



Australian Capital Territory

Uniting Church in Australia Act 1977 No 15

Republication No 2

Republication date: 7 August 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Not all provisions are in force

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Uniting Church in Australia Act 1977* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 7 August 2002. It also includes any amendment, repeal or expiry affecting the republished law to 12 September 2001.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to

12 September 2001



Australian Capital Territory

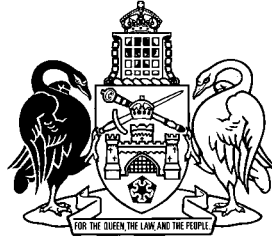
Uniting Church in Australia Act 1977

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Amendments incorporated to
12 September 2001



Australian Capital Territory

Uniting Church in Australia Act 1977

An Act to establish The Uniting Church in Australia (Australian Capital Territory) Property Trust, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Uniting Church in Australia Act 1977*.

4 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

Assembly means the Assembly of the Church referred to in paragraph 15 (e) of the Basis of Union and includes the first Assembly of the Church referred to in that paragraph.

Basis of Union means the Basis of Union for the formation of the Church, a copy of which is set out in schedule 1.

Church means The Uniting Church in Australia.

Congregational Church means—

- (a) the Congregational Union of Australia; and
- (b) the Congregational Unions in each of the States of the Commonwealth; and
- (c) the individual Congregational Churches that have resolved to enter into union with the Methodist and Presbyterian Churches; and
- (d) any department, society, auxiliary, activity, fund, service, institution or interest of a Union referred to in paragraph (a) or (b) or of a Congregational Church referred to in paragraph (c).

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

Presbyterian Church means the Presbyterian Church of Australia.

property means real and personal property and any estate or interest in real or personal property.

Synod means the Synod of the Church for the State of New South Wales, being a synod within the meaning of paragraph 15 (d) of the Basis of Union.

trust means The Uniting Church in Australia (Australian Capital Territory) Property Trust established by section 5.

trust property means property vested in or acquired by the trust under this Act.

Part 2 Establishment of the trust

5 Establishment of trust

- (1) There shall be a trust by the name of The Uniting Church in Australia (Australian Capital Territory) Property Trust.
- (2) Subject to section 11 (7), the trust shall hold trust property in trust for the Church.
- (3) The trust shall hold, manage, administer and otherwise deal with trust property in accordance with the directions and resolutions of the Assembly.

6 Nature and powers of trust

The trust—

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of or otherwise deal with real and personal property; and
- (d) may sue and be sued in its corporate name; and
- (e) may enter into contracts; and
- (f) may mortgage, charge or otherwise encumber any of its property; and
- (g) may borrow money for the trust; and
- (h) has, in addition to the powers expressly given to it by this Act, the other powers necessary or convenient for the exercise of its functions under the Act.

7 Constitution of trust

The trust shall consist of the persons who, for the time being, hold office as members of The Uniting Church in Australia Property

Trust (N.S.W.), being the body corporate of that name constituted by the *Uniting Church in Australia Act 1977* (NSW).

8 Proceedings of trust

- (1) At a meeting of the trust, 3 members of the trust constitute a quorum.
- (2) Questions arising at a meeting of the trust shall be determined by a majority of the votes of the members of the trust present and voting.
- (3) The method of calling meetings of the trust and the procedure to be followed at those meetings shall be as determined from time to time by the members of the trust.

9 Common seal

- (1) The members of the trust may determine the form of the common seal of the trust.
- (2) The members of the trust shall have the custody of the common seal of the trust.
- (3) The common seal of the trust shall be attached to the documents or classes of documents that the members of the trust determine.
- (4) The attaching of the common seal of the trust shall be attested by not less than 2 members of the trust.
- (5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the trust attached to a document and shall presume that it was duly attached.

10 Form and execution of contracts etc

- (1) An instrument that, if made 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) A contract that, if made between individuals, would be by law required to be in writing signed by the parties to be charged may be

made on behalf of the trust in writing signed by a person acting under its authority express or implied.

