

## The Panel of Reference

The Panel of Reference, established by Archbishop Rowan Williams in response to the request of the Primates and Moderators of the Provinces of the Anglican Communion in their Communiqué issued from Dromantine, Northern Ireland, in February 2005, met in London from Tuesday, 12th – Thursday, 14th July 2005.

Panel of Reference held its second plenary meeting in Saint Andrew's House, London, between 9th and 12th May 2006.

The Panel of Reference met in the offices of the Anglican Communion Secretariat during the week beginning 30 April 2007 for its third plenary session. In its meeting, it reviewed its work so far and discussed how best to follow up the work that had already been undertaken.

### The Panel ceased its work in April 2008

This first plenary meeting was devoted to the preparation of the work of the Panel, and of the rules of procedure which the Panel decided to adopt. The result of its discussions and the mandate of the Archbishop of Canterbury by which the Panel was established are set on the following pages. The Reference Procedure was revised at the second plenary meeting.

### Reports

- [April 2007 - Review](#)
- [March 2007 - Report on the Diocese of Florida](#)
- [December 2006 - Report on the Diocese of Fort Worth](#)
- [13th October 2006 - Report on the Diocese of New Westminster](#)

### Sections

- [Mandate](#)
- [Reference Procedure](#)
- [Members' Declaration](#)
- [Membership](#)

### Applications to the Panel of Reference *Updated 12 May 2006*

1. The Panel of Reference, established by the Archbishop of Canterbury in response to the request of the Primates at their meeting in Dromantine, Northern Ireland, in February 2005, has held its first meeting and has agreed its procedures. It has indicated to the Archbishop of Canterbury that it is ready to receive references from him.
2. The mandate requires that situations where congregations are in serious dispute and unwilling to accept the episcopal ministry of their bishop can only be considered by the Panel on reference from the Archbishop of Canterbury.

The Panel is also empowered to consider situations where dioceses are in serious dispute with their provinces, and also, by reference from a Primate, to mediate in situations arising within that Primate's jurisdiction.

3. Requests for the services of the Panel should be sent in the first instance to:

Mr Christopher Smith  
Chief of Staff  
Lambeth Palace  
London  
United Kingdom  
SE1 7JU

requesting the Archbishop of Canterbury to consider referring the situation to the Panel.

4. The Archbishop has indicated that, in the first instance, he will consider applications for reference to the Panel in cases where:
  - o parishes are in dispute with their diocese, and a congregation has passed a resolution indicating that it wishes to seek the help of the Panel in resolving a dispute with its bishop, in which case its letter should be written in the name and over the signatures of those authorised by the congregation
  - o his attention is drawn to other grave situations.
5. It would not normally be appropriate for the Archbishop to intervene in cases of clerical discipline where the normal provisions and processes of clerical discipline are being fairly and appropriately applied, or where there are civil or ecclesiastical proceedings pending, until such processes have completed their course or been stayed.
6. On receipt of an application, the Chief of Staff will contact the applicant(s) with further details of the nature of the information required for submission to the Panel, and the form in which this is to be presented.
7. All information submitted will be treated in confidence by the Panel. Information submitted may be made available on a confidential basis for comment and response by relevant parties. All parties to the process are requested to keep in confidence all submitted material and communications with the Panel.
8. The Panel requests that parties seek a stay on any civil or ecclesiastical proceedings and refrain from actions which may exacerbate a situation during the period of reference to the Panel, failing which the Panel reserves the right to postpone consideration of the reference.
9. With the co-operation of the parties, it is the hope of the Panel to offer advice to the Archbishop of Canterbury on any matter referred by him to the Panel within six months of its receipt of a formal reference.

## The Panel of Reference - Mandate

Rowan Douglas by Divine Providence Archbishop of Canterbury Primate and Metropolitan to all to whom these presents shall come Greeting

Whereas it has been represented to the Primates of the Anglican Communion meeting in February 2005 that certain parishes have been unwilling to accept the direct oversight of their diocesan bishops and that certain dioceses are in dispute with their provincial authorities

And Whereas the Primates have recognised the principled concerns motivating those parishes and dioceses and acknowledge the various attempts which have been made to meet their difficulties

And Whereas the Primates have recommended that a body be established to assist in the resolution of these difficulties

Now in pursuance of the Primates' recommendation:

I direct that:

1. There shall be an advisory and consultative body to be known as The Panel of Reference ("the Panel")
2. The members of the Panel shall consist of not less than nine persons qualified by professional and pastoral skills and experience and appointed by myself as necessary from time to time
3. The functions of the Panel shall be:
  1. At my request to enquire into, consider and report on situations drawn to my attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities
  2. With my consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned, and to report to me on their response
  3. At the request of any Primate to provide a facility for mediation and to assist in the implementation of any such scheme in his own province.

Provided always that the Panel shall in consultation with me have power to determine which classes or categories of cases fall within its competency to consider in line with

the concerns expressed by the primates at their meetings in Dromantine in February 2005 and in Lambeth Palace in October 2003.

4. The Panel shall continue in existence for the period of five years or until I shall determine in consultation with the members of the Primates' Standing Committee that its functions have been fulfilled (whichever shall sooner occur).

And I request that:

The Secretary General of the Anglican Communion shall make provision for secretarial and administrative support to the Panel of Reference and its Chair to enable them to undertake this work

And I call upon:

1. Each Primate or Moderator of the Communion which has such a scheme of delegation or extended episcopal oversight to lodge with me a copy of such scheme within 14 days of receiving this document and to notify me within 28 days following any change to such scheme
2. Each bishop of the Communion to respect fully and in accordance with its spirit any scheme of delegation or extended oversight established in his or her province
3. Each parish of the Communion which considers that in all conscience it cannot accept the direct oversight of its bishop to work with him or her in the first instance towards finding some appropriate means for delegated or extended episcopal oversight within the diocese and Province in which the parish is situated
4. The Instruments of Unity of the Communion to work tirelessly towards reconciliation and healing "that the world may believe"

Dated this sixth day of May in the Year of Our Lord Two thousand and five

***Rowan Cantuar***

# The Panel of Reference - Reference Procedure

Reference Procedure Updated 12 May 2006

## A Introduction

1. The Panel of Reference accepts that it is a Gospel imperative to seek reconciliation and to avoid fracture and breach of relationship. Parties considering a request for the help of the Panel through the Archbishop of Canterbury should first seek local mediation and reconciliation.
2. The Panel is itself, at the request of the Archbishop of Canterbury, or of the Primate of the Province where the dispute is taking place, willing to facilitate mediation in the hope of reconciliation.
3. The Panel will work under conditions of strict confidentiality, and expect all who correspond with it to honour the same principle; documents submitted to the Panel will, of course, be subject to disclosure by the Panel for clarification and comment to all persons or bodies referred to in them.
4. The fact of the reference will be made public by a note on the Anglican Communion website.

## B Process

5. On receipt of a referral from the Archbishop of Canterbury, the Chair will arrange for all members of the Panel to receive a short summary of the papers prepared by the secretariat, identifying the parties and the facts submitted to it. Any member of the Panel who is aware of a conflict of interest should at this point inform the secretariat and follow the directions of the Chair in the matter.
6. The Primate of the Province where the dispute is taking place will be advised by the Secretariat of the Panel that the Panel has received a referral and is processing it; the Chair of the Panel may at any time invite comments from the Primate on the matters referred to the Panel.
7. The submission shall be sent to the respondent(s) requiring a response within six weeks, which period can, at the discretion of the Chair, and for sufficient reason, be extended.
8. The Chair will appoint a sub-committee with two or more members of the Panel to act on its behalf. Normally, at least one shall be ordained and another lay.
9. All members of the Panel will be circulated with the full submission and the response as soon as the latter is received.

10. All members of the Panel will be asked to submit their responses (if any) to the nominated sub-committee and to all other Panel members and the Secretariat within fourteen days from receipt of these papers.
11. Where appropriate, and where finance allows, the sub-committee may arrange an early visit to the parties to a dispute in order to fulfil its role. The parties may be required to contribute to the cost of such a visit.
12. Whether or not such a visit takes place, the sub-committee may make such enquiries of the applicants, respondents and of any other person or body mentioned in the applicants' submissions, or the response, as it shall think fit to ensure that the information before the Panel is as full and accurate as possible; in particular the Panel shall not make any criticism of the conduct of any person without that person having been given full opportunity to correct allegations of fact or interpretation.
13. The sub-committee will produce a first draft report and recommendation for the Panel as a whole to consider.
14. Panel members will submit their own comments on the first draft to the nominated sub-committee within fourteen days.
15. The revised draft report and recommendations will be prepared by the nominated sub-committee and recirculated to all members of the Panel, who may contribute their comment on matters of substance but will otherwise indicate their assent. In the event of significant dissent the sub-committee shall discuss the matter with the dissenting members with a view to achieving consensus, shall report the outcome to the Chair, and shall follow his directions.
16. At this stage (before the report and recommendations are submitted to the Archbishop), the report, without any recommendations, will be sent to the parties for comment within fourteen days; their comments to be narrowly confined to issues of fact.
17. The final text of the report together with its recommendations shall be recirculated to the members of the Panel for the last time, and shall be signed by the Chair on behalf of the Panel unless any member dissents within seven days, in which case the Chair shall give further directions.
18. The Chair will submit the report and its recommendations to the Archbishop. The final version of the report, together with the recommendations to which the Archbishop has consented, will be circulated to the parties and to the Primate of the Church concerned.

# The Panel of Reference - Members' Declaration

This document has been agreed and signed by the members of the Panel

## 1. Confidentiality

- a. I agree to honour the confidentiality of the parties and all documents submitted to the Panel, and not to divulge their content or import, except in accordance with the reference procedures or as agreed by the Chair acting with the consent of the Panel, or by express permission or direction of the Archbishop of Canterbury.
- b. I undertake to avoid discussion of the content of the Panel's deliberations with parties outside the Panel, other than to offer agreed comment, or to comment on the tenor rather than the content of discussion. Further I agree not to speak to representatives of the media other than on this basis. I will notify the secretariat of any contact with the media and provide an outline of the substance of the conversation.

