



Western Australia

Anglican Church of Australia Act 1976

As at 03 May 2002

Version 02-a0-10

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Anglican Church of Australia Act 1976

Contents

1.	Short title	1
2.	Commencement and interpretation	1
3.	Change of name	2
4.	Construction of laws of the State, laws of the Church, and instruments	2
5.	Savings	2
6.	Offence	3
7.	Constructive amendment of other State laws	3

Notes

	Compilation table	4
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Defined terms

Anglican Church of Australia Act 1976

An Act to change to *Anglican Church of Australia* the name of the Church of England in Australia.

1. Short title

This Act may be cited as the *Anglican Church of Australia Act 1976*¹.

2. Commencement and interpretation

(1) This section and section 1 shall come into operation on the date on which this Act receives the Royal Assent¹.

(2) Except as provided in subsection (1), this Act shall come into operation on such day as is, on the recommendation of the Primate of the Church of England in Australia, fixed by proclamation¹.

(3) In this Act —

appointed day means the day fixed by proclamation under subsection (2);

law of the State means —

- (a) an Act including the title and citation thereof;
- (b) regulations, rules, local laws or by-laws having effect by virtue of an Act; and
- (c) an instrument having effect by virtue of an Act or of any regulations, rules, local laws or by-laws referred to in paragraph (b) of this interpretation; and

subsection means a subsection of the section wherein the term is used.

[Section 2 amended by No. 14 of 1996 s. 4.]

3. Change of name

The name of the Church of England in Australia referred to in the *Church of England in Australia Constitution Act 1960*², is hereby changed to “Anglican Church of Australia”.

4. Construction of laws of the State, laws of the Church, and instruments

On and from the appointed day a reference, however expressed, to the Church of England or to the Church of England in Australia in —

- (a) any law of the State in force immediately before the appointed day;
- (b) Church Canons of the General Synod of the Church of England in Australia so in force;
- (c) Church Ordinances, Acts, or Statutes of a Provincial or Diocesan Synod of that Church so in force;
- (d) Church Rules and Regulations made by the authority of those Canons, Ordinances, Acts, or Statutes and so in force; and
- (e) grants, deeds, wills and other instruments having effect on or after that day,

shall be construed as a reference to the Anglican Church of Australia.

5. Savings

- (1) This Act does not prejudice or affect the continuity of any corporation or any property, rights, authorities, duties, functions or obligations of any corporation.

- (2) Any legal proceedings that immediately before the appointed day had been, or could have been, commenced or continued by or against any corporation of which the name is changed by this Act may be commenced or continued by or against the corporation under the new name of the corporation.

6. Offence

- (1) After the expiration of 6 months after the appointed day, a person shall not, for the purposes of, or in connection with, any business, trade or profession use or cause or permit to be used —
- (a) the name “Church of England”, “Church of England in Australia” or “Anglican Church of Australia”; or
 - (b) the description “Anglican”,

whether that name or description is used with other words or not, unless he has been authorised so to do by or pursuant to a Canon of the General Synod of the Church of England in Australia or the General Synod of the Anglican Church of Australia.

Penalty: \$100.

- (2) Subsection (1) does not operate to deprive the Anglican Church of Australia wholly or partly of any right or remedy that it would have had if that subsection had not been enacted.

7. Constructive amendment of other State laws

Where a reference, however expressed, in a law of the State to the Church of England or to the Church of England in Australia is by force of this Act construed as a reference to the Anglican Church of Australia, that construction shall, unless the context otherwise requires, be and be deemed to be for all purposes a direct amendment to that law of the State.

Notes

- ¹ This is a compilation of the *Anglican Church of Australia Act 1976* and includes the amendments made by the other written law referred to in the following table. The table also includes information about any previous reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Anglican Church of Australia Act 1976</i>	121 of 1976	1 Dec 1976	s. 1 and 2: 1 Dec 1976 (see s. 2(1); balance: 24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)

Reprint of the *Anglican Church of Australia Act 1976* as at 5 May 2000
(includes amendments listed above)

Reprint of the *Anglican Church of Australia Act 1976* as at 3 May 2002
(includes amendments listed above)

- ² The *Church of England in Australia Constitution Act 1960* is now cited as the *Anglican Church of Australia Constitution Act 1960*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
appointed day	2(3)
law of the State	2(3)
subsection	2(3)