

**IN THE JUDICIAL COMMITTEE OF THE
ANGLICAN CHURCH IN AOTEAROA,
NEW ZEALAND AND POLYNESIA**

IN THE MATTER of an application under
clause 4.1 of Canon IV Title C of the
Canons of the Church

AND

IN THE MATTER of Motion 30 passed by
the General Synod/Te Hīnota Whānui held
at Waitangi in May 2014 ("Motion 30")

Hearing: 2 March 2015

Committee: Judge A McAloon (chair), Judge S Milroy, The Rt Rev'd A
Hedge, The Rev'd Canon S Fordyce, Mrs M Tuilotolava
Taliai, Mr W Morgan, Mr D Stone and Mr M Ockleston

Counsel: Dr D Mathieson QC, Mr I Bassett for the Applicants
Mr B Gray QC for the Primates
Mr J Johnson for the Diocese of Christchurch

In Attendance: The Rev'd M Hughes as Secretary

Oral Decision: 2 March 2015

Written Reasons: 18 April 2015

JUDGMENT OF THE TRIBUNAL

The application is dismissed for lack of jurisdiction.

REASONS

Background

[1] The General Synod/Te Hīnota Whānui (“General Synod”) of the Anglican Church in Aotearoa, New Zealand and Polynesia (“Church”) met at Waitangi in May 2015.

[2] General Synod passed Motion 30, which is set out in full in the Schedule. Clause 4 of Motion 30 reads:

Therefore General Synod/Te Hīnota Whānui resolves that:

Clergy who so wish are permitted to recognise in public worship a same-gender civil union or state marriage of members of their faith community:

- (a) with the permission of their licensing Bishop; and
- (b) with the permission of their Vestry or equivalent leadership body.

Such recognition cannot be marriage or a rite of blessing of a same-gender relationship.

We recognise that this may cause even further distress. Noting the commitment of the Church demonstrated in clauses 1 to 4 above, we ask the LGBT community to recognise that any process of change within our Church takes time.

Application

[3] On 3 September 2014 the Ven Tim Mora, Mr Chris Barfoot and The Rev’d Chris Tims (“Applicants”) applied to the Judicial Committee of the Church, asking for three questions to be answered (“Application”):

- 1 Is any form of recognition of same-gender relationships in public worship unconstitutional?
- 2 Is any form of blessing of same-gender relationships in public worship unconstitutional?
- 3 Is clause 4 of Motion 30 unconstitutional in whole or part?

[4] The General Secretary of the Church referred the Application to the Judicial Committee, which met initially by telephone conference call to discuss the Application.

Composition of the Committee

- [5] Of the members of this Judicial Committee elected at General Synod in 2014, Judge C Harding, the Rt Rev'd V Matthews and The Rev'd J Rowse were members of General Synod 2014 which passed Motion 30. Accordingly they were prevented by clause 2.6 of Title C Canon IV from hearing the Application and therefore withdrew from the Committee for the purposes of hearing the Application.
- [6] The Primates appointed The Rev'd Canon S Fordyce and The Rt Rev'd A Hedge, neither of whom were members of General Synod 2014, to replace those members who were disqualified from hearing the Application.
- [7] Judge A McAloon as deputy-chair of the Judicial Committee chaired the hearing in the absence of its chair, Judge C Harding.

Notification and Responses

- [8] The Committee determined that the Application should, in accordance with clause 4.3 of Title C Canon IV, be notified to:
- [a] the parties stated in the Application: “the Archbishop” (which the Committee interpreted as referring to the Primates), “all Diocesan Bishops” (which the Committee interpreted as referring to all Bishops exercising episcopal ministry), the General Secretary, and members of “The Way Forward” working group appointed under Motion 30;
 - [b] as other bodies whom the Committee considered may be interested in the Application: the General Synod Standing Committee, the Standing Committees or equivalent of each of the Pākehā Dioceses, the Standing Committee of the Diocese of Polynesia, and Runanga Whaiti for Te Pīhopatanga o Aotearoa;
 - [c] the Tribunal on Doctrine, but not as a party to proceedings.

