

## **Eighteenth Session of General Synod: Outcomes of the 2022 General Synod in relation to matters moved at the request of the Sydney Diocese**

(A report from the Standing Committee.)

### **Key Points**

- Of the two Statements promoted by request of this Diocese –
  - Statement 1, “Marriage as the union of a man and a woman”, was supported by the majority of the Houses of laity and clergy, but narrowly failed in the House of Bishops and as a result was not carried.
  - Statement 2, “Definition of Unchastity”, was also put to a vote by Houses, and was carried.
- Of the three motions promoted by request of this Diocese, “Safe Churches” and “Affirming Singleness” were passed, and “Blessing of Same Sex Marriages” was withdrawn.
- Of the two Bills promoted at the request of this Diocese –
  - A Bill for the Canon Concerning Services (Amendment) Canon 2022 required a 2/3<sup>rd</sup> majority in each House, and was not carried.
  - “A Bill for a Rule to Amend Rule II – Standing Committee (Membership) 2022 was carried.

### **Purpose**

1. The purpose of this report is to note the outcome on Statements, Motions and Bills moved at the request of the Diocese at the recent session of the General Synod.

### **Recommendations**

2. Synod note this report.

### **Background**

3. The eighteenth session of the General Synod was held 8-13 May 2022, at the RACV Royal Pines Resort, on the Gold Coast.
4. Attached as Annexure 1 is a letter circulated to all members of the (Sydney) Synod on 10 March 2022, showing the Statements, Motions and Bills (and their explanatory memoranda) related to the recent Appellate Tribunal decisions regarding the blessing of same sex marriage, as promoted to the General Synod Session at the request of this Diocese, being –
  - (a) Two statements as to the faith ritual ceremonial or discipline of this Church
  - (b) Three motions for General Synod 2022, and
  - (c) A Bill to amend the Canon Concerning Services 1992.
5. Attached as Annexure 2, is the Bill and explanatory memoranda also promoted at the request of this Diocese, being A Bill for a Rule to Amend Rule II – Standing Committee (Membership) 2022.
6. The remainder of this report documents the decisions of the General Synod on these matters.

## Statements

### Statement 1 – Marriage as the union of a man and a woman

7. The following Statement is shown incorporating amendments made during the General Synod session by Dr Jane Fremantle (being the insertion of new paragraphs 2 and 3, which were adopted by the General Synod by a vote of 195 for, and 49 against) –

Pursuant to the authority recognised in s.4 and s.26 of the Constitution to make statements as to the faith, ritual, ceremonial or discipline of this Church, and in accordance with the procedures set out in Rule V, the General Synod hereby states:

1. The faith, ritual, ceremonial and discipline of this Church reflect and uphold marriage as it was ordained from the beginning, being the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness, which is in accordance with the teaching of Christ that, “from the beginning the Creator made them male and female”, and in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:4-5).

2. In 2004 (Resolutions 62/04, 63/04) General Synod did ‘not condone the liturgical blessing of same sex relationships’ nor ‘the ordination of people in committed same sex relationships’ recognising that both matters were subject to ‘ongoing debate in this church and that we all have an obligation to listen to each other with respect.

3. In 2017 the Commonwealth Parliament amended the definition of ‘marriage’ in the Marriage Act (1961) to mean ‘the union of 2 people to the exclusion of all others, voluntarily entered into for life’, thereby making lawful the marriage of two persons of the same sex and presenting this church with a profoundly altered missional and pastoral context.

4. The solemnisation of a marriage between a same-sex couple is contrary to the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.

5. Any rite or ceremony that purports to bless a same-sex marriage is not in accordance with the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.

8. The proposed Statement (in that amended form) was put to a vote by houses on 11 May 2022, but lost with the voting results as follows –

House	For	Against	Result
Laity	63	47	Carried
Clergy	70	39	Carried
Bishops	10	12	Lost
	<b>143</b>	<b>98</b>	

9. It was apparent that there were two abstentions in the House of Bishops.
10. On the morning of 12 May 2022, the following petition signed by a majority of General Synod members was brought to the General Synod, with the principal petitioners being the Rev Canon Phil Colgan and Ms Fiona McLean –

Noting with regret that on 11 May 2022, despite clear support from the majority of General Synod (including majorities in the Houses of Laity and Clergy), the majority of the House of Bishops voted against Motion 20.3 “Statements as to the Faith, Ritual, Ceremonial or Discipline of this Church made under Section 4 of the Constitution”, the petitioners humbly pray that Synod commits to praying that all Members of the House of Bishops would clearly affirm and be united in their support for the teaching of Christ concerning marriage and the principles of marriage reflected in the Book of Common Prayer.

