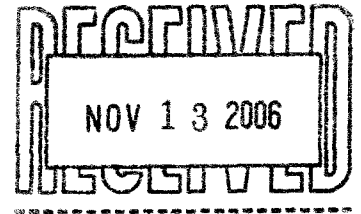


PRIMATE OF AUSTRALIA



26 October 2006

The Most Rev'd Drexel Wellington Gomez
Archbishop, Church in the Province of the West Indies
PO Box N-7107
Nassau
BAHAMAS

Dear Drexel

At its October meeting, the Standing Committee of the General Synod of the Anglican Church of Australia requested me to provide all primates with copies of a report presented to it by a group convened to consider the Windsor Report.

I enclose a copy of that report and of a draft covenant prepared by the group.

The group felt that the Constitution of the Anglican Church of Australia might provide a useful model for a covenant for the Communion, given that it was so long (sixty years) in development and, since its inception, has held Anglicans of a wide diversity of backgrounds and persuasions in some sort of unity.

In addition to modelling itself upon the Australian Constitution, the draft covenant reflects the common themes that have emerged from the discussions of the group. The group felt that the Australian church, at least, would be most likely to adopt a covenant which provided for:

- the holding together of provincial autonomy with a mutually professed provincial preparedness to self-limit and to wait upon one another;
- the conciliar tradition within Anglicanism as expressed through synodical processes and as reflected in limitations upon the exercise of coercive power;
- dispersed authority expressed in autonomous national churches rather than central institutions;
- the development of consultative and advisory roles rather than juridical power within the instruments of communion;
- the need for clarity about the operation of the principles of *adiaphora*, *subsidiarity*, *reception* and *provisionality*, and in particular about the interplay between *adiaphora* and *subsidiarity*;
- the need for mechanisms to allow for appropriate expressions of disagreement and conflict; and

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THE ANGLICAN CHURCH OF AUSTRALIA

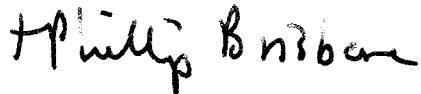
- a focus which is outward and founded in mission.

I have been heartened by the response of Standing Committee to the report and to the draft covenant. An initial air of scepticism gave way during the course of our discussions to a unanimous statement of support for the direction taken in the draft covenant. Indeed, more than one participant commented that a previously-held conviction that no proposed covenant could ever hope to win support across the Australian church had been altered as a result of reading this draft.

Given that the Australian church comprises adherents of the full spectrum of Anglican theological and ecclesiological views, I am hopeful that the degree of unanimity reached here augurs well for the prospects of this draft covenant, and the principles which it reflects, finding broad-based approval around the Communion.

I commend the report and draft covenant to your attention and would be grateful for any comments that you might wish to make in response.

Yours in Christ

A handwritten signature in black ink that reads "Phillip Aspinall". The signature is written in a cursive, slightly slanted style.

The Most Rev'd Dr Phillip Aspinall
Primate of Australia

**Draft submitted by the Anglican Church of Australia
October 2006**

A COVENANT FOR THE ANGLICAN COMMUNION

Preamble: WHEREAS the Lambeth Commission on Communion, in the *Windsor Report* 2004, recommended, and urged the primates to consider, the adoption by the churches of the Communion of a common Anglican Covenant which would make explicit and forceful the loyalty and bonds of affection which govern the relationships between the churches of the Communion, and
WHEREAS the Primates in their 2005 Communiqué commended the proposal for an Anglican Covenant as a project that should be given further consideration in the Provinces of the Communion and asked the Archbishop of Canterbury to explore ways of implementing such further consideration, and
WHEREAS the Provinces of the Communion have engaged in further consideration of the proposal for an Anglican Covenant,
The Provinces of the Communion now agree to enter into an Anglican Communion Covenant in the following terms.

PART 1 DEFINITIONS

1. **'The Anglican Communion'** means the member churches of the Anglican Communion, being those churches party to this covenant
 'instruments of communion' means the Archbishop of Canterbury, the Lambeth Conference of Bishops, the Anglican Consultative Council and the Primates' Meeting
 'The Member Churches' means the member churches of the Anglican Communion, being those churches party to this covenant
 'Member Church' means a member church of the Anglican Communion, being a church party to this covenant
 'Reception' means a process of testing whether a controversial development or action, not yet approved by the Anglican Communion but nevertheless arising within a province by legitimate processes, might gradually, over time, come to be accepted as an authentic development consistent with the faith as it has been received by the Anglican Communion.

PART 2 FUNDAMENTAL DECLARATIONS

2. The Anglican Communion, a fellowship of churches, each of which is a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.

