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AUTONOMY IN THE AUSTRALIAN CHURCH.

BY THE REV. W. H. IRWIN, M.A., ADELAIDE.

A GENERAL convention comprising representatives from every diocese in Australia was held just prior to the quinquennial meeting of the General Synod in October last. The purpose of the convention was the consideration of a draft Bill containing a new constitution for the Church of England in Australia. An interesting course of development led up to the calling of this conference, which bids fair to prove an event of great importance in the history of Australian ecclesiastical affairs. In the days when Sydney was purely a convict settlement the official organization of the Church of England was that of a government department, with a number of chaplains under its control. In 1824 the Home Government appointed the Rev. T. H. Scott to be Archdeacon of the colony, having ecclesiastical powers over the chaplains and being himself subject to the episcopal oversight of the Bishop of Calcutta. A step forward was taken in 1836, when the succeeding Archdeacon, W. G. Broughton, was advanced to the episcopate, as first Bishop of Australia. Within the next twelve years four more bishoprics were cut off from various parts of the original diocese and the bishops thereof took oaths of obedience to the Bishop of Sydney, as their Metropolitan. Two important facts should be borne in mind regarding these bishops and some others appointed in the years immediately following. In the first place the sees of most of them were associated with the capital city of a particular colony and a strong local church feeling developed in each diocese in sympathy with the growth of local feelings in the colony at large. The other fact is that these bishops were appointed by the Crown, the method of their appointment being by Letters Patent, issued by the Sovereign in Council. These documents purported to confer on a bishop, among other things, legal jurisdiction over all the clergy of the Church of England and lay members within the limits of his jurisdiction and provided that bishops in Australia should take an oath of obedience to the Bishop of Sydney, who by his Letters Patent was made subordinate to the Archbishop of Canterbury. Thus the Anglican Church in Australia was united under autocratic bishops, duly subordinated to their Metropolitan and the see of Canterbury. This system of union collapsed in 1867 when the Law Courts declared that Letters Patent were *ultra vires* in self-governing colonies. Archbishop Tait strove to save the situation by imposing upon a bishop at his consecration an oath of due obedience to the Archbishop of Canterbury, while in addition the bishop made a solemn declaration after his arrival in the colony, that he would render due obedience to his Metropolitan, the Bishop

of Sydney. But this policy met with very strong opposition and was given up. The course of development was on other lines.

During the fifties of last century discussion was rife in all parts of the Empire upon projects of church government. As early as 1850 a conference of the six Australian bishops favoured the establishment of diocesan synods, and, when these were set up, the laity successfully insisted on forming an integral part of them. Thus, we find that even before the collapse of the system based upon Letters Patent several synods of the modern type had been organized, though the declaration of the invalidity of Letters Patent gave an impetus to their formation and greatly increased their status and importance. In different dioceses different bases were favoured, upon which to found synodal government. There was the statutory basis, adopted first by Bishop Perry in Victoria and later in Tasmania and New South Wales. In these colonies an Act of the local legislature was obtained, settling the powers and constitution of the Synod. This plan did not commend itself to those who were influenced by the opinions of Bishop Selwyn of New Zealand—it savoured too much of Erastianism—and so it came about that in the other three colonies there was adopted as the fundamental principle a consensual compact or voluntary agreement whereby the churchmen of a diocese joined together to form a synod. After many years' experience there appears to be little difference between the practical working of these two methods of organization. Perhaps the statutory constitutions are more august and the enforcement of the law seems more certain under them. But whatever the basis of the diocesan synods, strong local feeling was soon evident in them and it was plainly seen that therein lay seeds of future disruption, unless wise measures were taken. Consequently a General Synod, consisting of all diocesan bishops and both clerical and lay representatives from each diocesan synod, was formed by consensual compact in 1872. Just as the Federal Constitution of the Australian Commonwealth is a strictly limited one, owing to the existence of strong State-rights feelings in the different States, so the powers of the General Synod were deliberately restricted in the interests of the diocesan synods. General Synod legislation, called Determinations, does not become effective till each Determination has been accepted by two-thirds of the diocesan synods and, even then, it is very doubtful whether a Determination has any legal force in a diocese that refuses to pass it. Certainly no legislation of General Synod can override the statutory provisions of the State acts constituting the dioceses in New South Wales, Victoria and Tasmania. In spite of all this, the General Synod has not proved useless, for it has originated many measures of great value, which have kept the dioceses to some extent in step with each other, and, best of all, it has stood for over forty years a symbol of unity. It is most important to observe, that the powers of General Synod are further restricted because each diocese has voluntarily restricted itself in a certain respect. At the foundation of all the synods there was written into their constitutions provisions which forbade them