We also request that the petition be read to the Synod by one of the secretaries.

11. On the afternoon of 12 May, a motion affirming same-sex marriage was debated. When the motion was put, it received 95 votes in favour and 145 against. As we consider the potential polarity of the General Synod on these matters, it is worth noting that this result is almost the reciprocal result to the total results of the votes concerning Statement 1.

### Statement 2 – Definition of Unchastity

12. The following Statement is shown incorporating an amendment proposed by Ms Fiona McLean (being to replace the word “activity” with the word “intimacy”, which was accepted by the movers) –

Pursuant to the authority recognised in s.4 and s.26 of the Constitution, to “make statements as to the... discipline of this Church”, and in accordance with the procedures set out in Rule V, the General Synod states that it continues to hold the historic view that unchastity means sexual ~~activity~~ 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.

13. The proposed Statement (in that amended form) was put to a vote by houses on 11 May 2022, and was carried with the voting results as follows –

House	For	Against	Result
Laity	62	48	Carried
Clergy	69	39	Carried
Bishops	12	11	Carried

14. It was apparent that there was one abstention in the House of Bishops.

## Motions

### Safe Churches

15. The following motion was moved by Bishop Peter Lin, and passed with simple majority as resolution R82/18 on 11 May 2022–

General Synod—

1. Deplores and condemns any behaviour that is disrespectful, hurtful, intentionally insensitive, bullying or abusive, and recognises and rejoices in the image of God as reflected in every human being, regardless of race, social circumstances, creed or sexual identity, and apologises to and seeks forgiveness from lesbian, gay, bisexual, transgender or intersex (LGBTI) persons whom we have treated in this way.

2. Commits itself to fostering churches and fellowships where compassion and grace abound and where the love of God is expressed to all, so that our churches and ministries are welcoming, safe and respectful of all people.

### Affirming Singleness

16. The following motion was moved by the Rev Dr Danielle Treweek, and passed with simple majority as resolution R98/18 on 12 May 2022–

General Synod—

1. Notes that *Faithfulness in Service* was adopted by the General Synod in 2004 “as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers” (Resolution 33/04).
2. Notes that in *Faithfulness in Service* clergy and church workers are called to take “responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage” (FIS 7.2).
3. Affirms that singleness is, like marriage, an honourable state for God’s people, in which the fullness of God’s blessings may be enjoyed. Singleness is highly commended in Scripture (1 Cor 7:8, 32-38; Matt 19:10-12).

## Blessing Same Sex Marriages

17. The following motion was withdrawn by the mover (in consultation with the Archbishop and the Chair of the General Synod Relations Committee) –

General Synod—

1. notes that Resolution I.10 of the 1998 Lambeth Conference declared that it “cannot advise the legitimising or blessing of same sex unions”, and
2. notes that the blessing of same-sex marriages in Anglican jurisdictions overseas was a key catalyst for the “tear in the fabric of the Anglican Communion” that has widened over the past two decades, and is likely to have the same dire and potentially irreversible consequences for the Anglican Church of Australia, and
3. notes the Majority Opinion of the Appellate Tribunal in the Wangaratta Reference that the form of service proposed by the Wangaratta Regulation which permits the blessing of a same-sex marriage is not contrary to our Constitution or Canons, and notwithstanding this
4. continues to affirm GS Resolution 62/04, that “this General Synod does not condone the liturgical blessing of same sex relationships”, on the basis that this is contrary to the teaching of Christ (e.g., Matt 19:4-5) and the faith, ritual, ceremonial and/or discipline of this Church, and
5. calls on Diocesan Bishops and Synods to take the necessary steps to prevent the blessing of same-sex marriages and/or unions in their diocese, so as to uphold the teaching of Christ and preserve and protect the unity of the Anglican Church of Australia.

## Bills

### A Bill for the Canon Concerning Services (Amendment) Canon 2022

18. The Bill for the Canon Concerning Services (Amendment) Canon 2022 was put to a vote by Houses on 12 May 2022. Being a Bill for a special canon, it required a 2/3rds majority in all three houses to pass. The proposed Bill was not carried, with the voting results as follows –

House	For	Against	Result (2/3rds req'd)
Laity	61 (55%)	49 (45%)	Lost
Clergy	68 (62%)	42 (38%)	Lost
Bishops	11 (48%)	12 (52%)	Lost

