



Anglican Church of Australia Constitution Act 1961

Current as at 24 August 1981—revised version

Reprint note—

This reprint has been reformatted to reflect current drafting styles.

© State of Queensland 2019



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Anglican Church of Australia Constitution Act 1961

Contents

	Page
1 Short title	4
2 Constitution to have legal force and effect	4
3 Interpretation	4
4 Inconsistency with certain Acts	4
5 Certain Acts to continue to apply	5
6 References to Church of England, how construed	5
7 Oaths of ecclesiastical office	5
8 Taking of evidence upon oath	6
Schedule 2	7

Anglican Church of Australia Constitution Act 1961

An Act to give legal force and effect within the State to the provisions of the constitution of the Anglican Church of Australia contained in the schedule 1; and for other purposes connected with or incidental to the above object

Preamble

WHEREAS by canons duly passed by the synods of the several dioceses of the Church of England in the State and by the synod of the Diocese of Carpentaria which lies partly within the State such dioceses have assented to a constitution for the Church of England in Australia being the constitution approved by the general synod of the Church of England in Australia and Tasmania at its meeting held in Sydney on 6 October 1955, for submission to the dioceses of the said church.

AND WHEREAS the said constitution provides that it shall take effect on a day to be appointed by a deed signed by the diocesan bishops of not less than 18 dioceses of the Church of England in Australia and Tasmania including 2 metropolitans declaring that their respective dioceses have assented to the constitution and that such day shall not be appointed until the Parliaments of 5 States of the Commonwealth have passed Acts for giving effect to the said constitution.

AND WHEREAS not less than 18 of the said dioceses including not less than 2 metropolitan dioceses have duly assented to the said constitution.

AND WHEREAS legal force and effect can not be given to the said constitution without the aid of the legislature as hereinafter provided.

AND WHEREAS the said constitution so approved and assented to is set forth in schedule 1.

1 Short title

This Act may be cited as the *Anglican Church of Australia Constitution Act 1961*.

2 Constitution to have legal force and effect

The several articles and provisions of the constitution contained in schedule 1 (the *constitution*) and any canons and rules to be made under or by virtue or in pursuance thereof are and as provided in the constitution shall be for all purposes connected with or in any way relating to the property of the Anglican Church of Australia binding on the bishops, clergy and laity as members of the Anglican Church of Australia in those dioceses of the Anglican Church which are within the State and in that part of the Diocese of Carpentaria which is within the State.

Editor's note—

This schedule is not reprinted. The text of the constitution contained in the schedule has been amended by appropriate church authorities and is now out of date.

3 Interpretation

Any canon or rule made under or by virtue or in pursuance of the said constitution which contravenes any law or statute in force for the time being in the said State, shall to the extent of such contravention be incapable of having any force or effect.

4 Inconsistency with certain Acts

- (1) Any provision of any of the Acts set forth in schedule 2 which is inconsistent with the provisions of this Act and the constitution shall to the extent of such inconsistency be inoperative in those dioceses of the Anglican Church of Australia and that part of the Diocese of Carpentaria mentioned in section 2.
- (2) However, this section shall not prejudice or affect the previous operation of the said Acts or of any of them, or any proceeding, matter or thing lawfully done or suffered under

the said Acts or under any of them before this Act comes into operation.

5 Certain Acts to continue to apply

Subject to this Act and the constitution set out in schedule 1 the Acts set forth in schedule 2 shall continue to apply to church property within the meaning of those Acts, and in the said Acts all references to the Church of England or United Church of England and Ireland or any other words meaning the Church of England or United Church of England and Ireland shall include the Anglican Church of Australia in all the said dioceses in the said State and in the said part of the said Diocese of Carpentaria.

6 References to Church of England, how construed

The Acts set forth in schedule 2 and all other Acts and statutes and all grants, deeds, wills and other instruments, and all canons, ordinances and rules of the synods of the said dioceses in force and existence at the date when the constitution shall in respect of such dioceses take effect, shall be read and construed as if the name Anglican Church of Australia were substituted for the name Church of England or United Church of England and Ireland or for any other words meaning the Church of England or the United Church of England and Ireland.

7 Oaths of ecclesiastical office

It shall be lawful for any bishop, commissary, administrator, chancellor, archdeacon or registrar holding office in any diocese of the Anglican Church of Australia to administer to any bishop, clergy or member of the said church the oath or oaths customarily used heretofore at the ordaining of deacons or priests, consecration or enthronement of bishops, institution of clergy to a cure of souls in a parish or other ecclesiastical district, installation, induction or collation to any office on the grant of any licence in the said church in the

State and it shall be lawful for such persons to take or make such oath or oaths.

8 Taking of evidence upon oath

For the purpose of securing the attendance of witnesses and the production of documents, and for the examination of witnesses on oath or otherwise, a tribunal mentioned in chapter 9 of the constitution shall be deemed to be an arbitrator within the meaning of the *Interdict Act 1867* and shall have power to administer an oath to, or take an affirmation from, a witness, and for the same purpose any party to a proceeding before such a tribunal or any person permitted by any such tribunal to submit any evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of the said Act.

Schedule 2

section 6

Ipswich Church of England School Land Lease Act (41 Vic)

Fortitude Valley Parsonage Land Sale Act 1877 (41 Vic)

Church of England (Diocese of Brisbane) Property Act 1889 (53 Vic)

Brisbane Leichhardt Street School and the Warwick Rectory and Glebe Property Act 1892 (56 Vic)

Church of England Act 1895 (59 Vic No. 15)

Church of England Act 1895 Amendment Act 1901 (1 Edw 7 No. 21)

Bishopsbourne Estate and See Endowment Trusts Act 1898 (62 Vic)

Bishopsbourne Estate Act 1900 (64 Vic No. 33)

All Saints Church Lands Act 1924 (15 Geo 5 No. 23)

William Mitchner Estate Enabling Act (6 Geo 6)

All Saints Church Lands Act 1960 (9 Eliz 2 No. 21)