

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

**Report on the
Diocese of New Westminster**

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September 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 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 Primate 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