NORTHERN TERRITORY OF AUSTRALIA

UNITING CHURCH IN AUSTRALIA ACT

As in force at 1 March 2011

Table of provisions

Part I Preliminary

1 Short title 1
2 Commencement 1
3 Repeal 1
4 Definitions 1

Part II Constitution of the Trust

5 Constitution of the Trust 3
6 Powers and duties of Trust 4
7 Quorum 4
8 Vacation of office 4
9 Casual vacancies 5
10 Common seal 5
11 Form and execution of certain contracts, &c. 5
12 Execution under seal by agent, &c. 6

Part III Acquisition and vesting of trust property

13 Vesting of certain property in the trust 6
14 Construction of certain instruments 7
15 Waiver of certain conditions, &c., in certain Crown grants 8
16 Evidence 8
17 Certain rights 9
18 Registration of interests of Trust land 9

Part IV General

19 Claims for compensation upon compulsory acquisition, &c. 9
20 Receipt for certain moneys 10
21 Exoneration from enquiry 10
22 Service of documents 10
23 Trust may act as executor, &c. 10
24 Trust may hold property jointly 11
25 Directions 11
26 Co-operative use of property 12
27 Saving provision 13
28 Power of synod to alter trusts 13
29 Indemnifications of certain persons 13
30 Lending of Trust funds 14

31 Powers of investment 14

First Schedule Basis of Union

Second Schedule

Third Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 1 March 2011. Any amendments that commence after that date are not included.

UNITING CHURCH IN AUSTRALIA ACT

An Act to make provision for the inauguration of the Uniting Church in Australia in accordance with the Basis of Union and to constitute the Uniting Church in Australia Property Trust (N.T.) and for other and incidental purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Uniting Church in Australia Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

(1) The South Australian *Wesleyan Methodists Act*, *1887*, and *The Methodist Union Act*, 1900, of the State of South Australia cease to have effect in the Territory as laws of the Territory.

(2) Section 8 of the Acts *Interpretation Act 1901*, in its application to Acts by virtue of section 4 of the *Interpretation Acts*, has effect as though the laws referred to in subsection (1) were Acts and had been repealed by this Act.

4 Definitions

In this Act unless the contrary intention appears:

appointed day means the day fixed under section 2.

Assembly means the Assembly of the Church referred to in clause 15(e) of the Basis of Union and includes the inaugurating Assembly.

Basis of Union means the Basis of Union set out in the First Schedule.

Church means The Uniting Church in Australia formed pursuant to the Basis of Union.

Congregational Church means the Congregational Union of Australia and the Congregational Unions in each of the States of the Commonwealth, and includes the individual Congregational Churches which have resolved to enter into union with the Methodist and Presbyterian Churches and any department, society, auxiliary, activity, fund, service, institution, or any interest of any such individual church or Union.

Inaugurating Assembly means the first Assembly of the Church which is convened in accordance with the Basis of Union.

Methodist Church means the Methodist Church of Australasia and includes any congregation, circuit, department, society, auxiliary, activity, fund, service, institution or interest thereof save and except the Conferences of Fiji, Samoa and Tonga.

Presbyterian Church means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State 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.

property includes real and personal property and any estate or interest therein and, in the case of real property, includes property held on leasehold, whether from the Crown or otherwise.

Registrar-General means the Registrar-General and includes an Acting or Deputy Registrar-General.

Synod means the Synod of the Church, within the meaning of clause 15C(d) of the Basis of Union, for the region that includes the Northern Territory of Australia.

Trust means the Uniting Church in Australia Property Trust (N.T.), constituted by section 5.

Trust Property means property vested in or acquired by the Trust by or pursuant to this Act.

Uniting Churches means the Congregational Church, the Methodist Church, and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24 July, 1901, as amended, whereby there was constituted a body known as the Presbyterian Church of Australia.

Part II Constitution of the Trust

5 Constitution of the Trust

(1) There is hereby constituted a corporation under the name of "The Uniting Church in Australia Property Trust (N.T.)" which shall by such name subject to this Act consist of:

(a) the Moderator of the Synod;

(b) the Secretary of the Synod;

(c) the Property Officer of the Synod; and

(d) five other persons appointed by the Synod or, where:

(i) no appointment has been made to one or more of the offices referred to in paragraphs (a), (b) and (c); or

(ii) fewer than 3 persons have been appointed to hold all those offices,

6 other persons so appointed.