ever to alter the Book of Common Prayer or the Articles of the United Church of England and Ireland, except as they may be legally altered in England. This course was taken to preserve the unity and permanence of the faith and because Churchmen in those days were proud to belong to the Church of England, for the "Catholic Church," which rivals it to-day in the affections of many, had then but scarcely appeared on the horizon, no bigger than a man's hand.

For many years the increase of the powers of General Synod was debated in an academic way, till at length two things brought the matter prominently before Australian Churchmen. Some twenty or more years ago the claim was made that the decisions of the Judicial Committee of the Privy Council did not apply in India, and thereupon a similar claim was made in Australia. To ascertain whether this was so or not, the General Synod in 1905 appointed a committee to obtain the opinions of learned counsel in England and Australia as to the legal position of the Australian Church. This committee reported to General Synod in 1916 that the unanimous opinion of counsel was that by their own acts the different Australian dioceses had bound themselves absolutely to the Church of England and could not alter the Prayer Book or Articles without endangering their property. Anglicans in Australia thus found themselves in the peculiar position, that, though they were not an integral part of the Church in England, yet they were tied to Canterbury and York. The General Synod of 1916 appointed another committee to inquire what ought to be done under these circumstances, and as a result of this committee's labours a Determination was introduced into the General Synod of 1921 providing for very great increases in the Synod's powers. This measure passed its second reading by large majorities, but, when the constitutional point was about to be raised concerning the power of the Synod to pass such legislation, it was decided to refer the Determination and the committee's report to the diocesan synods, with the result that the Determination was rejected in the arch-dioceses of Sydney, Melbourne and Brisbane and in the diocese of Tasmania, while some of the dioceses which accepted it suggested further safeguards. This result strongly supports the contention of those who have maintained that General Synod is a very unrepresentative body. The Determination of 1921 is dead, but the precaution had been taken at the last General Synod to empower the Primate to call a Convention of the whole Church for the express purpose of drawing up a new church constitution. This Convention met in October and for a basis of discussion a Draft Bill had been prepared mainly by the Bishop of Bathurst and Professor Peden of Sydney.

What has been the attitude of Australian Evangelicals to this movement towards autonomy? In its first stages they were frankly hostile, and it has been their opposition mainly which has prevented any changes being made to date. We venture to think that this past attitude of Evangelicals towards severing the legal nexus

with the Church in England was a perfectly justifiable one. Rejoicing in a position which, to say the least, was legally very strong, and regarding with considerable distrust both the complaints of those who held that they were hindered in their labours by the rigidity of the Prayer Book and also the appeals to Australian sentiment by bishops not specially sensitive to Australian ideals in other respects, Evangelicals relied, and relied successfully, on a *non-possumus* policy. This policy has been revised by many, though perhaps not by a majority of Evangelicals, in order to meet the changed conditions of the present time. It has become increasingly clear that the existence of the legal nexus with England does not prevent each diocese developing along its own doctrinal and ritualistic lines, and the expressed fear of the Archbishop of Perth is well grounded, that a few small dioceses, urged on by earnest though unbalanced men, may compromise the Church. We have not in Australia the prevalence of ritual anarchy which we are told exists in England, but things are moving in that direction, and the only method whereby we are able to escape this danger seems to be the construction of clear and definite Church laws. To do this we must sever the legal nexus and draw up our Church constitution afresh. There are risks in this policy, but they are less than those which arise from leaving things as they are, for the present trend is towards the gradual isolation and alienation of dioceses, and it can only end in the disaster of schism. A further consideration, which appeals more strongly to the members of the great Evangelical diocese of Sydney than does the danger of schism, which impresses especially those Evangelicals who form minorities in High Church dioceses, is the character of the present revision of the Prayer Book in England. To quote the Archbishop of Sydney, "The present revision in England, amid very much that is excellent, contains several provisions from which many amongst ourselves gravely dissent. If mistakes are to be made, I, for one, would prefer that we ourselves make them rather than accept them from someone else." But we must not give the impression that only Evangelicals are chary of attempting to reorganize the Church. Large numbers of High Churchmen, who are temperamentally conservative, view any changes with great dislike, while some Anglo-Catholics, recognizing that the present state of "lawlessness" in the Church plays directly into their hands, are nervous when it is proposed to straighten out the law and tighten up discipline. They suspect an Australian revision will not give them as much as the English one. They are probably right.