### A Bill for a Rule to Amend Rule II – Standing Committee (Membership) 2022

19. The Bill for the Rule to Amend Rule II – Standing Committee (Membership) 2022 was passed (by simple majority).

## **Additional Motions originating in the Diocese**

20. In addition to those matters listed above that were moved at the request of the Diocese, motions on the following matters originating in the Diocese were also carried –
- (a) Religious Discrimination and Religious Freedom Act, moved by Bishop Michael Stead
  - (b) Exemptions Clauses for Religious Bodies, moved by Bishop Michael Stead
  - (c) State and Territory Gambling Reform and Federal Gambling Reform (being two motions moved and seconded between Canon Sandy Grant and the Rev Dr Michael Bird of the Diocese of Melbourne),
  - (d) The Great Commission, moved by Canon Sandy Grant,
  - (e) Coal-fired Power Stations, moved by Dr Laurie Scandrett,
  - (f) Euthanasia, proposed by Dr Karin Sowada and formally moved by Mr Greg Hammond OAM,
  - (g) Directors of Professional Standards, moved by Mr Lachlan Bryant.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

30 May 2022



# Anglican Church Diocese of Sydney

The Rt Rev. Dr Michael Stead  
Bishop of South Sydney

10 March 2022

Dear members of the Synod

I am writing at the request of the Standing Committee, to draw your attention to three items of business submitted by the Standing Committee to the forthcoming session of the General Synod (to be held 8-13 May 2022).

- Two statements as to the faith ritual ceremonial or discipline of this Church
- Three motions for General Synod 2022
- A Bill to amend the *Canon Concerning Services* 1992

You may recall that at the session of Sydney Synod in October 2019, Synod passed resolutions 43/19 (“the Doctrine of Marriage”), 44/19 (to seek to convene a special session of the General Synod to consider motions about marriage and the blessing of same-sex marriages) and 45/19 (entitled “Nine Motions for General Synod 2020”). Resolution 45/19 began with the words “In the event that an ordinary session, or a further special session, of General Synod is called in 2020, Synod requests that the following 9 motions be promoted to the next session of the General Synod at the request of the Synod of the Diocese of Sydney”. Those nine motions had been drafted to give the General Synod an opportunity to express its mind on various matters related to the Church’s “doctrine of marriage”, human sexuality and same-sex marriage. The text of these resolutions is available [here](#), on pp.13-17.

At that time, it was anticipated that the General Synod would be held in June 2020. However, this session of General Synod had to be cancelled because of COVID-19.

Since that time, a number of matters have occurred in the national church which required a revision to this approach. Most notably, in November 2020, the Appellate Tribunal published its responses to two matters that had been referred to it, both related to same-sex marriage. The Majority Opinion of the Appellate Tribunal held that the “doctrine of the church” is limited to those matters which are “of necessity to be believed for salvation”. Since in their view marriage is not such a doctrine, a liturgy to bless a same-sex marriage is not “a departure from the doctrine of the church”, and therefore permissible in accordance with section 5 of the *Canon Concerning Services* 1992.

As a consequence, it became apparent that the proposed motions, which were based on the premise that marriage was a “doctrine of our church”, needed to be recast.

A number of the motions have been reformulated into two “Statements as to the faith ritual ceremonial or discipline of this Church”, which is a special category of resolutions recognised by the Constitution of the Anglican Church of Australia, and which are required to be lodged with the General Secretary not less than 3 months prior to the General Synod. The other motions were amended in light of the changing circumstances in which we find ourselves more than two years later. In addition, a bill to amend the Canon Concerning Services in light of the Majority Opinion of the Appellate Tribunal is also being promoted. It should be noted, however, that the content of the statements and motions is wholly within the scope of the motions that Synod approved in 2019.

It was not possible to get the Synod’s endorsement for this revised package, because of the submission deadline (which was 8 February 2022). Instead, the Statements, Motions and Bill were approved at the Standing Committee at its meeting on 7 February 2022, and submitted to the General Synod office the next day. These statements and motions will appear on the General Synod Order of Business ‘at the request of the Diocese of Sydney’ (being submitted by a Diocesan Synod or Diocesan Council). The General Synod Rules do not distinguish between a resolution submitted by a Synod and a resolution submitted by its Diocesan Council/Standing Committee.

As this significant and sensitive matter for our community is brought to consideration at the session in May, the Standing Committee asks that all Synod members commit the matter to prayer, seeking respectful and faithful debate that results in the General Synod affirming and upholding marriage as the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness, which is in accordance with the teaching of Christ that, “from the beginning the Creator made them male and female”, and in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:4-5).