## 2. Impartiality

I agree that the operation of a Panel is based on mutual trust and responsibility. It is therefore essential that I declare the extent of any interest that I might have in the persons or substance of any particular case referred to the Panel, and to act accordingly, or at the direction of the Chair on behalf of the Panel.

## **The Panel of Reference - Membership**

### **Chairman:**

The Most Revd Dr Peter Carnley  
Retired Primate of the Anglican Church of Australia

### **Deputy Chairman**

Ms Fung Yi Wong  
Registrar Hong Kong Sheng Kung Hui, member of the Standing Committee of the Anglican Consultative Council

### **Members:**

His Honour Michael Evans, QC (QC - Queen's Counsel)  
Chairman of the Standing Committee of the Governing Body of the Church in Wales

The Revd Dr Joseph Galgalo  
Lecturer in Systematic and Contextual Theologies, St Paul's United Theological College, Limuru, Kenya

Mr Bernard Georges  
Chancellor of the Province of the Indian Ocean

The Rt Revd Khotso Makhulu, CMG (CMG - Companion (of the order) of St Michael and St George)  
former Primate of Central Africa

The Revd Canon John Moore  
former International Director of the Intercontinental Church Society (ICS)

Mrs Rubie Nottage  
Chancellor of the Province of the West Indies

The Rt Revd Claude Payne  
former Bishop of Texas

The Rt Revd Dr John Sentamu  
Bishop of Birmingham

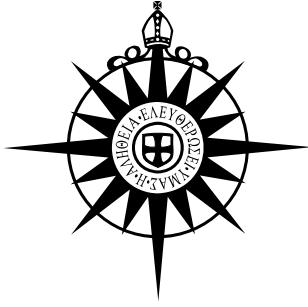
The Rt Revd Maurice Sinclair  
former Primate of the Southern Cone

Mr Robert Tong  
Member, Church Law Commission, Anglican Church of Australia and Chairman of the Council of the Anglican Church League, Australia



The Revd Stephen Trott  
Church Commissioner, the Church of England

The Panel will be supported by Canon Gregory Cameron (Deputy Secretary General, Anglican Communion Office) as Secretary, and Canon John Rees (Legal Adviser, Anglican Consultative Council) as Legal Adviser, assisted by a senior member of Lambeth Palace staff in a liaison role for the Archbishop of Canterbury, together with other administrative support as required.



## Review of the Work of The Archbishop of Canterbury's Panel of Reference

At their meeting in Dromantine in February 2005, the Primates accepted that in the Anglican Communion there was a pressing need to address those situations of serious conflict in the Anglican Communion, where parishes were “in serious theological dispute with their diocesan bishop or dioceses in dispute with their Provinces”.<sup>1</sup> The desire of the Primates was to find a way to support the integrity and legitimate needs of such groups, by setting up a Panel which could “supervise the adequacy of pastoral provisions made by any churches”<sup>2</sup> in line with the request of the Lambeth 2003 Primates’ Meeting that “the provinces concerned ... make adequate provision for episcopal oversight of dissenting minorities within their own area of pastoral care in consultation with the Archbishop of Canterbury on behalf of the Primates.”<sup>3</sup>

The Panel of Reference has always had therefore a very limited primary brief – “to supervise the adequacy of pastoral provisions made by any churches” for a dissenting group within its diocesan or provincial life. When the Archbishop of Canterbury issued the mandate of the Panel in May 2005, he added to this brief, allowing that the Panel might be called upon to mediate in other situations, but specifically mandating the Panel to respond in two ways:

1. At my request, to enquire into, consider and report on situations drawn to my attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities
2. With my consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned.

### **Meetings**

The Panel of Reference works largely by email, but has held three plenary meetings in London at the Anglican Communion Office, July 2005, May 2006 and May 2007.

When the Panel held its first meeting in July 2005, it formally accepted its mandate to look into situations where the adequacy of pastoral provision might be disputed, undertaking to report on those situations, and, with the explicit consent of the Archbishop of Canterbury in each case, to make recommendations on how any particular situation, and the provisions proposed in those situations, might be developed to accommodate the integrity and legitimate needs of those appealing to the Archbishop for the Panel’s intervention.

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<sup>1</sup> Dromantine Communiqué, paragraph 15.

<sup>2</sup> *ibid*

<sup>3</sup> Porto Alegre Pastoral Letter.

It also recognised that there was often an urgent pastoral need to seek to encourage both parties to engage in a Christian and conciliatory way with one another in the spirit of the Gospel.

Nevertheless, it is worth saying clearly here what the Panel is not empowered to do – since it has been criticised by some for not doing it: The Panel is not empowered to invent any new schemes of alternative ecclesiastical or jurisdictional structures, nor empowered to arbitrate nor to offer any ruling within any particular situation. It can only ask: what are the legitimate needs in this situation? What pastoral provisions would be adequate to meet those needs?

Given its very specific role, the purely advisory nature of the Panel's work, and the difficult and sensitive material with which the Panel would have to deal, the Panel decided at its first meeting that it could not consider references whilst parties were engaged in other legal or disciplinary proceedings; the danger of trying to compete with, second-guess or even be used as a tool in legal processes being all too evident.

On 24<sup>th</sup> October 2005, the Archbishop of Canterbury made three references to the Panel:

1. The appeal of six parishes in the Diocese of New Westminster represented by an organisation called “The Anglican Network in Canada”, alleging that the pastoral provisions proposed by the Bishop of New Westminster for those parishes was not adequate, given the serious theological dispute that they had with him.
2. The appeal of the Diocese of Fort Worth in the Episcopal Church (USA) alleging that the Canons of the Episcopal Church could be used against the Diocese in such a way that their legitimate theological opinions (against the ordination of women to the priesthood and episcopate) could be overridden.
3. The appeal of six parishes in the Diocese of Connecticut for adequate alternative episcopal oversight in a situation of serious theological dispute with their bishop.

### **New Westminster**

Lambeth Palace released the report of the Panel on 13<sup>th</sup> October 2006, just short of twelve months after receiving the reference from the Archbishop of Canterbury. It recommended the appointment of the local regional Primate to shared episcopal oversight in the Diocese of New Westminster, with certain safeguards in order to offer adequate protection on the specific concerns of the six parishes.

It had proved to be a long and arduous process. In the first place, there had been a lack of clarity from very early on concerning the identity of those making the complaint. The Panel's procedures explicitly stated that where a reference was made on the basis of a parish being in dispute with its bishop, the complaint was to be made “in the name and over the signature of those authorised by the congregation”. This information was not provided to the Panel until 15<sup>th</sup> March 2006, and only then could the work of the Panel fully proceed. A draft report was prepared within two months - by the end of May 2006. During its second meeting that month, the Panel received a request to receive the representatives of the Parish so that they could give evidence directly. The Panel decided that it would be wrong to hear the representatives of one

side without giving equal opportunity of access to the other, and consequently two of the Panel's members travelled to New Westminster in late July to discuss the draft report, and to hear further from the parties directly. It was submitted to the Archbishop of Canterbury one month later at the beginning of September 2006.

### **Fort Worth**

The Report of the Panel was released by Lambeth Palace on Monday, 7<sup>th</sup> January, 2007. The report recommended a clarification of the canon law of the Episcopal Church in line with the opinion offered by the then Presiding Bishop Frank Griswold that the provisions for the ordination of women did not in fact require any bishop to ordain women to the priesthood, or any parish to receive the ministry of ordained women, but to ensure that no woman was denied the opportunity to explore vocation to priesthood nor any parish denied the opportunity to receive the ministry of a female incumbent. It further proposed that while the ordination remained in an open process of reception within the Communion, it would not be appropriate to offer objections to the confirmation of an episcopal candidate, based upon the fact that his theological views precluded the ordination of women.

This reference had also been subject to severe delays in process. It had taken until the end of April 2006 to secure specific answers from the Presiding Bishop to the material presented on behalf of the diocese, and a further four months to prepare a draft report. The consultation process then required further conversation with the Presiding Bishop and with the Bishop of Fort Worth, and that the new Presiding Bishop be fully informed before the report could be released. This concluded a process lasting some fifteen months.

### **Connecticut**

Work proceeded on this reference from the time of its referral until 9<sup>th</sup> January 2006, when the Panel was informed that the matter was now subject to a federal law suit pursued by representatives of the parishes. The Panel therefore surrendered the reference back to the Archbishop of Canterbury in accordance with its published procedures, and Lambeth Palace relayed this fact to the person with whom it had been corresponding on the matter, and proposed that the reference could only continue when the matter of the federal law suit had either been discontinued or had been resolved. It subsequently transpired that there was some dispute as to the identity of the official spokespersons on behalf of the parishes. The matter has not been referred back to the Panel for any further consideration.

### **Further Work**

In May 2006, the Panel of Reference held its second plenary meeting. It had become quite clear from the first three references that processes were unwieldy and difficult. This partly arose from the deeply conflicted and confrontational nature of the situations which the Panel was asked to address, and partly from the difficulty, even with present-day means of communication, of garnering responses and contributions from the members of the Panel and from the parties to a reference, given that they are widely dispersed around the world, and particularly from the limited amount of staff support that could be given to the Panel from ACO. The Panel refined its working procedures in the light of experience, and carried forward work on the remaining two references.

In addition, the Archbishop of Canterbury offered at that meeting, on 11<sup>th</sup> May, two further references; from Lake Malawi and from the Diocese of Florida.

### **Lake Malawi**

The situation here arose from the contested decision of the House of Bishops of Central Africa not to confirm the election of a candidate as bishop of the diocese. After some initial work by the Panel, the Archbishop of Canterbury asked for suspension of work on the reference, on the grounds that other initiatives were moving forward to settle the situation by pastoral or internal mechanisms in the Province of Central Africa. The Panel has not therefore proceeded with its deliberations on this reference.

