



Anglican Church of Australia Constitution Act 1961

Reprinted as in force on 12 January 1996

Reprint No. 1*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 12 January 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Anglican Church of Australia Constitution Act 1961

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Anglican Church of Australia Constitution Act 1961

[as amended by all amendments that commenced on or before 12 January 1996]

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 1¹ (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.

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

¹ 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.

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)

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 January 1996. Future amendments of the Anglican Church of Australia Constitution Act 1961 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	Anglican Church of Australia Act 1977	24 August 1981	12 January 1996

5 List of legislation

Anglican Church of Australia Constitution Act 1961 10 Eliz 2 No. 17 (prev Church of England in Australia Constitution Act 1961 see s 6 sch 2 of the Anglican Church of Australia Act 1977)

date of assent 4 April 1961

s 9 commenced on date of assent

remaining provisions commenced 1 January 1962 (see s 9 and proc pubd gaz 18 November 1961 p 890)

amending legislation—

Anglican Church of Australia Act 1977 s 4 sch 1, s 6 sch 2

date of assent 5 April 1977

commenced 24 August 1981 (proc pubd gaz 18 April 1981 p 1437)

6 List of annotations

Long title amd R1 (see RA s 39)

Short title

s 1 amd Anglican Church of Australia Act 1977 s 6 sch 2

Commencement of this Act

s 9 om R1 (see RA s 37)

SCHEDULE 1—THE CONSTITUTION

om R1 (see RA s 39)

7 Table of changed names and titles

under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Church of England (in Australia)	Anglican Church (of Australia)	Anglican Church of Australia Act 1977 s 4

8 Table of obsolete and redundant provisions

under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
references to Commonwealth	Acts Interpretation Act 1954 s 36 def “Commonwealth”
references to Queensland implied	Acts Interpretation Act 1954 s 35

9 Table of renumbered provisions

under the Reprints Act 1992 s 43

Previous	Renumbered as
4, 1st sentence	4(1)
4, proviso	4(2)