

CODE of the PRESBYTERIAN CHURCH OF TASMANIA

Chapter 11: ACTS OF PARLIAMENT

(1896) ANNO SEXAGESIMO VICTORIAE REGINAE -- No. 8

AN ACT to consolidate and amend the Law relating to the Presbyterian Church of Tasmania. (1 October, 1896)

Preamble

WHEREAS by the Act of Parliament 42 Victoriae, No. 7, entitled "An Act to regulate the Affairs of the Presbyterian Church of Tasmania", has been admitted in pursuance of the provisions in that behalf contained in the said Act into union with the Presbyterian Church of Tasmania, hereinafter called "the said Church", and it has therefore become desirable and expedient to consolidate and amend the Law relating the said Church:

Short Title

1. This Act may be cited as "The Presbyterian Church Act, 1896",

Repeal

2. The Acts set forth in the Schedule hereto are hereby severally repealed, but such repeal shall not affect anything lawfully done in pursuance of any of the provisions contained in any of the repealed Acts, or any right thereby conferred upon any persons, or acquired by any persons thereunder; and all property declared by any of the repealed Acts to be vested in any Trustee to be appointed in pursuance of the provisions thereof, or which since the passing of any of the repealed Acts has become vested in any Trustees in pursuance of any provision in that behalf contained in any of the repealed Acts, or which has in any other way become vested in them as such trustees, is hereby vested in the Trustees appointed by this Act, but subject to the provisions of this Act relating to the acquisition and retention and disposal of property by or on behalf of the Presbyterian Church of Tasmania.

Interpretation

3. The expression "Governing Authority" shall mean the General Assembly or other Supreme Judicatory or the Presbyterian Church of Tasmania however designated as the same shall be from time to time constituted in accordance with the internal laws and usages of the said Church.

Acts of Governing Authority to have force of law

4. It shall be lawful for the Governing Authority from time to time to enact, amend, and repeal Laws, Rules and Regulations for the government of the Presbyterian Church of Tasmania, and for the management of the property of the Church; and all such Laws, Rules and Regulations, so far as the same shall be consistent with Law and the provisions of this Act, shall be deemed to be incorporated with this Act, and shall be of the same force and effect as if the same were expressly enacted herein.

Certified copy of Law, Rule, etc to be evidence

5. A copy of any Law, Rule, Regulation, Act or Resolution of the Governing Authority purporting to be certified by the Moderator or Clerk of the Governing Authority to be a true copy of such Law, Rule, Regulation, Act or Resolution, shall be received in all Courts and in all legal proceedings whatever as prima facie evidence of such Law, Rule, Regulation, Act or Resolution, and of the same having been duly made; and the Clerk of the Governing Authority is hereby empowered and required to supply upon demand and the payment of a fee of Five Shillings a certified copy of any such Law, Rule, Regulation or Resolution to every person who shall apply to him for it.

No act of Governing Authority vitiated by informality in elections

6. No Act or Resolution of the Governing Authority shall be vitiated by reason of any informality in the mode of election, or the non-election of any member, or the absence of any members who may have been elected or summoned.

Trustees of Church Property

7. The persons whose names and descriptions are set forth in the Schedule (2) hereto are hereby appointed and declared to be Trustees of the property of the said Church, in whom any lands, hereditaments, rights, moneys, goods, and chattels whatever may, from time to time, be vested for the benefit of the said Church; and the Governing Authority may at pleasure remove the said Trustees or any one or more of them, and may appoint another Trustee or other Trustees in the room of any Trustee or Trustees who may die or be so removed; and shall from time to time as occasion shall require appoint fit and proper persons to the Trustees of the property of the said Church: Provided always, that there shall not at any time be more than Seven nor less than Five Trustees of the property of the said Church; and after the death or removal of any such Trustee or Trustees all lands, hereditaments, rights, moneys, goods, and chattels whatever so vested as aforesaid shall vest in the succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts, without any conveyance or assignment whatever; and in all proceedings, as well civil as criminal, all property so vested as aforesaid shall be deemed to be, and shall in every proceeding where necessary be stated to be, the property of the persons or person appointed to such trusteeship for the time being, in their or his proper names or name without further description; and such persons or person shall, and they are hereby respectively authorised to bring or defend any action, suit, or prosecution in any Court of law or equity touching or concerning any property so vested in them as aforesaid;

