



Anglican Church of Australia

Appellate Tribunal

PRIMATE'S REFERENCE UNDER SECTION 63 OF THE CONSTITUTION At the request of 25 members of the General Synod

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

Notification of Proceedings and Preliminary Directions

On 21 October 2019 the Primate made the following reference to the Appellate Tribunal at the request of 25 members of the General Synod.

- 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 use of the form of service at Appendix A to the ***Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019*** made by the Synod of the Diocese of Wangaratta to bless a civil marriage which involved a union other than between one man and one woman, is consistent with the doctrine of this Church and consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
2. Whether the use of any other form of service, purportedly made in accordance with section 5 of the ***Canon Concerning Services 1992***, to bless a civil marriage which involved a union other than between one man and one woman is consistent with the doctrine of this Church and consistent with the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia.
3. Whether, in light of the determinations to be made in Questions 1 & 2, the Regulations are validly made pursuant to the ***Canon Concerning Services 1992***.

This followed a reference made by the Primate on 5 September 2019 dealing with questions relating to the same regulations adopted by the Diocese of Wangaratta.

The questions contained in the first reference are:

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***.

The Tribunal now gives notice that both references will be considered by the Tribunal concurrently.

Any diocese, synod, person, class of persons or association that has already indicated an intention to participate in the Reference of 5 September 2019 need not file any further notice as to participation in the Reference of 21 October 2019.

Any submissions should address the questions and issues raised in each Reference in accordance with the directions already issued namely:

- 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.
- Any party 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 2019**.

Any **additional** diocese, synod, person, class of persons or association that wishes to participate in the Reference of 21 October 2019 is directed to file and serve primary and further submissions in accordance with the same timetable.

In addition, notice should be filed on or before 13 December 2019 stating the interest claimed in the Reference. Notices must supply an address for service, an email address and the name and contact details of an agent for communication.

For ease of reference, all submissions referable to either Reference will be posted by the Registrar on the portion of the General Synod website page for Appellate Tribunal Current Matters that relates to the Reference of 5 September 2019.

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.

Telephone enquiries can be directed to the Registrar at 02 8267 2700.



Registrar Appellate Tribunal

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