- [9] Submissions were received from the Primates, the Diocese of Christchurch, the Diocese of Auckland, and the Way Forward Working Group.
- [10] The Committee also received submissions from the Applicants in reply to the submissions from other parties, and written submissions from Counsel for the Diocese of Christchurch and Counsel for the Applicants. Given the extensive written submissions received and considered it is not necessary or practical for the Committee to record in this decision all the matters put to it in argument.
- [11] Before the hearing, Counsel for the Primates indicated that Archbishop P Richardson wished to address the Committee, and Counsel for the Applicants indicated that each of the Applicants wished to address the Committee on to their motivation for making the Application.
- [12] The Committee agreed to allow the Applicants to address the Committee on what motivated them to bring the Application, subject to a strict time limit of 2 minutes each.

Approach – Jurisdiction

- [13] In its written submissions the Diocese of Christchurch had submitted that the Application was outside the Judicial Committee’s jurisdiction.
- [14] At the beginning of the hearing, the Tribunal indicated that it would hear all parties on the question of jurisdiction only, before considering the substantive matter and deciding how it would proceed with the Application.

Canonical Jurisdiction

- [15] The Judicial Committee is constituted by Title C Canon IV (“the Canon”), clause 1 of which provides:

WHEREAS it is provided in the Constitution / te Pouhere of this Church that any doubt which shall arise in the interpretation of the Constitution / te Pouhere for the time being of this Church shall be submitted for final decision to the General Synod / te Hīnota Whānui or to some tribunal established by it in that behalf;

AND WHEREAS it is provided that any person or persons aggrieved by any act or decision of Te Runanganui o Te Pihopatanga o Aotearoa or of any diocesan synod or of the Synod of the Diocese of Polynesia may appeal to the General Synod / te Hīnota Whānui or to any board or court of appeal established by the General Synod / te Hīnota Whānui established for that purpose; and the General Synod / te Hīnota Whānui or such court of appeal shall finally decide such appeals;

AND WHEREAS it is desirable that all doubts which may arise in the interpretation of any canon or statute already passed, or hereafter to be passed, by the General Synod / te Hīnota Whānui or by Te Runanganui o Te Pihopatanga o Aotearoa or by any diocesan synod or by the Synod of Diocese of Polynesia, shall be submitted for final decision by a tribunal set up in that behalf by the General Synod / te Hīnota Whānui:

NOW THEREFORE there is hereby established as such tribunal, board or court of appeal as the case may be and for all or any of the foregoing purposes of Part G clause 3, Part D, clause 7, Part E clause 7, and Part F clause 7 of the Constitution / te Pouhere to the exclusion of the General Synod / te Hīnota Whānui a body to be known as the Judicial Committee.

- [16] In the course of the hearing, the first three paragraphs were referred to as the “First Preamble”, “Second Preamble” and “Third Preamble” respectively, and it is helpful to continue those references in this decision.

Applicants

- [17] After hearing from each of the Applicants as noted above, the Committee heard Counsel for the Applicants, Dr D Mathieson QC, on the question of jurisdiction.
- [18] Dr Mathieson opened by saying that the Application was a challenge not only to clause 4 of Motion 30 but to same-sex relationships and blessings generally.
- [19] Dr Mathieson argued that the Application was not premature, and that the position taken by clause 4 tended towards the full acceptance of same-sex relationships and the blessing of them. The Applicants oppose this outcome.
- [20] Dr Mathieson expressly placed no reliance on the Second and Third Preambles, but solely on the First Preamble, as the relevant source of the Committee’s jurisdiction in relation to the Application.

- [21] Dr Mathieson argued that the Committee’s jurisdiction under the First Preamble to interpret the Constitution should not be viewed in the abstract but applied to the *application* of the Constitution, and the actions of General Synod by resolution. He placed reliance on references in clause 3.5 and 4.1 of the Canon to “annotation [being] made ... to the appropriate canons or clauses of the Constitution” and “the facts of the case”.
- [22] Dr Mathieson accepted that the Committee was not empowered to issue advisory opinions on questions posed, but submitted that the Application was a specific question based on actual circumstances.
- [23] Members of the Committee pressed Dr Mathieson to identify the specific provisions of the Constitution that the Applicants say require interpretation by the Committee pursuant to the First Preamble.
- [24] In response, Dr Mathieson indicated that the provisions were:
- a. All references to the Fundamental Provisions of the Constitution; and
 - b. All those provisions of the Constitution which constrain General Synod not to depart from the Doctrines of Christ.
- [25] He was, though, unable to indicate what “doubt” there was in the interpretation of those provisions, which the Committee was being asked to finally determine.
- [26] Dr Mathieson sought to establish jurisdiction primarily by responding to the submissions of the Diocese of Christchurch as to why the Committee did not have jurisdiction.

