



# Anglican Church of Australia

Primate: The Most Reverend Geoffrey Smith

**Office of the Primate  
Anglican Church of Australia  
MEDIA RELEASE**

**11 November 2020**

The Anglican Church's highest legal authority, the Appellate Tribunal, today released a 5-1 majority opinion that a service of blessing for civil marriages authorised by the Synod of the Diocese of Wangaratta last year is valid. The service encompasses all marriages authorised under the *Marriage Act 1961* including those between same-sex couples.

The Appellate Tribunal's opinion was the result of the referral of two sets of questions in response to regulations or ordinances passed by two Diocesan Synods – parliaments for local Church areas.

The first referred to regulations passed by the Synod of the Diocese of Wangaratta in August 2019 that provided a form of service for a church blessing for couples who are married according to the Marriage Act.

The second concerned an ordinance the Synod of the Diocese of Newcastle drafted in 2019 removing the possibility of disciplinary action taken against a member of the clergy married under the Marriage Act to a member of the same sex or who blessed – or declined to bless – a same sex marriage. In its opinion the Tribunal indicated that such legislation would have only partial validity. If applicable in a particular situation the clergy discipline regime under the Constitution would remain.

Neither Wangaratta nor Newcastle have acted on their legislation as the Tribunal considered its decision.

Archbishop Geoff Smith, Primate of the Anglican Church of Australia, said the decision of the Tribunal was an important contribution to the ongoing conversation within the Church about how to respond to issues of human sexuality while reflecting God's love for all people.

The Anglican Church's General Synod – effectively its parliament – in 2017 passed a motion recognising that the doctrine of our church "is that marriage is an exclusive and lifelong union of a man and a woman" and the opinion of the Appellate Tribunal does not authorise Anglican clergy to officiate at weddings other than those between a man and a woman.

“The people of the Church hold a wide variety of opinions on these issues, considering historical teaching of the church and changes in society, and some will welcome the Appellate Tribunal’s opinion, while it will cause significant concern to others,” Archbishop Smith said.

A meeting of the General Synod is due to be held in 2021 where the Tribunal’s opinion is likely to be considered as part of discussions concerning the response of the church to the 2017 amendment to the Marriage Act and changing community attitudes to human sexuality.

“The Church is a broad community made up of a great variety of people, young and old all over the country. And, this is an issue in which there's a range of opinions,” said Archbishop Smith.

“We believe God loves all people including those in the LGBTI+ community and those in same-sex relationships. We are committed to reflecting God’s love for them,” he said.

“It is important to note that there is significant goodwill among leaders of the church to work together on these difficult issues. We do so in good faith and faith in God’s love for all humankind,” said Archbishop Smith.

The opinions of the Appellate Tribunal are published online at the following address <https://anglican.org.au/tribunals-appellate-tribunal-227/>

**Attached:**

- 1. Background information about structure of Anglican Church of Australia and the Appellate Tribunal**
- 2. Outline of the Issues before the Appellate Tribunal**

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## **1. Background information about structure of Anglican Church of Australia and the Appellate Tribunal**

The Anglican church of Australia comprises of 23 semi-autonomous dioceses. Each diocese is governed by their Synod (parliament). The synod is able to make ordinances (laws) for the governing of the diocese that are consistent with the Constitution of the Anglican Church of Australia. The General Synod is the meeting of representatives from the 23 dioceses of Australia and meets every 3 to 4 years. The Primate is the President of the General Synod.

The Appellate Tribunal, consists of three diocesan bishops and four lay people elected by the General Synod.

The questions which may be stated in a reference to the Appellate Tribunal are:

Is any part of the Act or Proposal identified in the reference inconsistent with the Fundamental Declarations or the Ruling Principles?

Does any part of the Act or Proposal identified in the reference deal with or concern or affect the ritual ceremonial or discipline of this Church?

## **2. Outline of the Issues before the Appellate Tribunal**

There were two matters referred to the Appellate Tribunal in response to Regulations or Ordinances passed at a Diocesan Synod.

### **The Wangaratta Matter**

The Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 was passed at the Wangaratta Synod in August 2019. The regulations provides a form of service for a church blessing on couples who are married according to the Marriage Act.

### **The Newcastle Matter**

The Synod of the Diocese of Newcastle passed the *Clergy Discipline Ordinance 2019 Amending Ordinance 2019*. The effect of this ordinance would be that there could be no disciplinary action taken where:

- a member of the clergy prayed a blessing for a couple who were married under the Marriage Act 1961 who were of the same sex
- a member of the clergy declined to pray a blessing for blessing for a couple who were married under the Marriage Act 1961 who were of the same sex
- a member of the clergy was married under the Marriage Act 1961 to a person of the same sex.