May sue and be sued and such persons or person shall and may in all cases concerning such property as aforesaid sue and be sued, plead and be impleaded in any Court of law or equity, in their or his proper names or name as Trustees or Trustee of such property without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of any such person or his removal from the office of Trustee, but the same shall and may be continued by the surviving or the succeeding Trustees or Trustee shall pay or receive like costs, or be reimbursed out of the said property in the same manner and to the same extent as if the action or suit had been commenced in their or his names or name:

No person to be deemed a trustee until his appointment shall have been registered

Provided always that no person hereafter appointed a Trustee shall be deemed to be a Trustee within the meaning of this Act until the Act or Resolution of the Governing Authority appointing him as Trustee shall have been registered in the Office of the Registrar of Deeds or in the Office of the Recorder of Titles, as the case may require.

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Property in trust for Church may be vested in Church Trustees

8. The Governing Authority may, by Act or Resolution, direct that any property which may at any time be vested in any person or persons upon trust for the Presbyterian Church of Tasmania, or for any congregation of the said Church, or for the support of the Minister or the maintenance of the ordinances of any congregation of the said Church, shall be vested in the Trustees of the property of the said Church: Provided always, that in the case of any property vested in any person or persons upon trust for the said Church, the consent of the person or the majority of the persons acting in the trust, and in the case of any property vested in any person or persons upon trust for any congregation of the said Church, or for the support of the Minister or the maintenance of the ordinances of any congregation of the said Church, the consent of two-thirds of the members of the congregation present at a meeting duly summoned for that purpose and competent as a quorum to transact business shall be previously obtained: and upon the registration of such Act or Resolution in the Office of the Registrar of Deeds or in the Office of the Recorder of Titles, as the case may be, together with a certificate signed by the Moderator of the Governing Authority, or such other person as the Governing Authority may appoint, that the proper consent has been obtained, or that no consent is necessary, the property mentioned in such Act or Resolution shall vest accordingly: Provided also, that the said Trustees shall hold and manage such property upon the special trusts, if any, affecting the same, and with and subject to the special powers, provisos, and declarations, if any, applicable thereto. And, save as aforesaid, the said property shall be held, managed, and dealt within such manner in all respects as the Governing Authority may, by Act or Resolution direct.

Where congregation has ceased to exist Governing Authority may require Trustees to convey

9. In every case in which any real or personal property is vested in any Trustee or Trustees for the benefit of any congregation, or for the support of the Minister or the maintenance of the ordinances of any congregation, and such congregation has never existed or has ceased for a period of more than a year to assemble for religious services, the Governing Authority may by Act or Resolution require such Trustee or Trustees as aforesaid to convey all the real and personal property so vested in them as aforesaid to the Trustees of the property of the said Church; and the Trustee or Trustees in whom such real or personal property is so vested shall thereupon convey and assign the same to the Trustees of the property of the said Church.

Release to Trustees

10. Every such Act or Resolution as is mentioned in the Two immediately preceding Sections of this Act shall operate as a full release to the person or persons in whom such real or personal property was vested prior to the passing of such Act or Resolution.

Power to Governing Authority to declare the trusts of property vested in the Trustees

11. All lands, hereditaments, rights, moneys, goods, and chattels whatsoever vested in any such Trustees as aforesaid shall be by them applied in such manner and for such purposes as the Governing Authority shall from time to time direct, unless special trusts were declared by the instrument or writing by means of which any such lands, hereditaments, rights, moneys, goods, or chattels shall have become vested in the original Trustees thereof, or by some other instrument or writing relating thereto, and then the same shall be by them applied in accordance with the directions contained in such instrument or writing so far as the same shall extend.

