

✓ THE CONSTITUTION APPROVAL ORDINANCE, 1928

PREAMBLE.

AN ORDINANCE to authorise the Diocesan Council to approve of the insertion in the Act of Parliament of New South Wales and in the Acts of at least four other States in the Commonwealth of Australia provision for giving legal force and effect to the Australian Church Constitution Assenting Ordinance, 1927, and for purposes connected therewith.

Whereas a Constitution of the Church of England in Australia was agreed upon in a solemn Convention of Representatives of the Church in the month of October, 1926, and approved by the General Synod of the Church in the same month and year.

And whereas the Synods of not less than twenty-one dioceses including the Synod of the Diocese of Grafton have assented to the Constitution.

And whereas the Synod of the Diocese of Sydney desires that certain declarations and safeguards may be inserted in the Act of Parliament of New South Wales and in the Acts of at least four other States of the Commonwealth of Australia for giving legal force and effect to the Constitution.

And whereas with a view to the unity peace order and good government of the Church it is desirable that the Constitution should as far as possible be inaugurated with the utmost goodwill and concord.

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And whereas in accordance with the resolution of the General Synod it is desirable to ensure as far as possible uniformity in the Acts of Parliament for giving legal force and effect to the Constitution.

And whereas the Synod of the Diocese of Grafton under an Ordinance entitled "The Australian Church Constitution Assenting Ordinance, 1927," authorised the Diocesan Council in the name of the Diocese—

- (a) To co-operate with the Consultative Committee of General Synod and with other dioceses in New South Wales in preparing Drafts of Acts of Parliament for giving legal force and effect to the Constitution.
- (b) To assent to such Drafts on behalf of the Diocese.
- (c) To endeavour to obtain the passing of such Acts by the Parliament of New South Wales as soon as possible.

And whereas it is desirable that authority should now be given to the Diocesan Council to approve of the insertion in such Acts of Provisions helpful for ensuring uniformity therein and for promoting goodwill and concord in the Church.

1. Now the Synod of the Diocese of Grafton authorises the Diocesan Council to approve of the insertion in the Act of Parliament of New South Wales and in the Acts of at least four other States of the Commonwealth of Australia for giving legal force and effect to the Constitution of declarations and safeguards to the following effect:—

- (a) Nothing inconsistent with the solemn declarations set forth in chapter one of the Constitution shall be capable of acquiring or having any validity or effect under or in pursuance of the Constitution.
- (b) The expression "the character of this Church" in section six of the Constitution shall be held to include the doctrine and principles of the Book of Common Prayer, and the Book of Common Prayer means the Book of Common Prayer as defined in section sixty-five of the Constitution which definition shall be unalterable.
- (c) Section fifty-seven of the Constitution shall apply not only to the provisions mentioned in that section, but also to the following provisions of the Constitution, that is to say, section seven, section fourteen, the first table annexed to the Constitution, section nineteen, subsection two of section twenty-one, the last paragraph of subsection three of section twenty-one, section thirty-seven, section forty, section forty-three, section forty-four and section fifty-eight.

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- (d) Nothing in section forty-three of the Constitution shall give any power to the General Synod to alter or permit the alteration of the Constitution of a Diocese, unless the Synod of the Diocese concurs by Ordinance in the alteration.
- (e) Notwithstanding any provision to the contrary contained in the Constitution the Synod of the Diocese of Sydney may by Ordinance exclude from Appeal to the Supreme Tribunal any question included in sub-section three of section forty-six of the Constitution. Section fifty-seven shall apply to this provision.
- (f) Nothing in section fifty-eight of the Constitution shall make alterable any provision which section fifty-six thereof makes unalterable.
- (g) Nothing inconsistent with the foregoing declarations safeguards or provisions shall be capable of acquiring or having any validity or any effect under or in pursuance of the Constitution.

SHORT TITLE.

This Ordinance may be cited as "The Constitution Approval Ordinance, 1928."

I assent to this Ordinance,

JOHN WILLIAM GRAFTON.

August 22, 1928.



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