Yours in Christ,

[Michael Stead]

[The Right Reverend Dr Michael Stead](#)  
[Bishop of South Sydney](#)  
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## **Attachments**

Attachment 1 – Explanatory Memorandum and Two Statements

Attachment 2 – 3 Motions for General Synod 2022

Attachment 3 – Explanatory Memorandum and Bill for the Canon Concerning Services (Amendment)  
Canon 2022

## STATEMENTS 1 and 2

### TWO STATEMENTS AS TO THE FAITH, RITUAL, CEREMONIAL OR DISCIPLINE OF THIS CHURCH

#### EXPLANATORY MEMORANDUM

##### General Background

1. The General Synod is empowered by s.4 and s.26 of the Constitution to make "statements as to the faith ritual ceremonial or discipline of this Church". The procedural steps in relation to statements of this type are set out in Rule V.
2. A statement may be made by resolution or by canon (see Rule V). The circumstances whereby the General Synod might choose one option over the other are discussed by Justice Cox (President) in his 1987 Opinion.

Presumably a statement will be made when the General Synod simply wants to express its mind on a particular question, perhaps to settle a controversy or to indicate a new area of Church activity, and there is no need to legislate on the subject. However, as Rule V contemplates, there may be occasions for giving a statement legislative force, or providing by way of legislation for matters ancillary to the policy declared in the statement, and it will then be appropriate to embody the statement in a canon (p.34).

3. According to Justice Cox, "a declaration of General Synod's mind on an authorised topic will be a 'statement' within the meaning of the Constitution" (p.35). Justice Cox was of the view that it was not appropriate to take a narrow view as the form a statement must take - "A typical statement would be the sort of declaration that sometimes is contained in an Act of Parliament to resolve an uncertainty about the law, but a statement need not be confined to that form or purpose" (p.35).
4. The purpose of statements was also discussed in 1987 by Archbishop Rayner

...a primary purpose would appear to be an interpretive one. As early as 1921 a report to General Synod on the basis of a Church Constitution for Australia listed reasons why autonomy was desirable and said inter alia: "It is felt that the Church should accept its proper responsibility of interpreting the formularies it has adopted" (Quoted in R.A. Giles, op.cit., p.302). I think the significance of statements authorised by s.4 is to be understood against this background. They may interpret the application of the doctrine and principles of the Church embodied in the formularies in respect of particular questions that might arise in the areas of faith, ritual, ceremonial or discipline, provided that no inconsistency with the Constitution is involved (p.51).

5. The November 2020 Appellate Tribunal Majority Opinion in the Wangaratta reference repeatedly affirms that it is for the General Synod - and not the Appellate Tribunal - to determine Church practice with respect to solemnisation of matrimony and the blessings of same-sex marriages. For example,

General Synod is the place to draw disciplinary or liturgical lines if it is the will of the Church to have uniformity in this particular matter or in the matter of what may or may not be blessed in worship (para 226)

(See similarly paras 179, 200, 214, 238, 258.)

6. In light of the controversy before our church raised by the blessing of same-sex marriages, it is appropriate to use statements to declare the mind of the General Synod on this matter.



7. It should be noted that a statement will not override the decision of a diocesan synod or diocesan bishop. It will, however, give guidance to diocesan synods and diocesan bishops who seek to act in ways which are consistent with the views of the General Synod.
8. Rule V requires a statement to be submitted to the General Synod office and circulated to General Synod members three months prior to the synod, so that there is sufficient opportunity for consideration prior to the session of Synod.
9. Rule V also provides a mechanism whereby the Statement can, if necessary, be referred to a select committee during the session of the Synod,
  - (ii) When the resolution is before the Synod it may appoint a select committee to examine and report upon it and fix the time for the report to be lodged with the Primate.
  - (iii) Upon resumption of the consideration of the statement the report shall be laid upon the table and at the discretion of the Primate may be printed or otherwise copied and circulated to members of Synod.
10. Given the extent of debate on these matters which has already occurred and the polarity of positions held (including a book of essays from the Doctrine Commission which canvasses the spectrum of views, and multiple opinions from the Appellate Tribunal), referring the **substance** of the matter to a Select Committee is unlikely to result in a “consensus report”. A Select Committee that produces a “majority report” and a “minority report” will not advance us beyond our present position, and the prospect of this will politicise the process by which the Select Committee is appointed.
11. The effect, however, of referring the substance of the Statements to a Select Committee will be to delay the discussion of this issue until a future session of the General Synod.
12. It may, however, be appropriate to refer the **form** of the Statement to a Select Committee, and “fix[ing] the time for the report to be lodged with the Primate” to be within (say) 24 hours, so that this matter can be considered by the session of the General Synod which has come prepared to debate this matter.