As to trust property subject to the Real Property Act

12. In the case of any property of the said Church which now is or hereafter may be subject to the provisions of The Real Property Act, the Act or Resolution of the Governing Authority appointing any Trustee or Trustees of such property may be registered in the Office of the Recorder of Titles in like manner as is provided by The Real Property Act for the registration of instruments, and upon the registration of such Act or Resolution the provisions of Section Seven of this Act shall apply to such property.

25 Vic. No. 16 Powers to sell, lease, etc.

13. It shall be lawful for the Governing Authority, subject to the special trusts, if any, affecting the same, and subject to the special powers, provisos, and declarations, if any, applicable thereto, from time to time, by Act or Resolution, to direct the sale, lease, exchange, mortgage, or other disposal of any lands now vested or which may hereafter become vested in any such Trustees as aforesaid, on such terms and in such manner as the Governing Authority thinks fit; and the said Trustees shall thereupon have full power to do, enter into, and execute all necessary acts, deeds, leases, mortgages, contracts, and assurances for carrying into legal effect any such sale, lease, exchange, or disposal; and shall hold, manage and deal with the moneys arising from any such sale, lease, exchange, mortgage, or disposal, and shall hold, manage and deal with any lands so taken in exchange upon the trusts (if any) declared by the instrument affecting the land sold, leased, mortgaged, or taken in exchange as aforesaid, and if there are no such trusts, then in such manner as the Governing Authority may, by Act or Resolution, direct; Provided always, that this Section shall not be deemed to authorise the sale or lease or other disposal of any cemetery or place for the interment on the dead which may belong to the said Church or vested in any person or persons in trust for the said Church

Debentures

14. All Debentures or moneys secured to be paid or which have been paid to the Church of Scotland by "The State Aid Commutation Act", or any other Act of the Parliament of Tasmania, are by this Act secured to the Presbyterian Church of Tasmania; and the expression "Governing Authority", as applied in "The State Aid Commutation Act" to the Church of Scotland, shall hereafter for the purpose of the last-mentioned Act mean the Governing Authority of the Presbyterian Church of Tasmania

Debentures of the Free Church of Scotland in Tasmania

15. All Debentures or moneys secured to be paid to the Free Church of Scotland in Tasmania by "The State Aid Commutation Act", or any other Act of the Parliament of Tasmania, are by this Act secured to the Presbyterian Church of Tasmania; and the expression "Governing Authority", as applied in "The State Aid Commutation Act" to the Free Church of Scotland in Tasmania, shall hereafter, for the purposes of the last-mentioned Act, mean the Governing Authority of the Presbyterian Church of Tasmania;

Provided always that the control and disposal by the Governing Authority of the Presbyterian Church of Tasmania of all the Debentures and other moneys mentioned in this Section shall be subject to and in accordance with the provisions of that behalf contained in the Resolutions agreed to in Conference by the Presbytery of the Free Church of Scotland in Tasmania, and the Synod of the Presbyterian Church of Tasmania, and afterwards adopted by the said Synod and the said Presbytery in Conference on the Eighteenth day of March in the present year, as the basis of the union of the Free Church of Scotland in Tasmania with the Presbyterian Church of Tasmania.

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Property held in trust for congregations of the Free Church of Scotland in Tasmania

16 All and every the lands, hereditaments, rights, moneys, goods, and chattels which at the date of the said union of the Free Church of Scotland in Tasmania with the Presbyterian Church of Tasmania were held in trust for any one or more of the congregations belonging to and forming part of the Free Church of Scotland in Tasmania shall continue to be held by the same Trustees in whom such lands, hereditaments, rights, moneys, goods, and chattels are vested, and their successors in trust for the same congregation or congregations respectively, but subject hereafter to the provisions of this Act; and all property, real or personal, which now is or hereafter shall be bequeathed, devised, held, or secured by any will or deed or other instrument to the Free Church of Scotland in Tasmania shall hereafter be deemed to be secured by such will or deed or other instrument to the Presbyterian Church of Tasmania, and shall be subject to the provisions of this Act.