3. The Anglican Communion receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.
4. The Anglican Communion will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

PART 3 RULING PRINCIPLES

5. The Member Churches, being the Church of England and churches derived from the Church of England, retain and approve the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but each Member Church has plenary authority at its own discretion, to make statements as to its faith ritual ceremonial or discipline and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by its Constitutions and laws. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in the Anglican Communion, 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.
6. Subject to the Fundamental Declarations and the Ruling Principles, Member Churches have plenary authority and power to make canons, ordinances and rules for their own order and good government, and to administer their own affairs.
7. The Member Churches covenant to remain and be in communion with the Church of England in England and with each other, so long as communion is consistent with the Fundamental Declarations contained in this Covenant.

PART 4 THE MISSION OF THE ANGLICAN COMMUNION

8. The Member Churches affirm that they enter into this covenant in order that their common mission, which is the Mission of Christ to proclaim the good news of the Kingdom of God, and in particular to:
 - teach, baptize and nurture new believers;
 - respond to human need by loving service;
 - seek to transform unjust structures of society;
 - strive to safeguard the integrity of creation and sustain and renew the life of the earth;

- worship and celebrate the grace of God; and
 - to live as one, holy, catholic and apostolic church;
- might thereby be enriched and magnified to the Glory of God.

9. The Member Churches acknowledge that their common mission is a mission shared with other churches not party to this covenant.

PART 5 THE GIFT OF COMMUNION

10. The Member Churches acknowledge that their communion is a gift from God.
11. The Member Churches, by entering into this covenant, undertake to be stewards of God's gift of communion to the Anglican Communion.
12. The instruments of communion of the Anglican Communion are charged to support and nurture the Member Churches and the bonds of communion and affection amongst them.
13. The Archbishop of Canterbury enjoys a primacy of honour and is a personal sign of our communion. The Archbishop of Canterbury has the power to invite and to decline to invite the bishops of Member Churches to the Lambeth Conference, but has no further power or jurisdiction in respect to Member Churches, other than the power to advise, consult, mediate, encourage and counsel.
14. The Lambeth Conference of Bishops, called together and presided over by the Archbishop of Canterbury, expressing episcopal collegiality worldwide, gathers for common counsel, consultation and encouragement and to provide pastoral direction to the whole Communion.
15. The Anglican Consultative Council has such membership and functions as are prescribed by its constitution, provided that it holds no power or jurisdiction in respect to Member Churches other than the power to advise, consult, mediate, encourage and counsel.
16. The Primates' Meeting, presided over by the Archbishop of Canterbury, assembles for mutual support and counsel, monitors global developments and exercises collegial responsibility in doctrinal, moral and pastoral matters, provided that it holds no power or jurisdiction in respect to Member Churches other than the power to advise, consult, mediate, encourage and counsel.

PART 6 EXERCISE OF AUTONOMY IN COMMUNION

17. Autonomy, the right of a church to self-government, as expressed in Part 3 of this covenant, is a traditional principle of Anglicanism. The principle of autonomy implies also the principle of subsidiarity, that decisions should be made as close to

the local level as possible. By entering into communion, autonomous churches accept certain constraints upon the operation of the principles of autonomy and subsidiarity.

18. Member Churches, by entering into this covenant, freely undertake, as mutual gift, to self-limit the exercise of autonomy where to do so is in the interests of the Communion.
19. Where a Member Church is uncertain whether the interests of the Communion call for an exercise of self-limitation, that church should seek the advice of other Member Churches and of the instruments of communion.
20. Member Churches and the instruments of communion may give advice about the interests of the Communion, but may not require self-limitation on the part of one or more Member Churches in any situation.
21. A Member Church should not lightly take action contrary to the advice of other Member Churches or the instruments of communion in relation to the interests of the Communion.
22. A Member Church may propose a matter for Reception. The proposal should be preceded by theological debate and discussion within that church. If a determination is made by the Member Church that the matter is one which may properly be pursued under the terms of that church's Constitution and laws, but that its pursuit would be a controversial development within the Anglican Communion, the Member Church should propose a process of Reception and seek the advice of other Member Churches and of the instruments of communion.
23. Member Churches and instruments of communion may advise a Member Church whether a matter is suitable for a process of Reception, however Member Churches and instruments of communion may not require a process of Reception. In giving advice, Member Churches and instruments of Communion should consider whether the development or action:
 - Is one about which the Anglican Communion has not so far clearly expressed its mind.
 - Is one about which the Anglican Communion has previously expressed its mind, but in respect of which at least one Member Church and one of the instruments of communion are in favour of further consideration.
 - Is not explicitly against current Anglican teaching.
 - Is consistent with the Fundamental Declarations contained in this covenant.

