

Address to Media Conference 28 September 2007 by
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Appellate Tribunal Decision – Women Bishops

When the *Constitution* of the Anglican Church of Australia came into force in 1962 Australian Church law inherited much of English church law at that time.

One such inherited rule is commonly called 'The Phillimore Rule' after an English church lawyer. It said that women, along with unbaptised persons, could not be ordained.

That was the reason women were not ordained here before 1986.

Women were first ordained deacon in Australia in 1986 following the passing of a Canon removing the Phillimore Rule in respect of deacons.

Similarly in 1992 a Canon was passed removing the Phillimore Rule in respect of women being ordained priest (*The Law of The Church of England Clarification Canon 1992*).

Both these canons have force only in those dioceses which adopted them.

Attempts in Australia at the last two General Synods to pass a similar canon to allow for the consecration of women as bishops have failed to gain the necessary majorities.

In 2005 a group of twenty-five members of General Synod asked the Appellate Tribunal whether the Constitution contains anything that would prevent the consecration of a woman as a bishop, or the installation of a woman so consecrated as a bishop in a diocese. It is that decision of the Appellate Tribunal that is released today.

The Tribunal's answer is basically: No there is nothing in the Constitution that would prevent a woman becoming a bishop in Australia. There are, however, some buts!

A 4/3 majority of the Tribunal has said that this is now possible because of two things. First the 1992 Canon made it possible for there to be women priests, which wasn't possible before 1992. And secondly, in 1995 a Constitutional change came into effect altering the inherited test of 'canonical fitness' that is applied to a priest before consecration as a bishop. Before 1995 there was a requirement of maleness in the canonical fitness test. After 1995 that was removed.

So basically there is now nothing in the Constitution to prevent a woman becoming a bishop.

But the Tribunal's answer is qualified and nuanced and makes it clear that it is not open slather, as it were, for women bishops.

First of all a women priest could be elected and consecrated or appointed as a **diocesan** bishop if certain other things are also in place, including

- The diocese in question would need to have adopted the Law of The Church of England Clarification Canon 1992.
- The constitution and law of the diocese in question would need to allow it

But the situation seems to be different for assistant bishops. I say seems because there wasn't a statutory majority of the Tribunal about this question (two lawyers and two bishops). A majority of the Tribunal thinks that the old pre-1995 canonical fitness test still applies to the Assistant Bishops Canon 1966. So bishops appointed under that canon still need to be male until the Canon is changed. (Note that that Canon is not in force in every diocese).

One bishop and three lay members took the view that while there is nothing in the Constitution itself that would preclude the consecration of a woman, such a consecration could not take place in a diocese in which the Assistant Bishops' Canon 1966 in its present form is in force.

There will need to be a good deal of discussion and conversation about the findings of the Appellate Tribunal and about their ramifications. Individual dioceses and provinces will need to give thought to their own legislation as well as to the provisions of the *Assistant Bishops' Canon 1966* before they appoint women as bishops.

Next month's General Synod will provide an opportunity for some of the necessary conversation. The National Bishops Meeting to be held in April 2008 will provide a further opportunity. At this year's National Bishops Meeting there was discussion about the need to care for those who conscientiously object to women bishops. The bishops resolved that if the Appellate Tribunal should clear the way for the consecration of women, nothing further should happen prior to the 2008 Bishops Meeting.

For these reasons I would not anticipate that there will be a woman consecrated bishop in Australia in the very near future. It is likely to be at least six months, and possibly longer, before the first consecration or appointment of a woman bishop happens here. There is likely to be further discussion and possibly debate. I do not see that as a negative thing. The Anglican family across Australia is a diverse group and we are mature enough to engage in robust debate on many issues.

Nevertheless, today's decision of the Appellate Tribunal is significant in opening the way to consecrations of women in the future.

Speaking purely personally for a moment I welcome the decision. But I also recognise that there will be some Anglicans for whom the decision and the prospect of women bishops will be difficult or distressing. One of our first priorities must be setting in place arrangements for the pastoral care of those who maintain a conscientious objection to women bishops.

NB: The first Anglican woman bishop was consecrated in the United States in 1989 and women have been consecrated in the United States, Canada and New Zealand. In addition, there is canonical provision for the consecration of women in Bangladesh, Brazil, Central America, Ireland, Japan, Mexico, North India, the Phillipines, Scotland, Southern Africa and Sudan.