[27] Dr Mathieson addressed the Committee at some length on the law of alternative remedies, and sought to establish that the question before this Committee is not the same as that which would come before a Tribunal under the Church of England Empowering Act 1928 (“Empowering Act”), and that such a Tribunal does not have exclusive jurisdiction over the matters raised by the Application. He noted that an appeal to that Tribunal is a pre-requisite to a proceeding before it, so this Application to this Committee could not be a matter which the Tribunal ought to hear instead, when it has not been directed to the Tribunal.

The Primates

[28] Counsel for the Primates, Mr B Gray QC, briefly addressed the Committee on the matter of jurisdiction. He indicated that the Primates, when presiding at General Synod, had consciously considered whether Motion 30 constituted a change in doctrine, and had determined for themselves that it did not.

[29] He submitted that, although the demarcation between this Committee and the Tribunal under the Empowering Act is not explicitly laid out, it is easy to see that where any change in Doctrine is involved, the Tribunal has exclusive jurisdiction to hear any challenge to that change. The central question for the Primates is therefore whether there has been any change in Doctrine.

[30] Archbishop P Richardson indicated that he did not wish to address the Committee on the issue of jurisdiction, but had indicated a wish to address the Committee on the substantive Application.

Diocese of Auckland

[31] The Rt Rev’d R Bay, representing the Diocese of Auckland, did not wish to make submissions on the issue of jurisdiction, but was prepared to make submissions on the substantive Application.

Diocese of Christchurch

[32] In particularly succinct and helpful submissions presented by Mr J Johnson, the Standing Committee of the Diocese of Christchurch took the position that this Committee lacked jurisdiction to determine the Application.

[33] Mr Johnson indicated that the Standing Committee of the Diocese of Christchurch was concerned that proper process should be followed, and that there should not be a premature end to the debate on the issues raised by Motion 30.

[34] Mr Johnson argued that the Committee's jurisdiction in relation to General Synod was necessarily limited because the Committee was acting in the place of General Synod, and therefore could not have greater powers than that of General Synod itself.

[35] Mr Johnson outlined the process by which this Church can change its Doctrine, and noted that the process for challenging such a change makes no provision for this Committee's involvement, but only for an appeal to a Tribunal under the Empowering Act, which has exclusive jurisdiction in such matters.

[36] Mr Johnson clarified that paragraph 12c of the Diocese's Reply of 9 February 2015 *excluded* decisions of General Synod from the Second Preamble.

Applicants' Reply

[37] Dr Mathieson briefly addressed the Committee in reply, and submitted that section 6 of the Empowering Act (which provides that the Tribunal on Doctrine is not bound by its own previous decisions) does not recognise the dynamic nature of Doctrine, which is free from a regime of strict precedent.

- [38] Dr Mathieson argued that the Diocese of Christchurch’s interpretation of the Committee’s jurisdiction, as being limited to purely interpretative matters or ensuring proper procedure had been followed, placed a gloss on the First Preamble for which there was no textual support. He placed reliance on the fact that the Committee can “finally” determine matters.
- [39] Dr Mathieson noted the unwelcome consequences, in terms of delay and uncertainty, if the Application was not substantively addressed by the Committee. He urged the Committee to determine the Application to avoid these consequences.
- [40] Dr Mathieson noted that one member of the Church can apply to the Committee whereas appeals to the Tribunal on Doctrine require 5 persons. He argued that this emphasised the importance placed on access to the Tribunal to have matters of Constitutional compliance determined.
- [41] Dr Mathieson disputed that there had been no change in Doctrine. He submitted that the provision for potential recognition of same sex relationships within Motion 30 amounted to approval. He submitted that any approval, whether or not a blessing, of same-sex relationships is a change to the Doctrine and sacraments of Christ in terms of the Constitution.

Committee’s Determination

- [42] As a creature of statute, here the Canon, the Committee has a defined jurisdiction and must only determine matters falling within that jurisdiction.
- [43] That jurisdiction can be quite simply described, in terms of the Canon as:
- a. First Preamble – resolution of “doubts” in the “interpretation” of the Constitution;
 - b. Second Preamble – appeals against the acts or decisions of Diocesan Synods, Hui Amorangi and Te Runanganui, *but not* General Synod;

- c. Third Preamble – resolution of “doubts” in the “interpretation” of the Canons and Statute passed by Diocesan Synods, Hui Amorangi and Te Runanganui, *including* General Synod.

