



ANNO DUODECIMO

ELIZABETHAE II REGINAE**A.D. 1963**

No. 36 of 1963

An Act to incorporate First Church of Christ, Scientist, Adelaide and to provide for the Incorporation of other Churches of Christ, Scientist, in the State and for other purposes.

[Assented to 28th November, 1963.]

Preamble.

WHEREAS certain persons being members of the religious body or denomination accepting and holding the principles faith and doctrines known as Christian Science and in particular adhering to the tenets set forth in the First Schedule to this Act and acknowledging and adopting the principles of church organization, discipline, teaching, worship, service, procedure and practice laid down in the Church Manual of The First Church of Christ, Scientist, in Boston, Massachusetts, in the United States of America and known as The Mother Church, (which Church Manual is hereinafter referred to as "the Manual") are members of a body or association called First Church of Christ Scientist Adelaide :

AND WHEREAS the said body or association called First Church of Christ Scientist Adelaide is incorporated under the Associations Incorporation Act, 1956-1957, under the name of First Church of Christ Scientist Adelaide Incorporated and certain real and personal property is vested in that body or association as incorporated under that Act :

AND WHEREAS other persons being members of the said religious body or denomination accepting, holding and adhering to the said principles, faith and doctrines and the said tenets and

acknowledging and adopting the principles of church organization, discipline, teaching, worship, service, procedure and practice laid down in the Manual may form themselves into separate bodies or associations to be known as Churches of Christ, Scientist :

AND WHEREAS certain real and personal property is or may be vested in or held by certain trustees upon trust for each of the said bodies or associations respectively :

AND WHEREAS it is expedient that the said First Church of Christ Scientist Adelaide and each other body or association at present or hereafter formed as a Church of Christ, Scientist, should be, or be enabled to be, incorporated as a separate corporation and vested with the powers and authorities hereinafter set forth and that the real and personal property of the said First Church of Christ Scientist Adelaide as incorporated under the Associations Incorporation Act, 1956-1957, should be vested in that body or association as incorporated under this Act and that the real and personal property of such other and further bodies or associations when incorporated under this Act should be vested in such other and further bodies or associations when so incorporated :

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Churches of Christ, Scientist, Incorporation Act, 1963". Short title.

2. (1) The association incorporated under the Associations Incorporation Act, 1956-1957, under the name of First Church of Christ Scientist Adelaide Incorporated shall upon compliance with the provisions of subsection (5) of this section cease to be incorporated under that Act and shall be a body corporate by the name of First Church of Christ, Scientist, Adelaide (hereinafter referred to as "First Church") and shall have perpetual succession and a common seal and under that name may sue and be sued prosecute and defend and take and suffer all other proceedings in all courts civil and criminal. Incorporation
of First Church
of Christ,
Scientist,
Adelaide.

(2) Subject to the by-laws and rules hereinafter mentioned a person shall be eligible to be a member of First Church who accepts and hold the principles faith and doctrines known as Christian Science and adheres to the tenets set forth in the First Schedule of this Act and acknowledges and adopts the principles of church organization, discipline, teaching, worship, service, procedure and practice laid down in the Manual.

(3) First Church may by resolution carried at a meeting of the members of First Church as provided in section 10 of this Act make by-laws and rules not inconsistent with this Act regulating the membership and affairs of First Church and in particular and without limiting the generality of the foregoing for all or any of the following purposes :—

- (a) the admission to, expulsion from, or readmission to, membership of First Church ;
- (b) the establishment of an Executive Board and the vesting therein of all or any of the powers of First Church ;
- (c) the election and duties of officers of First Church and the regulation of the conduct of those officers ;
- (d) the appointment rotation and duties of readers, librarians and Sunday School Superintendents ;
- (e) the keeping of accounts and records ;
- (f) the appointment of auditors ;
- (g) the convening and conduct of meetings ;
- (h) the custody, care and maintenance of the property of First Church ;
- (i) the execution and authentication of documents including the affixing of the seal ;
- (j) the authorization of expenditure ;
- (k) the remuneration of officers and employees ;
- (l) the revocation or alteration of or addition to any by-law or rule made hereunder.

(4) Section 38 of the Acts Interpretation Act, 1915-1957, shall not apply to any by-law or rule made hereunder.

(5) Within one month after the commencement of this Act First Church of Christ Scientist Adelaide Incorporated shall file in the office of the Registrar of Companies a copy of its by-laws and rules as the same are in force at such commencement verified by a statutory declaration made by the Clerk and the Treasurer of First Church of Christ Scientist Adelaide Incorporated.