- May be seen to preserve the essential principles of existing Anglican teaching.
 - May be seen to bring about a convergence or the uniting of accepted doctrines, ideas or principles.
 - A proposed development or action has been subject to sustained theological debate and discussion at both Provincial and Communion levels.
 - Has been the subject of consultation and advice from throughout the Communion through its instruments of communion.
 - Has been informed by ecumenical consensus, with the initiatives, debate and scrutiny of other churches having been taken into account.
24. A Member Church should not lightly take any action in relation to a matter about which it has been advised by one or more Member Churches or by one or more of the instruments of communion that a process of Reception would be inappropriate.
25. If a Member Church is advised that a process of Reception is appropriate in respect of any proposed development or action, it may take the action proposed, taking into account all recommendations made by other Member Churches or the instruments of communion. The actions should be followed by further consultation, both within the Member Church and within the Communion, to assess the extent to which consensus is or is not emerging in relation to the development or action.

PART 7 DISAGREEMENT AND CONFLICT

26. A Member Church should as far as possible act to promote the bonds of affection and communion of the Anglican Communion and should as far as possible refrain from taking any action which is likely to injure those bonds.
27. Member Churches acknowledge that discord and conflict will arise from time to time within the Anglican Communion and that the expectations of Member Churches, of themselves and of each other, will not always be met.
28. No Member Church or instrument of communion has the power to expel a Member Church from the Anglican Communion.
29. A Member Church may withdraw from the Anglican Communion, provided that no Member Church should withdraw without first seeking the advice of other Member Churches and the instruments of communion. A Member Church should

not withdraw from the Communion against the advice of other Member Churches or of the instruments of communion.

30. A Member Church has, subject to the undertakings made by entering into this covenant, autonomy in respect of its relationships with other Member Churches, and may withdraw from or place constraints upon communion with another Member Church, but a Member Church should not do so without first seeking the advice of other Member Churches and the instruments of communion.
31. The instruments of communion may be asked to mediate in situations of disagreement or conflict between Member Churches.

RESPONSES OF THE WINDSOR REPORT WORKING GROUP TO THE REQUESTS OF STANDING COMMITTEE OF GENERAL SYNOD

SC2006/1/004 (1): *That a group be asked to consider the Windsor report, as requested by the Primates' Meeting of 2005, the reports from the dioceses in response to the Windsor Report, and to evaluate the capacity of the Anglican Church of Australia to make a statement about its commitment to the interdependent life of the Anglican Communion.*

The theological principle of “interdependence” within Anglicanism is derived from an ecclesiology of visible unity and the full communion that expresses it. It also belongs to the area of missiology, as becomes clear in clause B46 of the Windsor Report:

Our communion enables us, in mutual interdependence, to engage in our primary task, which is to take forward God’s mission to his needy and much loved world.

In the Windsor Report, the concept of “interdependence” does double service. It bears this ecclesiological and missiological sense, whilst also functioning as a basic principle for decision-making within the Anglican Communion. This basic principle is a paradoxical one, which aims to hold in tension the twin realities of autonomy and co-operation. It is thus variously expressed as “a limited freedom” (WRB74), “autonomy in communion” (WR B75) and “freedom in relation” (WR B80).

Of the 23 dioceses of the Anglican Church of Australia, 18 responded to a request from the Primate to respond to the Windsor Report. Four additional papers were received, either independently, or appended to diocesan responses. The Working Group considers that this significant response rate (78% of dioceses) means that it is possible to begin to make some evaluation of the commitment of the Anglican Church to the concept of the interdependence of the Anglican Communion.

Fifteen of the eighteen respondents were strongly supportive of the Windsor Report’s presentation of an understanding of Anglican unity. It is therefore possible to say that an Anglican theology of unity based on imperatives within Scripture (WR A1-5) and on the very nature of the triune God is generally supported by the Anglican Church of Australia.

Two responses questioned the nature of unity as it is expressed in the WR. One suggested that unity ought to encompass a sacramental self-understanding, and another critiqued the reliance on the imminent Trinity as a basic theological model for unity, arguing that “unity” is thereby idealised.

There was also support for the concept of “interdependence” as it is presented in the Windsor Report (fourteen out of eighteen dioceses). One main principle that was strongly expressed, however, is that no attempt should be made to centralise the decision-making processes of the Communion, as this would change what is

central to Anglican ecclesiology, and thus “subvert the genius of Anglicanism.” It is perceived by some that the interplay of the concepts of subsidiarity and *adiaphora* posited in the Windsor Report effectively creates that shift in ecclesiology. The workability of a more centralised model for decision-making was also questioned, as was the mode of classification of a question as ‘*adiaphora*’.

The Windsor Report suggested that the strengthening of the established “instruments of unity” is essential for maintaining interdependence. The response to this suggestion from the dioceses was very mixed, with seven dioceses expressing strong opposition to any strengthening of the instruments of unity, generally because of concerns about a “centralising” shift in Anglican polity which would undermine provincial and diocesan autonomy. However, four dioceses strongly supported some strengthening of the instruments. Another four dioceses supported only cautiously the strengthening of the instruments of unity.

