

OPINION OF THE APPELLATE TRIBUNAL
OF THE CHURCH OF ENGLAND IN
AUSTRALIA - SITTING AT MELBOURNE
THE 18TH DAY OF SEPTEMBER, 1972

Present: The Honourable Sir Edmund Herring, K.C.M.G. President
The Honourable Mr. Justice Richardson, Deputy Chairman
The Most Reverend M.L. Loane, Archbishop of Sydney
The Right Reverend D.A. Garnsey, Bishop of Gippsland
The Right Reverend T.T. Reed, Bishop of Adelaide
His Honour Judge G.E.H. Bleby
The Honourable Mr. Justice N.A. Jenkyn

Having noted that there were no appearances and having carefully considered the written submissions put forward, the Appellate Tribunal of the Church of England in Australia answers the questions submitted by the Primate in his reference dated 3rd day of March, 1972 as follows:-

Question 1: Whether a canon dealing with matters such as -
(i) Lay assistance in the Holy Communion,
(ii) Vesture of Clergy
would bring to an end permission to make deviations under section 4 of the CONSTITUTION on the grounds that this would be "other order taken by Canon"?

Answer: No. To terminate the bishop's power to permit deviations in accordance with Section 4 of the CONSTITUTION requires a Canon expressly terminating such power.

Question 2: Whether a canon authorising a particular service for the church e.g. the Communion Service, would bring to an end permission for deviations for other forms of service, e.g. the Marriage Service?

Answer: No.

Question 3: Whether a Bishop of this church having given permission for deviations may withdraw such permission?

Answer: Yes.

Question 4: Who makes the request in cases of certain institutional chapels?

Answer: The question does not arise unless the institutional chapel is recognised by diocesan ordinance as a parish with churchwardens an incumbent and parishoners.


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PRESIDENT