(6) Within one month after the making of any addition to or alteration of any of such by-laws or rules First Church shall file in the office of the said Registrar a copy of every such addition or alteration (as the case may be) verified as aforesaid.

3. First Church may exercise all or any of the following powers :—

- (a) to accept purchase receive hold and enjoy real and personal property of any description whatsoever and also to sell grant transfer convey exchange demise (whether by way of building lease or otherwise) give easements over or otherwise dispose of either absolutely or by way of mortgage charge lien or other encumbrance any of the property real or personal at any time belonging to First Church and otherwise deal with the same as fully and effectually as a natural person could do : Provided that if any such property is subject to any trust the provisions of the trust shall be carried out by First Church in accordance with the trust deed or other instrument creating such trust ;
- (b) to invest its moneys in or upon any security in which trustees are for the time being authorized to invest trust funds ;
- (c) to open and operate on bank accounts ;
- (d) to borrow money upon such terms and in such manner and upon such security (if any) as First Church thinks fit, for the purpose of carrying out its purposes ;
- (e) generally to exercise subject to the provisions of this Act all powers rights and privileges incident to a body corporate.

4. (1) The provisions of this Act shall apply so as not to affect the continuity of the identity or any rights or obligations of First Church of Christ Scientist Adelaide as the same was incorporated before the commencement of this Act and so as not to render defective any legal proceedings by or against that body corporate and any legal proceedings that might have been commenced or continued by or against that body corporate as incorporated prior to the commencement of this Act may be commenced or continued against it as incorporated under this Act.

Savings of
rights and
obligations.

(2) The constitution and by-laws of First Church of Christ Scientist Adelaide Incorporated in force at the commencement of this Act shall remain in force and shall be deemed to be by-laws and rules made under this Act except so far as they or any of them are inconsistent with the provisions of this Act.

(3) Anything done including the appointment of any officer under the constitution by-laws and rules in force at the commencement of this Act shall, subject to this Act, continue to have full force and effect.

Property of
First Church
vested in body
corporate.

5. (1) The land described in the Second Schedule to this Act which is vested in First Church of Christ Scientist Adelaide Incorporated as constituted and incorporated under the Associations Incorporation Act, 1956-1957, and all other real and personal property belonging to or held in trust for the said First Church of Christ Scientist Adelaide Incorporated whether for any special purposes or generally for First Church of Christ Scientist Adelaide as so constituted or its Executive Board shall on, from and after the coming into operation of this Act vest in First Church without the necessity for any conveyance transfer or other assurance of any such property but such vesting shall not affect any trust, encumbrance, charge, lien, easement, estate or interest to which such property was subject immediately before such coming into operation.

(2) Where any property vested in First Church under this section consists of land or any estate or interest in land registered under the provisions of the Real Property Act, 1886-1961, the Registrar-General, upon application made to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the necessary fees shall give effect to such vesting by registering First Church as the proprietor of the land or estate or interest in land so vesting.

Incorporation
of Churches to
be formed.

6. (1) After the coming into operation of this Act if and when any number of persons not less than sixteen and including at least four members of The Mother Church, The First Church of Christ, Scientist in Boston, Massachusetts, United States of America shall form themselves into a body or association to be known as a Church of Christ, Scientist, such body or association may subject to the conditions and in the manner stated in section 7 of this Act become a corporate body.

(2) Subject to the by-laws and rules of such body or association a person shall be eligible to be a member of the body or association who accepts and holds the principles faith and doctrines known as Christian Science and adheres to the tenets set forth in the First Schedule to this Act and acknowledges and adopts the principles of church organization, discipline, teaching worship, service, procedure and practice laid down in the Manual.

Conditions.

