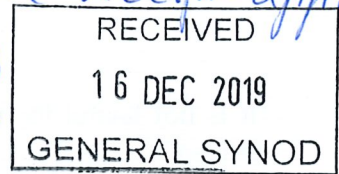


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CQ Appellate Tribunal Submission

November 2019
Bishop-in-Council
Diocese of Rockhampton

Introduction

The preface to the Book of Common Prayer states,

“It is a most invaluable part of that blessed ‘liberty wherewith Christ hath made us free’, that in his worship different forms and usages may without offense be allowed, provided the substance of the Faith be kept entire; and that, in every Church, what cannot be clearly determined to belong to Doctrine must be referred to Discipline.”

Discipline can be seen as the local expression of worship, such as within the forms seen in the dance and song of our African brothers and sisters, or the churchmanship adopted from place to place. The various disciplines of the autonomous provincial churches can be contextualised, but doctrine, based on Scripture, transcends all such cultural distinctions.

As a Diocese we welcome fresh expressions of worship which help our church be “all things to all people” (1 Corinthians 9), and believe that it is a commendable thing to adapt our rituals and liturgies to better engage with our changing community; and we commend the Diocese of Wangaratta for seeking to do this. However as our preface implies, it is possible to make changes that do cause offence to scripture, and in the opinion of the Diocese of Rockhampton, we believe that the **Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019** that is being promoted by the Diocese of Wangaratta is flawed on the grounds that the doctrine contained therein is not validated by God’s word.

The doctrine of the Anglican Church of Australia has been built from the word of God; and we are convinced that scripture is the central authority in the Anglican Communion.

From Thomas Cranmer to Richard Hooker, from the Thirty-Nine Articles and the 1662 Ordinal to the 1998 Lambeth Conference, the authority of Scripture has always held a foundational role in Anglican identity and polity. We believe that if the authority of scripture is no longer to be considered the central authority in the Anglican Communion, nor the defining characteristic of Anglican identity, then, we as a communion will cease to be an authentic expression of the Church of Jesus Christ.

Question 1: To be Considered by 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.

Response

The constitution of the Anglican Church of Australia allows for Bishops to make canons, ordinances and rules for the good governance of the church where such canons ordinances and rules do not contravene the principles of the doctrine of the church as set out in the book of common prayer and the 39 articles.

Article 22, for example, highlights that doctrines of human invention should not overrule the Scriptures. It states that purgatory and its siblings are

“a fond thing vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.”

Article 20 also stresses the supreme authority of the Bible over God’s Church. This article declares,

“it is not lawful for the Church to ordain any thing that is contrary to God’s Word written.”

We believe that the Regulations made by the Synod of Wangaratta are inconsistent with the **fundamental declarations** and **ruling principles** in the following ways:

A. FUNDAMENTAL DECLARATIONS

1. Founded Upon the One Holy Catholic and Apostolic Church

The Church of England in Australia, being a part of the one Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles’ Creed.

We believe that the Regulations made by the Synod of Wangaratta to be a significant and critical shift from Church Doctrine and the authority of Scripture and if allowed or endorsed by the Appellate Tribunal will risk the Anglican Church of Australia departing from our biblical foundation.

As a diocese we believe commitment to the authority of scripture to be one of the defining characteristics of Anglican identity, and we believe this to be the understanding of the majority of Anglicans worldwide. We believe that for the Anglican Church of Australia to compromise its obedience to the scriptures and conform to the ways of the world undermines 500+ years of Reformed Protestant Christianity – and we need to protest about this development!

The bishops of the Anglican Communion in 1998 upheld the orthodox teaching that Christian marriage is between a man and a woman and that those who are not called to Christian marriage so defined should remain celibate. Lambeth Resolution 1.10, the 1998 decision on human sexuality, included the words “incompatible with Holy Scripture” when describing homosexual practice.

Bishop Alf Chipman who is an active retired member of the clergy in our Diocese was a member of the ‘human sexuality group’ which drafted Resolution 1.10. In recalling the process which led to the almost unanimous resolution he speaks of the “significant compromise and good will required to achieve the middle ground which was acceptable in wording to the entire human sexuality group of the Lambeth Conference 1998”. He continued that “in his opinion, the process was truly Anglican in that differing groups were willing to work to find a middle ground which led to a final, almost unanimous resolution.” Bishop Alf additionally commented that on settling in Central Queensland, the presiding Bishop of Rockhampton had held unflinchingly to the doctrine of Christian marriage as being between a man and a woman. As a Diocese we continue to believe and uphold this doctrine of the church and believe any change to this doctrine to be contrary to the mind of Christ and the teaching of scripture. In our opinion, the clarity of God’s truth on this matter remains unchanged despite hermeneutical methods designed to justify homosexual behaviour and Same Sex Marriage.

We hold that humans are effective agents of blessing only when the blessing sought aligns with the will of God. As a Church we must not begin to declare good what is not of God or pronounce God’s blessing upon something which is clearly outside of His declared mind or will. (Isaiah 5:20)

2. Founded Upon the Canonical Scriptures

This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by the inspiration of God and containing all things necessary for salvation.