[44] The Committee does not, for present purposes, need to address its other functions under Title C Canon II in relation to standing resolutions.

[45] The Applicants properly placed reliance solely on the First Preamble. However, for completeness this decision reviews all three Preambles, because that review is instructive for the proper understanding of the First Preamble.

The First Preamble

[46] The First Preamble provides for the resolution by “final decision” of “any doubt which shall arise in the interpretation of the Constitution / te Pouhere for the time being of this Church”. Those words clearly require there to be some uncertainty as to the meaning of the Constitution or provisions of the Constitution.

[47] The First Preamble refers to “it is provided in the Constitution / te Pouhere of this Church that ...”, which is a reference to clause 3 of Part G of the Constitution:

Any doubt which shall arise in the interpretation of the Constitution for the time being of this Church shall be submitted for final decision to the General Synod / te Hīnota Whānui or to some Tribunal established by it in that behalf.

The Second Preamble

[48] The Second Preamble provides a court of appeal against “any act or decision of Te Runanganui o Te Pīhopatanga o Aotearoa or of any diocesan synod or of the Synod of the Diocese of Polynesia”, which again may “finally determine such appeals”. The bodies whose decisions can be referred to the Committee under this Second Preamble are expressly Diocesan Synods and their equivalent bodies.

[49] The Second Preamble similarly starts “it is provided that”, which is a reference to the proviso to clause 7 of Parts D to F of the Constitution.

[50] References to General Synod are noticeably absent from the Second Preamble, and from the proviso to clause 7 of Parts D to F of the Constitution. That absence makes sense as those clauses contemplate General Synod itself being the court of appeal. The fact that General Synod has constituted this Committee to fulfil that function does not alter the fact that the Constitution and the Canon do not provide for decisions of General Synod itself to be reviewable under the Second Preamble.

[51] If General Synod was mentioned in the Second Preamble then the Committee would have jurisdiction to hear, effectively, an appeal against General Synod’s decision to pass Motion 30. However that is not the case.

The Third Preamble

[52] The Third Preamble has no Constitutional reference, being simply “desirable”. It provides an equivalent power to the First Preamble, but this time in relation to “any canon or statute already passed” by all Synodical bodies, including General Synod itself.

[53] While General Synod does fall within the Third Preamble, that is only to the extent of “canon[s] or statute[s]”; motions or other resolutions, such as Motion 30, are not caught by the Third Preamble.

[54] That restriction makes sense when Title C Canon II, clause 7 is considered:

Any Resolution not included in the Standing Resolutions of the General Synod / te Hīnota Whānui shall remain in force until the meeting of the next ensuing biennial session of the Synod.

[55] Resolutions of General Synod have a limited life of 2 years unless they subsequently become “Standing Resolutions” under that Canon, and are then “maintained in force”.

Application of the First Preamble

- [56] Therefore only the First Preamble can be relevant to the Application.
- [57] The issue before the Committee is then whether, in terms of that First Preamble, the Applicants are seeking to resolve some doubt in the interpretation of the Constitution.
- [58] A real difficulty for the Applicants is that neither the Application nor Dr Mathieson's submissions identified any doubt that needed to be resolved.
- [59] No competing interpretations were advanced, nor specific words or provisions identified. It was not sufficient, as Dr Mathieson did (and only then under very direct questioning from members of the Committee), to refer to large portions of the Constitution in a general way.
- [60] It is therefore extremely difficult to see how the Applicants could be said to be asking the Committee to resolve any doubt in the Constitution.
- [61] Instead, the Application asked the Committee to say whether something was or was not constitutional. In the absence of competing interpretations of particular provisions of the Constitution, such a request is not asking for the resolution of a doubt in the interpretation of the Constitution, but is instead extremely close to seeking a general advisory answer, which Dr Mathieson properly conceded before the Committee was not part of the Committee's function.
- [62] If the Applicants had asked the Committee to resolve a doubt in the interpretation of the expression "the Doctrine and Sacraments of Christ" as used in the Constitution, then the Committee could perhaps have done so.
- [63] However, the Committee would have had difficulty in going beyond the proviso to clause 5 of Part B of the Constitution (emphasis added):

... the Doctrine and Sacraments of Christ **as defined in** the Fundamental Provisions of this Constitution.

which refers the reader back to clause 1 of Part B (emphasis added):

This Church holds and maintains the Doctrine and Sacraments of Christ **as the Lord has commanded in Holy Scripture and as explained in**

The Book of Common Prayer 1662

Te Rawiri

The Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests and Deacons

The Thirty Nine Articles of Religion

A New Zealand Prayer Book - He Karakia Mihinare o Aotearoa.

