



Churches of Christ, Scientist, Incorporation Act 1964

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Reprint note

Powers under the *Reprints Act 1992* have been used in this reprint to bring the legislation into line with current drafting practice.

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Queensland

Churches of Christ, Scientist, Incorporation Act 1964

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Churches of Christ, Scientist, Incorporation Act 1964

An Act to incorporate certain Churches of Christ, Scientist, and to provide for the incorporation of other Churches of Christ, Scientist, in the State of Queensland, and for other purposes

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 schedule and acknowledging and adopting the principles of church organisation, 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 (the *said manual*) have formed themselves into separate bodies or associations called respectively First Church of Christ, Scientist, Brisbane, Second Church of Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, and First Church of Christ, Scientist, Toowoomba.

And whereas certain members being officers of the said bodies or associations and their successors for ever in such offices are by such names respectively incorporated separately under the *Religious, Educational and Charitable Institutions Act 1861*.

And whereas from time to time other associations or bodies may be formed in other places in Queensland by persons accepting, holding, and adhering to the said principles, faith, and doctrines and the said tenets and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure, and practice laid down in the said manual and may acquire real and personal property and have such real and personal property held by trustees in trust for each such association or body respectively.

And whereas it is expedient that the said First Church of Christ, Scientist, Brisbane, Second Church of Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, and First Church of Christ, Scientist, Toowoomba, should be incorporated as separate corporations and invested respectively with the powers and authorities hereinafter set forth and that the real and personal property of each such church be vested in such church as incorporated under this Act, and that the real and personal property of such other and further associations or bodies when formed and incorporated should be vested in such other and further associations or bodies when incorporated.

1 Short title

This Act may be cited as the *Churches of Christ, Scientist, Incorporation Act 1964*.

2 Certain Churches of Christ, Scientist, to be incorporated

- (1) On and from the date of the passing of this Act, and by virtue of this Act, all persons who are members of the said—
- (a) First Church of Christ, Scientist, Brisbane; and
 - (b) Second Church of Christ, Scientist, Brisbane; and
 - (c) Third Church of Christ, Scientist, Brisbane; and
 - (d) First Church of Christ, Scientist, Toowoomba;

accepting and holding the principles, faith, and doctrines known as Christian Science and adhering to the tenets set forth in the schedule to this Act and acknowledging and adopting the principles of church organisation, discipline, teaching, worship, service, procedure, and practice laid down in the said manual and who now or hereafter constitute the bodies or associations called respectively First Church of Christ, Scientist, Brisbane, Second Church of Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, and First Church of Christ, Scientist, Toowoomba shall become and be incorporated under this Act and shall be separate bodies corporate by the names respectively of First Church of Christ, Scientist, Brisbane, Second Church of

Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, and First Church of Christ, Scientist, Toowoomba, and each shall have perpetual succession and a common seal and under such name may sue and be sued prosecute and defend and take and suffer all other proceedings in all courts civil and criminal within the said State.

- (1A) The persons who are at the passing of this Act incorporated under the *Religious, Educational and Charitable Institutions Act 1861*, as First Church of Christ, Scientist, Brisbane, Second Church of Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, and First Church of Christ, Scientist, Toowoomba, shall cease to be so incorporated and all real and personal property belonging to or held in trust for the church in question and all rights and obligations shall be divested from such corporation and shall vest in the corporation of the members of such church constituted by this Act, and any legal proceedings that might have been commenced or continued by or against the corporation constituted under the *Religious, Educational and Charitable Institutions Act 1861*, prior to the passing of this Act may be commenced or continued against the corporation constituted under this Act in respect of the church in question.
- (2) Each such body corporate (the *said church*) may by resolution as hereinafter provided make by-laws and rules to provide for the following—
- (a) the admission to, expulsion from, or re-admission to membership of the said church;
 - (b) the conduct of the officers of the said church and the election and duties of officers;
 - (c) the appointment, rotation, and duties of readers, librarians, and Sunday school superintendents;
 - (d) the keeping of accounts and records;
 - (e) the appointment of auditors;
 - (f) the convening and conduct of meetings;
 - (g) the custody, care, and maintenance of church property;
 - (h) the execution and authentication of documents;