In the light of these responses, the Working Group recognises a substantial degree of support within the Province for Anglican understandings of unity and of “interdependence” as they are expressed in the Windsor Report. The group also recognises a deeply divided response to the Windsor Report’s proposal for the strengthening of the instruments of unity. To a large degree, however, the opposition to this proposal is focussed upon the giving of increased juridical powers, leading to a further centralisation of the Communion, and decreased levels of autonomy for national churches. The responses indicate that support for the strengthening of the instruments might be more broadly based if powers conferred were of an advisory nature only.

Given the substantial degree of support for these expressions of unity and “interdependence”, the Working Group believes that the Anglican Church of Australia has the capacity to make a statement about its commitment to the interdependent life of the Anglican Communion. The making of a covenant might be a means by which such a statement could be made. However, it is the view of the Working Group that the Anglican Church of Australia would be unlikely to make a statement of commitment to an interdependent life of the Communion which did not reflect:

- The holding together of provincial autonomy with a mutually professed provincial preparedness to self-limit and to wait upon one another;
- The conciliar tradition within Anglicanism;
- Dispersion of authority to autonomous churches and away from central institutions;
- The conferral of advisory rather than juridical power upon the instruments of unity;
- The need for clarity about the operation of the principles of *adiaphora*, *subsidiarity*, *reception* and *provisionality*, and in particular about the interplay between *adiaphora* and *subsidiarity*;

- The need for mechanisms to allow for appropriate expressions of disagreement and conflict; and
- A focus which is outward and founded in mission.

SC2006/1/004 (2): *That this group be asked to examine concepts such as “adiaphora,” “subsidiarity,” “reception” and “provisionality,” and request greater refinement of meaning from the Communion where appropriate.*

“adiaphora” and “subsidiarity”

The Windsor Report defines as adiaphora (in Para. 87) “things which do not make a difference, matters regarded as non-essential, issues about which one can disagree without dividing the church.” The Anglican Church has traditionally combined the principles of adiaphora and subsidiarity in order that matters considered adiaphora might be decided as close to the local level as possible (ie: by the affected national church). Prior to the Windsor Report it was generally understood that it would be for the national church to determine whether or not a matter was adiaphora, and therefore whether it could itself decide the matter. The Windsor Report, however, is not entirely clear about the way in which these two principles relate. Para. 94 discusses the relationship between the two principles and poses the question “how does one know, and who decides, where on the sliding scale a particular issue belongs?” No clear guideline for the determination of this question is offered. Two particular statements within the Windsor Report, however, suggest a view that it is appropriate that central bodies, rather than national churches, make determinations about what matters may be termed “adiaphora”. Para. 94 goes on to say:

“In many cases an obvious prima facie case exists of sufficient controversy, both locally and across the Communion, to justify, ..., reference to the wider diocese or province, or even to the whole Communion.”

More significantly, in para. 82, the authors of the Windsor Report suggest that questions such as which matters are likely to be critical to the maintenance of communion, and which likely to harm the common good of the Anglican Communion and of the Church universal, are appropriately to be determined by the instruments of communion. Unfortunately, the Windsor Report is not clear about what is meant by this, and upon what basis the Instruments might be seen to have the authority to make such determinations.

The combined effect of the Windsor Report’s silence about the ability of a national church to make a determination about whether a matter is adiaphora, and the above comments, suggestive of a view that such determinations may in future need to be made in more collegial fashion, if not by a centralised decision-making body, is that there is a lack of clarity about this question.

In order for the Communion to move forward, more clarity about the basis upon which a matter may be declared adiaphora, and by whom, is needed. Clear

markers and thresholds must be provided to enable national churches, and the Communion as a whole, to make judgements about appropriate action or inaction.

“reception” and “provisionality”

The Windsor Report states that “in classical terms, ‘reception’ was the process by which the pronouncements of the Church were tested by how the faithful ‘received’ it. The *consensus fidelium* (‘common mind of the believers’) constituted the ultimate check that a new declaration was in harmony with the faith as it had been received.” (para. 68) “More recently”, the Report goes on, “the doctrine has been used in Anglicanism as a way of testing whether a controversial development, not yet approved by a Universal Council of the Church but nevertheless arising within a province by legitimate processes, might gradually, over time, come to be accepted as an authentic development of the faith.”

The Windsor Report is vulnerable to a charge of weakness in relation to the process of reception. A threefold sequence is proposed:

- (i) theological debate and discussion
- (ii) formal action, and
- (iii) increased consultation to see whether the formal action settles down and makes itself at home.

Beyond these three steps, no additional guidance is offered about the type of matter which might be appropriate for a process of reception, other than that the proposal should concern matters on which the church has not so far made up its mind (thus importing an element of ‘provisionality’). The process cannot be applied “in the case of actions which are explicitly against the current teaching of the Anglican Communion as a whole, and/or of individual provinces” (para. 69).