### **Florida**

A reference was made by the Archbishop in May 2006, which combined two requests from the Diocese of Florida. In the first place, the Parish of the Redeemer in Jacksonville asked the Archbishop to refer its situation to the Panel. They had sought to transfer their jurisdiction to the Anglican Church of Uganda, and the diocese was now moving to recover the church property which it believed was the legitimate property of the diocese. For its part, the Diocese was asking for a reference to the Panel since it believed that the intervention of the Diocese of Madi West Nile in the Province of Uganda was a breach of the undertaking by the Primate of Uganda at Dromantine not to support or to initiate cross-boundary interventions.

In spite of the fact that the situation was subject to civil proceedings, the Panel decided to accept the Archbishop's Reference and in late September 2006, two members of the Panel paid a visit to North Florida to meet the parties associated with the case.

They submitted a draft report in October, but it has proved a difficult and intractable process to arrive at a settled text and resolutions. The situation itself is one in which two apparently irreconcilable accounts of the events surrounding the dispute are held by the parties. It is also unclear whether the Parish has irrevocably removed itself from the jurisdiction of the Bishop of Florida. The Panel published its report on 27 February 2007, recommending a form of extended episcopal ministry. Since then a civil action in relation to ownership of church property has been resolved in favour of the diocese, and the parish appears to have decided that it cannot in conscience continue in communion with the Diocese or The Episcopal Church.

### **Reflections on the Panel's Work.**

The Panel has now been operating for close to two years. In that time, it has received five references, of which three have remained within the Panel's brief, and two were recalled by the Archbishop. All three reports have been published, and no further references from the Archbishop of Canterbury have yet been received.

It is important to note that reports are actually only the tip of an iceberg of extensive work, in which the chief priorities of the Panel members have been to be as thorough as possible, to be fair, and to ensure the opportunity of hearing both parties. In this work, we have been supported by staff in the Anglican Communion Office (Gregory Cameron, Terrie Robinson, Christine Codner), who have had to take on servicing the Panel in addition to their other, already onerous, duties. We are also grateful to have

had the assistance of Dr Brian Hanson, and the legal advice of Canon John Rees. The Panel does not have the resources to take on a high level of independent research, and has to rely largely on the submissions made to it.

Even so, it is clear that the Panel could do with far greater resourcing if it is to develop and improve its work. References are time-consuming and complicated; the members are scattered across different time-zones, and the parties often highly committed to their own wide-ranging responsibilities. The situations which have to be addressed are often politicised and subject to the attention of the media. In all these circumstances, I believe that the Panel has been faithful in discharging the duties assigned to it, in spite of criticism which is often based on a misapprehension of its purpose, or a lack of comprehension about both the situations it addresses and the constraints under which it works.

Its members and staff remain dedicated and ready to use their best efforts to continue to serve the Communion in the context of some of the most difficult situations it has ever had to face.

+Peter Carnley  
Chairman  
London, May 2007

**The Archbishop of Canterbury's**  
**PANEL OF REFERENCE**  
for the Anglican Communion

*Diocese of Florida*

**REPORT**

27 February 2007

## THE PANEL OF REFERENCE

The Panel of Reference<sup>1</sup> was appointed by the Archbishop of Canterbury on 6 May 2005 in response to the concerns expressed by the Primates of the Anglican Communion, meeting at Lambeth Palace in October 2004 and at Dromantine in February 2005.

In the Instrument setting up the Panel, the Archbishop calls upon:

*“Each Primate or Moderator of the Communion which has ... a scheme of delegation or extended episcopal oversight to lodge with me a copy of such scheme within 14 days of receiving this document and to notify me within 28 days following any change to such scheme;*

*Each bishop of the Communion to respect fully and in accordance with its spirit any scheme of delegation or extended oversight established in his or her province;*

*Each parish of the Communion which considers that in all conscience it cannot accept the direct oversight of its bishop to work with him or her in the first instance towards finding some appropriate means for delegated or extended episcopal oversight within the diocese and Province in which the parish is situated;*

*The Instruments of Unity of the Communion to work tirelessly towards reconciliation and healing “that the world may believe”.*”

The functions of the Panel include:

*[at the request of the Archbishop of Canterbury] to enquire into, consider and report on situations drawn to [his] attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities;*

*With [his] consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned, and to report to [him] on their response;*

*At the request of any Primate to provide a facility for mediation and to assist in the implementation of any such scheme in his own province.*

The Panel first met in London 12-14 July 2005 and again 9-12 May 2006.

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<sup>1</sup> See [www.anglicancommunion.org](http://www.anglicancommunion.org) for full Panel mandate and other materials on the Windsor process.



## **REPORT OF THE PANEL, RESPONDING TO APPEALS FROM THE PARISH OF THE REDEEMER AND BY THE DIOCESE OF FLORIDA**

### **The Reference and the Parties**

1. By letter of 12 June 2005 six parishes or missions in the Diocese of Florida applied to their bishop for alternative episcopal oversight. The Bishop of Florida, the Rt Revd Samuel Johnson Howard, by letter of 12 August 2005 to the applicants, refused their specific request, while offering Delegated Episcopal Pastoral Oversight (DEPO).
2. By letter of 13 August 2005 to the Archbishop of Canterbury, six priests and six lay leaders representing the same six parishes or missions in the Diocese of Florida, appealed to the Archbishop for their cause to be referred to the Panel of Reference. The priests and lay leaders were seeking alternative episcopal oversight for the congregations they represented as those congregations were in '*serious theological dispute*' with their diocesan bishop and found it '*impossible in all conscience to accept his direct ministry*'.
3. The applicants, who all signed the letter, are:
  - Church of the Redeemer, Jacksonville:** The Revd Neil G Lebhar, Rector, and William Shroeder IV, Senior Warden for the vestry.
  - Grace Episcopal Church, Orange Park:** The Revd Samuel Pascoe, Rector, and Thomas McKeithen, Senior Warden for the vestry.
  - Calvary Episcopal Mission, Jacksonville:** The Revd David Sandifer, Vicar, and Elizabeth Collins, Senior Warden for the Mission Board.
  - All Souls Episcopal Church, Jacksonville:** The Revd James K McCaslin, Rector, and The Hon Haldene, Taylor Senior Warden for the vestry.
  - St Luke's Community of Life Mission, Tallahassee:** The Revd James R Needham, Vicar, and Mary Leffler, Senior Warden.
  - St Michael's Episcopal Church, Gainesville:** The Revd Charles Alexander Farmer, Rector, and Emily Wilson, Senior Warden for the vestry.
4. On 9 January 2006, the Bishop of Florida, by letter to the Archbishop of Canterbury requested the '*intervention by the Panel of Reference as jurisdictional lines are being violated in contravention of the Primates' communiqué and the Windsor Report, paragraph 155*'. The bishop was then referring to Grace Church which sought the oversight of the Archbishop of Rwanda, effective 1 January 2006. On 29 June 2006 Bishop Howard made the specific request that the Panel should also address the question of a relationship which had developed between Redeemer Church and the Province of Uganda.
5. By letter of 18 April 2006 to the Archbishop, Redeemer Anglican Church (being comprised of parishioners from the congregation formerly known as the Episcopal Church of the Redeemer) supplemented their earlier application and indicated that Grace Church and All Souls' Church intended to do the same.

6. On 10 May 2006 the Panel (at its second plenary meeting in London) received the Reference from the Archbishop of Canterbury.
7. Among the parishes, Redeemer Church is the only original applicant pursuing its application. The Panel representatives were, however, informed that since the date of the initial application to the Archbishop, the following developments have affected the other five churches:

Grace Church: From 1 January 2006 Grace Church changed from an Episcopal congregation of ECUSA to a new status through the Anglican Church of Rwanda. After a letter from the diocese threatening a law suit to recover possession of the church site most of the congregation moved to rented premises. The Revd S Pascoe was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'.

Calvary Mission: The congregation left the church site and moved to rented premises. The Revd D Sandifer was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'. The Calvary Mission is now under the temporary oversight of the Province of Uganda.

All Souls' Church: Continues to operate from the church site it previously occupied. The Revd J McCaslin was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'. All Soul's Church claims to be currently under the temporary oversight of the Province of Uganda.

St Luke's Mission: Left the church site and joined with St Peter's Tallahassee. The Revd J R Needham was inhibited and released from priestly obligations in the Episcopal Church for 'abandonment of the Communion of this Church'. St Luke's has placed itself under the temporary oversight of the Province of Uganda.

St Michael's Church: Priest and congregation left the church site, moved to rented premises and operate as Servants of Christ in Gainesville. The Revd C A Farmer was inhibited in the Episcopal Church for 'abandonment of the Communion of this Church'. St Michael's has placed itself under the temporary oversight of the Province of Kenya.

At the time of their visit the Panel representatives had no brief to relate directly to any of these five churches and missions. We refer to their situation because, as indicated above, their dispute has occurred over the same period as that of Redeemer Church. Clearly, our advice relates to Redeemer Church only, but if the recommendation of this report can be adopted by the Diocese of Florida and Redeemer Church, then it may be possible that they could provide a way forward in relation to the other parishes and congregations as well.