7. (1) The conditions referred to in the last preceding section shall be as follows :—

(a) The body or association shall have been in existence for at least six months prior to the carrying of the

resolution mentioned in paragraph (c) of this subsection ;

- (b) The bona fides of such body or association shall be certified in writing under the seal of The Mother Church, The First Church of Christ, Scientist in Boston, Massachusetts, United States of America ;
- (c) A resolution that it is expedient that such body or association should be incorporated shall be carried at a meeting of the members thereof as provided in section 10 of this Act ;
- (d) A copy of the said resolution verified by a statutory declaration made by the Chairman of the said meeting stating that the said meeting was duly convened and that the said resolution was carried by a vote of at least three-fourths of those present and voting at the said meeting and that the body or association has been in existence for at least six months prior to the carrying of the resolution shall be filed in the office of the Registrar of Companies together with the Certificate referred to in paragraph (b) of this subsection ;
- (e) A statement duly verified by statutory declaration made by the Clerk and the Treasurer of such body or association setting forth the real and personal property belonging to or held in trust for such body or association or any committee thereof and giving the names of the trustee or trustees holding any such property and stating the objects and purposes of each such trust and accompanied by a copy of the by-laws and rules of such body or association shall be filed in the office of the Registrar of Companies.

(2) As from the date upon which the documents referred to in paragraphs (b), (d) and (e) of subsection (1) of this section are filed on behalf of any body or association, that body or association shall become a body corporate under this Act and the provisions of this Act shall with such adaptations as are necessary apply to and in respect of that body or association in the same manner as they apply to First Church.

8. (1) When a body or association becomes a body corporate in pursuance of section 7 of this Act all the real and personal property belonging to or held in trust for the body or association or its Executive Board or any committee of such body or association whether for any special purposes or generally for

vesting of
property.

such body or association or its Executive Board or any such committee shall vest in the body corporate so incorporated without the necessity for any conveyance, transfer or other assurance but such vesting shall not affect any trust, encumbrance, charge, lien, easement, estate or interest to which such property was subject immediately before such vesting.

(2) Where any property vested in a body corporate under this section consists of land or any estate or interest in land registered under the provisions of the Real Property Act, 1886-1961, the Registrar General, upon application made to him in that behalf and proof to his satisfaction of the facts relating thereto and on payment of the necessary fees shall give effect to such vesting by registering that body corporate as the proprietor of the land or estate or interest in land so vesting.

Contracts.

9. (1) Contracts on behalf of a body or association incorporated under this Act may be made as follows :—

- I. A contract which if made between private persons would be by law required to be in writing under seal may be made on behalf of the body or association in writing under the common seal of the body or association :
- II. A contract which if made between private persons would be by law required to be in writing signed by the parties charged therewith may be made on behalf of the body or association in writing signed by any person acting under its authority, express or implied :
- III. A contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the body or association by any person acting under its authority, express or implied.

(2) A contract made according to this section shall be effectual in law, and shall bind the body or association and its successors and all other parties thereto.

(3) A contract made on behalf of a body or association incorporated under this Act may be varied or discharged in the same manner in which it is authorized by this section to be made.

Meetings.

10. (1) A meeting required by this Act for the purpose of passing a resolution for the incorporation of a body or association or for the making of any by-law or rule or for the revocation or alteration of any by-law or rule or addition to any by-law or rule shall be convened by at least fourteen days' notice in writing to each member.

(2) The notice shall set out the terms of the proposed resolution and the names of the persons who intend at the meeting to propose and second the resolution.

(3) The resolution in order to have force and effect shall be carried by a vote of three-fourths of the members present and voting at the meeting.

(4) Notice of meeting may be given by post.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

FIRST SCHEDULE.

TENETS OF THE MOTHER CHURCH, THE FIRST CHURCH OF CHRIST,
SCIENTIST.

1. As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.

2. We acknowledge and adore one supreme and infinite God. We acknowledge His Son, one Christ; the Holy Ghost or divine Comforter; and man in God's image and likeness.

3. We acknowledge God's forgiveness of sin in the destruction of sin and the spiritual understanding that casts out evil as unreal. But the belief in sin is punished so long as the belief lasts.

4. We acknowledge Jesus' atonement as the evidence of divine, efficacious Love, unfolding man's unity with God through Christ Jesus the Way-shower; and we acknowledge that man is saved through Christ, through Truth, Life, and Love as demonstrated by the Galilean Prophet in healing the sick and overcoming sin and death.

5. We acknowledge that the crucifixion of Jesus and his resurrection served to uplift faith to understand eternal Life, even the aliveness of Soul, Spirit, and the nothingness of matter.

6. And we solemnly promise to watch, and pray for that Mind to be in us which was also in Christ Jesus; to do unto others as we would have them do unto us; and to be merciful, just, and pure.

MARY BAKER EDDY.

SECOND SCHEDULE.

The whole of the land comprised and described in Certificate of Title Register Book Volume 2331, Folio 105 subject to memorandum of Mortgage number 1913232.