- (i) the authorisation of expenditure;
 - (j) the rescission or amendment of by-laws and rules;
 - (k) the remuneration of officers and employees.
- (3) Any such by-laws or rule or any rescission or amendment thereof shall be made by a resolution carried at a meeting of the members of the said church convened as hereinafter provided by the majority so provided.
- (4) It shall be further lawful for the said church to take, 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 the said church provided that if any such property is subject to any trust such trust shall be carried out by the said church in accordance with the trust deed, or other instrument creating such trust, and generally to exercise subject to this Act all powers, rights, and privileges incident to a body corporate.
- (5) The administration of the affairs and the exercise of the powers of the said church shall be vested in the executive board duly appointed pursuant to the by-laws and rules of the said church for the time being, subject to any by-law or resolution of the said church or any resolution of the members thereof carried at a meeting of such members convened as provided by section 7 for meetings to which that section applies.
- (6) The said board shall have the custody and use of the common seal of the said church and a majority of the members of such board present at any meeting duly convened shall have power to use or direct the use of such seal for all purposes for which the use of such seal is required.
- (7) The seal shall only be affixed by virtue of a resolution of the said majority and in the presence of 2 members of the board and of the chairperson or the clerk for the time being of the said church and the said 2 members and the chairperson or

clerk shall sign their names to the document to which the seal has been affixed.

3 Property of the said churches

- (1) All real and personal property belonging to or held in trust for First Church of Christ, Scientist, Brisbane, Second Church of Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, or First Church of Christ, Scientist, Toowoomba, or the executive board or any committee of any of the said churches whether for any special purpose or generally for the church in question, and whether held by the corporation constituted under the *Religious, Educational and Charitable Institutions Act 1861*, or by any other person, shall from and after the passing of this Act vest in the First Church of Christ, Scientist, Brisbane, Second Church of Christ, Scientist, Brisbane, Third Church of Christ, Scientist, Brisbane, and First Church of Christ, Scientist, Toowoomba, respectively, without the necessity for any conveyance, transfer, or other assurance of such property.
- (2) Where any property vested under this section in any church mentioned in subsection (1) consists of land or any estate or interest in land the registrar of titles or, if a person or authority other than the registrar of titles is legally charged with registering instruments of title to such land, such person or authority upon application made to him, her or it in that behalf and proof to his, her or its satisfaction of the facts relating thereto and on payment of the necessary fees, shall give effect to such vesting by registering such church as proprietor of the land or estate or interest in land so vested.

4 Incorporation of churches to be formed

After the passing of this Act if and when any number of persons not less than 16 and including at least 4 members of the Mother Church, the First Church of Christ, Scientist, in Boston, Massachusetts, United States of America, accepting and holding the said principles, faith, and doctrines and adhering to the said tenets and acknowledging and adopting the principles of church organisation, discipline, teaching,

worship, service, procedure, and practice laid down in the said manual shall form themselves into a body or association to be known as a Church of Christ, Scientist such body of association may subject to the conditions stated section 5 become a corporate body with the same powers, authorities, and privileges and subject to the same duties and liabilities mutatis mutandis as those provided in this Act in respect of the churches mentioned in section 2.

5 Conditions for incorporation

- (1) The conditions referred to in section 4 shall be as follows—
 - (a) the body or association shall have been in existence for at least 6 months prior to the date of the resolution hereinafter mentioned;
 - (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 by a vote of three-fourths of the members of such body or association present at a special meeting convened as hereinafter provided;
 - (d) a copy of the said resolution together with a certificate under the hand of the chairperson 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 at the said meeting, and a copy of the rules of such body or association shall be filed in the office of the chief executive together with the certificate referred to in paragraph (b) and the statement referred to in paragraph (e);

Editor's note—

The chief executive is the chief executive of the department.