[64] If the Applicants were to ask the Committee to interpret those sources of the Doctrine and Sacraments by expressing a view as to whether any matter was consistent or otherwise with the content of those sources, then that is something that the Committee would be very reluctant to undertake, because:

- a. The Committee would then be interpreting not the Constitution itself but other documents which are simply referred to in the Constitution, which is beyond the scope of the First Preamble;
- b. The Committee would be barely competent to do so. The Committee is, under the Canon, primarily comprised of lawyers. The present Committee was comprised of 7 lawyers and one Bishop. It is clear, from both the Canonical duties of the Committee and the requirement that its lay members be qualified lawyers in good standing, that the Committee's functions are directed at legal matters and not the resolution of theological disputes. To the extent that theological issues arose in the Committee's work, a Committee primarily comprised of lawyers would feel compelled seek the advice of a theological body, such as the Tribunal on Doctrine (which this Committee ordered be served with notice of the Application as an interested party). Even then, however, the Committee could very feel constrained in its ability to deal with such issues.

- [65] Dr Mathieson argued that the power to interpret the Constitution included the power to interpret the application of the Constitution. The Committee finds no support for that approach in the wording of the First Preamble. The Constitution is a document with known parameters. To the extent that any application of its clauses requires interpretation of those clauses then the Committee may have jurisdiction to resolve any doubt as to those clauses, but the Committee does not have a general supervisory jurisdiction over how those clauses are implemented or given effect to. Such a jurisdiction is more properly found in the Second Preamble, but not in relation to General Synod.
- [66] Dr Mathieson submitted that clauses 3.5 and 4.1 of the Canon supported a broader jurisdiction than merely interpreting the words of the Constitution. The Committee disagrees. The references in clause 3.5 reflect the Committee's function under the First or Third Preambles, and are largely procedural in nature, but do not confer jurisdiction or widen the scope of those Preambles. The references in clause 4.1 are more relevant to the Committee's jurisdiction under the Second Preamble, which would require facts to be established. However, that Preamble does not apply to the Application and Dr Mathieson placed no reliance on it.
- [67] While it is not accurate to suggest that the Application is properly a matter for a Tribunal under the Empowering Act, no party asserted that Motion 30 was a proposal under that Act, which is the only route for referral to such a Tribunal. It follows that a Tribunal under the Empowering Act has no jurisdiction unless and until such a proposal is made, and that in the absence of such a proposal no reference could have been made to that Tribunal. The process begun by Motion 30 may result in such a proposal, and the Tribunal would then be open to anyone who objects to that proposal but the Applicants could not have approached such a Tribunal at this stage.

Mischief to be Prevented

- [68] The Applicants expressed real concern that, if the Committee did not have jurisdiction, there might be no effective check on General Synod, which would then be free to make decisions that are contrary to the Constitution. In relation to matters of Doctrine, the first opportunity for review would be at the conclusion of the “twice round” process in the Empowering Act, which would take up to 5 years.
- [69] The Committee considered the “mischief” identified by the Applicants and notes that, if the matter relates to procedural compliance and the rights of individuals, the civil courts are likely to be prepared to hear applications for judicial review. Such applications may be assisted by a ruling from this Committee as to the interpretation of the relevant provisions, if any doubt exists. However, it would be the civil courts, and not this Committee, which would have the ability to make declarations as to the status and effect of such decisions, including as to any unlawfulness.
- [70] Where the matter relates to doctrinal or theological matters then the civil courts have shown themselves far less willing to intervene. That would be especially so where an internal remedy lies in the form of the Tribunal under the Empowering Act, or where a theological body established by the Church has expressed an authoritative view.
- [71] The fact that a mischief may result is not grounds for reading into the First Preamble words that are simply not there and which, on a proper reading of the First Preamble in its wider context, are clearly not intended to be there.
- [72] The fact that there may be no immediate external remedy does not mean that there is no remedy at all, or that this Committee therefore has jurisdiction. It is the Committee’s clear view that the Constitution and the Canons provide no power for this Committee to rule on the *decisions* of General Synod but only to interpret any doubts that may arise in the interpretation of Canons passed by General Synod (the Third Preamble).

