

**NORTHERN TERRITORY OF AUSTRALIA**

**ANGLICAN CHURCH OF AUSTRALIA ACT 1975**

As in force at 1 March 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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## ANGLICAN CHURCH OF AUSTRALIA ACT 1975

### An Act relating to the Anglican Church of Australia

#### 1 Short title

This Act may be cited as the *Anglican Church of Australia Act 1975*.

#### 2 Definitions

In this Act, unless the contrary intention appears:

**Act** means the Anglican Church of Australia Constitution Act 1961, of the State of New South Wales.

**Constitution** means the Constitution of the Anglican Church of Australia as set out in the Schedule to the Act.

**Corporation** means the Anglican Church of Australia Trust Corporation incorporated in the State of New South Wales by virtue of section 7 of the Act.

#### 3 Constitution, canon and rules to be binding for church property purposes

The provisions of the Constitution, and of any canon or rules made under the Constitution, are, as provided in the Constitution but subject to this Act, for all purposes connected with or in any way relating to the property within the Territory of the Anglican Church of Australia, binding on the Bishops, clergy and laity of the Anglican Church of Australia who are in a diocese, or part of a diocese, of the Anglican Church of Australia within the Territory.

#### 4 Effect of canon and rules

A canon or rule made under the Constitution that is inconsistent with a law in force in the Territory is, to the extent of that inconsistency, incapable of having any force or effect in the Territory.

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**5 Anglican Church of Australia Trust Corporation**

- (1) The Corporation is, by virtue of this section, capable of holding land and exercising all the rights and powers in relation to the property in the Territory of the Anglican Church of Australia that it is capable of exercising in relation to property in the State of New South Wales of that Church.
- (2) A certificate purporting to be under the hand of the Primate of the Anglican Church of Australia, or of a Metropolitan or Bishop of that Church exercising the authority, powers, rights and duties of the Primate under the Constitution, certifying that the Corporation consists of the persons specified in the certificate, is, for all purposes, prima facie evidence of the matters certified.
- (3) A certificate purporting to be under the hand of a person holding office as a member of the Corporation, certifying that a document affixed to the certificate is a copy of a resolution of the Corporation duly passed at a duly constituted meeting of the Corporation is, for all purposes, prima facie evidence of the matters certified.
- (4) Nothing in this section shall be taken to prevent property in the Territory that is for the time being subject to a trust for, or the use, benefit or purposes of, the Anglican Church of Australia being held by a trustee other than the Corporation.

**6 Construction of laws of the Territory, laws of the church, and instruments**

On the commencement of the *Anglican Church of Australia Ordinance 1978*, a reference in:

- (a) an Act or an instrument of a legislative or administrative character made, issued or given under an Act;
- (d) Church Canons of the General Synod of the Church of England in Australia;
- (e) Church Ordinances and Church Acts of a provincial or Diocesan Synod of that Church;
- (f) Church Rules and Regulations made by the authority of those Canons, Ordinances and Acts; and
- (g) a grant, deed, will or other instrument,

to the Church of England or to the Church of England in Australia, shall be read as a reference to the Anglican Church of Australia.

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**7 Administration of customary oaths**

It is lawful for a Bishop, Commissary, Administrator, Chancellor, Archdeacon or Registrar holding office in a Diocese of the Anglican Church of Australia to administer to a Bishop, clergyman or member of that Church the oath or oaths customarily used at the ordaining of deacons or priests, the consecration or enthronement of Bishops, the institution of a clergyman to a cure of souls in a parish or other ecclesiastical district or the installation, induction or collation to any office on the grant of a licence in that Church in the Territory, and it is lawful for such a person to take and make such an oath or any such oaths.

**8 Powers to tribunal under chapter 9 of Constitution**

For the purpose of securing the attendance of witnesses and the production of documents, or of examining witnesses on oath or otherwise, a tribunal referred to in chapter 9 of the Constitution shall be deemed to be an arbitrator within the meaning of the law from time to time in force in the Territory relating to arbitration, and has power to require a witness to give evidence on oath, and, for the like purpose, a party to a proceeding before such a tribunal or a person permitted by such a tribunal to submit evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of that law.

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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Church of England in Australia Constitution Ordinance 1975 (Act No. 26, 1975)***

Assent date 28 June 1976  
Commenced 28 June 1976

***Anglican Church of Australia Ordinance 1978 (Act No. 5, 1978)***

Assent date 31 March 1978  
Commenced 31 August 1979 (*Gaz* G35, 31 August 1979, p 1)

***Statute Law Act 1980 (Act No. 6, 1981)***

Assent date 9 January 1981  
Commenced 9 January 1981

***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)***

Assent date 18 November 2010  
Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

s 9 *Anglican Church of Australia Ordinance 1978* (Act No. 5, 1978)

### 4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: s 1.

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**LIST OF AMENDMENTS**

It	amd No. 5, 1978, s 5; No. 6, 1981, s 4
s 1	amd No. 5, 1978, s 5; No. 6, 1981, s 4
s 2	amd No. 5, 1978, ss 6 and 8; No. 6, 1981, s 4
s 3	amd No. 5, 1978, s 8; No. 6, 1981, s 4
s 5	amd No. 5, 1978, s 8
s 6	sub No. 5, 1978, s 7
	amd No. 6, 1981, s 4
s 7	amd No. 5, 1978, s 8
s 8	amd No. 40, 2010, s 118