- (3) A contract that, if made between individuals, would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the trust by a person acting under its authority express or implied.
- (4) A contract or other instrument relating to trust property entered into or signed on behalf of the trust shall, if it is entered into or signed in accordance with a resolution of the Synod, be deemed to have been entered into or signed with the express authority of the trust.
- (5) The trust may, by written notice under its common seal, empower a person, in relation to a matter specified in the notice, as its agent or attorney to execute a deed on its behalf and a deed signed by the agent or attorney on behalf of the trust and under his or her seal binds the trust and has the same effect as if it were under its common seal.

Part 3 Acquisition and vesting of trust property

11 Vesting of property in trust

- (1) The estate or interest of the Congregational Union of Australia Corporation in the land referred to in the following table is, by force of this section, divested from the corporation and, without any transfer, vested in the trust.

Table 1

column 1 item	column 2 block	column 3 section	column 4 division
1		22	City
2	13	40	Melba
3	1	39	Weetangera

- U** (2) Any property, other than the property specified in the table in subsection (1), that, immediately before the date of commencement of this subsection, was vested in the Congregational Union of Australia Corporation is divested from that corporation and is, without any conveyance or transfer, vested in the trust.
- (3) Any property that, immediately before the date of commencement of this subsection, was vested in a person, other than the Congregational Union of Australia Corporation, in trust for the Congregational Church is divested from that person and is, without any conveyance or transfer, vested in the trust.
- (4) Any property that, immediately before the date of commencement of this subsection—
- (a) was vested in The Methodist Trust Association or the Methodist Church (N.S.W.) Property Trust; or

(b) was vested in any other person in trust for the Methodist Church;

is divested from that association or trust or other person in whom it was so vested and is, without any conveyance or transfer, vested in the trust.

(5) Any property that, immediately before the date of commencement of this subsection—

(a) was vested in the Presbyterian Church Trust (other than property to which the Presbyterian Church Act, section 4 or 6 applies); or

(b) was vested in any other person in trust for—

(i) the Presbyterian Church; or

(ii) a congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section of the Presbyterian Church;

is divested from the Presbyterian Church Trust or other person in whom it was so vested and is, without any conveyance or transfer, vested in the trust.

(6) If property is vested in the trust under this section, the property—

(a) is, subject to subsection (7), freed and discharged from the trusts on which it was held immediately before vesting in the trust; and

(b) shall be held, and may be dealt with, by the trust in accordance with the provisions of this Act.

(7) If, in relation to property vested in the trust by this section, there existed in relation to the property, immediately before the property so vested—

(a) a special trust, a resulting trust, a trust in favour of a donor or a general trust; or

- (b) a reservation, mortgage, charge, encumbrance, lien or lease;
the property shall be held by the trust subject to that special trust, resulting trust, trust in favour of a donor, general trust, reservation, mortgage, charge, encumbrance, lien or lease, as the case may be.
- (8) No attornment to the trust by a lessee of any land vested in the trust under this section is necessary.
- (9) In this section:

general trust means a trust in favour of a person other than the Congregational Church, Methodist Church or Presbyterian Church.

Methodist Church (N.S.W.) Property Trust means the body corporate of that name constituted by the *Methodist Church (N.S.W.) Property Trust Act 1969* (NSW).

Presbyterian Church Act means the *Presbyterian Church (Proposals for Union with other Churches) Act 1972*.

Presbyterian Church Trust means the Presbyterian Church (Australian Capital Territory) Property Trust established by the *Presbyterian Church Trust Property Act 1971*, section 4.

special trust means a trust other than a trust for the general purposes of the Congregational Church, Methodist Church or Presbyterian Church.

The Methodist Trust Association means the company of that name registered in the State of New South Wales on 26 March 1930.

