



Australian Capital Territory

# **Anglican Church of Australia Constitution Act 1961    No 16**

## **Republication No 3**

Republication date: 29 August 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 29 August 2002

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Anglican Church of Australia Constitution Act 1961* as in force on 29 August 2002. It includes any amendment, repeal or expiry affecting the republished law to 29 August 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

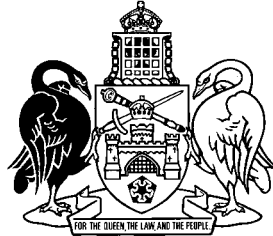
If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
29 August 2002



Australian Capital Territory

# Anglican Church of Australia Constitution Act 1961

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Australian Capital Territory

# **Anglican Church of Australia Constitution Act 1961**

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**1A Application of Legislation Act**

The *Legislation Act 2001* does not apply to instruments made under this Act.

**2 Constitution, canons and rules to be binding for Church property purposes**

The several articles and provisions of the Constitution contained in the Schedule to this Act (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, being members of the Anglican Church of Australia in the Diocese within the ACT.

**3 Effect of canons and rules**

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 ACT, shall to the extent of such contravention be incapable of having any force or effect.

**8 Administration of customary oaths**

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 Clergyman 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 License in the said Church in the ACT and it shall be lawful for such persons to take or make such oath or oaths.

**9 Powers of tribunal under Constitution, ch 9**

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 the Constitution, chapter 9 shall be deemed to be an arbitrator within the meaning of the *Commercial Arbitration Act 1986* 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 that Act.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	



### 3 Legislation history

This Act was originally a NSW Act—the *Church of England in Australia Constitution Act 1961* No 16 (NSW).

The *Church of England in Australia Constitution Act 1961* (NSW), sections 2, 3, 8 and 9 were applied, in a modified form, as an ACT law by the *Church of England Trust Property Ordinance 1928* (now the *Anglican Church of Australia Trust Property Act 1928*) No 19, section 3A (see also sch 1). (Section 3A was inserted by the *Church of England Trust Property Ordinance 1967* No 8).

The Act was renamed the *Anglican Church of Australia Constitution Act 1961* by the *Anglican Church of Australia Act 1980* No 42.

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### New South Wales legislation

##### **Anglican Church of Australia Constitution Act 1961 No 16**

assented to 27 March 1961

commenced 1 January 1962 s 12 excepted (s 12 and NSW Gaz 1962 No 125)

as amended by

#### Commonwealth legislation

##### **Anglican Church of Australia Trust Property Ordinance 1928 No 18 (as am 1967 No 8 and 1986 No 84)**

notified 6 September 1928

commenced 6 September 1928

##### **Church of England Trust Property Ordinance 1967 No 8**

notified 17 May 1967

commenced 17 May 1967

**Note** This ordinance amended the Church of England Trust Property Act 1928 to insert section 3A. That section applied the Church of England Australia Constitution Act 1961 No 16 (NSW) in the ACT in a modified form.

## Endnotes

### 4 Amendment history

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#### **Anglican Church of Australia Ordinance 1980 No 42 sch 1**

notified 27 November 1980

sch 1 commenced 27 November 1980 (s 2 and Cwlth Gaz 1980 No G6)

#### **Commercial Arbitration Ordinance 1986 No 84 s 59**

notified 22 December 1986

commenced 22 December 1986

*Note* This Act amended the Anglican Church of Australia Trust Property Act 1928 No 18, section 3A.

#### **Legislation after becoming Territory enactment**

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 12**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 12 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

## 4 Amendment history

#### **Application of Legislation Act**

s 1A ins 2001 No 44 amdt 1.124

#### **Constitutions, canons and rules to be binding for Church property purposes**

s 2 am 1928 No 19 s 3A, sch 1(as am by 1980 No 42 sch 1)

#### **Effect of canons and rules**

s 3 am 1928 No 19 s 3A

#### **Administration of customary oaths**

s 8 am 1928 No 19 s 3A, sch 1(as am by 1986 No 84 s 59)

#### **Powers of tribunal under Constitution, ch 9**

s 9 am 1928 No 19 s 3A (as am by 1980 No 42 sch 1; 1986 No 84 s 59)

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1986 No 84	31 August 1992
2	Act 2001 No 44	9 May 2002

Authorised by the ACT Parliamentary Counsel—also accessible at  
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