(2) Subject to this Act the Inaugurating Assembly shall appoint 5 persons as members of the Trust and those 5 persons:

(a) shall be deemed to have been duly appointed pursuant to subsection (1)(d) as members of the Trust holding office as from the appointed day until the end of the Synod next succeeding the appointed day; and

(b) shall be eligible for reappointment as members of the Trust.

(3) Subject to this Act the members of the Trust appointed pursuant to subsection (1)(d) at a Synod after the appointed day:

(a) shall take office as members of the Trust immediately after the end of that Synod;

(b) shall hold office as members of the Trust until the end of the next succeeding Synod; and

(c) shall be eligible for reappointment as members of the Trust.

6 Powers and duties of Trust

(1) The Trust shall have perpetual succession and a common seal and may enter into contracts, sue and be sued in its corporate name and may take, acquire, hold, deal with and dispose of property and may mortgage, charge or otherwise encumber any of its property and may borrow money for the purposes of the Trust.

(2) Subject to this Act, the Trust shall hold Trust property in trust for the Church and upon any other trust affecting the property, but, notwithstanding anything contained in this Act, or in the Basis of Union, it shall hold the property subject to the determinations, declarations and interpretations on matters of doctrine, worship, government and discipline made from time to time in accordance with the provisions of the Constitution for the Church for the time being in force in that regard.

(3) Subject to subsection (2), the Trust shall hold, manage, administer and otherwise deal with Trust property in accordance with the regulations, directions and resolutions of the Assembly and with the by-laws of the Synod in so far as such by-laws are not inconsistent with the regulations, directions and resolutions of the Assembly.

7 Quorum

Three members of the Trust shall constitute a quorum for the purpose of any meeting of the Trust and the decision of a majority of the members present and voting at any meeting of the Trust shall be the decision of the Trust.

8 Vacation of office

(1) A member of the Trust appointed pursuant to section 5 shall be deemed to have vacated his office if he:

(a) dies;

(b) resigns his office by notice in writing to the Trust;

(c) becomes bankrupt or makes any arrangement or composition with his creditors generally;

(d) becomes a mentally defective person within the meaning of the *Mental Defectives Act* or becomes a person whose estate is subject to administration under Part III of that Act;

(e) being one of the persons appointed pursuant to section 5(1)(a), (b) or (c), ceases to hold the office there described as a member of the Trust; or

(f) is removed by resolution of the Synod of its Standing Committee.

(2) In the event of a member of the Trust appointed pursuant to section 5(1)(a), (b) or (c) ceasing to be a member of the Trust by reason of subsection (1), the person for the time being entitled to exercise the respective offices of Moderator, Secretary or Property Officer of the Synod (as the case may be) shall take office as a member of the Trust for as long as he is entitled to exercise that office.

9 Casual vacancies

(1) Where by reason of the occurrence of casual vacancies the number of members of the Trust for the time being is reduced to less than 5, the continuing members shall appoint, as members of the Trust filling the vacancies until the end of the next succeeding Synod, persons not fewer in number than that required to increase to 5 the number of members.

(2) Subject to subsection (1), where there is a casual vacancy in the membership of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next succeeding Synod.

10 Common seal

(1) The members for the time being of the Trust shall have the custody of its common seal and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

(2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust and every instrument to which the common seal is so affixed shall be signed by not less than 2 members of the Trust.

(3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than 2 members of the Trust shall be deemed to have been executed in accordance with subsection (2).

11 Form and execution of certain contracts, &c.

(1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

(4) Any contract which is entered into or any instrument, contract or agreement which is signed in relation to any Trust property shall be deemed to have been entered into or signed with the express authority of the Trust, if it is entered into or signed in accordance with the resolution of the Synod for the time being in force pursuant to this Act.

12 Execution under seal by agent, &c.

The Trust may, by writing under its common seal, expressly empower any person, in respect of any specific matter, as its agent or attorney to execute any deed, instrument, contract or agreement on its behalf, and any deed signed by such an agent or attorney on behalf of the Trust and under his seal shall bind the Trust and have the same effect as if it were under its common seal.