Provided always, that any property, real or personal, which at the date of the said union of the said Churches was secured by any deed, or will, or other instrument, to the Presbytery of the Free Church of Scotland in Tasmania shall continue to be held by the person or persons in whom the same was then vested, or by the successor or successors of such person or persons, upon trust for the several congregations which at the date of the said union of the said Churches constituted the Free Church of Scotland in Tasmania, in the same shares and proportions for such congregations respectively; and if any one or more of those congregations shall at any time hereafter be dissolved or otherwise cease to exist, the share of each such congregation as last aforesaid in any such property as last aforesaid shall thereafter be held by the person or persons in whom the same shall from time to time be vested upon trust for the Presbyterian Church of Tasmania.

Presbytery of the Free Church of Scotland in Tasmania may meet for special purpose

17. It shall be lawful for the Members of the Presbytery of the Free Church of Scotland in Tasmania as the same was constituted at the date of the union of that Church with the Presbyterian Church of Tasmania, or may hereafter be constituted in accordance with the laws and usages of the Free Church of Scotland in Tasmania to meet from time to time as such Presbytery for the purpose of administering any real or personal property which the said Presbytery was by the Resolutions which were adopted by the Synod of the Presbyterian Church of Tasmania and the said Presbytery in Conference as mentioned in Section Fifteen, authorised to administer until the dissolution of the said Presbytery, and to convey or transfer all such real and personal property, or authorise and cause the same to be conveyed and transferred, in such proportions as the said Presbytery shall see fit, to the respective Trustees of the several congregations previously constituting the Free Church of Scotland in Tasmania, and thereafter to dissolve itself as provided in the said Resolutions.

Union with other Presbyterian Churches of Australasia

18. It shall be lawful for the Governing Authority of the Presbyterian Church of Tasmania at any time to effect a union of the said Church with any one or more of the Presbyterian Churches in any one or more of the Australasian Colonies upon such terms and conditions as the said Governing Authority shall determine; and notice of the consummation of such union published in the Hobart Gazette, and purporting to be signed by the Moderator of the said Governing Authority, shall be prima facie evidence of such union having been effected, and of all other facts therein stated: Provided always, that all and every the lands, hereditaments, rights, moneys, goods, and chattels of the said Church and of each of the congregations belonging to the said Church shall continue to be held by the person or persons in whom the same shall then or may thereafter be vested in trust for the said Church and the several congregations and Ministers belonging thereto, upon the same trusts and in the same manner in every respect as if such union had not been effected, and shall continue to be subject to the provisions of this Act.

RESOLUTION AND RULES RE MODEL TRUST DEED

RESOLUTION

The Governing Authority of the Presbyterian Church of Tasmania hereby directs that all lands, hereditaments, rights, moneys, goods, and chattels of or belonging to the Presbyterian Church of Tasmania now vested, or which may hereafter become vested in the Trustees for the time being of the property of the Presbyterian Church of Tasmania, whether under or by virtue of the provisions of the Presbyterian Church Act, 1896, or otherwise, howsoever except such as may be held under special trusts, directions, or provisions, shall be held, applied, and disposed of in the manner and upon and subject to the trusts, directions, and provisions more particularly referred to in Rules numbered I., II., and III., and the forms in the Schedules in such Rules respectively mentioned.

RULE I.

It is hereby resolved and directed --THAT all lands, hereditaments, and rights, moneys, goods, and chattels whatsoever of or belonging to the Presbyterian Church of Tasmania now vested, or which may hereafter become vested in the Trustees for the time being of the property of the Presbyterian Church of Tasmania, whether under or by virtue of the provisions of "The Presbyterian Church Act, 1896", or otherwise howsoever, shall subject as hereinafter is provided be held, applied, and disposed of by them upon and subject to the trusts, directions, and provisions contained in the Model Trust Deed set out in Schedule No. Provided that in all cases where special trusts, directions, and provisions have been or shall be declared by the instrument or writing by means of which any such lands, hereditaments, rights, moneys, goods, or chattels as aforesaid shall have become or may be vested in the original Trustees thereof, or by some other instrument or writing relating thereto, the Trustees of the property of the said Church shall, subject to the provisions of the said Act, hold, apply, and dispose of the same in accordance with the trusts, directions, and provisions contained in such instrument or writing so far as the same shall extend.

