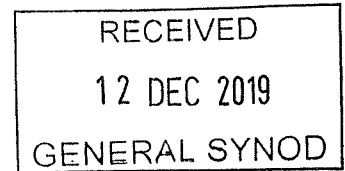


11 December 2019



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To.
Registrar Appellate Tribunal,
Anglican Church of Australia.

Primate's Reference to the Appellate Tribunal – Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 (Diocese of Wangaratta)

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. ^[1] _[SEP]

Contradictory blessing

According to our Ruling Principles, our doctrine and principles are embodied in the Book of Common Prayer. In the marriage service, marriage is defined as between one man and one woman, as assumed in the very opening rubric directing “the Man on the right hand and the Woman on the left”. In the Preface, the priest states that marriage was instituted by God, “signifying unto us the mystical union that is betwixt Christ and his Church.” There is no other marriage that this Church recognises than that between one man and one woman entered into voluntarily for life. The priest announces his blessing on “this man and this woman”, and there is no other union that can represent the union that is between Christ and his Church. We are not free to bless that which God does not bless. The Synod of the Diocese of Wangaratta is acting apart from this Church in seeking to bless any other relationship as a “marriage” and therefore is acting inconsistently with our Fundamental Declarations and Ruling Principles.

Redefinition of civil marriage does not redefine marriage according to the Anglican church of Australia

This Church has for many years been debating the nature and definition of marriage. The General Synod (GS) resolution of 2017, “**Marriage, same-sex marriage and the blessing of same-sex relationships,**” recognised that this has been discussed for fifteen years and that session of GS itself, “the doctrine of our church, in line with traditional Christian teaching, is that marriage is an exclusive and lifelong union of a man and a woman”. This Church has consistently affirmed this view of marriage. The Marriage Act 1961 has recently redefined marriage according to Commonwealth of Australia law, but it has now jurisdiction to redefine marriage according to the doctrine of the Church. Our fundamental declarations are clear that the “canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith.” So any regulations that seek to “bless” a union defined by the state as a marriage cannot be consistent with the doctrine of the Church if that union is not a marriage. The Diocese of Wangaratta has created a new service of

blessing based entirely on the civil redefinition of marriage and stands against the current agreement of the doctrines of this Church.

“Conscientious objection”

The Synod of the Diocese of Wangaratta’s BLESSING OF PERSONS MARRIED ACCORDING TO THE MARRIAGE ACT REGULATIONS 2019 itself assumes there will be “conscientious objectors”, thus admitting it is doing something controversial. However, it is telling that within it’s guidelines to those with conscientious objections, it shows no understanding of the fact that the legislation has far reaching consequences, well beyond what one individual minister, or even, one individual diocese might think right or wrong. It almost arrogantly states, “that minister may refer the couple seeking such a blessing to a minister who is willing and able to conduct the service.” If it is a matter of conscience not to conduct such a service, it will surely be matter of conscience to promote it. The proposed legislation is itself an affront to the Constitution of the Anglican Church of Australia. It shows complete disregard for the fact that the Constitution is based on there being a national unity, referring to itself as “This church” not “these churches”.

Intentionally divisive

The General Synod of this Church was asked, in 2017, “to facilitate a respectful conversation in our church by means of a collection of essays on marriage and same-sex relationships that explores Scriptural and theological issues”. This acknowledges that there are clearly diverse views but shows a desire to converse and continue together as a national Church. The essays have been produced, but GS has not yet met to discuss them or make any decisions regarding their content. The Diocese of Wangaratta is showing “disrespect” towards this Church and the process of “conversation” over this issue by acting in such an intentionally divisive way.

For the above reasons, it is my strong conviction that what is proposed by the Synod of the Diocese of Wangaratta is most decidedly not consistent with the doctrine of this Church nor is it 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. ^[1]_[SEP]

Intentional misuse of category

For the reasons outlined above, I believe that the proposed form of service is inconsistent with the doctrine and the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia. At the very least, there is no way what the Diocese of Wangaratta is

proposing is contentious. So it would be impossible to claim that a service for the *Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019* is merely covering a circumstance “for which no provision is made” as the CANON CONCERNING SERVICES 1992 allows for. That provision is for circumstances that have broad agreement within the Church but, at this point, have no formal liturgy. That category does not apply in the case of the Wangaratta Diocese’ proposal and it is not acting in good faith to suggest otherwise. To this point, the Anglican Church of Australia recognises marriage as only that which is between one man and one woman. To recognise any other definition of marriage is to act outside of the doctrine of this Church and to be inconsistent 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*. [1]

According to the Canon Concerning Services 5 (3),

All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church.

As service that goes against the Doctrines of the Church can by no means claim to be “reverent”. To “edify” is, literally, to “build”, and so a service that is already tearing at the fabric of our Constituted Church can by no means claim to be edifying.

The proposal of the Synod of the Diocese of Wangaratta has the character of a schismatic group who has no regard for the national body it is part of, or of the Doctrine that unites us, or the Fundamental Declarations and Ruling Principles that help define us, and it grievously shows no regard for the repercussions its actions might have.

I therefore ask that the Appellate Tribunal find that the Regulations are not validly made pursuant to the *Canon Concerning Services 1992*, and as such that it be deemed inconsistent with our Doctrine and unconstitutional and therefore disallowed.

Gordon Killow.
Kallaroo WA 6025