

Eighteenth Session of General Synod: The Diocese and the National Church

(A report from the Standing Committee.)

Key Points

- The eighteenth session of General Synod met from 8 to 13 May 2022. Among other outcomes, the debates on matters related to human sexuality demonstrated a deep division in the General Synod, most obvious in the failure of 'Statement 1', which would have confirmed previous resolutions of the General Synod regarding the biblical teaching on marriage being 'the exclusive union of one man and one woman'.
- A number of positive outcomes also emerged from the recent session of the General Synod, including the success of Statement 2 (the confirmed orthodox understanding of "unchastity"), the increase in orthodox representation in General Synod members, and strong majorities of orthodox members elected to General Synod bodies.
- In this context, some comments are provided regarding the place of this Diocese in the national church and options for episcopal discipline; and motions are provided for the consideration of the Synod of the Diocese of Sydney, as set out in the Recommendations of this report.

Purpose

1. The purpose of this report is to recommend motions for promotion to the forthcoming session of Synod.

Recommendations

2. Synod receive this report.
3. Synod consider the following motions to be moved at the forthcoming session of the Synod, "by request of the Standing Committee" –
 - (A) The Synod of the Diocese of Sydney notes with godly grief the deep breach of fellowship in our church exposed at the eighteenth session of General Synod on matters of doctrine and human sexuality, and –
 - (a) supports any decision by the Archbishop of Sydney, along with the assistant bishops, to withdraw from fellowship in particular national or provincial church contexts, and
 - (b) recommends that the Archbishop, with the assistant bishops, engage other orthodox bishops and convene a meeting with a view to how they may act in concert with one another in response to the broken fellowship.
 - (B) The Synod of the Diocese of Sydney notes with godly grief the deep breach of fellowship in our church exposed at the eighteenth session of General Synod on matters of doctrine and human sexuality and requests the Standing Committee to consider –
 - (a) our future approach as a Diocese to meetings of the General Synod, and
 - (b) how our financial contributions to the national church may be directed more effectively towards faithful and orthodox gospel ministry,
 and provide a report on the outcomes of these considerations to the Synod prior to the nineteenth session of General Synod.

- (C) The Synod of the Diocese of Sydney notes the broken state of our national church and resolves, in humility, to invest wisely, in faithful obedience to Jesus' Great Commission, all across the country, in –
 - (a) the raising up of Christian leaders who can proclaim the gospel clearly and are prepared to go out in mission, and
 - (b) establishing and supporting churches that faithfully proclaim the gospel and defend the truth of God's word.

Background

Outcomes of the recent General Synod session

4. The eighteenth session of General Synod met from 8 to 13 May 2022. Among other outcomes, the debates on matters related to human sexuality demonstrated a deep division in the General Synod, most obvious in the failure of 'Statement 1', which would have confirmed previous resolutions of the General Synod regarding the biblical teaching on marriage being 'the exclusive union of one man and one woman'.
5. Statement 1 was supported by the majority of General Synod representatives if counted in aggregate (143 for and 98 against), but failed to gather majority support in the house of Bishops (10 for, 12 against and 2 abstentions) and therefore was not carried. It is anticipated that the failure of Statement 1 will be used in some dioceses as a further justification, alongside the decision of the Appellate Tribunal, to undertake blessings of same-sex marriages. (A detailed report on the outcomes of General Synod in relation to matters moved at the request of the Sydney Diocese is printed separately.)
6. However, three promising outcomes of the session in particular suggest that the division in General Synod and the direction suggested by the failure of Statement 1, need not be viewed as determinative of the future of the General Synod and the National Church –
 - (a) 'Statement 2' was carried as a Statement of the General Synod, which confirmed that the General Synod "continues to hold the historic view that unchastity means sexual intimacy outside a marriage relationship, defined in the *Book of Common Prayer* as the union of one man and one woman, in accordance with Jesus' teaching about marriage in Matt 19:4-5". This Statement in itself confirms previous resolutions of the General Synod on marriage and makes explicit the definition of unchastity and expectations upon clergy.
 - (b) Orthodox representation at General Synod has increased, evidenced by the consistent majority of support for matters of orthodoxy at the recent session. The number of representatives from the Sydney Diocese has only increased by 6 members (out of 251 members in total) over the most recent three sessions. The increase of orthodox representation therefore demonstrates the continued presence, and growing prevalence, of faithful, biblical ministry in other dioceses.
 - (c) Elections undertaken at the recent session to various General Synod bodies and the General Synod Standing Committee in particular, resulted in the election of strong majorities of orthodox members. As a result, the commissions, committees and other bodies of the General Synod may be expected to align more fruitfully with orthodox expectations and initiatives in coming years.
7. Given the deep division in the General Synod, it may be helpful to consider the context of this Diocese in the National Church, and the options for episcopal discipline.

Discussion

The Diocese and the National Church

8. In October 1872 ten Bishops with clerical and lay representatives convened the first General Synod of the Church of England in Australia and Tasmania. Decisions of the synod, 'Determinations', were only binding on dioceses if adopted by ordinance of the diocese. It then took some ninety years for

a new national constitution to be developed and accepted in the synods of the church. The States and Territories all legislated to give 'force and effect' to the new constitution, generally referred to as the '1961 Constitution', which took effect on 1 January 1962. The adoption of the constitution severed the legal nexus with the Church of England. A diocese became part of this new federal structure by passing an ordinance assenting to the provisions of the constitution.