## Sequence of events in the Diocese of Florida

8. After the election of Gene Robinson as Bishop of New Hampshire and the decisions of the 2003 General Convention of ECUSA, the six congregations set out in paragraph 3 (including Redeemer Church), declared that they believed their Bishop should withdraw from sacramental fellowship with bishops in ECUSA. Bishop Howard, who had not supported the decision of the Convention to ratify the election, believing conscientiously that he should still maintain communion with his fellow bishops, including those who had offered such support, and considering himself canonically bound to do so, refused the request of the six congregations.
9. As a result these congregations decided to suspend their voluntary pledges to the Diocese on the grounds that some pledge money supported ECUSA programmes. (In the Diocese of Florida, parish financial support for diocesan programmes is voluntary; that is, there is no canon which levies an assessment. Instead, a parish makes an annual pledge of about ten per cent of its income to support diocesan programmes.) The Diocese responded by making a number of adjustments to the pledge arrangements in 2004 and 2005 so that it is now possible for a parish to pledge money to the Diocese and be confident that none of those monies will be sent on to support ECUSA programmes.
10. In early November 2005 the Bishop of Florida approached Bishop Ed Salmon of South Carolina who offered his ministry to the six parishes under a plan of Delegated Episcopal Oversight. With the consent of the parishes, two preliminary visits were made to the parishes.
11. Even with these developments Redeemer Church refused to pledge funds to the diocese until the Episcopal Church (USA) acted fully on the recommendations requested by *The Windsor Report*.<sup>2</sup> Near the end of 2005, the leadership of Redeemer Church feared that the Bishop and Standing Committee would take steps to reduce the parish to mission status and inhibit its priests if it did not resume voluntary pledging to the diocesan budget (as provided under Canons 21 and 22 of the Diocese in situations where voluntary contributions are withheld for two years). Mission status effectively gives the diocesan bishop direct control over the vestry, ministry and finances of the parish unit. In case these two actions were taken by the Diocese, Redeemer Church began approaches to the Province of Uganda with a view to seeking episcopal oversight from that source should their situation in Florida reach a point at which Redeemer Church judged that step to be necessary.
12. On Christmas Eve 2005 there was a meeting between two representatives of Redeemer Church and Canon Kurt Dunkle, the Canon to the Ordinary. It was agreed that so long as Redeemer Church did not seek to put itself under Ugandan oversight, the Bishop and Standing Committee would not proceed to inhibit the clergy of

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<sup>2</sup> *The Windsor Report 2004*, The Anglican Communion Office, London, 2004.

Redeemer Church or seek to reduce the parish to mission status. It was agreed that negotiations would continue in good faith.

13. At a joint meeting in which the sequence of events from 24 December to 11 January was discussed between diocesan, Redeemer Church and Panel representatives, those from Redeemer Church were adamant that they had taken no action to break the Christmas Eve agreement. However, on 29 December 2005, the Anglican Alliance of North Florida (of which Redeemer Church was a member) announced that on 1 January 2006, its parishes, with Redeemer Church named in the text, were leaving the Episcopal Church. This announcement was interpreted by the Diocese as a decision on the part of Redeemer Church to enter into the jurisdiction of the Province of Uganda. On 12 January 2006 the Revd Neil Lebhar wrote a letter to the 'Redeemer Family' in which he declared "It is true that Redeemer Anglican Church is now not an Episcopal Church." On 17 January 2006, Redeemer Church's own press release indicates that they had in fact left the Episcopal Church on 1 January 2006.
14. On 9 January 2006, the Standing Committee of the Diocese of Florida advised the Rector, Wardens and Vestry of Redeemer Church that it wished to conduct a hearing to enable the Standing Committee to consider the Bishop's request that the status of Redeemer Church be changed from parish status to mission status in the light of the Standing Committee's belief that Redeemer Church was acting to leave the oversight of the Diocese.
15. As noted in paragraph 4, on 9 January 2006 the Bishop of Florida also requested from the Archbishop of Canterbury a reference to the Panel of Reference regarding the interventions of other Provinces in the life of the six congregations.
16. On 11 January 2006, the Standing Committee of the Diocese of Florida determined, after consideration of a report, that the Revd Neil Lebhar, Rector of Redeemer Church, had '*abandoned the communion of this Church*'. Similar determinations were made in respect of the other clergy. Later that day, the Rectors and Vicars of all six congregations (being the original applicants to this reference) received letters of inhibition from Bishop Howard.<sup>3</sup>
17. At some stage in the above process, the DEPO proposals with Bishop Salmon were not pursued.
18. On 12 January 2006, Bishop Joel Obetia made his acceptance of the Revd Neil Lebhar and his assistant the Revd Shawn Porter as being under his jurisdiction and canonically resident in his diocese of Madi/West Nile in the Province of Uganda.

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<sup>3</sup> "Therefore, pursuant to Title IV, Ecclesiastical Discipline, of the Canons of the Episcopal Church, Canon IV.10, you are hereby inhibited from officiating in this diocese for a period of six months from the date of this letter....Please be aware that you have rights specified in sec 2 of the Canon."

19. In the Spring of 2006 Bishop Howard appointed the Revd Davette Turk, who had been Associate Rector of Redeemer Episcopal Church between 1984 and 1989, to be Rector of Redeemer Episcopal Church. This congregation currently has a vestry of five members and a Senior Warden, but is unable to worship in the parish property because of the presence of Redeemer Anglican Church in it.

### **Steps in the Litigation to date**

20. On 27 March 2006, the Diocese commenced legal action in the Circuit Court<sup>4</sup> against the Rector, Wardens and Vestry of Redeemer Church to recover possession of all the real and personal property held on behalf of the Episcopal Church by Redeemer Parish. The defendants filed a Defence and Cross Claim. An interim step in the litigation was taken by the Diocese on 4 October 2006 despite the oral and written requests of the Panel representatives that this hearing should be postponed at least until the Panel process had been completed. A further hearing took place on 8 January 2007, at which the motion of Redeemer Anglican Church to strike out portions of the Complaint of the Diocese was denied. The Diocese is now pursuing the presentation of a Motion for Summary Judgment.

### **Meetings with the parties**

21. The Panel sent two of its number, Maurice Sinclair and Robert Tong, to confer with the Diocesan Bishop and Redeemer Church representatives prior to the preparation of this report of the Panel for the consideration of the Archbishop of Canterbury. The meetings were held in Jacksonville, Florida on 26–29 September 2006. Bishop Howard and Canon Kurt Dunkle presented the diocesan position, while the Revd Neil Lebhar, members of the vestry and legal team presented the viewpoint of Redeemer Church. Full and frank conversations took place and a range of solutions was canvassed. This report could not have been prepared without these meetings and conversations.
22. The Panel representatives wish to record in this report their appreciation of opportunities for Christian fellowship and prayer. Our hosts were generous in their hospitality and provision of accommodation. All travel and related costs were shared between the Diocese and Redeemer Church.

### **Some Aspects of the Wider Context of the Florida Dispute.**

23. Though this dispute is located in the Diocese of Florida almost all its underlying causes originate from the much wider dispute affecting the Anglican Communion as a whole. Any assessment therefore of what is taking place locally must take into account an estimate of the overall situation. Some of the critical and relevant features of this wider context are mentioned below.

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<sup>4</sup> Case No:16-2006-CA-2361. Division: CV-B. In the Circuit Court, Fourth Judicial Circuit, in and for Duval County, Florida.

24. Paragraph 27 of *The Windsor Report* summarises the events which triggered the Windsor process. These events were:

- the authorization of a public Rite of Blessing for same sex unions by the synod of the Diocese of New Westminster (Canada);
- the election and consecration of ‘a divorced man openly acknowledged to be living in a sexually active and committed same sex relationship’ as Bishop of New Hampshire (USA);
- the 2003 General Convention which consented to the New Hampshire election also recognised that experimental public Rites of Blessing for same-sex unions were being developed in some places in the Episcopal Church and did not choose to censure that development, but rather implied acceptance of them;
- the 2004 Canadian General Synod which affirmed by resolution ‘the integrity and sanctity of committed adult same-sex relationships’.

25. *The Windsor Report* (paragraph 28) states “The overwhelming response from other Christians both inside and outside the Anglican family has been to regard these developments as departures from genuine, apostolic Christian faith.” *The Windsor Report* also calls to account dioceses or provinces that have taken initiative in crossing diocesan boundaries, claiming jurisdiction in areas affected by this controversy (paragraphs 154 and 155).

26. The constitutional documents of the Episcopal Church (USA)<sup>5</sup> and the Anglican Church of Canada<sup>6</sup> require those Churches to be in communion with the Archbishop of Canterbury and the Anglican Church “throughout the world”, and loyal to the historic Anglican formularies. The events in paragraph 23 above, place strain upon the constitutional and sacramental relationships within the Anglican Communion.

27. The Primates, in October 2003, referring to the actions in paragraph 23 above, made this statement:<sup>7</sup>

These actions threaten the unity of our own Communion as well as our relationships with other parts of Christ’s Church, our mission and witness, and our relations with other faiths, in a world already confused in areas of sexuality, morality and theology, and polarised Christian opinion...

We also re-affirm the resolutions made by the bishops of the Anglican Communion

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<sup>5</sup> The preamble of the constitution states “The Protestant Episcopal Church of the United States of America... is a constituent member of the Anglican Communion, A Fellowship within the One Holy, Catholic and Apostolic Church, of those constituted Dioceses, Provinces, and regional Churches in communion with the see of Canterbury, upholding and propagating the historic Faith and Order as set forth in the Book of Common Prayer”.

<sup>6</sup> The Solemn Declaration states “We, the Bishops, together with the Delegates from the Clergy and Laity of the Church of England in the Dominion of Canada, now assembled in the first General Synod, hereby make the following Solemn Declaration: We declare this Church to be, and desire that it shall continue, in full communion with the Church of England throughout the world,...”.

<sup>7</sup> A Statement by the Primates of the Anglican Communion meeting in Lambeth Palace. 16 October 2003. Anglican Communion News Service 3633.

gathered at the Lambeth Conference in 1998 on issues of human sexuality as having moral force and commanding the respect of the Communion as its present position on these issues...To this extent, therefore, we must make clear that recent actions in New Westminster and in the Episcopal Church (USA) do not express the mind of our Communion as a whole, and these decisions jeopardise our sacramental fellowship with each other. We have a particular concern for those who in all conscience feel bound to dissent from the teaching and practice of their province in such matters...

28. In the *Communiqué* of the Primates Meeting at Dar Es Salaam, Tanzania, on 19 February 2007 an appeal was made to representatives of The Episcopal Church and of those congregations in property disputes with it “to suspend all actions in law arising in this situation”. Parties were urged “to give assurances that no steps will be taken to alienate property from The Episcopal Church without its consent or to deny the use of that property to those congregations”.