As a church we affirm the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by God as containing all things necessary for salvation. We further believe that the **Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019** made by the Synod of the Diocese of Wangaratta to be a serious departure from the inspired word of God, because the Australian Marriage Act 1961, recently amended, has now redefined marriage to include the marriage of Same-Sex people.

We affirm the authority of scripture, and the place of the 39 articles and the ancient creeds informing doctrine. As such we are committed to the authority of scripture as the inspired word of God, and as such the Anglican Diocese of Central Queensland believes that sex is given by God as an expression of love to be shared and enjoyed exclusively between a husband and wife. Further, we are convinced that the Bible leaves no room whatsoever for confusion or ambiguity where homosexual behaviour is concerned. Scripture both explicitly and implicitly regards same sex relationships as falling outside of God's intention in creating man and woman as sexual beings who bear His image as male and female.

We see no place for same-sex 'marriage' within the context of a Christian worldview, and therefore no place for the blessing of such unions in the Church. According to the Bible, Christian marriage is heterosexual *by definition*. Jesus, when expressing his understanding of the scriptural foundation for the divine purpose and design in marriage, referred to its origins in the creation account:

"From the beginning of creation, God made them male and female. For this cause a man shall leave his father and mother, and shall cleave to his wife, and the two shall become one flesh..."

(Mark 10:6-8, quoting Genesis 2:24).

As a Diocese we believe that scripture is clear in this matter and since the formation of the Church our doctrine has aligned with the Biblical understanding of marriage. We believe that providing for the blessing of something that we know to be contrary to the teaching of God through His word is the same as saying (to our congregations and secular society) that we do not hold the Canon of Scripture in the Old and New Testaments to be the inspired word of God. Meaning God's word is much more than "the ultimate rule and standard of faith" as declared by the Synod of Wangaratta. As a Diocese we believe that this amounts to false teaching as warned about throughout both the Old and New Testaments.

3. Founded Upon Christ and His Commands

This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

In consideration of the above, we believe that the Regulations made by the Synod of Wangaratta are opposed to the teaching of Christ. We believe that any priest or bishop performing such blessings will be working contrary to their oaths and declarations as outlined in The Ordinal in the following ways.

In the oaths and declarations of a Priest, (Item 15)

"Are you convinced that the holy scriptures contain all doctrine necessary for eternal salvation, through faith in Jesus Christ, are you determined to instruct from these scriptures the people committed to your care, teaching nothing as essential to salvation which cannot be demonstrated from the scriptures?"

"I am convinced, and will do so by God's grace."

In the oaths and declarations of a Priest, (Item 15)

"Will you faithfully and humbly minister the doctrine, sacraments and discipline of Christ, as he has commanded and as this church has received them?"

"I will, by God's grace."

In the oaths and declarations of a Priest, (Item 15)

"Will you be ready, both in your public and private ministry to oppose and set aside teaching that is contrary to God's word?"

"I will, by God's grace."

In the oaths and declarations of a Bishop, (Item 13)

The Authority for the consecration shall then be read. The archbishop addresses the bishop-elect, saying

"The Anglican Church of Australia, being an Apostolic Church, receives and retains the Catholic faith, which is grounded in Holy Scripture and expressed in the Creeds, and within its own history, in the Thirty-Nine Articles, in The Book of Common Prayer and in the Ordering of Bishops, Priests and Deacons.

In accordance with the Canons of this Church, I now require you to make your Declaration and Assent to this faith."

The bishop-elect makes the form of Declaration and Assent.

I firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of the Anglican Church of Australia as expressed in the Thirty-Nine Articles of Religion, The Book of Common Prayer and the Ordering of Bishops, Priests and Deacons; I believe that doctrine to be agreeable to the Word of God; and in public prayer and administration of the sacraments I will use the form in the said book prescribed, and none other, except as far as shall be ordered by lawful authority.

In the oaths and declarations of a Bishop, (Item 14)

The bishop-elect assents to the Constitution and Canons of the Anglican Church of Australia.

I, NN, do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia [and the Constitution of the Province of N] and of this diocese and by the canons, statutes, ordinances and rules, however described, from time to time of the synod of this diocese and of the General Synod [and of the Provincial Synod] which have force in this diocese.

In the oaths and declarations of a Bishop, (Item 18)

The archbishop says

A bishop is called to maintain the Church's witness to the resurrection of Christ from the dead, to protect the purity of the gospel, and to proclaim Jesus Christ as Lord. As a chief minister and pastor in Christ's Church, you are to guard its faith, unity and discipline, and promote its mission in the world. You are to ensure that God's word is faithfully proclaimed, Christ's sacraments duly administered, and Christ's discipline applied justly, with mercy. You are to lead and guide the priests and deacons under your care, and be faithful in the choosing and ordaining of ministers. You are to watch over, protect and serve the people of God, to teach and govern them, and to be hospitable. You must, therefore, know and be known by them, and be a good example to all. These are the duties of a bishop, and they are weighty. Are you willing to perform them?

