in the image of God, that he possesses a knowledge of God and of duty, that he is responsible for compliance with the moral law and the call of the Gospel, and that although unable without the aid of the Holy Spirit to return to God unto salvation, he is yet capable of affections and actions which of themselves are virtuous and praiseworthy.
- (5) That liberty of opinion is allowed on matters in the subordinate standard not essential to the doctrine therein taught, the Church guarding against the abuse of this liberty to the injury of its unity and peace.
- (6) That with regard to the doctrine of the civil magistrate and his authority and duty in the sphere of religion as taught in the subordinate standard, the Church holds that the Lord Jesus Christ is the only King and Head of the Church "and Head over all things to



the Church, which is His body.” It disclaims accordingly intolerant or persecuting principles, and does not consider its office-bearers in subscribing the Confession as committed to any principles inconsistent with the liberty of conscience and the right of private judgment, declaring in the words of the Confession that “God alone is Lord of the conscience.”

- III. Any proposed revision or abridgment of the subordinate standard of the Church or restatement of its doctrine or change of the formula shall, before being adopted, be remitted to the local Assemblies and through them to the Presbyteries, and no change shall be made without the consent of a majority of the local Assemblies, three-fifths of the Presbyteries of the whole Church, and a majority of three-fifths of the members present when the final vote of the General Assembly is taken.
- IV. On any change being made in the basis of union in accordance with section III., if any congregation thereupon refuses to acquiesce in the change, and determines to adhere to the original basis of union, the General Assembly is empowered (1) to allow such congregation to retain all its congregational property, or (2) to deal in such other way with the said property as to the Assembly may seem just and equitable.
- V. Any proposed change in either of the two preceding sections, III. and IV., shall be made only under the provisions contained in section III.
- VI. Formula to be signed by ministers and elders at their ordination or induction, and by probationers on receiving license:—

I own and accept the subordinate standard of this Church, with the explanations given in the articles contained in the declaratory statement, as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith. I further own the purity of worship practised in this Church, and the Presbyterian government thereof, to be founded on the Word of God, and agreeable thereto, and I promise that through the grace of God I shall firmly and constantly adhere to the same, and to the utmost of my power shall in my station assert, maintain, and defend the doctrine, worship, and government of this Church.

#### ARTICLES OF AGREEMENT

- I. There shall be a supreme court of the Church, which shall be called the General Assembly of the Presbyterian Church of Australia.

## **The Schedule**

---

- II. The General Assembly shall meet in such places as it shall itself determine, and it shall endeavour to arrange the business so as to meet only once in two years, but shall have power to meet oftener if found necessary; the place and time of the first meeting to be fixed by the Federal Assembly.
- III. The General Assembly shall be representative, and shall consist of an equal number of ministers and elders; each local assembly shall be represented by one-fourth of its members, to be elected — three-fourths by the Presbyteries and one-fourth by the local Assembly itself.
- IV. The General Assembly shall have functions legislative, administrative, and judicial, supreme with regard to the doctrine, worship, and discipline of the Church, the missions to the heathen, the training of students, the admission of candidates to the ministry, and the reception of ministers from other Churches.
- V. The judicial functions of the General Assembly, in the case hereafter stated, shall be delegated to a commission to be appointed at each ordinary meeting of the General Assembly, and which shall be called the Judicial Commission of the Presbyterian Church of Australia, and hereinafter is called the Judicial Commission.
  - (1) The Judicial Commission shall hear and finally decide, first, all appeals from local Assemblies in cases where a judicial process has been proposed, whether the decision has been for or against proceeding by such a process; second, all references made in such cases after evidence has been taken in the lower court.
  - (2) The decisions of the Judicial Commission being final are not subject to review, but shall be forthwith reported to the General Assembly and also to the local Assembly directly concerned; in all such cases the evidence shall be intrusted to the clerk of the General Assembly, and shall be disposed of as the General Assembly may direct.
  - (3) The Judicial Commission shall consist of thirty-six members (ministers and elders), twenty-four of whom shall be appointed on the nomination of the local Assemblies: eight by the Assembly of Victoria, eight by New South Wales, four by Queensland, two by Tasmania, and two by South Australia — the remaining twelve by the General Assembly itself. Should an Assembly fail to nominate,

the General Assembly shall appoint in its stead; sixteen shall form a quorum.

- (4) The prosecutors in any case, or the appellants who plead at the bar of the Judicial Commission shall not, if they are members of that Commission, adjudicate in the case.

