



Anglican Church of Australia

Appellate Tribunal

PRIMATE'S REFERENCE UNDER SECTION 63 OF THE CONSTITUTION

Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 (Wangaratta)

Notification of Proceedings and Preliminary Directions

On 5 September 2019 the Primate made the following Reference to the Appellate Tribunal:

- A. At a session in August 2019 the Synod of the Diocese of Wangaratta purportedly made the **Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019** pursuant to Section 5 (2) of the *Canon Concerning Services* 1992.
- B. Section 5 (3) of the *Canon Concerning Services* 1992 provides that all forms of service used pursuant to Section 5 (2) "must be reverent and edifying and must not be contrary to or a departure from the doctrine of the Church."

THE FOLLOWING QUESTIONS arising under the Constitution are referred to the Appellate Tribunal

1. Whether the regulation **Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019** made by the Synod of the Diocese of Wangaratta is consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
2. Whether the regulation is validly made pursuant to the *Canon Concerning Services* 1992.

Pursuant to the *Appellate Tribunal Rules 1988*, the Tribunal gives notice that any diocese, synod, person, class of persons or association claiming to be interested in the questions before the Tribunal should notify that interest and apply for leave to appear or to be represented at any hearing of the matter.

Notices must be given to The Registrar of the Tribunal at the address set out below on or before 1 November 2019 and supply an address for service, an email address for communication and the names and contact details of an agent for communication.

Documentation relevant to the questions before the Tribunal can be accessed at the website of the General Synod of the Anglican Church of Australia's on the page *Appellate Tribunal Current Matters*.

<https://anglican.org.au/governance/tribunals/appellate-tribunal-current-matters/>

Documentation supporting this notification includes:

- Appellate Tribunal Rules 1988
- The Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 (Wangaratta)
- Canon Concerning Services 1992

The Tribunal hereby issues the following directions:

1. The Diocese of Wangaratta is to file its primary submissions on or before Friday 8 November 2019.
2. Any diocese, synod, person, class of persons or association that wishes to participate in the Reference and that has filed the said notification of interest is to file primary submissions on or before Friday 13 December 2019 that include proposed answers to the questions referred.
3. Any diocese etc that has filed primary submissions is permitted to file further submissions provided that they are responsive to the submissions of others such further submissions to be filed on or before Friday 14 February.
4. Submissions will be posted by the Registrar on the General Synod website page for *Appellate Tribunal Current Matters*.

The Tribunal will determine at a later date whether to convene a Preliminary Conference and/or to hold a hearing as distinct from determining the questions on the papers. Intending participants should indicate in their submissions whether they wish to seek leave to appear and/or be represented at any hearing and state reasons in support. The scope of the Reference is confined by the Constitution and the Questions referred.

Intending participants may be assisted by the recent publication of the Doctrine Commission of the Anglican Church of Australia *Marriage, Same-Sex Marriage and the Anglican Church of Australia: Essays from the Doctrine Commission*. It can be accessed on the General Synod website at: <https://anglican.org.au/our-work/doctrine-theology/>.

Since the form of service set out in the Appendix to the Wangaratta Regulation would appear to contemplate the blessing of any civil (and presumably church) marriages previously effected according to the *Marriage Act 1961* that were between a man and a woman, a man and a man, a woman and a woman, or involving persons who may not identify with either traditional gender, those making submissions might consider whether and to what extent these considerations may bear upon the questions.

Notifications in accordance with these directions should be forwarded to the Registrar of the Appellate Tribunal at:

Email: appellatetribunal@anglican.org.au

Mail: Registrar, Appellate Tribunal
General Synod Office Anglican Church of Australia
Suite 4, Level 5
189 Kent Street, Sydney, NSW, 2000

Telephone enquiries can be directed to +61 (0)2 8267 2700



Anne Hywood
Registrar Appellate Tribunal

10 October 2019