RULE II.

THAT the Trustees of the property of the Presbyterian Church of Tasmania shall execute a Declaration of Trust in the form set out in Schedule No. . . . in respect of all lands, hereditaments, rights, moneys, goods, and chattels of or belonging to the said Church now vested or hereafter to become vested in them.

RULE III.

THAT it shall be lawful for all lands, hereditaments and premises acquired by or given to the Trustees of the property of the said Church for and on behalf of the said Church to be conveyed to the said Trustees in the form set out in Schedule No. . . . , with such alterations, additions, and variations as the circumstances of each case may require.

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(20 July 1901) ANNO PRIMO EDWARDI VII. REGIS, No. 2.

AN ACT to enable certain arrangements entered into between the Presbyterian Churches of Tasmania, New South Wales, Victoria, Queensland, South Australia, and Western Australia for constituting one Presbyterian Church of Australia to be carried into effect.

Preamble

WHEREAS the Presbyterian Church of Tasmania, the Presbyterian Church of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, and the Presbyterian Church of Western Australia have resolved to unite and form one Presbyterian Church, to be called "The Presbyterian Church of Australia", and the terms of such union comprising the basis of Union and the Articles of Agreement are set forth in the Schedule to the Act:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: -

Basis of Union and Articles of Agreement to have effect of law

1. From and after the Twenty-fourth day of July, One thousand nine hundred and one, the Basis of Union and Articles of Agreement set forth in the Schedule to this Act shall have the full force and effect of law; and, except as therein provided, nothing done in accordance with the provisions of the said Basis of Union and Articles of Agreement shall have the effect of divesting the Presbyterian Church of Tasmania, or any congregation, body, or person, or the trustees of the property of the Presbyterian Church of Tasmania, or the trustees or trustee for any such congregation, body, or person, of any property situated within the State of Tasmania or subject to the jurisdiction of that State, which is or shall be held in trust for any of the said Churches, or for any congregation or body in connection therewith.

Acts to be read together

2. Nothing herein contained shall be deemed to in any way repeal or affect the provisions of "The Presbyterian Church Act, 1896," (60 Victoriae, No. 8), save in such respects, if any, as the same is affected by the said Basis of Union and Articles of Agreement; and the said Union shall be regarded as having been effected under Section Eighteen of the said Act.

Short Title

3. This Act may be cited as "The Presbyterian Church of Australia Act, 1901."

SCHEDULE BASIS OF UNION

The Presbyterian Church of New South Wales, the Presbyterian Church of Victoria (which at present includes the Presbytery of West Australia), the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, and the

Presbyterian Church of Tasmania, 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.

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.

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

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consider its office-bearers, in subscribing to the Confession, as committed to any principles inconsistent with the liberty of conscience and the right of private judgement, declaring in the words of the Confession that "God alone is Lord of the conscience."

III. Any proposed revision or abridgement 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 licence: -- 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.

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 cases 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 entrusted 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 nominations 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 nominations 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.

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.

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- 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 licence 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 examinations 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 entrusted 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 it 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 status quo until such 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.

IN THE NAME AND ON BEHALF OF HIS MAJESTY THE KING, I ASSENT TO THIS ACT.

(signed: J.S. Dodds)

Administrator of the Government.

