

Church Autonomy in Australia

A point of view

From time to time strange statements appear in the English papers concerning what is called the "Australian Legal Nexus question". The Legal Nexus is supposed to be a galling, cramping yoke upon a church that is boiling & bubbling with the energy of a nascent nationalism. To put it in another way, it is asserted that the church in Australia is eager to run its own affairs in its own way, but cannot do so until the "legal nexus" is broken. Australian church people are supposed to be loudly demanding a full autonomy in their spiritual affairs such as they exercise in their political affairs.

These are the assertions, but what are the facts? A few must suffice.

1. The church in Australia is completely autonomous so far as its relations to the Church in England are concerned. No authority in England attempts to interfere in church affairs in Australia.
2. The church in Australia has a complete system of synodical government - ^{comprising} Diocesan & Provincial ^{Synods} & ^{the} General Synod. A great deal of important business is transacted in these synods some of which have power over & vary declared trusts. The church in Australia appoints & consecrates its own bishops, trains & ordains its own clergy, ^{against} its own dioceses & parishes, & buys & sells & manages its own property, ^{transacts} all its affairs without any ^{request} ~~reference~~ for permission from any authority outside Australia. If this is not autonomy then the word has no meaning. The Church in Australia has been autonomous ever since State payment of the clergy ceased over half a century ago.
3. The exact legal status of the Church is different in each State. In N. S. W. & Victoria the church's status is defined and secured by act of the State Parliament.

by ^{some of} the other states the process of incorporation was by consensual compact rather than by Act of Parliament. However, the main points to notice are (i) as things are at present a new Prayerbook for the Church in Australia would need parliamentary authority in order to safeguard the property of the Church. Otherwise there would be risk of a "Wee Free Case", and certain other disabilities peculiar to our conditions in Australia.

(ii) This parliamentary authority cannot be given by the Commonwealth Parliament, but only by the State Parliaments. (iii) Hence, if the status of the Church is to be rendered uniform throughout Australia, a different Act of Parliament would have to be passed in each state.

To this line of action no serious opposition would be offered. The only consideration against it would be whether the game was worth the candle. Would the advantage to be gained be a fair equivalent to the difficulty & expense. As a matter of experience the slight differences in the legal status of the Church in the states do not create any difficulty and are ^{barely noticeable.} quite unimportant.

4. The Diocese is the real selfgoverning unit of the Church in Australia. Provincial government has made some development in Queensland, but generally not is practically only an advisory body. It may pass "determinations", but ~~these~~ ^{stated} they have no authority until they have been accepted by a ~~three fourths~~ majority of the dioceses, & even when so accepted, any individual diocese can refuse to ~~so~~ obey the determination & there is no effective machinery for enforcing obedience.