

# PRESBYTERIAN CHURCH.

10° GEO. V., No. XXXVIII.

No. 50 of 1919.

## AN ACT to amend the Presbyterian Church Act, 1908.

[Assented to 17th December, 1919.]

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

1. This Act may be cited as the *Presbyterian Church Act Amendment Act, 1919*, and shall be read as one with the Presbyterian Church Act, 1908, hereinafter referred to as the principal Act. Short title.

2. Section six of the principal Act is amended by omitting the words "except with the approval of a two-thirds majority of the members and adherents present at a meeting, to be specially called for the purpose as provided for in section eleven hereof, of the particular congregation entitled to the benefits of the said trust," and inserting in place thereof "except by petition in writing signed by a majority of the members and adherents of the congregation entitled to the full benefit of the said trust, and with the approval of the Commissioners." Amendment of section 6.

3. Section eleven of the principal Act is amended by omitting the words "the Commissioners shall, whenever directed or requested so to do by a resolution passed by a two-thirds" Amendment of section 11.

majority," and inserting in place thereof the following words:—"the Commissioners may in their discretion, whenever requested so to do by a petition in writing signed by a majority of the members and adherents of any congregation, and provided that such petition shall be approved by a majority."

Consolidation  
of mortgages

4. (1.) The Commissioners may effect a consolidation of the mortgages secured on the property of any congregation or several congregations, or on any other property held in trust by the Commissioners.

(2.) Where the land, buildings, or other property of any congregation, mission, or institution are free from encumbrances, or where the amount raised by any mortgage thereof is less than fifty per cent. of the realisable value of the security, the Commissioners may, with the approval in writing of the majority of the members and adherents of the congregation, mission, or institution, borrow money on the security of such land, building, or other property, for the benefit of any other congregation, mission, or institution: Provided that the money so borrowed shall be used for the purchase or erection of permanent building required for the extension of the work of the Church in Western Australia, or for the reduction of any existing mortgage, or other liability to the amount of not less than fifty per cent. of the realisable value of the land, building, or other property of any congregation, mission, or institution secured by such mortgage.

Sinking fund.

5. (1.) A sinking fund shall be established by the Commissioners with the approval of the General Assembly, for the following purposes:—

- (a) To pay off any mortgage or other liability existing on any land, building, or other property belonging to any congregation, which is held in trust by the Commissioners.
- (b) To pay off any mortgage or other liability existing on a college, building, institution, or any other property held in trust by the Commissioners.
- (c) For the creation of a fund for the purchase or erection of any church, manse, school, or other building required for the work of the Church in Western Australia.

(2.) The contributions to the sinking fund shall be in accordance with the scheme and regulations approved by the General Assembly. Such scheme and regulations shall be administered by the Commissioners or a special committee appointed by the General Assembly, and such scheme and regulations shall be binding on all congregations, school councils, boards of management, and other committees of the Church.

6. (1.) Every congregation, mission, or institution shall make an annual contribution to the sinking fund, in accordance with the following provisions:—

Contributions  
to sinking  
fund.

- (a) Where the amount of a mortgage or other liability exceeds 25 per cent., and is not more than 50 per cent. of the realisable value of the land, buildings, or other property secured by such mortgage or other liability, an annual contribution of  $1\frac{1}{2}$  per cent. on half the realisable value of such property, or  $1\frac{1}{2}$  per cent. on the amount of such mortgage or other liability, whichever is the greater, shall be made to the sinking fund.
- (b) Where the amount of a mortgage or other liability secured on the land, buildings, or other property is 25 per cent. or less than 25 per cent. of the realisable value of such property, an annual contribution of  $1\frac{1}{2}$  per cent. on the amount of such mortgage or other liability, plus 1 per cent. of 25 per cent. or more of the realisable value of the property, subject to mortgage or other liability, shall be made to the sinking fund.
- (c) Where the lands, buildings, or other property of a congregation, mission, or institution are free from encumbrances, an annual contribution of 1 per cent. of half the realisable value of such property shall be made to the sinking fund:

Provided that where a congregation, mission, or institution is paying off to the satisfaction of the Commissioners a liability, the amount of which exceeds 50 per cent. of the realisable value of the property secured or otherwise subject to such liability, such congregation, mission, or institution shall not be required to make an annual contribution to the sinking fund until the amount of the liability has been reduced to 50 per cent. of the realisable value of the property subject to or secured by such liability.

(2.) All sinking fund contributions assessed on the amount of a mortgage or other liability of a congregation, mission, or institution, shall be applied by the Commissioners in reduction of the mortgage or liability of the said congregation, mission, or institution, or may be invested by the Commissioner at compound interest with a view to accumulating a fund to pay off such liability at maturity, or to discharge such liability when the sinking fund, plus interest, is sufficient for such purpose; but no contribution to the sinking fund, assessed on the realisable value of the property of any congregation, mission, or institution shall be used for paying off the liability on the property of any other congregation, mission, or institution without the sanction of the General Assembly having been first obtained.

(3.) Voluntary contributions made by the members and adherents or friends of the Church to the sinking fund shall be applied, as may be directed by the contributors, or as the Commissioners may direct.

(4.) Realisable value means such value as may be agreed upon between the Commissioners and board of management, council or committee of any church, mission, or institution, or, in the event of any dispute as to such value, then the realisable value shall be fixed by an arbitrator appointed by the General Assembly.

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