Part III Acquisition and vesting of trust property

13 Vesting of certain property in the trust

(1) All real property which, immediately before the appointed day is situated in the Territory and which:

(a) is described in the first column of the Second Schedule, being vested in the persons described in the second column of that Schedule opposite that property;

(b) is vested in the "Methodist Overseas Missions Trust Association" (also known as "The Methodist Overseas Missions Trust Association Incorporated", "Methodist Overseas-Missions Trust Association" and "Methodist Overseas Missions Trust Association Incorporated"; or

(c) is not described in the Third Schedule, and is vested in the Presbyterian Church (New South Wales) Property Trust,

shall, upon the appointed day, without any formal assignment, transfer or other documentation, vest in the Trust to the extent that it was so vested and shall be held by the Trust in accordance with the provisions of this Act.

(1A) The real property described in the Third Schedule shall, upon the date of commencement of this Act, without any formal assignment, transfer or other documentation, vest in the Trust to the extent that it was vested in the Presbyterian Church (New South Wales) Property Trust and shall be held by the Trust in accordance with the provisions of this Act.

(2) The vesting of property effected by subsection (1) and (1A) shall be without prejudice to:

(a) any special trust;

(b) any resulting trust;

(c) any trust in favour of a donor;

(d) any trust in favour of a person other than the Uniting Churches or any one or more of them; and

(e) any reservation, mortgage, charge, encumbrance, loan or lease, that, immediately before the appointed day or the date on which subsection (1A) came into operation, affected the property vested.

(3) No attornment to the Trust by any lessee of land vested in it by this section shall be necessary.

(4) In this section ***special trust*** shall mean any trust other than a trust for the general purposes of the Methodist or Presbyterian Churches.

14 Construction of certain instruments

(1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property:

(a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church;

(b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c) is payable to, or receivable, by the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church,

the deed, will or other instrument shall be construed and take effect as if the reference therein to the Church or, as the case may be, to that person, were a reference to the Trust.

(2) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church was a reference to the Church unless the context otherwise requires.

(3) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Congregational Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Congregational Church was a reference to the Church unless the context otherwise requires.

(4) Any deed, instrument, document, gift, will or other provision in favour of or relating to the United Church in North Australia and coming into effect on or after the appointed day shall be read and construed as though any reference therein to the United Church in North Australia was a reference to the Church unless the context otherwise requires.

15 Waiver of certain conditions, &c., in certain Crown grants

The vesting of any real property in the Trust by this Act shall not be held invalid either at law or in equity by reason of any breach or non-performance, prior to vesting, of any condition, trust or proviso contained in the grant by the Crown of the real property and every provision for forfeiture or reverter in respect of any such breach or non-performance shall be deemed to have been released by the Crown as from the date of Crown grant.

16 Evidence

(1) Subject to subsection (2), a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal be evidence that the property so specified is so held.

(2) Subsection (1) shall not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.

17 Certain rights

Where any property is vested in the Trust pursuant to this Act the Trust shall, in relation to that property, have and be subject to all the rights, powers, remedies, liabilities and obligations and may exercise and discharge, in relation to that property, all or any of the rights, powers and remedies which the person in whom the property was previously vested or by whom it was previously held, would have had and been subject to and might have exercised and discharged in relation to that property if the property had not been divested from him and vested in the Trust.

18 Registration of interests of Trust land

Where the Trust:

(a) applies to the Registrar-General to be registered as the proprietor of an estate or interest in real property; and

(b) furnishes the Registrar-General with:

(i) a certificate under the common seal of the Trust to the effect that the estate or interest has vested in the Trust in pursuance of this Act; and

(ii) such duplicate certificates of title or other instruments as may be required by the Registrar-General,

the Registrar-General shall, without further inquiry register the Trust as the proprietor of the relevant estate or interest.

Part IV General

19 Claims for compensation upon compulsory acquisition, &c.

Subject to any resolution or direction of the Assembly or of any Committee appointed by it for the purpose, the Trust may act in relation to the exchange, dedication or compulsory acquisition of any property vested in it, may make claims for compensation in respect thereof and may agree to and settle any such claims, for such considerations, and on and subject to any terms and conditions, as may appear advisable to it.

20 Receipt for certain moneys

A receipt for moneys payable to the Trust shall exonerate the person by or on whose behalf the moneys are so payable from any liability to see to the application of those moneys and from any liability for the loss, misapplication or non-application of those moneys, if the receipt:

(a) is executed in accordance with this Act under the common seal of the Trust;

(b) is in writing signed by 2 members of the Trust; or

(c) is in writing signed by a person or persons duly authorized for the purpose by the Trust or the members of the Trust.