The report does not give any guidance about how the current teaching of the Anglican Communion is made explicit or about how it might be discerned. In many cases the debate will be precisely about whether an action or proposed action *is* or *is not* against the current teaching of the Communion, and so the guidelines offered by the Windsor Report will be of little practical assistance.

Furthermore, we need a process for discussing issues on which the Church has previously made up its mind, but which we now wish to open up to new debate. We might do this because of current perceptions, insights or pressures from our society, or because some now wonder if we have misunderstood Scripture, and need to review our practice in the light of scripture.

There are those who would still argue, for instance, that the ordination of women is against the current teaching of the Communion. On the other hand there would be those that would argue that the move to ordain women is a legitimate development of tradition and a decision that, within Anglican polity, could be taken appropriately by a national church (Article XXXIV). As John Hind points

out, the church can then find itself speaking with a "divided voice on what we have maintained is an essential principle".¹

So the "thresholds" to a process of reception as articulated in *The Windsor Report* would appear to be of only limited value and a more nuanced theological approach would seem to be suggested. Hind² points to John Henry Newman's *Essay on the Development of Christian Doctrine* as providing a series of "tests" relevant to the process of reception. Newman proposed that legitimate development could be differentiated from corruption by reference to a number of principles:³

1. Preservation of the essential idea of the doctrine or polity from which it developed.
2. The continuity of the principles on which the idea has developed, as opposed to an alteration of principle.
3. The power of assimilation or unitive power of a development.
4. Evidence of anticipation in an earlier period of tradition.
5. A sense of logical sequence, with a development being faithful to its foundational ideas.
6. Addition which is at the same time conservative of what has gone before.
7. An enduring as opposed to a transitory character (chronic endurance)

Newman saw the development of doctrine as a complex and interactive process, in which a "collection of weak evidences" are brought together and or converge to make "strong evidence".⁴ While Hind does not urge Newman's principles as the only ones to be considered, he does point to them as indicating the level of care and reflection called for if a church is considering intentionally embarking on a process of reception.

The following "markers" or "thresholds" might be considered as filling out those already offered in *The Windsor Report*. There is an element of repetition as similar principles are approached in different ways, but the suggestion is that a development might be open to the process of Reception where:

- A development or action is one about which the Anglican Communion has not so far clearly expressed its mind (para 69).

¹ Hind, J., "Communion and Reception" in Avis, P. (Ed.), *Seeking the Truth of Change in the Church* (London: T&T Clark, 2004) 56.

² Ibid. 48.

³ See Gaffney, J., *Conscience, consensus and the Development of Doctrine – Revolutionary Texts by Cardinal Newman* (New York: Doubleday, 1992) 173-198 and Sullivan, E., *Things Old Things New – an Ecumenical Reflection on the Theology of John Henry Newman* (Middlegreen, Slough, UK: St Paul's, 1991) 44-45.

⁴ Sullivan (1991) 34-35.

- A development or action is one about which the Anglican Communion has previously expressed its mind, but in respect of which at least one member Church and one of the instruments of communion are in favour of further consideration.
- A development or action is not explicitly against current Anglican teaching (para 69).
- A development or action is consistent with the Fundamental Declarations.
- A development or action may be seen to preserve the essential principles of existing Anglican teaching.
- A development or action may be seen to bring about a convergence or the uniting of accepted doctrines, ideas or principles.
- A proposed development or action has been subject to sustained theological debate and discussion at both Provincial and Communion level (this reflects Newman's principle of 'chronic endurance')
- A proposed development or action has been the subject of consultation and advice from throughout the Communion through its instruments of communion.
- A proposed development or action has been informed by ecumenical consensus, with the initiatives, debate and scrutiny of other churches being taken into account (para. 80).

The draft covenant prepared by the Working Group adopts these 'thresholds' or 'markers'. The Group, however, recommends that further clarification about the process for reception be requested from the Communion.

SC2006/1/004 (3): *That the group consider the general concept of a covenant for the Communion.*

The case for the adoption of an Anglican Covenant across the Communion was first made in the Windsor Report, and the arguments in support are set out in Para. 119. The proposal was welcomed as part of a set of proposals for the future development of the Instruments of Unity by the Primates at Dromantine, although the meeting recognised that serious questions about the covenant proposal and issues around implementation meant that the process would be long term. The Primates commended the covenant proposal as a project to be given attention in the provinces of the Communion, and asked the Archbishop of Canterbury to explore methods of implementation. More recently, the Archbishop of Canterbury, in his reflection paper, 'The Challenge and Hope of Being an

Anglican Today', has indicated that he considers the idea of covenant to be the best way forward.