## STATEMENT 1

### **Marriage as the union of a man and a woman.**

Pursuant to the authority recognised in s.4 and s.26 of the Constitution to make statements as to the faith, ritual, ceremonial or discipline of this Church, and in accordance with the procedures set out in Rule V, the General Synod hereby states:

1. The faith, ritual, ceremonial and discipline of this Church reflect and uphold marriage as it was ordained from the beginning, being the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness, which is in accordance with the teaching of Christ that, “from the beginning the Creator made them male and female”, and in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:4-5).
2. The solemnisation of a marriage between a same-sex couple is contrary to the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.
3. Any rite or ceremony that purports to bless a same-sex marriage is not in accordance with the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church.

#### **Notes on Clauses – Statement 01**

Clause 1 The definition of marriage in this clause is in line with a series of previous resolutions of the General Synod on marriage (64/04, 52/07, 156/10, 48/17 and 51/17). Its form derives from two resolutions in 2017 in particular:

“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” (48/17)

“... the doctrine of our Church and the teaching of Christ that, in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh.” (51/17)

However, as a result of the recent Majority Opinions of the Appellate Tribunal, it is necessary to distinguish between the “the Church’s doctrine of marriage’ [and] the Constitution’s term ‘doctrine’ (defined as meaning ‘the teaching of this Church on any question of faith’” (Para 130, Wangaratta Opinion). “‘Doctrine’ is a constitutional concept which (where it applies) has a quite different meaning to the non-constitutional concept of this Church’s (or the Church of England’s) ‘doctrine of marriage’” (para 142). While the recent Appellate Tribunal Majority Opinions do not invalidate the previous resolutions of the Synod about the “doctrine of our Church” with respect to marriage, that phrase now needs to be understood in a qualified sense, in that our “doctrine of marriage” is not “doctrine” in the narrow, Constitutional sense of that word.

The purpose of clause 1 is to reaffirm what has been already said about marriage in previous resolutions of the General Synod, but to do so in language that avoids the potentially ambiguous word “doctrine”. This has been replaced with “faith, ritual, ceremonial and discipline”, which is the formula from s.4 and s.26 of the Constitution.

In light of the Majority Opinions of the Appellate Tribunal, the statement declares that “the faith, ritual, ceremonial and discipline of this Church **reflects and upholds** marriage as it was ordained from the beginning”. That is, the faith, ritual, ceremonial and discipline of this Church – taken collectively – are based on an understanding of marriage as the union of man and woman.

In particular, the “ritual” and “ceremonial” aspects of marriage arise from the authorised marriage rites and ceremonies of the church. The authorised rites for the solemnisation of marriage for the Anglican Church of Australia are for – and only for – the exclusive union of one man and one woman arising from mutual promises of lifelong faithfulness. Furthermore, there are also “discipline” implications that flow from this, because if a minister were to solemnise a marriage other than in accordance with these principles, it would be contrary to the “discipline” of the church.

This understanding of marriage as the union of man and woman is affirmed to be “in accordance with the teaching of Christ” as expressed in Matt 19:4-5.

Clause 2 Clause 2 is the logical corollary of clause 1. If the teaching of Christ and the faith, ritual, ceremonial and discipline of this Church reflect marriage as a heterosexual union, then the solemnisation of a same-sex marriage is contrary to the teaching of Christ and the faith, ritual, ceremonial and/or discipline of this Church. The words “and/or” in the final clause are to recognise that different conclusions may apply in different circumstances. For example, in light of the opinions of the Appellate Tribunal, the solemnisation of a same-sex marriage *may* not be contrary to the “faith” of the church, but would be contrary to its “ritual”.

It is necessary for Clause 2 to state the corollary to clause 1 explicitly, to ensure that churches can continue to rely on the exemption in the Marriage Act that allows them to refuse to conduct a same-sex marriage on church property.

When the Marriage Act 1961 was amended in 2018 to permit same-sex marriage, Section 47B was added to ensure that churches and other religious bodies could not be compelled to make their premises available for the solemnisation of same-sex weddings. However, in order to rely on this section, the religious body must be able to demonstrate that the refusal to conduct a same-sex marriage “conforms to the doctrines, tenets or beliefs of the religion of the body”.

Clause 2 makes explicit that solemnisation of same-sex marriage is contrary to the “doctrines, tenets or beliefs” of Anglican Church of Australia.

Clause 3 Clause 3 provides the opportunity for the General Synod to “express its mind on a particular question, perhaps to settle a controversy” (Justice Cox, as cited in para 2 above).