21 Exoneration from enquiry

No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the Registrar-General nor the Solicitor for the Northern Territory nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or enquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorized, irregular or improper.

22 Service of documents

The service of any writ, statement of claim, summons or other legal process on the Trust may be effected by serving it on the Moderator, Secretary of the Synod, Property Officer of the Synod or on any person appearing to be authorized by the Trust to accept service thereof.

23 Trust may act as executor, &c.

(1) The Trust may:

(a) apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration of the estate, of a deceased person where the Church has a beneficial interest, vested or contingent, in the estate of that person; or

(b) accept appointment, and act, as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the Trust by, or pursuant to, this Act, and the trust was created wholly or partly for the benefit of the Church,

and may do all things necessary for the exercise or performance of its powers, authorities, duties or functions as executor, administrator or trustee, as the case may be.

(2) On behalf of the Trust, a member of the Trust or a person employed by the Trust may, if authorized by the Trust for the purpose, make an affidavit, make a declaration or statement, give security and do any other act or thing that is, by any charter, Act, Act or rule of court, required to be done by a person applying for or granted probate or letters of administration or administering a trust, as the case may be.

(3) The Trust may:

(a) renounce executorship; and

(b) decline to act as administrator of an estate; and

(c) retire, or decline to act, as trustee of property (not being property vested in it by or pursuant to this Act).

(4) Any commission or other remuneration earned by the Trust as an executor, administrator or trustee appointed under the authority of this section shall belong to the Trust and shall be used and applied by it for or towards any object or purpose specified or approved by the Assembly.

24 Trust may hold property jointly

The Trust may hold or acquire any real or personal property either alone or jointly with another or others as joint tenants or tenants-in-common.

25 Directions

(1) The Assembly may give directions for the control, management and administration of, and dealing with, trust property.

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod in which or in an annexure to which is specified the form of a direction under subsection (1), being a direction which is in force on a date specified in the certificate, shall be conclusive evidence that the direction was in force in that form on that day.

(3) A direction under subsection (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a direction.

26 Co-operative use of property

(1) Where it has been decided in accordance with the laws of the Church to enter into a scheme of co-operation with or involving a church of another denomination or any congregation or activity of such a church, being a scheme that involves the use of property vested in the Trust, the Trust may, while the scheme of co-operation continues in force, permit that property to be used, managed and administered in connection with that scheme in such manner and upon such conditions as the Synod, or any committee appointed by it for the purpose, determines or prescribes, and the proceeds of sale or mortgage or any other dealing with such property and all moneys collected or held in respect of such scheme of co-operation may be paid and applied in such manner as may be determined or prescribed by the Synod or such committee.

(2) The conditions that the Synod may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance of repair or assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operation over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trust shall be bound to enquire whether any security or charge referred to in subsection (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and:

(a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and

(b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

27 Saving provision

(1) The provisions of section 26 shall apply to and in relation to all property at any time held by the Trust except to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.

(2) Subsection (1) shall not prevent the use of property in a manner referred to in section 26 if the property was merely directed to be held on trust for the worship or purposes of the Church.

28 Power of synod to alter trusts

(1) In this section ***previous trusts*** means those trusts to which any property vested in the Trust is for the time being subject, including trusts declared under this section.

(2) Subject to this section, in every case where by reason of the circumstances subsequent to the creation of the previous trusts, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe those trusts, the Synod may:

(a) declare by resolution that it has that opinion; and

(b) by that or any subsequent resolution declare other trusts for the use, benefit or purpose of the Church instead of the previous trusts.

(3) Upon a resolution being made under subsection (1), the previous trusts shall by force of that resolution, cease and determine and the property concerned shall be held upon the other trusts so declared.

(4) The purposes of the other trusts so declared shall be as like as possible to those of the previous trusts unless the Synod by resolution declares that by reason of circumstances subsequent to the creation of the previous trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply such property or some part thereof for the same or the like purposes, that property or that part may be dealt with and applied for the use and benefit of the Church for such other purposes as shall be declared by resolution of the Synod.