The Working Group is supportive of the general concept of a covenant for the Communion. The covenant model could provide a framework for the self-limiting autonomy approach that the Group favours. In initial conversation it appeared that it was unlikely that any particular model could be found which would be likely to win the support of all dioceses, and that it was therefore unlikely that implementation would be successful. However, in further discussion the group became more confident that a way ahead might be found. In considering the general concept of a covenant for the Communion the Group formulated answers to the questions appearing on page 5 of the document, 'Towards an Anglican Covenant: A Consultation Paper on the Covenant Proposal of the Windsor Report'. Those answers are as follows:

- *Should the covenant speak of the communion as it is, or as it wishes to become?*

The covenant should speak of the Communion both as it is and as it wishes to become. The point of having a covenant would be to move the Communion forward toward its goals. In addition, an important function of the covenant would be to enunciate the constraints to which member churches freely accede.

The covenant should be both inward and outward looking in its focus. Most importantly, it should speak of the mission of the Communion. It should also expressly recognise the ecumenical context in which member churches of the Communion are set.

In speaking of intra-Communion relationships, the covenant might use the metaphor of family. The Communion may be likened to a family in which the children have grown up – in which member churches seek to establish their own autonomy within the restrictions of familial relationships. In such a family there needs to be a negotiation of rights and responsibilities so that each family member is able to pursue an independent and mature life, while continuing to respect and support other family members. There must be mechanisms for the appropriate expression of disagreement and conflict as well formal and informal opportunities for fellowship and celebration of family milestones.

- *How far should it speak in aspirational language? Would the use of such language reduce its practical utility?*

The covenant should speak in aspirational language. Its task will be to point us forward. It should establish expectations and use the language of faith. The language of the covenant should be aspirational both about our vocation

of mission and about our relationships with each other. However, the covenant should also be expressed in language which is realistic – it should have its feet firmly on the ground. A criticism of the draft covenant appended to the Windsor Report is that it is not sufficiently realistic. In addition to making provision for disagreements and conflict, the covenant should allow for the fact that its expectations will not always be met.

- *Should it adopt a pattern of affirmations and commitments similar to many ecumenical covenants?*

Yes. The pattern of affirmations and commitments should mirror as closely as possible the Fundamental Declarations and Ruling Principles which appear in the first six sections of the Constitution of the Anglican Church of Australia.

The affirmations and commitments should reflect both the outward and inward focus of the Communion, that is, there should be affirmation of and commitment to the Communion's vocation of mission and its ecumenical context as well as to intra-Communion relations. The affirmations and commitments should make it clear that the Communion is not an end in itself.

- *Should the covenant set out the articles of belief of the Anglican Communion?*

Yes.

- *Should it speak of the relationships between the Provinces, living in autonomy-in-communion, and the processes by which their common life is nourished and sustained?*

Yes. See also the comments made in answer to the third question.

The covenant should not be focussed on establishing a centralised jurisdiction. Rather, in relation to the instruments of community it should use language such as 'consult', 'facilitate', 'advise', 'warn' and 'assist'. Member churches should agree prayerfully and faithfully to pursue the truth together and to mutually self-limit. There should be clear markers and thresholds for significant principles and processes such as *reception, adiaphora* and *subsidiarity*.

Central Communion bodies should not have the power to issue sanctions. Currently the Archbishop of Canterbury has the power to exclude bishops from Lambeth and this power should be retained, but not extended. Instead, the covenant should recognise as a fact that if a province chooses to ignore the advice of other provinces, then those other provinces may withdraw their fellowship from that province. Conversely, any province wishing to break fellowship with another province, or with a diocese, should seek advice from other provinces before doing so.

However, just as a sibling remains a family member despite not being on speaking terms with a particular fellow sibling, so provinces may remain part of the Communion, participating in Communion gatherings and events, while not maintaining a direct relationship with another province. For example, one province may determine not to licence clergy from another province with which it is in conflict, and yet the two provinces may nevertheless allow themselves to be represented at wider Communion events, such as the Lambeth Conference. The covenant should have the flexibility to accommodate such disagreement and conflict without it necessarily amounting to a threat to the Communion as a whole.

SC2006/1/004 (4): *That it engage with the draft covenant (The WR Appendix Two) and assess the implications for the implementation of such a covenant within the Anglican Church.*

The Working Group has not engaged with the draft covenant appended to the Windsor Report in any detail. The group does not consider that this particular model is likely to point the way forward for the Communion. The WR draft is legalistic in its tone and the Working Group is of the opinion that it is too centralist, conferring juridical power upon the institutions of the Communion. In addition the draft is essentially inward-focussed, giving insufficient emphasis to the Communion's vocation of mission or its context of ecumenism.

Rather than engage with this particular draft covenant, given the shortcomings which have been noted, the Working Group has prepared a new draft, which reflects the Group's views.

