



Australian Capital Territory

Anglican Church of Australia Constitution Act 1961

A1961-16

Republication No 4

Effective: 12 April 2007 – 30 June 2017

Republication date: 12 April 2007

Last amendment made by [A2007-3](#)

About this republication

The republished law

This is a republication of the *Anglican Church of Australia Constitution Act 1961* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

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):

- 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 does not include 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.



Australian Capital Territory

Anglican Church of Australia Constitution Act 1961

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R4
12/04/07

Anglican Church of Australia Constitution Act 1961
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Australian Capital Territory

Anglican Church of Australia Constitution Act 1961

1AA Name of Act

This Act is the *Anglican Church of Australia Constitution Act 1961*.

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

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.

2 Abbreviation key

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om = omitted/repealed	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

3 Legislation history

This Act was originally a NSW Act—the *Church of England in Australia Constitution Act 1961* A1961-16 (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*) A1928-19, section 3A (see also sch 1). (Section 3A was inserted by the *Church of England Trust Property Ordinance 1967* Ord1967-8).

The Act was renamed the *Anglican Church of Australia Constitution Act 1961* A1961-16 by the *Anglican Church of Australia Act 1980* A1980-42.

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 A1961-16

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 Ord1928-18 (as am Ord1967-8 and Ord1986-84)

notified 6 September 1928

commenced 6 September 1928

Endnotes

4 Amendment history

Church of England Trust Property Ordinance 1967 Ord1967-8

notified 17 May 1967

commenced 17 May 1967

Note This ordinance amended the [Anglican Church of Australia Trust Property Act 1928](#) Ord1928-18 to insert section 3A. That section applied the [Anglican Church of Australia Constitution Act 1961](#) A1961-16 (NSW) in the ACT in a modified form.

Anglican Church of Australia Ordinance 1980 Ord1980-42 sch 1

notified 27 November 1980

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

Commercial Arbitration Ordinance 1986 Ord1986-84 s 59

notified 22 December 1986

commenced 22 December 1986

Note This Ordinance amended the [Anglican Church of Australia Trust Property Act 1928](#) Ord1928-19, s 3A.

Legislation after becoming Territory enactment

Legislation (Consequential Amendments) Act 2001 A2001-44 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](#))

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.5

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.5 commenced 12 April 2007 (s 2 (1))

4 Amendment history

Name of Act

s 1AA ins [A2007-3](#) amdt 3.23

Application of Legislation Act

s 1A ins [A2001-44](#) amdt 1.124

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

s 2 am [Ord1928-19](#) s 3A, sch 1 (as am by [Ord1980-42](#) sch 1)

Effect of canons and rules

s 3 am [Ord1928-19](#) s 3A

Administration of customary oathss 8 am [Ord1928-19](#) s 3A, sch 1 (as am by [Ord1986-84](#) s 59)**Powers of tribunal under Constitution, ch 9**s 9 am [Ord1928-19](#) s 3A (as am by [Ord1980-42](#) sch 1;
[Ord1986-84](#) 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. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	A1986-84	31 August 1992
2	A2001-44	9 May 2002
3	A2001-44	29 August 2002

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