

PRESBYTERIAN CHURCH.

15° GEO. V., No. VI.

No. 6 of 1924.

AN ACT to amend the Presbyterian Church Act, 1908.

[Assented to 5th November, 1924.]

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

1. This Act may be cited as the *Presbyterian Church Act Amendment Act, 1924*, and shall be read as one with the Presbyterian Church Act, 1908, hereinafter referred to as the principal Act. Short title.

2. Section four of the principal Act is amended by omitting the words "one Minister and two Elders from each Presbytery to be from time to time elected by the General Assembly as occasion may require," in lines two, three, and four of the said section, and inserting in place thereof "eight persons who shall respectively hold office either as a Minister or as an Elder of the said Church (but two, at least, of whom shall be Ministers), and who shall from time to time be elected by the General Assembly as hereinafter provided." Amendment of section 4.

3. The following section is hereby inserted between sections four and five of the principal Act, that is to say— Election of new Commissioners, etc.

4a. (1.) The General Assembly shall elect (as hereinafter provided) eight persons whose qualification for such election shall be the holding by each of said persons of the office of either a Minister or an Elder of said Church, and so that the Moderator and such eight persons when so elected, or the persons from time to time

elected in place of them respectively, as hereinafter provided, shall constitute the Commissioners in accordance with section four of this Act.

(2.) The said eight persons or their successors shall be elected by the General Assembly by either a vote by a show of hands, or by ballot or otherwise as may be determined by the General Assembly from time to time.

(3.) Subject to the proviso hereinafter contained with regard to the first eight persons elected as aforesaid or of persons appointed to fill any casual vacancy, the persons elected as Commissioners shall hold office for the period of four years, so that two of such persons shall retire in rotation each year:

Provided always—

(a) that in the case of the first eight persons to be elected as aforesaid, the General Assembly shall determine the period for which each of such persons shall hold office, and date of retirement by them respectively, and so that two of such persons shall retire during each of the first, second, third, and fourth years from the date of their election;

(b) that in the case of persons subsequently elected as aforesaid, other than persons elected to fill a casual vacancy, such persons shall be elected for a period of four years from date of their respective election. All persons elected as aforesaid shall, subject to the provisions of subsections (5) and (6) of this section, hold office until the appointment of their successors, notwithstanding the provisions hereof; and

(c) that every person so elected and subject to retirement as aforesaid shall be eligible for re-election, provided such person continues to hold the qualification hereinbefore mentioned.

(4.) The Moderator shall not be subject to retirement, and shall hold office so long as he continues to act as Moderator.

The Moderator shall also act as convener of all meetings of Commissioners, and may summon general meetings of the Commissioners from time to time. In the absence of the Moderator or in case of the inability or refusal of the Moderator to convene any such meeting

or meetings, then any two Commissioners may convene such meeting or meetings. The Moderator shall also be entitled to preside as chairman at all meetings, and in his absence the Commissioners present at any meeting may appoint one of their number to be chairman of such meeting.

(5.) If any person elected as aforesaid resigns his office by writing under his hand and delivered to the Moderator or secretary of the Commissioners, or if such person dies or ceases to have his usual place of residence within the State of Western Australia, or ceases to hold the qualification of a Minister or Elder of the said Church, or is absent from six or more consecutive general meetings of the Commissioners without leave obtained from such meetings, then the place of every such person shall thereupon become vacant, and a casual vacancy shall be deemed to have occurred.

(6.) In the event of a casual vacancy occurring from any cause as aforesaid, it shall be lawful for the Commissioners to appoint some other person holding a qualification as aforesaid to fill the vacancy until the next meeting of the General Assembly, when it shall be lawful for the General Assembly to elect some other duly qualified person to fill such vacancy for the remainder of the term (if any) of the person whose place as aforesaid has been vacated.

4. Until the said eight persons shall be elected as aforesaid, the persons now constituting "The Commissioners of the Presbyterian Church in Western Australia" or their successors shall continue to constitute such body, with power to do, execute, and perform all acts, deeds, and things authorised by the principal Act.

Present Commissioners to act until Commissioners appointed under this Act.

5. All lands, tenements, hereditaments, and personal property at present belonging to or vested in the Commissioners, as constituted under the principal Act, and the full benefit of, and all rights, benefits, powers, and privileges to which such Commissioners may be entitled under any deeds, writings, or instruments, shall be and the same are hereby vested in the Commissioners as constituted under this Act; subject to all rights, trusts, and equities affecting the same, and subject also to the provisions of this Act; and the Commissioners hereby constituted shall be bound by, and be liable as a body corpor-

Vesting of property.

ate under, all such deeds, writings, and instruments, in place of and in substitution for the Commissioners under the principal Act.

Power to appoint secretary, etc.

6. The Commissioners may in their discretion, from time to time, appoint for such period and on such terms as they may think fit, and may remunerate any person or persons as secretary, clerk, or officer to carry out or assist in carrying out the work or duties of the Commissioners, with power to dismiss any person or persons so appointed.

Amendment of section 18.

7. Section eighteen of the principal Act is hereby amended by adding the following proviso at the end of said section:—

Provided always, that with the consent in writing of any two other Commissioners the Moderator may convene a general meeting on shorter notice than seven days.

Reports.

8. The Commissioners shall furnish to the General Assembly, on or before such date in each year as the General Assembly may from time to time direct, a written report, to be signed by the Moderator as convener, of all the operations and transactions of the Commissioners under the principal Act and its amendments during the twelve months immediately preceding the date of furnishing such report.