To turn to the Draft Constitution proposed for consideration at the Convention. It was agreed on all sides that Bishop Long and Professor Peden had put an able and statesmanlike measure before the Church. The form of the Bill was determined by the peculiar circumstances that the Church in every State of the Commonwealth is so bound by its past actions that only a Parliamentary measure can give it freedom to participate in a new Australian Church constitution. The restricted powers possessed by the Commonwealth Parliament preclude any attempt to obtain a

Federal Act, and recourse must be had to each separate State Parliament. The Draft Bill took the form, accordingly, of a measure to be enacted by a State Parliament. The Bill itself was a very short one, consisting merely of title, preamble, and three small clauses. The crucial part of the measure, the proposed constitution, was set forth in a schedule to the Bill. A perusal of this schedule showed that those who drafted it had adopted the leading features of the system of synodal government which has been developed in the Anglican communion.

These are too familiar to need description here, and were generally of a kind to which no one took exception. It is interesting to observe that the final outcome of these machinery sections reveals the inevitable trend of Australian democratic sentiment in the large number of small but important diminutions of episcopal powers.

Broadly the Convention had to face two main problems: (1) The future doctrinal and ritual standards of the Church; (2) The relation of the powers of General Synod to those of the dioceses. Here marked differences of opinion showed themselves. Before the Convention met, the Sydney Synod had put forth an alternative Draft Bill upon conservative lines and upholding diocesan rights. This measure, though not substituted for the Draft Bill as the basis for discussion, was laid on the table for reference and greatly influenced the final form of the constitution.

(1) The Draft Bill set forth the proposed faith and order in a series of Solemn Declarations, of which the important ones were:

"2. The Church of England in Australia is a part of the Holy Catholic and Apostolic Church and this Church will not by its own act or will sever communion with the Church of England in England, nor with other national, regional, or provincial Churches maintaining communion with that Church.

"3. This Church doth hold and will continue to hold the faith of Christ as professed by the Holy Catholic and Apostolic Church from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.

"4. This Church doth accept and receive all the scriptures of the Old and New Testament as given by inspiration of God and containing all things necessary for salvation.

"5. This Church doth receive and approve (the Prayer Book, Ordinal, Articles, Prohibited Degrees).

"6. This Church will ever teach the doctrine and administer the sacraments and discipline of Christ as He hath commanded, and preserve the three orders of bishops, priests, and deacons in the sacred ministry."

Now these declarations were far from satisfactory, especially to the Evangelicals, and so they were re-drafted in the following much more satisfactory form:

"2. The Church of England in Australia, being a part of the one Holy Catholic and Apostolic Church, and in communion with the Church of England in England, will ever remain and be in com-

munion with the Church of England in England, and with national, regional, or provincial churches maintaining communion with that Church, so long as communion is consistent with the solemn declarations set forth in this chapter.

" 3. This Church doth, as heretofore, receive all the Canonical Scriptures of the Old and New Testament, as being the rule and ultimate standard of faith given by inspiration of God and containing all things necessary for salvation.

" 4. (Add 'One' before 'Holy'.)"

" 5. This church will ever obey the command of Christ to teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline, and preserve the three orders of bishops, priests and deacons in the sacred ministry.