In 2004, the General Synod passed resolution 62/04:

Recognising that this is a matter of ongoing debate and conversation in this church and that we all have an obligation to listen to each other with respect, this General Synod does not condone the liturgical blessing of same sex relationships.

The liturgical blessing of same-sex relationships is currently permitted in some dioceses, and not in others, but this issue has not been debated in substance at General Synod since 2004. In light of the current circumstances, it is now appropriate for General Synod to again express its mind on this issue.

The form of clause 3 differs from clause 2, to reflect that fact that the General Synod is expressing a view as to what is “in accordance with” the teaching of Christ and the faith, ritual, ceremonial and discipline of the church. A liturgical act of blessing purports to carry or declare the blessing of God. Since the teaching of Christ and the faith, ritual, ceremonial and discipline of this Church reflect marriage as a heterosexual union, is not in accordance with this to bless a relationship that is not within this definition of marriage.

## STATEMENT 2

### Definition of Unchastity

Pursuant to the authority recognised in s.4 and s.26 of the Constitution, to “make statements as to the... discipline of this Church”, and in accordance with the procedures set out in Rule V, the General Synod states that it continues to hold the historic view that unchastity means sexual activity 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.

#### Notes on Statement 02

The offence of “unchastity” appears in s.54(2A) of the Constitution and s.1 of the Offences Canon 1962.

The definition of unchastity is derived from the meaning of chastity. Chastity comes from the Latin word *castitas*, which originally meant “purity,” but came to refer specifically to sexual purity. In the Vulgate, the Latin word *castitas* translates words which refer to purity/holiness.

Across the Christian tradition (Roman Catholic, Orthodox and Protestant), the word chastity came to mean “sexual purity” in particular, and unchastity to mean “sexual impurity”. All Christians are called to be chaste, either in chaste marriage or chaste singleness – “Marriage should be honoured by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral” (Heb 13:4).

“Unchastity” covers a broader field than adultery and fornication (each of which, strictly speaking, requires an act of sexual intercourse). Unchastity encompasses any form of sexual impurity or sexual activity outside the marriage relationship.

The RSV translates six instances of the Greek word πορνεία (*porneia*) as “unchastity”. For example, the RSV of 1 Thess 4:3 reads “For this is the will of God, your sanctification: that you abstain from unchastity (πορνεία)”. It is likely that the language of “unchastity” in the Offences Canon 1962 is a reflection of the RSV, which was the dominant translation used by the Church in the 1960s.

In the list of offences in the Offences Canon, the only offence of a sexual nature is unchastity, which demonstrates that unchastity has its historical meaning in this Canon, and encompasses any form of sexual impurity or sexual activity outside the marriage relationship, where marriage is as defined by the teaching of Christ and the faith, ritual, ceremonial and discipline of our Church.

Sex between two people of the same sex always was, and continues to be, an act of unchastity. A civil same-sex marriage does not change the status of the sexual act, because this is not a marriage relationship in accordance with the teaching of Christ or the faith, ritual, ceremonial and discipline of our Church.

### 3 Motions for General Synod 2022

#### A. Safe Churches

General Synod—

1. Deplores and condemns any behaviour that is disrespectful, hurtful, intentionally insensitive, bullying or abusive, and recognises and rejoices in the image of God as reflected in every human being, regardless of race, social circumstances, creed or sexual identity, and apologises to and seeks forgiveness from lesbian, gay, bisexual, transgender or intersex (LGBTI) persons whom we have treated in this way.
2. Commits itself to fostering churches and fellowships where compassion and grace abound and where the love of God is expressed to all, so that our churches and ministries are welcoming, safe and respectful of all people.

#### B. Affirming Singleness

General Synod—

1. Notes that *Faithfulness in Service* was adopted by the General Synod in 2004 “as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers” (Resolution 33/04).
2. Notes that in *Faithfulness in Service* clergy and church workers are called to take “responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage” (FIS 7.2).
3. Affirms that singleness is, like marriage, an honourable state for God’s people, in which the fullness of God’s blessings may be enjoyed. Singleness is highly commended in Scripture (1 Cor 7:8, 32-38; Matt 19:10-12).