- [73] If it was intended that this Committee should have such a wide power over General Synod then the Constitution and the Canons would be expected to have expressed it. The Second Preamble gives the Committee no jurisdiction as a court of appeal against decisions of General Synod.
- [74] As a general principle, it would be surprising if a body such as this Committee which is subordinate to General Synod had power over General Synod.
- [75] The Committee also notes that the Canon is not protected from repeal by General Synod. Therefore the Committee's sources of jurisdiction are not protected from the body being reviewed, as one would expect to be the case if the Committee had jurisdiction to review General Synod.
- [76] Dr Mathieson placed some reliance on the fact that only one member of the Church is required for an application to the Committee, whereas at least five persons (including a Bishop) are required for any appeal to the Tribunal under the Empowering Act. He advanced that as supporting his submission that this Committee has jurisdiction over decisions of General Synod. On the contrary, the Committee sees the relative ease of access to this Committee as militating against its having the high jurisdiction that Dr Mathieson asserted.
- [77] The position is therefore, in the Committee's view, that it has no jurisdiction to review the decisions of General Synod in the same way as it does decisions of Diocesan Synods and Hui Amorangi under the Second Preamble.
- [78] Whether that is a desirable position is something for General Synod itself to determine. It is open to General Synod to make provision for such a review or appeal process if it wishes to do so. However, the *desirability* of such an outcome (from the Applicants' position) does not confer on this Committee jurisdiction to do so. That is a matter for General Synod alone to pursue if it sees merit in it.

Result

[79] The Application is accordingly **dismissed** for lack of jurisdiction.

[80] The Committee records its thanks to all Counsel for their submissions, particularly to Mr Johnson for his extremely helpful submissions on jurisdiction, and to the General Secretary for making all the administrative arrangements and supporting the Committee in its work.

Schedule

Motion 30 - A way forward – He Anga Whakamua – Na sala ki liu

1. The Rt Rev'd Dr Helen-Ann Hartley
2. The Rev'd Don Tamihere

*Ka kawea mai e ahau I te karere pai me te hari nui mō koutou”
‘Behold I bring you glad tidings of great joy’
“Oku ou ha’u mo au a’e Talafungani ‘oe Fiefia” Luke 2:10.*

On Christmas Day, 1814, the Rev'd Samuel Marsden and Ruatara proclaimed the Gospel of Jesus Christ for the first time on the shores of Aotearoa New Zealand. Thus for two hundred years, the good news of Jesus Christ has been proclaimed throughout Aotearoa New Zealand and Polynesia. But the good news of God reaches back into the story of our created world. We speak and experience the Gospel in this time and in this place, but hold the witness of Scripture in its articulation of God's work in history through Jesus Christ, Son of God and servant of all, and in the movement of the Holy Spirit. We are held in the now and the not yet, trusting in the promises of God. We are filled with grace and hope, and Scripture commands us to live in prayerful anticipation of the promises of resurrection into eternal life, when we shall all be changed.

Scripture teaches the creation of male and female in the image and likeness of God and the love of God for all people regardless of individual faith or calling. In Christ all are invited into faith in the new covenant in which the forgiveness of sin and new life in Christ is received. Called to be members of the Body of Christ, the power of the Spirit empowers the church to be the hands and feet; the voice and heart of Christ. Jesus Christ is the centre of all that we are and all that we do.

*“There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus.”
“Kāhore he Hūrai, kāhore he Kāriki, kāhore he pononga, kāhore he rangatira, kāhore he tāne, wāhine rānei, he tāngata kotahi tonu hoki koutou katoa I roto i a Karaiti Īhu.”
“E le o I ai se lutaia po o se Eleni, e le o I ai se pologa po o se saoloto, e le o I ai se tane po o se fafine; auā ua tasi lava outou uma ia Keriso Iesu.” Galatians 3:28*

In this letter, the Apostle Paul writes to a community who were themselves experiencing critical issues of division in their doctrine and common life, that their distinct identities were not collapsed, but rather surpassed and transformed by Jesus Christ.

“All have sinned and all have fallen short of the glory of God” Romans 3:23.
Nevertheless Christ is the Good Shepherd (John 10) and seeks to bring home to the fold every person. God never gives up on us (Luke 15).

