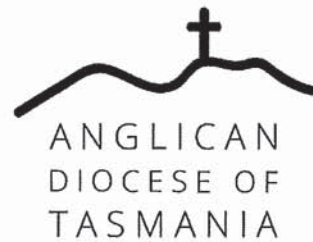


Monday, 6 January 2020

Ms Anne Hywood
Registrar Appellate Tribunal
General Synod Office
Anglican Church of Australia
Suite 4, Level 5
189 Kent St,
Sydney NSW 2000



By email: appellatetribunal@anglican.org.au

Clergy Discipline Ordinance 2019 Amendment Ordinance 2019 (Diocese of Newcastle)

Dear Anne,

I am pleased to **attach** the primary submissions of the Diocesan Council of the Diocese of Tasmania with respect to the recent references of 31 October and 6 November 2019 by the Primate under section 63 of the Constitution.

We understand that, notwithstanding that Rule 9(6) of the *Appellate Tribunal Rules 1988*, the Tribunal does not require additional copies where submissions are filed electronically. Please advise us if this understanding is incorrect.

Yours faithfully,

James Oakley
General Manager/Registrar

Encl

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**Clergy Discipline Ordinance 2019 Amendment Ordinance 2019 (Diocese of Newcastle)
("Newcastle Amendment")**

**References of 31 October and 6 November 2019 under Section 63 of the Constitution
("References")**

**Primary Submissions of the Diocesan Council of the Diocese of Tasmania
("Tasmania")**

Summary

1. Tasmania submits that the Newcastle Amendment is invalid and/or ineffective for the following reasons:
 - (a) The Newcastle Amendment is inconsistent with the doctrine of the Church, the Fundamental Declarations and the Ruling Principles and contrary to Section 5 of the Constitution;
 - (b) The Newcastle Amendment is inconsistent with the limits placed upon the powers of the Newcastle Synod by Section 51 of the Constitution (and such limitations expressly restrict the powers of the Newcastle Synod pursuant to Section 4 of the *Anglican Church of Australia Constitution Act 1961* (NSW));
 - (c) The Bishop of Newcastle has not assented to the Newcastle Amendment within the one month period required by Clause 5(3) of the constitution of the Diocese of Newcastle nor has the amendment been referred to, or approved by, the Synod of the Province of NSW.

2. Tasmania requests and reserves the right to make further submissions in accordance with the timetable established by the Appellate Tribunal and otherwise in accordance with the *Appellate Tribunal Rules 1988*.

Questions

3. Tasmania submits that the References should be answered as follows:

31 October	Response
<u>Question 1:</u>	Yes.
<u>Question 2:</u>	No.
<u>Question 3:</u>	The ordinance lapses in accordance with Clause 5(3) of the constitution of the Diocese of Newcastle.

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6 November Response

Question 1: No.

Question 2: No.

Question 3: No.

Question 4: No.

Question 5: No.

Reasoning

4. In addition to the arguments outlined in the Summary (above), Tasmania refers to the submissions:
- (a) with respect to the recent references of 5 September and 21 October 2019 (in connection with the Blessing of Persons Married according to the Marriage Act 1961 Regulations 2019 (Diocese of Wangaratta)) of:
1. Tasmania;
 2. Ridley College; and
 3. Synod of the Diocese of Sydney; and
- (b) with respect to the current References by the Synod of the Diocese of Sydney (of which Tasmania has sighted a draft).
5. Tasmania adopts and supports such submissions for the current References.

Conclusion

6. Tasmania thanks the Appellate Tribunal for the opportunity to make these submissions and welcomes the opportunity to clarify any aspects if that would be of assistance.

Dated: 6 January 2020

Alex Milner
Church Advocate

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