9. The doctrinal position of a diocese was safeguarded by the provision that no canon of the General Synod concerning ritual, ceremonial or discipline takes effect in a diocese unless adopted by ordinance of that diocese. In the forty years since the adoption of the constitution, the appetite of the General Synod to raise assessments on dioceses, pursuant to section 32 of the constitution, has markedly increased. Given that the spending priorities of General Synod may not coincide with the priorities of a diocese, this a source of significant frustration. In addition, when the Appellate Tribunal issues an opinion which is markedly at variance from what was assumed by the original drafters of the constitution and more importantly endorses conduct contrary to biblical standards, the question is asked: why do we stay with this association? This question will become more acute if the blessing of same sex marriages becomes common practice.
10. The answer to the question posed has complexities and difficulties. What majorities are needed to change provisions of the constitution? Is resort to parliament unthinkable? Articulating the necessary questions and policy considerations and stating answers and choices is beyond the scope of this report.

Episcopal Discipline

11. The Constitution of the Anglican Church of Australia creates a framework of tribunals to deal with offences committed by clergy. Thus, Chapter IX of the Constitution provides in section 53 for 'a diocesan tribunal of each diocese, the Special Tribunal and the Appellate Tribunal, and there may be a provincial tribunal of any province.
12. The Special Tribunal, by section 56 (6), is given jurisdiction over: any member of the House of Bishops; any bishop assistant to the Primate in his capacity as Primate; any former member of the House of Bishops and any former bishop assistant to the Primate of such offences as may be specified by canon in respect of conduct while a member of the House of Bishops or assistant to the Primate of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon.
13. The Special Tribunal consists of: a person qualified to be a lay member of the Appellate Tribunal (who shall be the President); a diocesan bishop; and a priest of at least seven years' standing.
14. Appeals may be made from the Special Tribunal to the Appellate Tribunal.
15. The *Offences Canon 1962*, adopted by all dioceses, gives jurisdiction to the Special Tribunal to hear charges against a Bishop for the offences listed in section 2 of the canon. In short, the offences are: Unchastity; Drunkenness; Wilful failure to pay just debts; Conduct which would be disgraceful if committed by a member of the clergy, and at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report; Wilful violation of the constitution or canons or of the ordinances of provincial synod or of his diocesan synod; Any conduct involving wilful and habitual disregard of his consecration vows; various offences relating to child abuse.
16. *The Special Tribunal Canon 2007* provides for the investigation of matters which may become the subject of a charge before the Special Tribunal and to provide for the appointment and procedure of the Special Tribunal.
17. By section 43 (1), a charge against a Bishop in the Special Tribunal may be brought: 1. by the Episcopal Standards Commission; 2. by another Bishop; or 3. in respect of a Bishop holding office in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.
18. The canon establishes the Episcopal Standards Commission which is responsible for investigating complaints against Bishops who are subject to the jurisdiction of the Special Tribunal.
19. By section 43 (2), a diocese may exclude the Commission's power to promote a charge against a Diocesan Bishop in the Special Tribunal. As at 4 December 2020, the Commission's power to

promote a charge under section 43 (1), has been excluded by: Adelaide, Bendigo, Canberra and Goulburn, Perth, Sydney, Tasmania, Wangaratta and Willochra.

20. The *Episcopal Standards (Child Protection) Canon 2017* has been adopted by all dioceses following recommendations of the Royal Commission into child sex abuse in institutions. Complaints under the canon are restricted to 'child sex abuse' matters.

Motions for consideration by the Sydney Synod

21. In the context of the deep division of the General Synod demonstrated by the failure of Statement 1, but also noting the positive outcomes of the General Synod session listed in paragraph 10 (the confirmation of the orthodox understanding of "unchastity", the increase in orthodox representation at General Synod, and strong majorities of orthodox members elected to General Synod bodies), the General Synod Relations Committee has drafted the three motions (A), (B) and (C) in paragraph 3 of this report, for the consideration of the Synod of the Diocese of Sydney. Some comments on the motions are included below.
22. Motion (A) acknowledges that the Archbishop and Assistant Bishops of Sydney may feel it appropriate to withdraw from fellowship in particular national or provincial church contexts and recommends a meeting of orthodox bishops to determine how they may best mutually respond to the broken fellowship in the national church. If passed by the Synod, the Archbishop and assistant bishops may then act in such ways with the knowledge of support of the Synod, and better demonstrate that any such actions are made in concert with the Synod.
23. Motion (B) is recommended in a context of clear division resulting in a keenly felt breach of fellowship, and yet with recognition of several positive outcomes of the General Synod. The motion is intended to provide for a faithful and reasonable navigation of matters related to the breach in fellowship, as well as the promising outcomes in Statement 2, the emerging orthodox majority in the National Church, and the increasing orthodox presence upon General Synod bodies. The motion requests the (Sydney) Standing Committee to provide recommendation to the (Sydney) Synod prior to the next session of General Synod (anticipated to be May 2025) on the approach of the Diocese to the next session of General Synod, with particular consideration for how our financial contributions to the national church may be directed more effectively towards faithful and orthodox gospel ministry.
24. Motion (C) provides for the Synod to refocus our attention on the Great Commission (Matthew 28:18-20) given by Christ, to members of the church, reflecting on our continuing need, in humility, to see the gospel faithfully proclaimed and the truth of God's word honoured, across the country, regardless of institutional failure where it occurs.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

25 July 2022