### **Summary Assessment**

29. Having spoken at length with the parties, the Panel representatives concluded that:
- a. the long running, frustrating and destructive controversy in ECUSA, and subsequent disputes about the maintenance of communion and table fellowship, have fractured relationships between parish and diocese;
  - b. there is a different understanding between the parties as to how this controversy can best be resolved;
  - c. there is a mutual desire for good outcomes, and continuing ability to converse courteously;
  - d. even so there is a serious loss of trust between parties on account of
    - i. the actions of the Rector and Parish in challenging the authority and leadership of the Bishop, and in seeking to leave the Episcopal Church and put itself under the authority of another jurisdiction.
    - ii. the disciplinary and legal actions of the Diocese immediately threatening the Rector and Parish;
  - e. there is also the possibility of the situation of the Diocese and the Parish being substantially affected by the process that seeks a Communion-wide resolution of the controversy, and which could involve the Episcopal Church and both the Diocese of Florida and Redeemer Church in choices over the future relationships with the wider Anglican Communion.

### **Further Considerations underlying our Recommendation**

30. Bearing in mind the aspects of the wider context described above and the timing of the Panel visit when the dispute had already reached an advanced and critical stage, the people most directly involved were found to be ready to engage with Panel

representatives, but were clearly frustrated and deeply hurt by all that had happened in the previous two years. In discussing with them options to be considered for a way forward, it was found that Redeemer Church was unhappy with the conditions the Diocese wished to attach to the options it favoured. Similarly the Diocese found it hard to respond to the concerns of Redeemer Church, relating to options that appeared better to their representatives. Though unable in the course of the visit to agree a formula that might be mutually acceptable, both parties expressed a desire to resolve the dispute Christianly.

31. The Panel therefore proposes a course of action which optimises the elements of reconciliation and co-operation, rather than offer a purely pragmatic solution that would represent little more than last resort. We do not believe that the right course of action is to continue to resort to legal process. The importance of provisions which allow time and space for truth to be discerned and for relationships to heal is also recognized.
32. The objections of the parish to the controversial acts of ECUSA in its General Conventions must be regarded as serious and genuine. These actions have seriously jeopardised relationships at a diocesan level. Given the substantial nature of the doctrinal, ethical and constitutional issues of the wider context (described in paragraphs 22 to 26), we believe that it is right for the Diocese to give as much space as possible to Redeemer Church to develop its own life and maintain its own integrity in relation to these issues. We do not feel, however, that it is appropriate for Redeemer Church to try to dictate to the Bishop how he should act in relation to the church at the national level.
33. Positively, we take guiding principles from the Archbishop of Canterbury's statement following the General Convention of ECUSA last June. He acknowledges serious differences affecting dioceses and parishes within ECUSA, and urges an orderly and mutually respectful approach to the handling of resultant disputes. The experience of the visit underlined for the Panel representatives the importance of this approach, and the following recommendation is made in the light of possible developments which would radically change the context of the current dispute.
34. Also important to bear in mind is the role of the Province of Uganda and the Diocese of Madi West Nile, which is contrary to the recommendations of paragraphs 154 and 155 of *The Windsor Report*. In considering this development in relation to the recommendations of *The Windsor Report*, and the commitment made by the Primates at Dromantine in February 2005, the Province of Uganda and the Diocese of Madi/West Nile argue that they did not initiate this relationship with Redeemer Church. As has been noted, their involvement in the dispute between the Parish, Diocese and the Episcopal Church was made at the specific request of the Parish. The Province of Uganda intends that the actions they have taken should be of limited duration, to assist the Redeemer Church and clergy to retain at this critical juncture their Anglican identity and status. A positive result of the closer relationship with this African Province and Diocese has, however, been a growing partnership in



mission. Hope has been expressed that this partnership will continue once the emergency oversight is discontinued and oversight within the USA has been regularised and restored.

## **RECOMMENDATION**

35. This recommendation is based upon a pastoral accord which both the Diocese and the Parish could accept without compromise of Christian conscience. As preconditions, the authority of the Diocesan bishop should not be challenged, the inhibition of the Rector should be lifted, and a guarantee given that no further legal action will be taken by the Diocese against Redeemer Church and that it will not be reduced to mission status.
36. As an integral part of this recommendation, we are commending what we are calling a “good neighbour” episcopal ministry. It represents a development of the plan for delegated episcopal pastoral oversight. The “neighbour” bishop would have an oversight extended to him or her from the diocesan bishop, which would include effective and necessary sharing of decisions with regard to clergy appointments for the parish and ordination process. As neighbour, the bishop would live in reasonable geographical proximity. Most important of all, the spirit of this ministry would be neighbourly.
37. For the implementation of this recommendation we list the following steps:
  - a. The Revd Neil Lebhar and his parish colleagues should adopt with the Diocesan Bishop practical ways of reopening clear channels of communication, having the sincere intent of working towards full reconciliation.
  - b. A neighbouring bishop acceptable to both the Diocese and the Parish should be invited to undertake an effective ministry in relation to Redeemer Church. This ministry would involve pastoral guidance for the clergy and lay leadership of the Parish, and visitations, and Confirmations there. The participation of the neighbour bishop in ordination process and clergy appointments for the Parish would be such that decisions relating to these would require the signature of the neighbour bishop together with that of the diocesan bishop.
  - c. Once this arrangement for extended oversight is established, any question of possible oversight from the Province of Uganda and Madi/West Nile Diocese should cease. Redeemer Church would unambiguously come under the jurisdiction of the Diocese of Florida. The ‘good neighbour’ ministry would then continue for an agreed period of years, renewable by mutual agreement.
  - d. An essential element of this accord would be the commitment of the Parish to full, generous and sustained support for the ministries of the Diocese. Redeemer Church could avail itself of the plan whereby none of this contribution would be channelled to the central finances of the national Church, but otherwise it should

- contribute to the Diocese in the same way as all other parishes.
- e. Respectful of the special conditions allowed in this accord, the representatives of Redeemer Church would participate in the Diocesan Conventions. Their clergy would have their licences to officiate in the Diocese restored.
  - f. The reconciliation of the worshipping community currently known as Redeemer Episcopal Church, led by the Reverend Davette Turk and Redeemer Anglican Church led by the Reverend Neil Lebhar, would then need to be addressed, perhaps by at first sharing the use of the property.

## **Panel of Reference membership**

### **Chairman**

The Most Revd Dr Peter Carnley, AO

### **Deputy Chairman**

Ms Fung Yi Wong

### **Members of the Panel appointed for special responsibility in this reference**

The Rt Revd Dr Maurice Sinclair  
Mr Robert Tong

### **Other members**

His Honour Michael Evans, QC  
The Revd Professor Joseph Galgalo  
Chancellor Bernard Georges  
The Rt Revd Khotso Makhulu, CMG  
The Revd Canon John Moore  
Chancellor Rubie Nottage  
The Rt Revd Claude Payne  
The Most Revd Dr John Sentamu  
The Revd Stephen Trott

# The Diocese of Fort Worth

## The Report of the Panel of Reference

December 2006

### The Panel of Reference

The Panel of Reference was appointed by the Archbishop of Canterbury on 6 May 2005 in response to the concerns expressed by the Primates of the Anglican Communion, meeting at Lambeth Palace in October 2004 and at Dromantine in February 2005.

In the Instrument setting up the Panel, the Archbishop calls upon:

- *“Each Primate or Moderator of the Communion which has ... a scheme of delegation or extended episcopal oversight to lodge with me a copy of such scheme within 14 days of receiving this document and to notify me within 28 days following any change to such scheme;*
- *Each bishop of the Communion to respect fully and in accordance with its spirit any scheme of delegation or extended oversight established in his or her province;*
- *Each parish of the Communion which considers that in all conscience it cannot accept the direct oversight of its bishop to work with him or her in the first instance towards finding some appropriate means for delegated or extended episcopal oversight within the diocese and Province in which the parish is situated;*
- *The Instruments of Unity of the Communion to work tirelessly towards reconciliation and healing “that the world may believe”.*”

The functions of the Panel include:

- *[at the request of the Archbishop of Canterbury] “ to enquire into, consider and report on situations drawn to my attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities;*
- *With [his] consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned, and to report to [him] on their response;*
- *At the request of any Primate to provide a facility for mediation and to assist in the implementation of any such scheme in his own province.”*

The Panel first met in London in July 2005.

## The Submission

1. The Fort Worth (FWS) submission is by the Bishop and Standing Committee of the Diocese who are in theological dispute with ECUSA concerning the ordination of women to the presbyterate and the episcopate, as well a range of other doctrinal issues including that of human sexuality. The Bishop and the Diocese are committed to "the open process of reception" articulated by the Eames Commission and are concerned that the action of the General Convention of ECUSA in passing Canons which makes women's ordination mandatory makes it impossible for the Diocese at some future date to receive confirmation of the election as their bishop of a man who disapproves of the ordination of women to the presbyterate and/or episcopate.

## The Background

2. The problem flows from the canons, passed in 1974, permitting the ordination of women to the priesthood and to the episcopate. They were originally permissive, ie, no bishop was obliged to ordain a woman. The canons were later amended in 1997 by adding the words, "No-one shall be denied access to the ordination process nor postulancy, candidacy or ordination in any parish or diocese of this church on account of his or her sex." This additional wording makes the canon mandatory. The voting in the House of Deputies was by diocese, the voting being as follows:

Lay	69 yes, 43 no and divided
Clerical	70 yes, 43 no and divided
Bishops	142 yes, 55 no and divided

A motion to ensure that each diocese shall develop and implement a process to implement the canons was passed:

Lay	72 yes, 39 no and divided
Clerical	73 yes, 40 no and divided
Bishops	passed by voice

Thus, there were substantial numbers in favour. Currently, 108 out of 111 dioceses have bishops who ordain women.