" 6. This church doth retain and approve the book of Common Prayer and the doctrine and principles contained therein, and will not in any revision of the book of Common Prayer or otherwise make or permit any alteration which would change the character of this Church as shown by its assent to this as well as to the other solemn declarations set forth in this chapter." (N.B.—The book of Common Prayer includes Articles by definition at end of Bill.)

These declarations are to be interpreted by a Supreme Australian Tribunal, constituted thus: A president (who must be a bishop) and six other members, three of whom should be bishops or priests, and three of whom should be laymen, belonging to the legal profession. The Draft Bill had stated baldly that no Australian church court should be bound by decisions of the Privy Council, but this was altered by the addition of the words "nothing in this section shall preclude any such decision from being cited to any Court or Tribunal as a persuasive precedent." What exactly is the effect of this amendment not even the leading lawyers seemed able to decide, but the intention of the Convention was that Privy Council judgments should be the law until reversed by the Supreme Church Tribunal in Australia. In deciding questions of faith and order the tribunals are to have recourse to "the history, practice, custom and canons of the Church of England in England." A long process was devised for an Australian revision of the Prayer Book and care was taken to remove the possibility that Prayer Book changes made in England shall not automatically become compulsory or permissible in Australia. But General Synod can accept all or part of the English revision, and further a diocese may forbid within its own boundaries any part of what the General Synod has accepted.

(2) As the members of the Convention were actually representatives elected by dioceses, it is easy to see how important to them was the transference of powers from the dioceses to General Synod. Here the Draft Bill was remodelled on the lines of the Commonwealth Constitution. In a number of matters the canons of General Synod are to prevail entirely, and in others, where there is any inconsistency between a canon of General Synod and an ordinance of any diocese, the canon, to the extent of the inconsistency, is not to apply to that diocese, e.g., the Consecration of Bishops is con-

trolled by General Synod and the organization of Home and Foreign Missions by diocesan synods. The larger dioceses have long had a decided grievance concerning General Synod's system of representation, by which the smaller dioceses were over-represented. The Convention decided to rectify this matter by making the number of representatives directly proportional to the number of licensed clergy—taken as roughly indicating the size of a diocese. Of course the significance of the controversy over this matter consists in the fact that the strength of the Evangelicals lies in the larger dioceses, e.g. Sydney and Melbourne, hitherto under-represented.

The Convention began in an atmosphere of suspicion, but as time went on Bishop Long of Bathurst so impressed on the Evangelicals that he was out for the good of the Church and not for the predominance of a faction, that the Draft Bill, as revised, was finally carried with enthusiasm and almost unanimously. It has now to be approved by each diocesan synod, and a private Act has to be passed through each State Parliament. The outlook is very promising for the accomplishment of all these steps.

Three Simple Discussions on the Prayer Book of the Reformation, by B. M. G., with a Foreword by Bishop Knox (Chas. J. Thynne & Jarvis, 3*d.*). The author acknowledges his indebtedness to two articles which appeared in *THE CHURCHMAN*—Professor Alison Phillips' "The Study of the Reformation," and Mr. Albert Mitchell's "Vestments." Some important facts are briefly and clearly stated.

Among the Magazines received are :

The Church Missionary Review. The Bishop of Uganda writes on Church and State in Uganda. 1*s.* net.

The East and West. 1*s.* net.

The Moslem World. 2*s.* net.

The Dublin Magazine. A Quarterly Review of Literature, Science and Art issued in Dublin. 2*s.* 6*d.*

Theology. 1*s.* net.

Anglican Theological Review. An American Church Quarterly for which the Oxford University Press is the English representative. 4*s.* 6*d.* net.

The Expository Times. A useful monthly review of current theological literature. 10*d.* net.

The Dawn. An Evangelical Magazine issued monthly. 6*d.*

The Chronicle. A Protestant Episcopal Progressive-Liberal monthly.

The magazines of the C. and C.C.S. (*Greater Britain Messenger*), S.A.M.S., L.J.S., Evangelical Alliance (*Evangelical Christendom*), London City Mission, Women's Protestant Union, Church Association (*The Church Intelligencer*), Irish Church Missions (*The Banner of the Truth in Ireland*).