CODE of the PRESBYTERIAN CHURCH OF TASMANIA

(1908) ANNO OCTAVO EDWARDI VIII REGIS

AN ACT to amend "The Presbyterian Church Act, 1896"

Preamble 60 Vict. No. 8

WHEREAS the members of the Presbyterian Church of Tasmania are desirous of having the trustees of the property of the said Church incorporated as a body corporate, having perpetual succession and a common seal, capable in their corporate name of suing and being sued, and of acquiring, holding, and alienating real and personal property of every kind:

And whereas it is expedient to amend "The Presbyterian Church Act, 1896,"

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: --

Short Title

1. This Act may be cited as "The Presbyterian Church Amendment Act, 1908."

Definition Clause

2. In this Act "property," unless a contrary intention appears, shall extend to and include real and personal property, and any estate or interest in any property, real or personal, and any mortgage or other debt, and all securities for money, and anything in action, and all messages, tenements, and hereditaments, corporeal or incorporeal, of every kind and description (whatever may be the estate or interest therein), together with all paths, passages, ways, waters, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals, and quarries, and all trees and timber thereon or thereunder lying or being, unless the same are specially excepted.

Trustees a Body Corporate etc.

3. The Trustees of the Property of the Presbyterian Church of Tasmania shall be, and they are hereby created, a body corporate, having a perpetual succession and a common seal, and shall have and exercise all legal rights, powers, privileges, and authorities appendant and incidental to a body corporate; and shall, under their corporate name, be capable in law of suing and being sued, and of purchasing, acquiring, holding, and alienating property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Corporate Name

4. The corporate name or title of the said trustees shall be "The Trustees of the Property of the Presbyterian Church of Tasmania," and such body corporate shall have and exercise all the rights, powers, privileges, duties, and authorities of trustees appointed in pursuance of the provisions of "The Presbyterian Church Act 1896." The provisions of this section shall be in addition to, and not in abridgement of, the provisions of Section Three hereof.

Members of Board of Finance to be the Trustees Constituting the Body Corporate

5. The persons for the time being composing the Board of Investment and Finance of the said Church, except ex officio members of the said board, shall be the trustees for the time being of the property of the said Church constituting the said body corporate: Provided always that there shall not at any time be more than Ten nor less than Five trustees of the property of the said Church forming the said body corporate. Should the number of persons for the time being composing the Board of Investment and Finance of the said Church at any time be less than Five, the governing authority shall forthwith take the necessary steps to increase the number of such persons to Five at the least.

Use of Seal

6. The power and authority to use the said seal of the said body corporate hereby created for all purposes for which the use of such seal is required shall vest in the majority of the trustees for the time being of the property of the said Church constituting the said body corporate who shall be present at any meeting of such trustees. Such seal shall only be affixed by virtue of a resolution of the said majority passed at such meeting and in the presence of any Two of the trustees of the property of the said Church. And the said Two trustees shall sign their names to the document to which the seal has been affixed. At any such meeting as is provided for in this section, Five shall form a quorum. The seal, when once affixed in accordance with the provisions of this section, shall be prima facie evidence without further proof that the meeting at which the said resolution was passed was properly convened and held, and that the said resolution was duly and properly passed.

Validation of Acts, etc. of Trustees of Church Property

7. All acts, deed, matters, and things done by the trustees of the property of the Presbyterian Church of Tasmania as such body corporate as aforesaid, notwithstanding that there was some defect in the election or appointment of any one or more of the persons constituting the said body corporate, or that any one or more of such last-mentioned persons was or were not eligible or competent, whether under the rules and regulations of the said Presbyterian Church of Tasmania or otherwise howsoever, for such election or appointment, or was or were not eligible or competent to act in the office in respect or by virtue of which he or they shall have become a member or members of the said body corporate, shall be as valid and effectual in all respects whatsoever as if every such person had been duly elected, and were and always had been eligible or competent, as aforesaid.

Certificate of Clerk of Governing Authority Prima Facie Evidence of Appointment of Trustee

8. In all courts and all legal proceedings instituted by or against the trustees of the property of the Presbyterian Church of Tasmania, the production of the certificate of the clerk of the said governing authority of the appointment of the said trustees, or any one or more of them, as members or a member respectively of the Board of Investment and Finance shall on production only, be deemed sufficient prima facie evidence without further proof that such trustees, or any one or more of them, as such members or member as aforesaid have been duly appointed according to law, and the onus of proof to the contrary shall rest on the person or persons challenging the validity of such appointment.