3. Everyone in ECUSA has been affected by the canons. From an analysis of the voting figures the following are reasonable inferences:
  - (a) In 1997 a majority was in favour of women's ordination but a substantial number were against.
  - (b) There is no reason to suppose that those in favour are all congregated in identifiable parishes or dioceses. There is likely to be a mix of views in all parishes and dioceses.
  - (c) Any solution must therefore recognise that there will be people in favour of women's ordination in the Diocese of Fort Worth. Bishop Iker, the bishop of the

Diocese, in a communication with the Panel, assessed that such people comprise about 25 per cent of the Diocese. Bishop Iker has sought to address the concerns of the minority by instituting the Dallas Plan, whereby candidates for postulancy candidacy and ordination from within his Diocese are referred to the neighbouring Diocese of Dallas (see para 7 below).

4. However, there appears to be an element of ambiguity in relation to the wording of the 1997 amendment. Presiding Bishop Griswold understands that the amendment did not seek to change the then existing state of affairs by making it mandatory for a bishop actually to ordain a woman. Rather, it was simply intended to ensure that women wishing to test their vocation to ordained ministry would not be penalized by virtue of their belonging to a diocese in which the bishop does not ordain women. Accordingly Bishop Griswold believes that the Dallas Plan meets the requirements of the canon. Bishop Iker, on the other hand, is concerned that the amended canon could now be interpreted to mean, not that ‘no one in any parish or diocese shall be denied access to the ordination process nor postulancy, candidacy or ordination on account of his or her sex’ but that no one shall be denied access to these things ‘in any parish or diocese’. Accordingly, Bishop Iker is concerned that under the present canons he may be subject to presentment, trial and deposition for not accepting women priests himself even if he is prepared to arrange for ordination candidates to be handled by the Diocese of Dallas.
5. In addition, Bishop Iker is concerned that, assuming that a majority of the Diocese of Fort Worth continues to be opposed to the ordination of women, it may not be possible for the Diocese to secure the required number of consents to the election of a bishop who is opposed to the ordination of women, and that the Diocese is therefore under threat of not being able to have a future bishop who holds the same theological position as he does.

### **Attempts at Reconciliation**

6. In 1995 a Committee of Dialogue was set up to investigate how to help those who are opposed to the ordination of women. The history of the Committee and its deliberations is set out in Appendix G of the evidence submitted by the Diocese (FWS: page 17). Unfortunately there was no meeting of minds.
7. In 1996 Bishop Iker instituted a Plan (known as the Dallas Plan) under which he reminded clergy and laity of the Diocese that Canon Law already permitted a deacon or priest to function in a diocese for up to two months without a licence from the diocesan which enabled a woman priest to function in Fort Worth Diocese. Secondly, if a parish wished to engage the services of a woman priest as their parish priest he had designated the Bishop of Dallas as the alternative ecclesiastical authority for that parish and would entrust to him all episcopal oversight of the congregation as well as such episcopal ministry as they may require. For all other purposes the Parish would remain as part of the Diocese of Fort Worth. In addition, any woman within the

Diocese who wished her vocation to the priesthood to be tested would be referred to the Bishop of Dallas. (FWS: Exhibit F)

8. Since the implementation of the Dallas Plan there have been no applications for oversight of a parish which wanted a woman parish priest. Some women seeking ordination have sought guidance from the Bishop and it is our understanding that they have been directed to the Bishop of Dallas. As a result some have become ordinands. Thus the Dallas Plan has cared positively for those who do not share the majority diocesan view.
9. Following the retirement in 1999 of the Bishop of Eau Claire, a bishop opposed to the ordination of women to the presbyterate, it was apparently being said that the retiring bishop and other diocesan leaders had the impression that if they again elected anyone opposed to such ordinations, that person would not receive the necessary consents of the other ECUSA bishops and dioceses. Since then the Diocese of Fort Worth has been particularly concerned that, should it in the future elect a bishop opposed to the ordination of women to the presbyterate and the episcopate, the bishop elect would not receive the necessary consents from the other dioceses of ECUSA in order for consecration to take place. (See FWS: page 2) Presiding Bishop Griswold believes that it is altogether possible for a person opposed to the ordination of women to receive a majority of consents if they made it clear that they would make provision for women who might feel called to ordained ministry to test that call by referring the matter to the bishop of another diocese, as Bishop Iker has done with the Dallas Plan. If the bishop-elect were unable to make that assurance, it could indeed be difficult to acquire the desired number of consents.
10. In 2000, General Convention, noting that there were still three dioceses, including the Diocese of Fort Worth, which did not permit the ordination of women to the presbyterate, set up a national Task Force to ensure that the newly revised canons were adequately implemented in those dioceses. Bishop Peter Lee of Virginia, convenor of the Task Force, had talks with Bishop Iker, the Diocesan Standing Committee and other diocesan leaders. Bishop Lee visited on a second occasion in order to speak with clergy and laity in favour of women's ordination. Bishop Iker objected to this visit when he heard of it, but it had already taken place when he was out of the country. Again there was no meeting of minds (See FWS: page 2) It should be noted, however, that the recommendation of Bishop Lee's committee was that no further action be taken and the matter be treated pastorally.

### **The Application before the Panel**

11. Given the understanding of the Eames Commission that the Anglican Communion is in an open period of reception concerning the ordination of women, the Applicants contend that, because General Convention in 1997 made the ordination of women mandatory throughout the Province (where before it had been permissive), it will not be possible for the Diocese to secure the require number of consents to the election of a bishop who does not approve of women's ordination if they are so minded.

12. The Applicants request that, as a diocese committed to the open process of reception as articulated by the Eames Commission, some way should be found for the Diocese to remain a full member of the Anglican Communion.
13. It must be recognised that the Canon Law of a Province binds all members of the Church. In ECUSA this means that bishops, clergy and laity must acknowledge that the ordination of women is a valid exercise although, as Eames states, because the Church is in a period of reception no-one who has conscientious scruples can be required to avail themselves of the ministry of a woman priest or bishop. It must also be noted, that the ECUSA House of Bishops has acknowledged that the non-acceptance of the ordination of women is a recognized theological position to be respected.
14. Any solution should simplify not complicate the situation. Ideally the Diocese of Fort Worth ought to be able to find a place within ECUSA without a sense of isolation or victimization. Through the Dallas Plan it has a mechanism to keep dissenting parishes within the Diocese and to help women who wish to test their vocation to the sacred ministry.
15. One solution would be for General Convention to clarify the wording of the 1997 amended canon so as to make it absolutely clear that it is to be understood in the form which leaves the ordination of women permissive, while ensuring that women postulants and candidates for ordination in a diocese that does not ordain women are not denied access to the process.
16. No diocese should be compelled to elect a bishop who agrees with the ordination of women. It is to be noted that the matter of consent is set out in Article II of the Constitution of the Episcopal Church. No grounds are stated in the Article concerning consent. The church has debated since the beginning what are the standards for giving or withholding consent. The Constitution places no constraints on bishops and Standing Committees which therefore have the freedom to give or withhold their consent on whatever grounds they deem appropriate. Nominees only have to comply with the canons to be eligible for nomination. The election of any diocesan who is opposed to the ordination of women in the future would therefore need the goodwill of the other dioceses not to block that appointment by withholding consent.

## **Recommendations**

17. (a) The Panel of Reference commends to all parties the Dallas Plan which appears to have worked satisfactorily for ten years, and recommends that its procedures continue; that while the Communion is in a process of reception, no diocese or parish should be compelled to accept the ministry of word or sacrament from an ordained woman; and that provision has to be made to meet the conscientious objection to ministry by women. Equally, the proper dignity of women ordained

ought to be respected in the life of the Church as a whole, and provision maintained for those who feel called to follow their vocation. The Archbishop of Canterbury, the Presiding Bishop and the other Primates of the Anglican Communion should publicly commend the adequacy of the Dallas Plan.

- (b) The Panel recommends that it be made clear that it is legitimate for a diocese to ask of candidates for election as bishop that they abide by the particular policy of the diocese in relation to the ministry of women, and that theological views on the ordination or consecration of women should not be a ground on which consent might be withheld by the Province/House of Bishops.
- (c) The Panel recommends that the Archbishop of Canterbury should discuss with the Presiding Bishop the possibility of the clarification of the ambiguous wording of the 1997 amendment to the relevant canon so as to ensure that the permissive nature of the ordination of women is maintained in any diocese. At the same time the apparent intention of the amendment to defend the interests of women candidates for postulancy, candidacy and ordination in a diocese that does not ordain women would be underscored.
- (d) The Panel also recommends that the Archbishop of Canterbury continue discussions with the Diocese of Fort Worth and with the Episcopal Church with the aim of securing the place of Fort Worth in the Communion.



**The Archbishop of Canterbury's  
PANEL OF REFERENCE  
for the Anglican Communion**

**Report on the  
Diocese of New Westminster**

September 2006

## **THE PANEL OF REFERENCE**

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In the Instrument setting up the Panel, the Archbishop calls upon:

*“Each Primate or Moderator of the Communion which has ... a scheme of delegation or extended episcopal oversight to lodge with me a copy of such scheme within 14 days of receiving this document and to notify me within 28 days following any change to such scheme;*

*Each bishop of the Communion to respect fully and in accordance with its spirit any scheme of delegation or extended oversight established in his or her province;*

*Each parish of the Communion which considers that in all conscience it cannot accept the direct oversight of its bishop to work with him or her in the first instance towards finding some appropriate means for delegated or extended episcopal oversight within the diocese and Province in which the parish is situated;*

*The Instruments of Unity of the Communion to work tirelessly towards reconciliation and healing “that the world may believe”.*”

The functions of the Panel include :

*[at the request of the Archbishop of Canterbury] “to enquire into, consider and report on situations drawn to my attention where there is serious dispute concerning the adequacy of schemes of delegated or extended episcopal oversight or other extraordinary arrangements which may be needed to provide for parishes which find it impossible in all conscience to accept the direct ministry of their own diocesan bishop or for dioceses in dispute with their provincial authorities;*

*With [his] consent to make recommendations to the Primates, dioceses and provincial and diocesan authorities concerned, and to report to [him] on their response;*

*At the request of any Primate to provide a facility for mediation and to assist in the implementation of any such scheme in his own province.”*

The Panel first met in London in July 2005.