12 Transfer of property to trust

- (1) If, by a will, deed or other instrument, property—
- (a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (other than the trust) to be held for, or on trust for, or for the benefit of, the Church; or
- (b) is declared or directed to be held by a person (other than the trust) for, or on trust for, or for the benefit of, the Church; or

- (c) is recoverable by, or payable to, the Church or a person (other than the trust) for the benefit of the Church; or
- (d) is payable for the religious, social, educational or charitable work of the Church;

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

- (2) Unless the contrary intention appears, a reference in a will, deed or other instrument to the Congregational Church or the Methodist Church shall, in relation to—
 - (a) the operation of the will, deed or instrument after the commencement of this section; and
 - (b) the effect, after that commencement, of any disposition of property made, or right or obligation created, by the will, deed or instrument,

be read as a reference to the Church.

13 Rights and liabilities of trust

If property is vested in the trust under this Act, the trust has, and may exercise, the same rights, powers and remedies, and is subject to the same liabilities and obligations, in relation to that property, as the person in whom the property was vested immediately before the vesting of the property in the trust would have had, could have exercised or would have been subject to, as the case may be, in relation to that property, if the property had not been divested from him or her and vested in the trust.

Part 4—Miscellaneous

14 Acquisition etc of property

Subject to any resolution or direction of the Assembly or of a committee appointed by it for the purpose, the trust may—

- (a) act in relation to the exchange, surrender, dedication or compulsory acquisition of trust property; and
- (b) make claims for compensation; and
- (c) agree to and settle a claim on the terms and conditions it considers appropriate.

15 Receipt for money

A receipt for money paid to the trust shall, if the receipt—

- (a) is under the common seal of the trust and the seal has been affixed in accordance with this Act; or
- (b) is in writing signed by 2 members of the trust; or
- (c) is in writing signed by a person or persons authorised by the trust or 2 or more members of the trust to receive that money;

exonerate the mortgagee, purchaser or other person paying the money from all liability for supervising the application of that money and for the loss, misapplication or non-application of that money.

16 Exoneration from inquiry

If the trust enters into or purports to enter into a sale, exchange, mortgage, lease or other dealing with another person, neither that other person nor the registrar-general when acting in connection with that dealing—

- (a) shall be concerned to inquire into the necessity for, or the propriety of, the exercise by the trust of its powers or the mode of exercising its powers; or
- (b) shall be affected by notice that the exercise of a power of the trust is unauthorised, irregular or improper.

17 Service of documents

A notice, process or other document may be served on or given to the trust by delivering it to—

- (a) the Moderator, Secretary or Property Officer of the Synod; or
- (b) a person apparently authorised by the trust to accept service.

18 How trust may hold property

The trust may hold or acquire property either alone or jointly with another person or other persons and, if the trust holds or acquires property jointly with another person or other persons, the property may be held or acquired by the trust and that other person or those other persons either as joint tenants or tenants in common.

19 Cooperative use of property

- (1) If the Church, in accordance with the directions and resolutions of the Assembly, decides to enter into a scheme of cooperation with or involving a church, or a congregation or activity of a church, of another denomination, being a scheme that involves the use of trust property, the trust may, while the scheme of cooperation continues in force, permit the property to be used, managed and administered in connection with the scheme in the way and on the conditions that the Synod, or a committee appointed by it, determines.
- (2) The conditions that may be determined under subsection (1) include, without limiting that subsection, conditions with respect to—
 - (a) the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested

in or held on behalf of a cooperating church or congregation;
and

- (b) the giving or taking of security in relation to any property in connection with a contribution received or made under the scheme.
- (3) The proceeds of the sale, mortgage or other dealing with any property referred to in this section may be paid and applied in the way that the Synod or, if a committee has been appointed by it for subsection (1), the committee determines.
- (4) Neither a person (the *transferee*) dealing bona fide and for value with the Trust in connection with trust property nor the registrar-general when acting in connection with a dealing with trust property shall, only because of this Act or the existence of a scheme of cooperation, be concerned to inquire whether a security is in force, or be deemed to have notice of, or be bound by, a security in force, under this section in relation to the property and—
 - (a) a conveyance, transfer or other assurance of the property to the transferee shall operate as a discharge of a security in force under this section in relation to the property, so far as the property would, apart from this subsection, be subject to the security; and
 - (b) a mortgage or charge in relation to the property in favour of the transferee shall have priority over a security in force under this section in relation to the property.
- (5) This section applies to and in relation to all property at any time held by the Trust except to the extent that the property is held subject to an express trust expressly forbidding its use, management or administration in a way referred to in this section.
- (6) Subsection (5) does not apply to prevent the use of property in a way referred to in this section if the property is merely directed to be held on trust for the worship or purposes of the Church.