CODE of the PRESBYTERIAN CHURCH OF TASMANIA

Vesting of Property in Trustees of Church Property

9. All property now vested in or held by any trustee or trustees of the property of the said Church, and all property now vested in or held by any person or persons other than such trustee or trustees as last aforesaid, upon trust for the said Church, and whether subject to the provisions of "The Real Property Act" or held under the general law, shall from and after the passing of this Act be and the same is hereby vested in the said body corporate for all the estate and interest therein respectively of such trustee or trustees, or such person or persons as aforesaid, as fully and effectually as if valid assurances in the law thereof had been made and executed by him or them respectively to such body corporate, subject to the special trusts (if any) affecting the same, or any part or parts thereof respectively; and such body corporate shall thenceforth be deemed the registered proprietor of such portions of the said property as shall be under "The Real Property Act" subject to the provisions of the said Act.

One thousand Pounds vested in governing authority of Free Church of Scotland to be transferred to incorporated body on the trusts of James Wilson's will

10. The sum of One Thousand Pounds now vested in the governing body of the Free Church of Scotland in Tasmania under the provisions of the will dated the Twenty-sixth day of March, One thousand eight hundred and seventy-seven of the late James

Wilson (the income of which sum is by the said will directed to be applied for the benefit of the minister for the time being of the Campbell Free Church, Oatlands, in Tasmania) shall, together with all securities therefor, be forthwith transferred by the said governing body to the said body corporate, to be held by the said body corporate upon the special trusts declared by the said will of the said James Wilson in respect of the said sum.

Recorder of Titles to register new Trustees

11. The Recorder of Titles, upon the application in writing under the seal of the said body corporate, and upon proof to his satisfaction of the identity of any property affected under "The Real Property Act" shall issue to the applicant such instrument or instruments of title as are by the said Act provided for.

Gifts to Church before Incorporation to have same effect afterwards

12. After the incorporation of the said body corporate, every donation, gift, and disposition of property, real or personal, heretofore lawfully made (but not having actually taken effect) or thereafter lawfully made by deed, will, or otherwise, to or in favour of such Church generally, or the trustees of the property of the said church, or any person or persons for or on behalf of the said church generally, shall take effect as if the same had been made to or in favour of the said body corporate.

When Trustees in Previous Acts mentioned, same shall be construed as Trustees mentioned in this Act

13. In "The Presbyterian Church Act, 1896." and in all laws, rules, regulations, acts and resolutions of the governing authority referring to the trustees of the property of the said Church, the expression "The Trustees of the Property of the Presbyterian Church of Tasmania," or "the trustees or the property of the said Church," shall henceforth be read and construed as meaning and referring to the trustees by this Act created a body corporate, as if such body corporate had been expressly named in "The Presbyterian Church Act, 1896." and in all laws, rules, regulations, acts, and resolutions as aforesaid, or by any form thereby prescribed, to be executed or signed by the trustees of the property of the Presbyterian Church of Tasmania, may be sealed by the said body corporate in the manner hereinbefore prescribed; and in such case the same shall be as valid and effectual as if the same had been executed or signed by the aforesaid trustees. Such part or parts respectively of every such deed, declaration of trust, or document as is, are, or may be inapplicable to a body corporate is and are hereby respectively repealed.

Power of Trustees to make rules

14. The said trustees shall have power to make such rules and regulations as they may deem necessary for carrying out the purposes of this Act. Such rules and regulations shall be laid before the governing authority at its next session, but shall be in force until disallowed by the said governing authority.

Repeal

15. Section Seven of "The Presbyterian Church Act, 1896," is hereby repealed.

Acts to be read together

16. "The Presbyterian Church Act, 1896," except so far as the same is altered, amended, or repealed by this Act, shall with this Act be read and construed as one and the same Act.