## THE REPORT OF THE PANEL OF REFERENCE

1. The Applicants' submission ["AS"] is in the name of a group of parishes and congregations from that diocese: St John's, Shaughnessy, Vancouver; St Matthew, Abbotsford, BC; Church of the Good Shepherd, Vancouver; St Matthias/St Luke, Vancouver; The Mission Church of Holy Cross, Abbotsford, BC; Church of the Resurrection, Hope, BC; and their correspondent is Cheryl Chang, a parishioner of St John's, Shaughnessy. Ms Chang is also the Executive Director of the Anglican Network in Canada. The Panel has received a formal response from the Diocese of New Westminster through its Chancellor, George Cadman QC, referred to as the Diocesan Response ["DR"].
2. The Diocesan representatives claim that the inclusion of the congregations of Holy Cross, Abbotsford, BC and the Church of the Resurrection, Hope, BC, is "factually incorrect". They state that neither congregation is or was at the time of writing of the Applicants' submission legally constituted within either the diocese or the Anglican Church of Canada. They maintain that the Mission Church of the Holy Cross, Abbotsford, is a former mission of the Diocese of New Westminster which was terminated in 2003, and that the Church of the Resurrection, Hope, is a recently-formed congregation with no status either in the Diocese or in the Province.
3. *The Windsor Report* ["TWR"] published in 2004, refers specifically to the Diocese of New Westminster as one of the dioceses and provinces whose decisions and actions in the matter of authorising public rites of blessing of same-sex unions have brought about controversy within the Anglican Communion. The course of events is described in sections 136 -146 of TWR. The Diocese of New Westminster disputes the narrative and interpretation in TWR of events in the Diocese, and questions the standing of TWR within the Anglican Church of Canada and in the wider Anglican Communion. Our Recommendations (below, pages 9-10) refer only to the jurisdiction of the Province of Canada, and to a recommendation entirely within the provisions made by the House of Bishops of that Province.
4. TWR is critical both of those bishops, dioceses and provinces which have crossed the recognised boundaries of Anglican doctrine and the ordering of Anglican Ministry; and of those bishops and primates who have crossed the territorial boundaries of other dioceses and provinces in order to minister to those who have declared themselves unable in conscience any longer to receive the ministry of their own diocesan bishop.
5. Recommendations to resolve the issues relating to doctrine and authorisation of liturgy, which are the source of the dispute between the applicants and the Diocese, the Diocesan Synod and their Bishop, the Rt Revd Michael Ingham, are set out in TWR. It is not the function of the Panel of Reference to advise or comment on these issues, which await the response of the General Synod of the Anglican Church in Canada at its meeting in 2007. The wider Anglican Communion itself

will have to find a resolution to these issues in New Westminster and elsewhere through its Instruments of Communion.

6. The situation which has been referred to the Panel is therefore properly to be understood as a temporary breakdown in relationships between the dissenting congregations and their Diocese. Should the dispute concerning the authorisation of public rites for blessing of same-sex unions be resolved by the Canadian General Synod in 2007, as all concerned will hope and pray that it will, any arrangements put in place for the temporary pastoral care and oversight of those parishes may then conceivably give way to a formal Act of Reconciliation, as envisaged by s.156 of TWR.
7. TWR recommends in s.151 that “as a last resort, we commend a provisional and temporary provision of delegated pastoral oversight for those who are dissenting. This oversight must be sufficient to provide a credible degree of security on the part of the alienated community, so that they do not feel at the mercy of a potentially hostile leadership. While the temporary provision of pastoral oversight is in place there must also be a mutually agreed commitment to effecting reconciliation.”
8. The temporary nature of the dispute, until determined one way or another by the Anglican Church of Canada and within the Anglican Communion, has a direct and important bearing on the kind of proposals which may be made by the Panel of Reference for the extended episcopal care of those who have declared themselves to be in impaired communion with the Bishop and Diocese of New Westminster. The stated aim of both TWR and of the Panel is to achieve reconciliation and healing. Steps which formalise the transfer of episcopal ministry on a longer term basis can not be justified unless formal reconciliation has demonstrably proved impossible to achieve.
9. The Panel of Reference has been asked to consider the adequacy of the proposals for extended episcopal ministry which have been put forward for dissenting parishes in the Anglican Church of Canada, especially in relation to the Diocese of New Westminster. It is evident from the AS at 3.4.2 that the Shared Episcopal Ministry [“SEM”] scheme offered by the Canadian House of Bishops is not acceptable as it stands to the applicants.
10. Representations are included in the Applicants’ submission (AS 4.4.4.1-4) concerning the actions of the Bishop of New Westminster and other officers of the diocese (see for example Appendix A for accounts of this) who claim that canon law has been used oppressively in respect of some of the congregations and lay trustees concerned, in addition to presentments made against a number of their clergy. In turn the Diocese has provided us with written evidence of unauthorised incursions into its territory by serving and retired Bishops of the Anglican Church of Canada, and by serving and retired Bishops and Primates from elsewhere in the Anglican Communion.

11. We have not sought to adjudicate in any way on the claims made by the applicants or the responses provided by the Diocese. It is a matter of agreement that Canon 15 was imposed on the parish of St Martin, Vancouver, where the locks were changed, and a number of lay officers removed under the authority of the Canon. The applicants fear that similar action could be taken against the congregations which they represent, without the intervention which they seek. Such action is clear evidence, in our view, that the task of finding an agreed system of extended episcopal care for those concerned is a matter of considerable importance and urgency.
12. Attempts have been made to secure some form of extended episcopal care within the Diocese of New Westminster and within the Anglican Church of Canada. The AS lists a chronology of the development and eventual failure of this in the Diocese of New Westminster (AS 3.2.2; 2.1 and 2.2). This interpretation of events is not accepted by the Diocese.
13. The first place to look for an alternative source of extended episcopal care would be an assistant or suffragan bishop within the Diocese of New Westminster, but no such appointment currently exists.
14. In the absence of another bishop within the diocese, whose oversight is acceptable to those who have asked for episcopal ministry from elsewhere, the next step envisaged by the Panel's terms of reference is to look for delegated or extended episcopal care within the province concerned. Different models exist within the Communion, ranging from the formal provincial appointment of one or more Episcopal Visitors in England and Wales, to a less formal scheme involving an invitation to a serving or retired bishop in a neighbouring diocese to exercise a superintendent ministry on terms which are agreeable to the bishop of the diocese, and to those receiving such a ministry.
15. Before the meeting of 15 June 2002 of the diocesan synod, at which the decision was taken to proceed with the authorisation of a public Rite of Blessing of same-sex unions, Bishop Ingham set out proposals dated 23 May 2002, in which he undertook to "appoint a Canadian bishop from outside this diocese to offer pastoral care to those parishes and clergy who desire it... The Diocesan Bishop shall retain canonical authority over all parishes and licensed clergy, including jurisdiction in all episcopal acts, while delegating pastoral oversight to the Visitor". (AS 3.2.1) .
16. Rev Trevor Walters of the organisation *Essentials Clergy* wrote in reply to these proposals on behalf of opponents of the diocesan motion, arguing first that the motion was *ultra vires* the diocesan synod and should be reserved to the General Synod. Alternatively the letter to Bishop Ingham sought to secure discussion with him as to "the form Alternative Episcopal Oversight would take." (AS 3.2.2)
17. Following the passage of the diocesan synod motion on 15 June 2002 representatives of eight parishes walked out of the synod meeting, and later that month began to withhold from the diocese their payments of assessment. (AS 2.2)

There is no evidence in the AS document in its Chronology at 2.2 of any application to Bishop Ingham to implement alternative oversight of the kind proposed, following the diocesan synod meeting. The offer by Bishop Terry Buckle to provide extended oversight “with jurisdiction” to the dissenting parishes, without the agreement of Bishop Michael Ingham, was rejected by Bishop Ingham on 17 February 2003, followed by the issuing of an Inhibition against Bishop Buckle on 24 February 2003.

18. In a paper provided in the AS at 3.2.3, the reasons why such a scheme was unacceptable to the dissenting congregations are set out, published somewhat later on 22 January 2004 by Rev Dr J I Packer and Revd David Short. They state that “Without personal discretionary jurisdiction, any oversight the EV exercises is of a puppet nature because it remains at the discretion of Bishop Ingham and is thus his own oversight by extension, and therefore offers no protection for the protesting parishes.” Two of the issues specifically named by the applicants are the continuity of ministry in the parishes, and their property. (AS 4.1.3 and 4.1.4).
19. A second argument is advanced in the paper in which it is said that the Diocese of New Westminster is no longer in communion with “the great majority of the primates and congregants of the global Anglican Communion” with which the ACiNW wishes to remain aligned. The authors quote from the constitution of the Anglican Church of Canada, in its *Solemn Declaration of 1893* (cited in AS 4.2.6) in which the Church declares itself to be “in full communion with the Church of England throughout the world”. In order to continue in full communion, they argue, “we cannot at present function in structural fellowship with Bishop Ingham and the diocese of New Westminster”. (AS 3.2.3)
20. The scheme proposed by Bishop Ingham and the diocesan synod is not accepted by those opposed to the decision taken concerning the blessing of same-sex unions. In order to work as the Windsor Report intends, “this oversight must be sufficient to provide a credible degree of security on the part of the alienated community, so that they do not feel at the mercy of a potentially hostile leadership. While the temporary provision of pastoral oversight is in place there must also be a mutually agreed commitment to effecting reconciliation.” (TWR s.151) A bishop under the direct control of the diocesan, as initially proposed in the scheme of June 2002, who retains the full authority of his or her office, is unlikely to satisfy those for whom the ministry of their diocesan has become unacceptable as a matter of conscience and principle.
21. The argument that in order to remain “in full communion with the Church of England throughout the world” it is necessary for dissenting clergy and parishes to separate themselves from the diocese of New Westminster, adopting a title for their organisation which implies that they represent the Anglican Communion in New Westminster, in addition to or instead of the diocese and Bishop Ingham, can not be sustained. The Church of England itself remains in full communion with the Diocese of New Westminster and Bishop Ingham, pending resolution of the presenting issue, and therefore with all of its clergy, members and parishes,

including those who dissent from its diocesan synod decision but remain in full fellowship with the Bishop and the diocese, together with the dissenting parishes unless they formally withdraw themselves from the Anglican Church in Canada. Even if this were not the case there is no evidence that communion with dissenting parishes would in fact be broken since such provinces which have declared impaired communion have made it clear that they remain in communion with those whom they regard as faithful.