29 Indemnifications of certain persons

A member of the Trust, and any other person, exercising a power or performing a duty in relation to trust property pursuant to this Act or pursuant to any resolution or direction of the Assembly, and his executors and administrators, shall be entitled to be indemnified out of trust property against all expenses or liabilities incurred by him in connection with the exercise by him of the power and the

performance by him of the duty unless incurred in the course of fraudulent or negligent breach of trust.

30 Lending of Trust funds

(1) Where the Trust holds moneys on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest those moneys or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the moneys so invested are held and any loss arising from any such investment shall likewise be borne rateably.

(2) The Trust may make advances out of the moneys referred to in subsection (1) for any purpose of or relating to the Church.

(3) Any sum so advanced under subsection (2) shall be deemed an investment of such moneys and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

31 Powers of investment

The Trust unless expressly forbidden by any instrument creating any special trust, may invest any funds in its hands, whether at the time in a state of investment or not, in any form of investment authorized by a law in force in the Territory or by the Assembly either by itself or by delegation to the Synod.

First Schedule Basis of Union

1. The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both Christ's gift and his will for the Church, hereby enter into union under the name of the Uniting Church in Australia. They pray that this act may be to the glory of God the Father, the Son and the Holy Spirit. They praise God for his gifts of grace to each of them in years past; they acknowledge that none of them has responded to God's love with a full obedience; they look for a continuing renewal in which God will use their common worship, witness and service to set forth the word of salvation for all mankind. To this end they declare their readiness to go forward together in sole loyalty to Christ the living Head of the Church; they remain open to constant reform under his Word; and they seek a wider unity in the power of the Holy Spirit. In this union these Churches commit their members to acknowledge one another in love and joy as believers in our Lord Jesus Christ, to hear anew the commission of the Risen Lord to make disciples of all nations, and daily to seek to obey his will. In entering into this union the Churches concerned are mindful that the Church of God is committed to serve the world for which Christ died, and that she awaits with hope the day of the Lord Jesus Christ on which it will be clear that the kingdom of this world has become the kingdom of our Lord and of his Christ, and he shall reign for ever and ever.

2. The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church in

Australia, by working together and seeking union with other Churches.

3. The Uniting Church acknowledges that the faith and unity of the Holy Catholic and Apostolic Church are built upon the one Lord Jesus Christ. The Church preaches Christ the risen crucified One and confesses him as Lord to the glory of God the Father. In Jesus Christ God was reconciling the world to himself. In love for the world, God gave his Son to take away the world's sin.

   Jesus of Nazareth announced the sovereign grace of God whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he reasserted his claim over the whole of his creation, he pardoned sinners, and made in Jesus a representative beginning of a new order of righteousness and love. To God in Christ men are called to respond in faith. To this end God has sent forth his Spirit that men may trust him as their Father, and acknowledge Jesus as Lord. The whole work of man's salvation is effected by the sovereign grace of God alone.

   The Church as the fellowship of the Holy Spirit confesses Jesus as Lord over her own life, she also confesses that he is Head over all things, the beginning of a new creation, of a new mankind. God in Christ has given to men in the Church the Holy Spirit as a pledge and foretaste of that coming reconciliation and renewal which is the end in view for the whole creation. The Church's call is to serve that end; to be a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself. The Church lives between the time of Christ's death and resurrection and the final consummation of all things which he will bring; she is a pilgrim people, always on the way towards the promised goal; here she does not have a continuing city but seeks one to come. On the way Christ feeds her with Word and Sacraments, and she has the gift of the Spirit in order that she may not lose the way.

4. The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because her Lord comes, addresses, and deals with men in and through the news of his completed work. Christ who is present when he is preached among men is the Word of the God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ reaches out to command men's attention and awaken their faith; he calls them into the fellowship of

his sufferings, to be the disciples of a crucified Lord, in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church has received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment; it is he who by the gift of the Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accomplished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he poured out the Holy Spirit of Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the

foretaste of the Kingdom which he will bring to consummation.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith. She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, nor without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterized recent centuries, and thanks God for the knowledge of his ways with men which are open to an informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

12. The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptized into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptized may have confirmed to them the promises of

God, and be led to deeper commitment to the faith and service into which they have been baptized. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.