VI. The General Assembly at each ordinary meeting shall appoint a body of assessors, whose members shall be other than the members of the Judicial Commission, to assist any Presbytery or local Assembly which may seek their aid in conducting any case involving a question of life or doctrine.

VII. The General Assembly at each ordinary meeting shall appoint a board for the management and administration of the missions to the heathen, which shall be called the Board of Missions.

- (1) The Board of Missions shall consist of nineteen members (ministers and elders), thirteen of whom shall be appointed on the nomination of the local Assemblies: six by Victoria (two of whom shall represent the J. G. Paton Fund), four by New South Wales, and one each by Queensland, Tasmania, and South Australia — and six by the General Assembly itself. Should a local Assembly fail to nominate, the General Assembly shall appoint in its stead.
- (2) Local committees shall be appointed as at present by the local Assemblies for the purpose of stimulating an interest in missions, supervising local work and collecting money, and these committees shall report to the Board of Missions as well as to their own Assemblies.
- (3) The money received by the local Assemblies for the support of missions to the heathen shall be held by their respective treasurers for the General Assembly, and shall be disbursed at the order of the Board, but the responsibility of supporting any agency connected with a local Assembly shall remain solely with that Assembly. Unless with the consent of the local Assembly concerned no such money raised within the bounds of any local Assembly, or by any of its agents, shall be applied by the Board to the support of any mission other than that for which the said Assembly is responsible.
- (4) No new mission shall be originated by a local Assembly without the approval of the General Assembly.

**The Schedule**

---

- (5) The Board of Missions shall take into consideration the views of the local committees with regard to missions in which they are specially interested, and shall give effect to them when it can do so without prejudice to other interests.
  - (6) The Board of Missions shall appoint an executive, and the place of meeting of this executive shall be in Melbourne until otherwise ordered by the General Assembly.
- VIII. There shall be one uniform system of theological training for the whole Church and one standard of qualification.
- (1) All candidates for license shall be students who have been regularly trained at some Theological Hall recognised by the General Assembly.
  - (2) It shall be the aim of the Church to have all its Halls equipped with not less than three professors, such professors to be separate from any pastoral charge, but meanwhile the Halls in Australia recognised by the General Assembly shall be the Theological Hall in Ormond College, Melbourne, and the Theological Hall in St. Andrew's College, Sydney.
  - (3) Professors shall be elected to vacant chairs by the local Assembly maintaining the said chairs.
  - (4) The course of study in each Hall shall extend over a period of three years, with an annual working session of six months, and shall include the subjects of Hebrew and Old Testament exegesis, New Testament Greek and exegesis, apologetic, church history, systematic theology, and pastoral theology and training, and such other subjects as may from time to time be prescribed.
  - (5) Candidates for admission to a Theological Hall shall be graduates of some recognised university, or have certificates showing that they have gone through a complete curriculum in arts in such a university.
  - (6) In exceptional circumstances students who have attended one year at some recognised university, and passed the examination for that year for the degree of B.A. or M.A., with Greek as one of the subjects, may be admitted to the entrance examination by a special resolution of their own Assembly.

- (7) Candidates for entrance to a Theological Hall who are graduates shall be examined only in Scripture and Hebrew and Greek, except where Greek has been taken as part of the arts examination; all others in a syllabus to be afterwards provided.
- (8) The examination for admission to the Halls shall be held simultaneously, and shall be on the same subjects and on the same papers; the examinations for exit shall be held simultaneously, and shall likewise be on the same subjects and on the same papers.
- (9) A committee on theological education, to be known as the College Committee, shall be appointed by the General Assembly, and shall have an executive meeting in one of the university seats. Of this committee the professors and lecturers shall be members *ex officio*. It shall deal with all matters pertaining to the training of the students and the studies in the Halls, and shall make arrangements according to rules afterwards to be framed and adopted for conducting the entrance and exit examinations.
- (10) Each local Assembly within whose bounds a Theological Hall is situated shall appoint annually a Theological Hall Committee, with authority over the general management and finances of the Hall, and to deal with all matters which concern the interests of the Hall that are intrusted to it by its own Assembly and by the General Assembly. These committees shall report to the General Assembly through its committee.
- (11) In order to the settlement of all other matters pertaining to the Theological Halls, the Federal Assembly at its last meeting, or the General Assembly at its first meeting, shall appoint a committee, which shall include among its members all the recognised theological professors or lecturers of the several Churches and the conveners of the now existing boards of examination, whose first duty shall be to inquire into the course of study, the provision for and the methods of instruction in use in the several Halls of the Churches, to draft, provisionally, a common course of study adapted as far as possible to the means and methods in use in the several Halls, and to consider what modifications of these may be necessary in order to secure the attainment of a common standard, and to report on all these matters to the General Assembly, the present mode of examination remaining *in statu quo* until such

**The Schedule**

---

arrangements have been completed and approved by the General Assembly.