22. The solution to the dispute in New Westminster which was proposed by Bishop Terry Buckle of the Yukon (AS 2.2, 19 March 2003) was not discussed with nor authorised by Bishop Michael Ingham. (See para 17 above).
23. Considerable efforts to find an acceptable means of providing alternative oversight have also been developed by the Canadian House of Bishops (AS 3.3.1). A task force was set up in October 2003, whose report in March 2004 formed the basis of new proposals for extended episcopal care. These however were not voted upon and finally in November 2004 the House of Bishops itself proposed a detailed solution entitled *Shared Episcopal Ministry* (AS 3.4.1), modelled on the oversight shared by a suffragan bishop within a diocese.
24. This too was rejected by the ACiNW on the basis that it does not offer jurisdiction to the Bishop providing extended episcopal ministry and therefore fails in their opinion to provide adequate protection against “persecution and harassment” of clergy and parishes; leaves control of the ordination and appointment process in the hands of the diocesan bishop; and offers no protection against unfounded property or disciplinary lawsuits. (AS 3.4.2.1)
25. The AS critique of SEM elaborates further on the claim, which we believe to be unsustainable in the current situation, that in order for the dissenting clergy and parishes to be in full communion with the Archbishop of Canterbury and the “Church of England throughout the world” it is necessary for special arrangements to be made for them outside not only the Diocese of New Westminster, but outside the Anglican Church in Canada. It is factually incorrect to state (AS 3.4.2.2) that “the province has been suspended from the Anglican Communion until 2008”. In fact the Anglican Church of Canada was asked voluntarily to withdraw its representatives from the Anglican Consultative Council until the Lambeth Conference in 2008.
26. There seems to be no room for doubt that a form of extended episcopal ministry in which they can have confidence is urgently needed for the dissenting parishes in New Westminster, and the Applicants’ submission refers to similar circumstances in certain other dioceses in Canada. Proposals for New Westminster to that end, which may serve as a model for other dioceses, will be made later in this report. But the assumption made in AS 3.4.2.2, that there is a “low probability that the Anglican Church of Canada will reverse their current direction and commit to upholding Lambeth 1.10”, must be challenged, and so must the claim that in present circumstances traditional Canadian Anglicans can only be recognized as

having full Communion status by providing for them some kind of alternative “mechanism or structure”.

27. Again, the Applicants’ submission demonstrates a lack of understanding of the concept of extended episcopal ministry, in criticising the SEM proposals for failing to deal with the theological dispute which TWR identifies in New Westminster and in the Communion. It is for the Communion, through its Instruments, following the processes set out in TWR, to deal with these presenting issues. SEM or any other scheme of alternative oversight can only be a temporary relief and protection, if necessary, for those who find themselves in dissent from their diocese or province, until the presenting issue is resolved and theologically sustainable reconciliation achieved.
28. In 3.4.5 the AS makes the unfounded claim that the Communion “is not prepared to recognize the jurisdiction of the [Canadian and US] bishops while they refuse to acknowledge the authority (moral or legal) of the Anglican Communion as expressed by the Instruments of Unity and Lambeth Resolution 1.10”. It goes on to state that “the *only* step which can truly protect the orthodox... is true adequate episcopal oversight *with jurisdiction ceded to another bishop.*” [our italics]
29. From the text of the submission it seems that the authors of the AS hope to achieve rather more than temporary episcopal oversight for the Networks which they have established or joined, locally within Canada and in North America. The Panel is in effect being asked to extend recognition to one or more new entities, including the Anglican Network in Canada and other bodies outside the Anglican Church in Canada, rather than simply to make recommendations for extended episcopal ministry pending a resolution of the disputes examined by TWR.
30. The distinction between jurisdiction and oversight needs to be made at this point. There are variations in the understanding of these terms from province to province, but in general terms their meaning is widely shared within the Communion.
31. Jurisdiction refers to the office of a diocesan bishop, defined in Anglicanism by the territory assigned to the see in question, and by the bishop’s rights and duties within the diocese as set out in the law applicable in the province concerned. It includes guardianship and promotion of Christian doctrine, both in the bishop’s own teaching, and in ensuring the standards of education and orthodoxy of the clergy serving in the diocese. It includes discipline, exercised by supervision of the clergy and parishes of the diocese, expressed in the case of the clergy by an undertaking of canonical obedience to the bishop. The bishop is called to be a focus of unity within the diocese, and representative of the unity of the wider church within the Communion.
32. Oversight does not exclude jurisdiction, but describes more fully the pastoral and evangelistic calling of the bishop, to care for the clergy and congregations of the diocese while leading its mission to the wider community beyond the membership



of the church. This includes the education and nurture of clergy and laity and the celebration with them of Word and Sacraments.

33. For jurisdiction to be transferred to another bishop implies a division of the ministry of the chief pastor of the diocese, its clergy, congregations and places of worship. Jurisdiction is not shared with suffragan or assistant bishops, who may however share the delegated pastoral oversight of the diocese with the diocesan, as may others invited to share in particular tasks or ministries. Such delegation must have the consent of the diocesan bishop concerned.
34. Extended ministry of the kind envisaged by TWR and by the Panel may need additional provisions to ensure the security of those receiving a temporary ministry of pastoral oversight, but the analogy of delegated or shared episcopal ministry can not be extended in order to divide jurisdiction, which defines the office and the see of the diocesan bishop.

**[End]**

## **RECOMMENDATIONS**

1. The Panel of Reference cannot recommend the proposals of the applicants for transfer of jurisdiction either to the ANiC or to CAPAC. The Diocese of New Westminster is part of the Anglican Communion within the Anglican Church of Canada, which is due to debate both Resolution 1.10 of the 1998 Lambeth Conference and the *St Michael Report* at its General Synod in June 2007. The most desirable outcome, as stated in TWR (see s.6 above) is for the theological dispute to be resolved and for reconciliation to be effected within the Anglican Church of Canada.
2. In the present temporary situation, the Panel recognises that an agreed scheme of extended episcopal ministry needs to be offered to a number of clergy and parishes within the Diocese of New Westminster, which will both provide for their spiritual needs and offer assurance of continuity for their distinctive theological tradition.
3. Such a scheme should be achieved within the Anglican Church in Canada itself, at national or provincial level. The bishop of a diocese is subject to the general ecclesiastical law of the church or province concerned, and one would look to the Anglican Church of Canada for action to be taken in the first instance. The provision of a scheme of Shared Episcopal Ministry [SEM] by the Canadian House of Bishops in 2004 offers a model which we believe to be appropriate, with some additional safeguards designed to take account of the special circumstances prevailing in this case, given the protracted and deep divisions which exist.

4. In order to command the confidence of the parishes and Diocese concerned, we consider it reasonable that any arrangements made for extended episcopal ministry should address certain key issues:
- a. The two congregations which are not recognised as parishes of the Diocese of New Westminster (Holy Cross, Abbotsford and the Church of the Resurrection, Hope) should be offered a context by which they may formalise their relationship with the Diocese, within the provisions of local canon law.
  - b. A bishop should be appointed to provide extended episcopal ministry, whose name should be agreed jointly by the diocese and the applicants, for an initial (but renewable) period of three years, in the manner described by SEM, from the list maintained by the local province; or if that can not be agreed, at a national level as described by SEM. The visiting bishop should receive delegated authority to conduct Visitations and Confirmations on behalf of the Diocese of New Westminster within the parishes which have opted to receive SEM.
  - c. The bishop who provides extended episcopal ministry should be involved at all stages of the process in appointing new clergy and in the ordination process in respect of candidates from and for the parishes which seek this extended episcopal ministry, in consultation with representatives of the congregations. The licence of newly appointed or ordained clergy should be signed by the visiting bishop in addition to the diocesan bishop.
  - d. The Diocese of New Westminster should indicate formally that any previous disciplinary action against any clergy concerned is now at an end and that any record of this has been deleted from personal records.
  - e. A written assurance should be provided to the four parishes concerned that the Diocese has no intention of pursuing civil legal action against them or their officers or trustees on the basis of the dispute which began in June 2002, and does not intend to use Canon 15 in respect of church properties during the agreed period of temporary episcopal ministry provided by SEM.
  - f. Equally the congregations concerned should be willing to regularise their connections with the diocese, in matters such as diocesan synod attendance and the payment of diocesan assessments, in the course of the period of shared episcopal ministry.

**[End]**

## **THE PANEL OF REFERENCE**

### **Chairman**

The Most Revd Dr Peter Carnley

### **Deputy Chairman**

Ms Fung Yi Wong

### **Members of the Panel appointed to lead in this reference**

Chancellor Rubie Nottage

The Revd Stephen Trott

### **Other members**

His Honour Michael Evans, QC

The Revd Professor Joseph Galgalo

Chancellor Bernard Georges

The Rt Revd Khotso Makhulu, CMG

The Revd Canon John Moore

The Rt Revd Claude Payne

The Most Revd Dr John Sentamu

The Rt Revd Maurice Sinclair

Mr Robert Tong