13. The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

    To this end:

    (a) The Uniting Church recognises and accepts as ministers of the Word all who have held such office in any of the uniting Churches, and who, being in good standing in one of those Churches at the time of union, adhere to the Basis of Union. This adherence and acceptance may take place at the time of union or at a later date. Since the Church lives by the power of the Word, she is assured that God, who has never left himself without witness to that Word, will, through Christ and in the power of the Holy Spirit, call and set apart members of the Church to be ministers of the Word. These will preach the Gospel, administer the sacraments and exercise pastoral care so that all may be equipped for their particular ministries, thus maintaining the apostolic witness to Christ in the Church. Such members will be called Ministers and their setting apart will be known as Ordination.

        The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the

participation in the act of ordination of those already ordained, the Church bears witness to God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

(b) The Uniting Church recognises and accepts as elders or leaders those who at the time of union hold the office of elder, deacon or leader appointed to exercise spiritual oversight, and who, being in good standing in any of the uniting Churches at the time of union, adhere to the Basis of Union. She will seek to recognise in the congregation those endowed by the Spirit with gifts fitting them for rule and oversight. Such members will be called Elders or Leaders.

(c) The Uniting Church recognises and accepts as deaconesses those who at the time of union are deaconesses in good standing in any of the uniting Churches and who adhere to the Basis of Union. She believes that the Holy Spirit will continue to call women to share in this way in the varied services and witness of the Church, and she will make provision for this. Such members will be called Deaconesses.

The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses, whether the service is within or beyond the life of the congregation.

(d) The Uniting Church recognises and accepts as lay preachers those who at the time of union are accredited lay preachers (local preachers) in any of the uniting Churches and who adhere to the Basis of Union. She will seek to recognise those endowed with the gift of the Spirit for this task, will provide for their training, and will gladly wait upon that fuller understanding of the obedience of the Christian man which should flow from their ministry. Such members will be called Lay Preachers.

In the above sub-paragraphs the phrase "adhere to the Basis of Union" is understood as willingness to live and work within the faith and unity of the One Holy Catholic and Apostolic Church as that way is described in this Basis. Such adherence allows for difference of opinion in matters which do not enter into the

substance of the faith.

The Uniting Church recognises that the type and duration of ministries to which men and women are called vary from time to time and place to place, and that in particular she comes into being in a period of reconsideration of traditional forms of the ministry, and of renewed participation of all the people of God in the preaching of the Word, the administration of the sacraments, the building up of the fellowship in mutual love, in commitment to Christ's mission, and in service of the world for which he died.

15. The Uniting Church recognises that responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them. The Uniting Church therefore so organises her life that locally, regionally and nationally government will be entrusted to representatives, men and women, bearing the gifts and graces with which God has endowed them for the building up of his Church. The Uniting Church is governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation both to the Church and the world.

The Uniting Church acknowledges that Christ alone is supreme in his Church, and that he may speak to her through any of her councils. It is the task of every council to wait upon God's Word, and to obey his will in the matters allocated to its oversight. Each council will recognise the limits of its own authority and give heed to other councils of the Church so that the whole body of believers may be united by mutual submission in the service of the Gospel.

To this end the Uniting Church makes provision in her constitution for the following:

(a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

(b) The Elders' or Leaders' Meetings (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.

(c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.

(d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship witness and service in the region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.

(e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishments of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

The first Assembly, however, will consist of members of the uniting Churches, appointed in equal numbers by them in such manner as they may determine, and is vested with such powers as may be necessary to establish the Uniting Church according to the provisions of the Basis of Union.

Until such time as councils other than the Assembly can be established, the Uniting Church recognises and accepts the various

agencies for the discharge of responsibility which are in existence in the uniting Churches. She invites any such continuing bodies immediately to enter into a period of self-examination in which members are asked to consider afresh their common commitment to the Church's mission and their demonstration of her unity. She prays that God will enable them to order their lives for these purposes.

16. The Uniting Church recognises the responsibility and freedom which belongs to councils to acknowledge gifts among members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel of Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship, witness and service to his eternal glory through Jesus Christ the Lord, Amen.