20 Variation of trusts

- (1) If the Synod has, by resolution, declared that, in its opinion, it is impossible, impracticable or inexpedient to carry out or observe the trusts to which any trust property is for the time being subject, the Synod may, by the same or a subsequent resolution, direct that the property be held for, or for the use, benefit or purposes of, the Church subject to the other trusts that the Synod declares.
- (2) If a direction is given under subsection (1) in relation to trust property, the trusts that the Synod may declare for that subsection are, unless the Synod by resolution declares that, in its opinion, it is impossible, impracticable or inexpedient to do so, trusts under which the property is to be dealt with and applied for purposes that are, as nearly as may be, the same as the purposes for which the property was held immediately before the direction being given.
- (3) If a direction is given under subsection (1) in relation to trust property, the property—
 - (a) shall be freed and discharged from the trusts on which it was held immediately before the direction being given; and
 - (b) shall be held subject to the trusts declared in accordance with this section.

21 Trust to indemnify certain persons

The trust shall, out of trust property, indemnify a member of the trust and any other person against all expenses and liabilities incurred by the member or other person in connection with an act or thing done, in good faith, by him or her in relation to trust property under this Act or a resolution or direction of the Assembly.

22 Dealing with trust funds

- (1) If the trust holds money on trust for different purposes or activities of the Church, the trust—
 - (a) may from time to time invest that money or a part or parts of that money as one fund; and

- (b) may distribute income, and apportion any loss, arising from the investment rateably among the several purposes or activities for which that money is held.
- (2) The trust may make advances out of money held on trust by it for a purpose of or relating to the Church and a sum advanced under this section—
- (a) shall be deemed to be an investment and shall, if a rate of interest is fixed by the trust, bear interest at the rate so fixed; and
 - (b) shall, together with the interest (if any) be deemed to be a charge on the assets of the Church.

Schedule 1 Basis of Union

(see s 4)

- 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 the 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 a 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 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 at 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, or 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 characterised 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 to 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 of 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.

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- (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 subparagraphs 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 she 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' Meeting (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 establishment 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 belong 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.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Uniting Church in Australia Ordinance 1977* No 15 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Legislation before becoming Territory enactment

Uniting Church in Australia Act 1977 No 15

notified 15 June 1977

s 1, s 2 commenced 15 June 1977

ss 3-10, s 11 (1), (3)-(9) and ss 12-22 commenced 22 June 1977
(s 2 (2) and Cwlth Gaz 1977 No S110)

s 11 (2) awaiting commencement

as amended by

Legislation after becoming Territory enactment

Registrar-General (Consequential Provisions) Act 1993 No 64 sch 1

notified 6 September 1993 (Gaz 1993 No S172)

s 1, s 2 commenced 6 September 1993 (s 2 (1))

sch 1 commenced 1 October 1993 (s 2 (2) and see Gaz 1993 No S207)

Legislation (Consequential Amendments) Act 2001 No 44 pt 400

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 400 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.4148

Repeal etc

s 3 om 2001 No 44 amdt 1.4148

Definitions for Acts 4 def *registrar of titles* om 1993 No 64 sch 1**Exoneration from inquiry**

s 16 am 1993 No 64 sch 1

Cooperative use of property

s 19 am 1993 No 64 sch 1

Basis of Union

sch 1 (prev sch) renum R2 LA

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	30 June 1991

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