- (e) a statement shall be made and certified 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 trust or trusts.

- (2) Upon the filing in the chief executive's office of the document specified in subsection (1)(d), the chief executive shall issue a receipt therefor, stating in such receipt the name of the body or association to which the documents relate.
- (2A) Such receipt shall be proof for all purposes that the conditions referred to in section 4 have been complied with in relation to the body or association named in the receipt and, in the absence of proof to the contrary, shall be conclusive such proof.
- (3) Upon the production of such receipt the Governor in Council may, if the Governor in Council shall think fit by regulation declare such body or association to be a body corporate by such name and style as may in and by such regulation be given to such corporation and thereupon such body or association shall become and be incorporated under this Act as a Church of Christ, Scientist.

6 As to rights, powers etc. of other churches when incorporated

Upon incorporation under section 5—

- (a) such church shall have *mutatis mutandis* the same rights, powers, and privileges, and, be subject to the same duties and liabilities as those hereinbefore provided in this Act in respect of the churches mentioned in section 2; and
- (b) the administration of the affairs and the exercise of the powers of such church shall be vested in the executive board thereof and the provisions of section 2(5), (6) and (7) shall apply as if such church were a church mentioned in section 2; and
- (c) all the real and personal property belonging to or held in trust for the body or association on whose behalf the documents were filed shall vest in such church in its

corporate name without the necessity for any conveyance, transfer, or other assurance; and

- (d) section 3(2) applies as if the church were a church mentioned in section 2.

7 Meetings

- (1) Any meeting required by this Act for the purpose of passing a resolution for incorporation of a body or association or for the making of any by-law or rule or for the amendment or rescission of any by-law or rule shall be convened by notice in writing which shall be forwarded by post to each member of such body or association at least 14 days before the date fixed in such notice for such meeting.
- (2) Such notice shall set out the terms of the proposed resolution and the names of the persons who intend at such meeting to propose and second such resolution.
- (3) Any such resolution shall be carried by a vote of three-fourths of the members present at such meeting, and a copy thereof shall within 14 days of the making thereof be filed in the office of the chief executive.

7A Winding-up of the Second Church of Christ, Scientist, Brisbane

- (1) The Second Church of Christ, Scientist, Brisbane (the *second church*) is dissolved.
- (2) The dissolution of the second church is taken to be a winding-up of an incorporated association under the *Associations Incorporation Act 1981*, section 90 and section 91(2) and (3) of that Act applies to the dissolution as if the second church were wound-up by the Supreme Court under section 90.
- (3) The following are vested in the First Church of Christ, Scientist, Brisbane—
 - (a) all real and personal property belonging to or held in trust for the second church immediately before the commencement of this section; and

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- (b) all the second church's rights and obligations as in force immediately before the commencement.
 - (4) All legal proceedings that might have been started or continued by or against the second church immediately before the commencement may be started or continued against the First Church of Christ, Scientist, Brisbane.
 - (5) The chief executive must, to the extent applicable, ask the registrar of titles to record the vesting of any property under subsection (3).
 - (6) The registrar of titles must, on the chief executive's request, record the vesting in the freehold land register.
 - (7) No fee is payable for recording the vesting under subsection (6).

7B Provision for the winding-up of other churches

- (1) A church is an incorporated association and may be wound-up under part 10.
- (2) Despite the *Associations Incorporation Act 1981*, section 92, if a church is wound-up under part 10, a regulation may provide for the vesting of surplus assets of the church.
- (3) In this section—

church means any of the following if in existence at any time after the day after the commencement of this section—

- (a) a church mentioned in section 2, other than the Second Church of Christ, Scientist, Brisbane;
- (b) a church incorporated under section 4.

part 10 means the *Associations Incorporation Act 1981*, part 10.

surplus assets see the *Associations Incorporation Act 1981*, section 92.

8 Regulation-making power

The Governor in Council may make regulations under this Act.

Schedule

**Tenets of the Mother Church
the First Church of Christ,
Scientist**

section 2

- 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 allness 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