

---

*The Church of England in Australia Constitution Assenting Ordinance 1950.*

---

No. 20, 1950.

AN ORDINANCE to assent to the Constitution of the Church of England in Australia prepared by the Constitution Committee appointed under resolution of General Synod of 1945; to repeal "The Church of England in Australia Constitution Assenting Ordinance 1928," to make provision for and with respect to the promotion of an Act of Parliament to give legal force and effect to such Constitution; and for purposes connected therewith.

PREAMBLE.

WHEREAS by "The Church of England in Australia Constitution Assenting Ordinance 1928", the assent of the Church of England in the Diocese of Sydney acting through the Synod of the Diocese was given subject to the provisions of the said Ordinance to the Constitution of the Church of England in Australia as set forth in the Schedule to the said Ordinance.

AND WHEREAS by reason of circumstances subsequent to the passing of the said Ordinance the said Ordinance has ceased to have effect and it is expedient to repeal the said Ordinance.

AND WHEREAS by resolution of General Synod of 1945 a revised draft Constitution subject to certain amendments and modifications therein set out was commended to all the Dioceses for acceptance.

AND WHEREAS by the said resolution a Constitution Committee was appointed and empowered to prepare a Constitution in accordance with the terms and conditions of the said resolution.

AND WHEREAS the Constitution set forth in the Schedule hereto was prepared by the said Constitution Committee in accordance with the terms of the said resolution and all approvals for the Constitution required by the said resolution have been obtained.

AND WHEREAS the said Constitution Committee was also empowered by the said resolution to do and promote the doing of all such things as it might deem expedient for bringing the Constitution into operation having regard to the provisions of Section 72 thereof.

---

*The Church of England in Australia Constitution Assenting  
Ordinance 1950.*

---

AND WHEREAS the Constitution is to take effect as provided in Section 72 thereof and to apply to every Diocese in Australia which assents thereto.

AND WHEREAS the assent of the Church of England within a Diocese is to be given through the Synod of the Diocese.

Now the Synod of the Diocese of Sydney in pursuance of all powers hereunto enabling it hereby directs ordains and declares as follows:—

1. The assent of the Church of England in the Diocese of Sydney acting through the Synod of the Diocese is hereby given subject to the provisions of this Ordinance to the Constitution of the Church of England in Australia as prepared by the Constitution Committee appointed by resolution of the General Synod of 1945, and in accordance with the terms thereof which Constitution is set forth in the Schedule hereto.

2. The assent given by this Ordinance shall not take effect unless and until the Parliament of New South Wales and the Parliaments of at least four (4) other States have passed Acts giving effect to the Constitution provided that there shall be inserted in the said Constitution all the declarations, safeguards and provisions contained in paragraphs (a) to (h) inclusive of this clause or declarations, safeguards and provisions of a like effect which have been agreed to by the Standing Committee of the Diocese pursuant to the authority contained in clause 4 hereof.

- (a) That the declarations set forth in Sections (1) to (4) inclusive of the Constitution be unalterable, and that all consequential amendments be inserted in the Constitution.
- (b) That Section 11 of the Constitution shall provide that the Primate shall be one of the Metropolitans.
- (c) That Sections 29 to 32 inclusive of the Constitution be made alterable under 67 (2) instead of under Section 67 (1).
- (d) That Section 59 (1) of the Constitution shall be amended to require the concurrence of at least 2 of the lay members as well as 2 Bishops in any matter involving any question of faith, ritual, ceremonial or discipline.

---

*The Church of England in Australia Constitution Assenting Ordinance 1950.*

---

- (e) That Section 64 (3) of the Constitution shall be amended by adding the following words: "which repeal shall have the effect of restoring the position which existed immediately before the passing of the said revisory canon."
- (f) That any form of service directed or permitted by a revisory canon under Chapter IX of the Constitution shall not be used in any Parish against the wish of the incumbent of the Parish or the parishioners notwithstanding that the Diocesan Synod has not made provision by Ordinance for ensuring the same under the said Chapter.
- (g) That the decisions of any judicial authority in England on any question as to the faith, ritual, ceremonial or discipline of the Church of England in England at present applicable to the Church of England in New South Wales shall continue to have full force and effect in the Diocese of Sydney and no determination of any Tribunal or Court exercising jurisdiction under the said Constitution inconsistent with any such decision shall affect the said Diocese unless and until the Diocesan Synod by Ordinance assents to such determination.
- (h) That Clause 1 of the Table annexed be amended to provide that the upper limit should be lifted to 600 or abolished.

3. A Select Committee to be appointed by the Synod of the Diocese shall:—

- (a) Draft such amendments to the Constitution as may be necessary to give effect to the provisions of this Ordinance.
- (b) Co-operate with the other Dioceses in New South Wales and the Constitution Committee of General Synod in preparing draft Acts of Parliament for giving legal force and effect to the Constitution subject to the declarations safeguards and other provisions hereinbefore mentioned.
- (c) Report to the Standing Committee with copies of the proposed Acts.

4. The Standing Committee of the Diocese is hereby authorised in the name of the Diocese:—

---

*The Church of England in Australia Constitution Assenting  
Ordinance 1950.*

---

- (a) to agree to any alteration of the Constitution which gives effect to any of the declarations safeguards and other provisions hereinbefore mentioned or which does not substantially alter such Constitution or affect any matter of principle therein contained.
- (b) to declare that the declarations safeguards and provisions required by this Ordinance have been complied with.
- ♦ (c) to approve the said draft Acts.
- (d) to endeavour to obtain through the Select Committee the passing of the Act to be presented to the Parliament of New South Wales as soon as possible.

5. "The Church of England in Australia Constitution Assenting Ordinance 1928" is hereby repealed.

6. This Ordinance may be cited as "The Church of England in Australia Constitution Assenting Ordinance 1950."

SCHEDULE.

The Constitution of the Church of England in Australia.

---

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. G. HILLIARD, Bishop,

Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 27th day of September, 1950.

S. H. DENMAN, Secretary of Synod.

H. V. ARCHINAL, Deputy Secretary of Synod.

I assent to this Ordinance,

HOWARD SYDNEY.

28th September, 1950.