It is the call of the church in every place to proclaim God's love and invite people to become disciples of Christ. Christian teaching calls every disciple to a life of repentance as well as seeking to do God's will to love and serve others in the world Christ died to save.

At the General Synod/Te Hīnota Whānui held at Waitangi in May 2014, the Three Tikanga of our Church met and engaged in a number of important issues. One major focus of energy and debate was the doctrine of marriage. In the midst of the articulation of many theologies and cultural influences, our unity in Christ was never-the-less evident even when we disagreed. The Church has received and articulated an understanding of intimate human relationships which it expresses through her doctrine of marriage between a man and a woman, and is life-long and monogamous.

We uphold this traditional doctrine of marriage.

Over many years our Church has become increasingly aware of the pain of the LGBT community. All too often our Church has been complicit in homophobic thinking and actions of society, and has failed to speak out against hatred and violence against those with same-gender attraction.

We apologise unreservedly and commit ourselves to reconciliation and prophetic witness.

We recognise a diversity of voices about what constitutes a right ordered intimate relationship between two persons regardless of gender. At this time it is the will of the General Synod/Te Hīnota Whānui to respond to what the Spirit is saying to the Church. Although we are far from unanimous in seeing the way forward, there is a broad recognition of the dynamic nature of doctrine, and the call of the prophetic word to be attentive to the movement of the Spirit. There is no questioning the depth of love and commitment in some gay and lesbian relationships and their commitment to serve the wider community and to be disciples of Jesus Christ.

Therefore we present the following resolutions of General Synod/Te Hīnota Whānui and share a possible timeline for the development of new liturgies, change of formularies and possible parliamentary action, keeping in mind the present legal restrictions in some jurisdictions.

1. This General Synod/Te Hīnota Whānui resolves to appoint a working group to bring and recommend to the 62nd General Synod/Te Hīnota Whānui:

- (a) A process and structure by which those who believe the blessing of same-gender relationships is contrary to scripture, doctrine, tikanga or civil law, will not be required to perform any liturgy for the blessing of same-gender relationships, will continue to have integrity within the Church, and will remain compliant with the parliamentary legislation within any relevant jurisdiction;
- (b) A process and structure by which those who believe the blessing of same-gender relationships is consonant with scripture, doctrine, tikanga and civil law may perform a yet to be developed liturgy for blessing same-gender relationships in a manner which maintains their integrity within the Church, is compliant with the parliamentary legislation within any relevant jurisdiction, and can remain in communion under scripture, doctrine and law; including
 - (i) A proposal for a new liturgy to bless right ordered same-gender relationships;
 - (ii) A process and legislation (whether church or parliamentary) by which a new liturgy to bless right ordered same-gender relationships may be adopted;

and

2. **Recognising** that this work has the potential to impact on the Church's theology of ordination and marriage, asks the group to report for our future on:
 - (a) The theology of ordination to Anglican orders and requirements for that; and
 - (b) The theology of marriage.
3. **This General Synod/Te Hīnota Whānui** commits itself to continued dialogue/ talanoa/ wānanga which respects and protects diversity with the option of change.
4. **And further:**
"By one Spirit we were baptised into one body"
He Karakia Mihinare o Aotearoa/A New Zealand Prayer Book

We are disciples of Jesus Christ who took a towel and basin and bid his disciples to serve and care for all.

We are acutely aware of the desire of some clergy to make further response pastorally and prayerfully to LGBT people in their faith communities.

Therefore General Synod/Te Hīnota Whānui resolves that:

Clergy who so wish are permitted to recognise in public worship a same-gender civil union or state marriage of members of their faith community:

- (c) with the permission of their licensing Bishop; and
- (d) with the permission of their Vestry or equivalent leadership body.

Such recognition cannot be marriage or a rite of blessing of a same-gender relationship.

We recognise that this may cause even further distress. Noting the commitment of the Church demonstrated in clauses 1 to 4 above, we ask the LGBT community to recognise that any process of change within our Church takes time.

Ka mea a Ihu: *"He ture hōu tāku ka hoatu nei ki a koutou, kia aroha tētahi ki tētahi, kia rite ki tāku aroha ki a koutou."*

Jesus said: *"I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another."*

Sa kaya ko Jisu: *"Mo dou vei lomani me vaka kau sa lomani kemudou, mo dou vei lomani vaka kina"*

John 13:34

Agreed.