

## AUSTRALIAN CAPITAL TERRITORY

Presbyterian Church (Proposals for Union with Other Churches) Ordinance 1972

### EXPLANATORY MEMORANDUM

No. 17 of 1972

The purpose of this Ordinance is provide for the disposition of the property of the Presbyterian Church of Australia in the event of the General Assembly of that church resolving to enter into union with the Methodist Church of Australasia and the Congregational Union. The effect of the Ordinance is similar to that of legislation already enacted in the States.

#### The Decision to Unite

2. The decision whether the Presbyterian Church should enter into the proposed union will rest with the General Assembly of the Church. The Assembly will make its decision after all congregations have voted on the proposals for union. The questions to be submitted to the vote in the congregations and the conditions under which the vote is to be taken are set out in the Schedule to the Ordinance.

#### Disposition of Property

3. If the General Assembly resolves to enter into union with the other Churches, the property of congregations will in general be dealt with as follows:—

- (a) Where less than one-third of the members of a congregation have voted to remain in membership of the Presbyterian Church after the proposed union has been effected, the property of the congregation will be held in trust for the church to be formed as a result of the proposed union (section 3).
- (b) Where one-third or more of the members of a congregation have voted to remain in membership of the Presbyterian Church, the congregational property will continue to be held for the Presbyterian Church (section 4).

4. Whatever the outcome of the vote in a congregation, an application may be made to the General Assembly to have the disposition of congregational property determined by a commission (section 5). Not less than one-twentieth of the members of the congregation must join in the application.

#### Determinations by the Commission

5. If the General Assembly resolves to enter into union with the other Churches, it is required to refer applications under section 5 to a commission (section 7). The commission will be representative of those favouring the union and those opposed to it (section 7).

6. The procedure of the commission, and the principles by reference to which it is to make its determinations, are to be as prescribed by regulations (section 8).

7. The commission is empowered to determine that the property of a congregation, or a part of the property, is to be held in trust for the church to be formed as a result of the union. Where such a determination is made, the property in question ceases, by force of the determination, to be held for the Presbyterian Church and is to be held for the church to be formed as a result of the union (section 9).