#### C. Blessing Civil Same-sex Marriages

General Synod—

1. notes that Resolution I.10 of the 1998 Lambeth Conference declared that it “cannot advise the legitimising or blessing of same sex unions”, and
2. notes that the blessing of same-sex marriages in Anglican jurisdictions overseas was a key catalyst for the “tear in the fabric of the Anglican Communion” that has widened over the past two decades, and is likely to have the same dire and potentially irreversible consequences for the Anglican Church of Australia, and
3. notes the Majority Opinion of the Appellate Tribunal in the Wangaratta Reference that the form of service proposed by the Wangaratta Regulation which permits the blessing of a same-sex marriage is not contrary to our Constitution or Canons, and notwithstanding this, and
4. continues to affirm GS Resolution 62/04, that “this General Synod does not condone the liturgical blessing of same sex relationships”, on the basis that this is contrary to the teaching of Christ (e.g., Matt 19:4-5) and the faith, ritual, ceremonial and/or discipline of this Church, and
5. calls on Diocesan Bishops and Synods to take the necessary steps to prevent the blessing of same-sex marriages and/or unions in their diocese, so as to uphold the teaching of Christ and preserve and protect the unity of the Anglican Church of Australia.

**BILL 11****A BILL FOR THE CANON CONCERNING SERVICES  
(AMENDMENT) CANON 2022****EXPLANATORY MEMORANDUM**

1. The object of the amendment in this proposed Canon is to ensure that services authorised pursuant to section 5 of the *Canon Concerning Services 1992* are constitutionally valid.
2. According to section 5 of the Constitution, the plenary authority and power of the Church to make canons for the order and good government of the Church, and to administer the affairs thereof, is “subject to the Fundamental Declarations and the provisions of [the Ruling Principles]”. The implication of this is that the General Synod lacks power to make a canon that authorises actions inconsistent with the Fundamental Declarations or the Ruling Principles of the Constitution.
3. Section 4 of the Constitution provides that the “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.” Section 4 then gives a diocesan Bishop a limited power to authorise deviations from the services in the Book of Common Prayer, but that power is subject to the limit – “not contravening **any principle of doctrine or worship** as aforesaid”.
4. Canons to authorise new prayer books have each contained express provisions to limit the scope of deviations from that liturgy to ensure consistency with the aforementioned Constitutional limits. For example, section 5(3) of the Australian Prayer Book Canon 1977 provides
  - (3) Nothing in this section permits a deviation contravening **a principle of doctrine or worship** referred to in section 4 of the Constitution.
 Section 6(3) of the Prayer Book for Australia Canon 1995 is in identical terms.
  - (3) Nothing in this section permits a deviation contravening **a principle of doctrine or worship** referred to in section 4 of the Constitution.
5. In short, the effect of the Constitution and these two Canons is that a diocesan bishop has no power to permit a liturgy that contravenes any a principle of doctrine or worship laid down Book of Common Prayer or the 39 Articles.
6. When the *Canon Concerning Services* was passed in 1992, section 5(3) set out the limitation on the scope of deviations.
  - 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**.
7. Until recently, it had been assumed that the phrase “the doctrine of this church” in 5(3) was a shorthand for, and functionally equivalent to, the phrase “a principle of doctrine or worship referred to in section 4 of the Constitution”, and therefore that, consistent with the Constitution and every other Canon, no service could be authorised under the *Canon Concerning Services 1992* that contravened a principle of doctrine or worship in BCP or the 39 articles. That is, the assumption was that the “doctrine of this church” included both the fundamental declarations and the ruling principles.
8. However, the Majority Opinion of the Appellate Tribunal in the Wangaratta reference has determined that the phrase “doctrine of this Church” has a much more restricted meaning. “Doctrine” in the constitutional sense only includes those matters of faith which are required of

necessity to be believed for salvation. “Doctrine” does not extend to the principles of doctrine and worship in the Book of Common Prayer or the 39 Articles, and it does not even extend to matters in the Fundamental Declarations such as “[Christ’s] sacraments of Holy Baptism and Holy Communion” and “the three orders of bishops, priests and deacons”, since these are not required of necessity to be believed for salvation.

9. The implication of this is that subsection 5(3) of the *Canon Concerning Services* 1992 could – purportedly – be used to authorise a service which contravened a principle of doctrine or worship referred to in section 4 of the Constitution, and potentially even a contravention of the Fundamental Declarations – a service for rebaptism, for example. However, this would then call into question the Constitutional validity of *Canon Concerning Services* 1992, to the extent that it authorises something beyond the plenary power of the Synod, as circumscribed by section 5.
10. The Amendment in this Bill cures this defect in the *Canon Concerning Services* 1992, by reverting to the phraseology used in 1977 (in the Australian Prayer Book Canon) and in 1995 (in the Prayer Book for Australia Canon). This involves replacing the phrase, “doctrine of this Church”, with “any principle of doctrine or worship referred to in section 4 of the Constitution”. The amended form of Clause 5(3) is shown below in marked-up form.