In relation to the implications for the implementation of a covenant, the Working group has addressed the questions posed on p. 2 of 'Towards an Anglican Covenant: A Consultation Paper on the Covenant Proposal of the Windsor Report':

- *Is the concept of an Anglican Covenant still viable?*

The Working Group believes that the concept of an Anglican Covenant is still viable, so long as the draft were to follow a broad approach similar to that found in the Fundamental Declarations and Ruling Principles in the Constitution of the Anglican Church of Australia. To the degree that any of the matters addressed there were deleted, or other matters included, the process of implementation of a covenant would become more difficult.

- *What form of covenant is best suited to the needs of the Communion at the present time?*

See above.

- *Who will be responsible for the preparation of a draft text?*

The Working Group has prepared a draft which reflects the comments made herein, and which it believes may have some prospect of successful implementation, at least in the Anglican Church of Australia. Should GSSC consider the proposal has merit further consultation and refinement would need to occur throughout the Communion.

- *How will the Provinces and Instruments of Communion be participants in the generation of a text?*

The Working Group has submitted its draft to Standing Committee of General Synod for approval. It recommends that if approval is given, the draft be placed on the General Synod web-site for comment. In addition, copies should be distributed to individuals and groups from key dioceses for comment. If response to the draft from around the province is positive, the working Group recommends that the draft be submitted to the 2007 Bishops' Meeting and to the 2007 Primates' Meeting for consideration by other provinces.

- *What method of implementation will be adopted, or how might this method be best discerned?*

A draft covenant would need to be adopted by each national church.

For the purposes of adoption by the Anglican Church of Australia, the Working Group proposes that a report, including the text of the draft covenant, be submitted to General Synod, with a request that General Synod approve the direction of the draft.

There are several ways in which the draft might, should it win general support, be adopted in Australia.

General Synod could authorise the Primate to sign the covenant on behalf of the ACA. This could be done by change to the Constitution or by canon. The former would require majorities in all three Houses and, subsequently, assent by three quarters of the diocesan synods, including all metropolitan sees. A canon, if determined to be one that 'concerns the ceremonial or discipline of this Church' (Constitution, s.28), would require a majority of two-thirds in each House. In addition, it would need to receive the assent of every diocese.

Alternatively, each diocesan synod could, by ordinance, cede power to the Primate to enter into the covenant on its behalf. Again, every diocese would need to agree to do this.

A further possibility would be for General Synod to amend the Constitution so as to include the text of the covenant in Chapter II of the Constitution. Alternatively, General Synod could adopt the covenant by canon. The same formal requirements would be needed as those outlined above for authorisation of the Primate.

The Working Group recognises that each of these procedures is time-consuming, and requires the approval of most, or all, dioceses for successful implementation. The Working Group believes that there is nevertheless scope for the success of one or more of these procedures. However, the Working Group would also wish to explore the powers of General Synod pursuant to s. 26 of the Constitution, *inter alia*, to “make resolutions”, to “declare its view on any matter affecting this Church” and to “take such steps as may be necessary or expedient in the furtherance of union with other Christian communions”. Arguably, the General Synod could, pursuant to such powers, authorise the adoption of a covenant by virtue of a vote garnering a simple majority of 51%.

- What sort of timetable is desirable for the covenant project?

Progress towards the acceptance of a draft covenant, and implementation thereof, needs to be made as soon as possible.

The Working Group believes that if there were some degree of enthusiasm for its draft covenant from General Synod, from the 2007 Primates’ Meeting and from the Archbishop of Canterbury, then it could be possible for implementation to be completed by 2010-11. In the absence of overt support for a draft this process could take considerably longer.

SC2006/1/004 (5): *That the group reflect theologically on the importance of interdependence, with respect to the election and confirmation of bishops, allowing issues of vocation and justice also to be considered.*

See the discussion in response to SC2006/1/004 (1).

SC2006/1/006: *That Standing Committee, noting the report from delegates to ACC-13 concerning the proposed Covenant for Communion in Mission: (a) Welcomes the initiative of LASCOME in preparing this proposal in response to the WR, and, (b) Refers the proposed Covenant to the 2006 Bishops’ Conference, the Task Force on Mission, a working group on the WR, and asks them to report to the next meeting of the Standing Committee with a view to the preparation of a report on this matter in time for General Synod in 2007.*

SC2006/1/007: *That Standing Committee*

1. notes the imminent publication of the IASCOME Report to ACC 13 entitled 'Communion in Mission' to Diocesan Bishops for information, and for distribution and discussion, as appropriate;

2. refers this resolution to the Bishops' Meeting, the Task Force on Mission and the WR Working Group, if established, for further discussion and action in relation to:

- providing comments to the Mission and Evangelism desk of the ACO, by agreed mechanisms, with respect to current and future possible role/s of the Mission and Evangelism desk of the ACO, and through any IASCOME II mandate,*
- applying the work and initiatives of IASCOME, outlined in the framework above, to mission initiatives, opportunities and challenges presenting within and between Anglican Dioceses of Australia.*

As indicated above, the Working Group has not considered IASCOME's proposed Covenant for Communion in Mission in detail. The view of the Working Group is that, like the draft covenant appended to the Windsor Report, IASCOME's draft covenant has little prospect of successful implementation by the Anglican Church of Australia. The Working Group commends instead its own draft covenant to Standing Committee of General Synod for its consideration.