- IX. Ministers from other denominations shall be admitted to the United Church only by the General Assembly; those from other Presbyterian Churches either by the General Assembly or by the local Assembly, or by such committees as have the power delegated to them and in accordance with rules framed so as to secure uniformity of method of admission.
- X. Reports of a full and definite kind shall be forwarded to the General Assembly from each local Assembly on all matters pertaining to the work and welfare of the Church, including home missions, Sabbath schools, and the state of religion and morals; and it shall be the duty of the General Assembly to consider these and to issue recommendations when that is deemed advisable with regard to them; the General Assembly shall further be free in conjunction with the local Assemblies to originate new home mission schemes.
- XI. The local General Assemblies shall retain their present names, and their autonomy shall not be further interfered with than is needful to give effect to the basis of union and the articles of agreement.
- XII. A fund shall be formed for the purpose of defraying the working expenses of the General Assembly and such part of the travelling expenses of the members as the General Assembly may from time to time determine, and this fund shall be contributed to by the local Assemblies in such proportions as the General Assembly may from time to time determine.
- XIII. The articles of agreement may be altered or added to from time to time, but not without the consent of the majority of the Presbyteries of the whole Church and a majority of the local Assemblies.

## Notes

- <sup>1</sup> This is a compilation of the *Presbyterian Church of Australia Act 1901*. ~~The and includes the amendments made by the other written laws referred to in the following table~~<sup>1a, 3</sup>. The table also contains information about ~~that Act~~<sup>3</sup> any reprint.

## Compilation table

| Short title  | Number and year         | Assent     | Commencement   |
|--|-------------------------|------------|--|
| <i>Presbyterian Church of Australia Act 1901</i>   | 4 of 1901<br>1 Edw. VII | 9 Oct 1901 | 8 Nov 1901 (see s. 2(c) and <i>Gazette</i> 8 Nov 1901 p. 4483) |
| <b>Reprint of the <i>Presbyterian Church of Australia Act 1901</i> as at 25 Oct 2002</b> |                         |            |  |

- <sup>1a</sup> 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. 4 and 51<sup>4</sup></u> | <u>19 of 2010</u>      | <u>28 Jun 2010</u> | <u>To be proclaimed (see s. 2(b))</u> |

- <sup>2</sup> The *Presbyterian Church Act 1884* (48 Vict. No. 20) was repealed by the *Presbyterian Church Act 1908* (No. 2 of 1908) s. 2.

- <sup>3</sup> Other relevant Acts are:

*Presbyterian Church Act 1908*;  
*Presbyterian Church Act Amendment Act 1919*;  
*Presbyterian Church Act Amendment Act 1924*;  
*Presbyterian Church of Australia Act 1970*.

- <sup>4</sup> On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 4 and 51 had not come into operation. They read as follows:

### 4. Schedule headings reformatted

- (1) This section amends the Acts listed in the Table.

(2) In each Schedule listed in the Table:

- (a) if there is a title set out in the Table for the Schedule — after the identifier for the Schedule insert that title;
- (b) if there is a shoulder note set out in the Table for the Schedule — at the end of the heading to the Schedule insert that shoulder note;
- (c) reformat the heading to the Schedule, as amended by paragraphs (a) and (b) if applicable, so that it is in the current format.

**Table**

| <u>Act</u>                                       | <u>Identifier</u>   | <u>Title</u>           | <u>Shoulder note</u> |
|--|---------------------|------------------------|----------------------|
| <u>Presbyterian Church of Australia Act 1901</u> | <u>The Schedule</u> | <u>Scheme of Union</u> |                      |

**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.

**65. Presbyterian Church of Australia Act 1901**

|             |  |  |
|-------------|--|--|
| <u>s. 2</u> | <u>This</u><br><u>(a) The</u><br><u>(b) The</u><br><u>(c) A</u><br><u>The production</u>   | <u>(1) This</u><br><u>(a) the</u><br><u>(b) the</u><br><u>(c) a</u><br><u>(2) The production</u> |
| <u>s. 4</u> | <u>The standards</u><br><u>Adherence</u><br><u>Provided nevertheless</u><br><u>that if</u> | <u>(1) The standards</u><br><u>(2) Adherence</u><br><u>(3) Nevertheless, if</u>                  |