**CANON CONCERNING SERVICES 1992**

5. (1) The minister may make and use variations which are not of substantial importance in any form of service authorised by section 4 according to particular circumstances.

(2) Subject to any regulation made from time to time by the Synod of a diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions.

(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~~ **any principle of doctrine or worship referred to in section 4 of the Constitution.**

(4) A question concerning the observance of the provisions of sub-section 5(3) may be determined by the bishop of the diocese.

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**BILL 11**

**A BILL FOR THE CANON CONCERNING SERVICES  
(AMENDMENT) CANON 2022**

The General Synod prescribes as follows:

**Title**

1. This canon is the Canon Concerning Services (Amendment) Canon 2022.

**Interpretation**

2. In this canon, the principal canon is the Canon Concerning Services 1992.

**Amendment to Section 5**

3. Section 5 of the principal canon is amended by deleting the words at subsection (3) ‘the doctrine of this Church’, and instead inserting the words ‘any principle of doctrine or worship referred to in section 4 of the Constitution’.

## **A BILL FOR A RULE TO AMEND RULE II – STANDING COMMITTEE (MEMBERSHIP) 2022**

The General Synod prescribes as follows:

1. In Rule II, in clauses 2 and 3, for “Chairman of Committees” substitute “Chair of Committees”.
2. In Rule II, in clause 2, for “The General Secretary for the time being of the Synod” substitute “The General Secretary for the time being of the Synod, but without the right to vote”.
3. In Rule II –
  - (a) in clause 2, omit “The Secretaries for the time being of the Synod”;
  - (b) in clause 3, omit “or a Secretary of Synod”.
4. This rule comes into effect as follows:
  - (a) section 1 has effect on the date this rule is made;
  - (b) section 2 has effect on the date on which the person who is the General Secretary when this rule is made ceases to be the General Secretary;
  - (c) section 3 has effect at the commencement of the 19<sup>th</sup> General Synod.

## **A BILL FOR A RULE TO AMEND RULE II – STANDING COMMITTEE (MEMBERSHIP) 2022**

### **EXPLANATORY MEMORANDUM**

#### **General Background**

1. This amendment to Rule II removes the Secretaries of Synod from membership of the Standing Committee (with effect from the 19th session of General Synod) and secondly removes the General Secretary's right to vote at meetings of the Standing Committee (with effect from the commencement of the next term of the General Secretary).
2. The present membership of the Standing Committee is determined by clause 2 of Rule II. There are 33 members consisting of 21 elected and 2 nominated members, with the remaining 10 members all ex-officio and all with full voting rights. In addition, the Treasurer, the Primate's assistant and the Primate's Chancellor are usually in attendance.

#### **Membership of the Secretaries of Synod**

3. The Secretaries of Synod, one clerical and one lay, are elected by the Synod pursuant to clause 4 of the Standing Orders of the Synod. Their duties are delineated in clause 5 of the Standing Orders. Those duties are concerned with the processes of Synod sessions and in particular legislation. The positions are not remunerated.
4. In the early days of the General Synod the office of the General Secretary was a part-time appointment. The assistance of the (voluntary) Synod Secretaries was a helpful support to the General Secretary in discharging the responsibilities of office.
5. The present work of the Standing Committee is facilitated by a full-time General Secretary assisted by the paid staff of the General Synod Office. The Secretaries of Synod play little part in the preparation for meetings of Standing Committee and no formal part in the deliberations of Standing Committee.
6. Removing the Secretaries of Synod from membership of the Standing Committee will reduce the size of Standing Committee without loss of critical function and bring a cost saving.
7. Part C of the proposed Rule will remove the Secretaries of Synod from membership of the Standing Committee with effect from the first day of the 19<sup>th</sup> session of the General Synod.

#### **The General Secretary's right to vote**

8. The General Secretary is effectively the 'CEO' of the General Synod and the position is remunerated. While the General Secretary's membership of the Standing Committee can be consistent with good governance principles, the right to vote is not.
9. Further, section 15 of the Constitution provides that the General Secretary is entitled to propose motions and speak at Synod, but not vote. It stands to reason that the same principles should apply to meetings of the Standing Committee.
10. Part B of the proposed Rule will remove the right of the General Secretary to vote at meetings of the Standing Committee, with the commencement of this change deferred during the current term of the General Secretary.

#### **Chair of Committee**

11. Part A of the proposed rule modernises and corrects the title 'Chairman of Committees', so that 'Chairman' is replaced by 'Chair'; and 'of Committees' is replaced by 'of Committee' (since "Committee" in this setting is "a Committee of the Whole General Synod", and there is only ever one committee).