SUGGESTED AMENDMENTS AND REFINEMENTS

The following suggested amendments and refinements have been included at the request of members of the Working Group.

1. A alternative set of “markers” or “thresholds” to those set out on pp. 5-7 of these Responses:

The following "markers" or "thresholds" might be considered as filling out those already offered in *The Windsor Report*. There is an element of repetition as similar principles are approached in different ways, but the suggestion is that a development might be open to the process of Reception where:

- A development or action is one about which the Anglican Communion has not so far clearly expressed its mind (para 69).
- A development or action is one about which the Anglican Communion has previously expressed its mind, but in respect of which at least one member Church and one of the instruments of communion are in favour of further consideration.
- A development or action is not contrary to the specific instructions or general teaching of the Bible.
- A development or action is not explicitly against current Anglican teaching and interpretation and application of the Bible.
- A development or action is consistent with the Fundamental Declarations and Ruling Principles of the Anglican Church of Australia, and therefore with the worship and doctrine of the Book of Common Prayer, the Ordinal, and the Thirty-nine Articles
- A development or action may be seen to preserve the essential principles of existing Anglican teaching.
- A development or action may be seen to bring about a convergence or the uniting of accepted doctrines, ideas or principles.
- A proposed development or action has been subject to sustained theological debate and discussion at both Provincial and Communion level (this reflects Newman's principle of ‘chronic endurance’)
- A proposed development or action has been the subject of consultation and advice from throughout the Communion through its instruments of communion.

- A proposed development or action has been informed by ecumenical consensus, with the initiatives, debate and scrutiny of other churches being taken into account (para. 80).
- A proposed development corresponds with the following excerpts from the Thirty-nine Articles:
 - i. Holy Scripture containeth all things necessary to salvation: so that whatever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an Article of the Faith, or be thought requisite or necessary to salvation [From Article VI].
 - ii. Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in Holy Scripture: and in our doings, that Will of God is to be followed, which we have expressly declared to us in the Word of God. [From Article XVII].
 - iii. The Church hath power to decree Rites of Ceremonies, and authority in Controversies of Faith: And yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed of necessity for Salvation [From Article XX].
 - iv. General Councils...may err, and sometimes have erred, even in things pertaining unto God [From Article XXI].
 - v. Every one from particular or national Church hath authority to ordain, change, and abolish, ceremonies or rites of the Church ordained only by man's authority, so that all things be done to edifying [From Article XXXIV].

2. Miscellaneous

In the last paragraph on page 8 of our report, the first two sentences should be altered. I take it that 'central communion bodies' refers to the four so called 'instruments of unity'. The ACC has a constitution and, from memory, there is no power to exclude representatives from a province which is part of the ACC structure. There is provision to add provinces. With Lambeth, that is entirely a matter for the Archbishop of Canterbury. No-one has a right to an invitation. I would rather describe the 'power' of Canterbury as 'the ability'. As to the Primates' meeting, this again has no constitution and I believe it is possible for Canterbury not to invite a Primate.

On page 11 there is the suggestion that a covenant could be adopted by resolution. I must say this would cut no ice in Sydney. This is because of the prevailing view that a resolution of a Synod only expresses the view of those members present at the Synod at that time and expressing a view. It has no legal force or effect.

In relation to the covenant, I have difficulty with the definition 'the Anglican Communion' and 'reception'.

With respect to the Anglican Communion the Halsbury description could be usefully employed, that is, 'the Anglican Communion is a fellowship of churches historically associated with the British Isles. I understand that this definition is taken from a report of the 1930 Lambeth Conference. The definition could be filled out a little but, in essence, Halsbury reflects the heart of the organisation.

With reception, I do not agree that a development requires approval by the Anglican Communion. Rather, it is whether the development is consistent with scripture and the recognition of this fact by the Communion.

We need to define which Book of Common Prayer is referred to. Clearly, in our context it is 1662 but this should be made explicit.

The remaining clauses 8-31 raise matters of contention, eg, paragraph 8, paragraph 17 the reception process and the no expulsion provisions.

There is no provision for acceding to the covenant.

While we did discuss sanctions and were generally of the view that no sanctions should be written in, we did recognise that one province might break fellowship with another province. What if a majority of provinces broke fellowship with a particular province? Should that province continue to play a part in Primates' meetings, Lambeth and the ACC while a majority of provinces have broken fellowship with it?