The bishop-elect responds

I am willing: may God guide and help me.

In the oaths and declarations of a Bishop, (Item 19)

Are you convinced that the holy Scriptures contain all doctrine necessary for eternal salvation through faith in Jesus Christ? Will you instruct from them the people committed to your care, teaching nothing as essential to salvation which cannot be demonstrated from the Scriptures?

I am convinced, and will do so, with God's help.

Will you administer with mercy the discipline of this Church? Will you correct and set aside teaching that is contrary to the mind of Christ, both privately and publicly urging all to live according to God's word?

I will, endeavouring to apply the law of Christ with the grace of God.

Consequently, the oaths that our Deacons, Priests and Bishops make before God and His people, are serious and binding. They are governed by an adherence to the authority of God's word and to depart from them is to promote schism and division, the very thing that a Bishop is asked to guard against.

B. RULING PRINCIPLES

"This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the Services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.

Provided further that until other order be taken by canon made in accordance with this Constitution, a Bishop of a Diocese may, at his discretion, permit such deviations from the existing Order of Service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the Incumbent and Churchwardens of a parish."

We believe that the **Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019** accepted by the Synod of the Diocese of Wangaratta is in breach of the ruling principles in the following way:

The book of common prayer and its authorised successors underline the position that Christian Marriage is not a social convention but a church doctrine based on the Scriptures. The Bible teaches that family was God's idea and that marriage is a divine, not merely human, institution. The implication of this truth is significant because it means that humans are not free to renegotiate or redefine marriage and the family in anyway they choose but that they are called to preserve and respect what has been divinely instituted. This is in keeping with Jesus' words, uttered when asked about the permissibility of divorce:

"What therefore God has joined together let not man separate." (Matthew 19:6)

For this reason, marriage is far more than a human social contract; it is a divinely instituted covenant. We believe for the church to endorse the blessing of unions as prescribed by the Synod of Wangaratta to be a breaking of covenant with God, against the teaching of scripture and outside the established doctrine of the church.

Question 2: To be Considered by the Appellate Tribunal

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.

As stated in the introduction, the development of new services and resources that enable God's people to better minister to the needs of the community is to be encouraged and commended. However, the desire to be relevant to contemporary society must always be tempered with adherence to the truths of the gospel and especially with the revealed word

of God as found in the Scriptures. Imagine what the church would have become if it sought to bless Caesar worship and veneration in the first century or developed a liturgy to abandon children on the hillsides. It would have ceased to be the Church of God.

In our opinion, the Synod of Wangaratta desires to use Section 5.2 of the Canon Concerning Service 1992 to provide for the inclusion of the blessing of same sex marriages within the Anglican Church of Australia. However, we believe that the context of Section 5 as a whole prohibits any action that is "*contrary to or a departure from the doctrine of this church*" as outlined in Section 5.3 of the same Canon.

As mentioned above, it is our firm belief that blessing any union outside the orthodox biblical view of marriage being a union between one man and one woman is not consistent with the **Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia**. Consequently, it is our belief that Section 5.3 has been ignored in the thinking and formulation of the Wangaratta Synod Regulation. As such the Diocese of Rockhampton cannot give its blessing to Wangaratta's Regulation.

Question 3: To be Considered by the Appellate Tribunal

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*.

With the above mentioned concerns, it is the prayerful and considered position of the Synod of the Diocese of Rockhampton that regulation is not made validly pursuant to the Canon Concerning Services 1992.

Firstly, Section 5.3 of the Canon Concerning Services 1992, states "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 outlined above we believe the Regulation of the Wangaratta Synod is a significant departure from the inspired word of God and the doctrine of this church.

Secondly, whilst Section 5.4 allows for questions to be determined by the Bishop of the Diocese, it was never envisaged that these determinations contravene the Oaths and Declarations set out in the ordination of a Bishop as cited above.

Hence it is the unwavering opinion of the Diocese of Rockhampton that the Wangaratta Regulations **are not validly made pursuant to the *Canon Concerning Services 1992***.

Conclusion

In light of the arguments made above, the Diocese of Rockhampton believes that the **Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019**, adopted by the Synod of Wangaratta contravenes the Constitution of the Anglican Church of Australia; does not conform to church doctrine; and is a departure from the clear teaching of Jesus, as found in the holy Scriptures. The implementation of the Regulation thus sanctions false teaching and promotes schism within the Anglican Church of Australia.

We call on the Bishop of Wangaratta and the Synod of the Diocese of Wangaratta to repent of their failure to maintain teaching and doctrine aligned to the teaching of Christ on marriage. We further strongly urge the Appellate Tribunal to uphold the doctrine of Christian Marriage as being between a man and a woman, and find that the "Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019" contravenes the foundational regulations and ruling principals of the Anglican Church of Australia.