Second Schedule

Section 13(1)

	1st Column Property	2nd Column Lessees
1.	Church Lands Lease No. 13, Volume 53, Folio 81, Lots 739 and 740 Town of Nightcliff	Louis George Kenneth Blanchard, Presbyterian Minister, James Frederick McKay, Presbyterian Minister, Cecil Francis Gribble, Methodist Minister, Henry Thomas Wells, Congregational Minister, Charles Venton Hayman, Congregational Minister and Charles Kingston Daws, Methodist Minister, all care of 44 Margaret Street, Sydney N.S.W. as joint tenants without survivorship.
2.	Lease of Town Lands No. 607, Volume 6, Folio 36, Section No. 33, Town of Katherine	Alfred William Redvers Milligan of 2 Mont Albert Road, Canterbury Victoria, Minister of Religion, Arnold Harry Atkinson of 27 Panoramic Street, North Balwyn Victoria, Company Secretary, Charles Kingston Daws of Barkers Road, Hawthorn Victoria, Methodist Minister and Alec Wheaton Pederick of 73 Walpole Street, Kew Victoria, Methodist Minister, as tenants in common.
3.	Lease of Town Lands No. 864, Volume 17, Folio 75, Lot No. 34, Town of Katherine	
4.	Church Lands Lease No. 8, Volume 31, Folio 77, Lot 3316, Town of Darwin	Louis George Kenneth Blanchard, Presbyterian Minister, James Frederick McKay, Presbyterian Minister, Cecil Francis Gribble, Methodist Minister, Henry Thomas Wells, Congregational Minister, Charles Venton Hayman, Congregational Minister and Charles Kingston Daws, Methodist Minister, all care of 44 Margaret Street, Sydney N.S.W. as joint tenants without survivorship.

5.	Lease of Town Lands No. 2826, Volume 79, Folio 71, Lot 3136, Town of Alice Springs	Louis George Keith Blanchard of 8/73 Burns Bay Road, Lane Cove N.S.W., James Frederick McKay of 65 Baroona Street, Northbridge N.S.W., Charles Kingston Daws of 348 Bakers Road, Hawthorn Victoria, Cecil Frank Gribble of 6 Watkins Road, Avalon N.S.W., Henry Thomas Wells of 15 Russell Street, Eastwood N.S.W. and Charles Venton Hayman of 4 Glover Street, Mosman N.S.W., all ministers of religion as joint tenants with no survivorship.
6.	Special Purposes Lease No. 39, Volume 39, Folio 43, Lot Nos. 45 and 46, Town of Katherine	James Anthony Vavan Oldmeadow of 95 Waterdale Road, Ivanhoe Victoria, retired, William John Johnson of 42 Chrystobel Crescent, Glenferrie Victoria, Minister of Religion and Alfred Herbert Harrison of 11 Rochester Road, Canterbury Victoria, hardware merchant, with no survivorship.
7.	Sub-lease No. 48357 of that part of Special Purposes Lease No. 214, Volume 75, Folio 36, being Lot 64 as shown on Survey Plan S/72/142A.	Sub-lessees The Trustee of the United Church in North Australia of 44 Margaret Street, Sydney N.S.W.
8.	Lease of Town Lands No. 1382, Volume 34, Folio 76, Lot Nos. 38 and 47, Town of Alice Springs	Anne Cornelis Jan Reus, William Leslie Clough, John Payne Hodge, Ronald Ross, Rex Battarbee and Charles Crawford Stephens all of Alice Springs in the Northern Territory of Australia, engineer, public servant, public servant, engineer, artist and powerhouse supervisor respectively, as joint tenants with no survivorship.

Third Schedule

section 13(1)(c)

Lease of Town Lands No. 980, Volume 22, Folio 35, Lot Nos. 74 and 75, Town of Alice Springs.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Uniting Church in Australia Act 1977 (Act No. 26, 1977)

Assent date	16 June 1977
Commenced	22 June 1977 (*Gaz* No. 24A, 20 June 1977, p 33B)

Uniting Church in Australia Act 1978 (Act No. 74, 1978)

Assent date	26 July 1978
Commenced	26 July 1978

Law Officers Amendment Act (No. 2) 1986 (Act No. 48, 1986)

Assent date	10 December 1986
Commenced	19 December 1986 (*Gaz* S87, 17 December 1986)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

3 LIST OF AMENDMENTS

s 13	amd No. 74, 1978, s 3
s 21	amd No. 48, 1986, s 9
s 23	amd No. 40, 2010, s 118
Second Sch	amd No. 74, 1978, s 4
Third Sch	amd No. 74, 1978, s 5