

In the Appellate Tribunal:
Reference in the matter of lay and diaconal presidency

DOCUMENTS BOOK

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Filed on behalf of:	The Signatories

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General Synod - Lay Assistants at Holy Communion Canon 1973 Adopting Ordinance 1973

The General Synod - Lay Assistants at Holy Communion Canon 1973 Adopting Ordinance 1973 as amended in accordance with the Anglican Church of Australia Act 1976.

Long Title

AN ORDINANCE for adopting a certain canon of the Anglican Church of Australia entitled "Lay Assistants at Holy Communion Canon 1973".

Preamble

WHEREAS a certain canon entitled "Lay Assistants at Holy Communion Canon 1973" (No 12 of 1973) was passed by the General Synod of the Anglican Church of Australia during the session of the said Synod held in May 1973 AND WHEREAS a copy of the said Canon is contained in the Schedule hereto AND WHEREAS it is expedient that the said Canon be adopted by the Synod of this Diocese NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

Adoption of Canon

1. The said Canon is hereby adopted and shall so far as the same is applicable be applied to the order and good government of the Church in this Diocese.

Citation

2. This Ordinance may be cited as "General Synod - Lay Assistants at Holy Communion Canon 1973 Adopting Ordinance 1973".

SCHEDULE

GENERAL SYNOD SESSION 1973 CANON NO 12

A CANON to provide for Lay Assistants at Holy Communion.

The General Synod prescribes as follows:

1. Lay persons being communicants may be authorised by the bishop to assist the priest in the ministering and distribution of the Holy Communion.
2. The Synod of any diocese may by ordinance set further limitations to the doing of any act referred to in this Canon by any lay person.
3. The bishop of any diocese may make regulations which specify the qualifications to be required of such persons before any such authority is conferred upon them, the person or persons who may authorise such lay persons to assist as aforesaid, the form of authority to be issued to them and the vesture to be worn by such persons while assisting at Holy Communion as aforesaid.
4. This Canon affects the order and good government of the Church of England in Australia and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said Canon.
5. This Canon may be cited as "Lay Assistants at Holy Communion Canon 1973".

Table of Amendments

Long Title	Amended in accordance with Act No. 21, 1976.
Preamble	Amended in accordance with Act No. 21, 1976.

ROBERT WICKS
Legal Officer

MARK PAYNE
Diocesan Secretary

29 September 1999

26/03 Lay and Diaconal Administration of Holy Communion

Legal Impediments

(A report from the Standing Committee.)

This report was received by the Synod in 2007. Paragraphs 74 and 75 of the form of the report printed for the Synod in 2008 have been updated. A revised form of Appendix B has also been included.

Introduction

1. In response to the withdrawal of a motion containing a Declaration on the Administration of the Lord's Supper at the 2004 synod (see Appendix A) the Standing Committee of the Diocese of Sydney on 27 March 2006 made the following resolution –

"Standing Committee –

- (a) agrees to appoint a committee to seek written expressions of opinion by 20 June 2006 on the following question –

What is the nature of any legal barrier(s) that would make unlawful the practice of a lay person or deacon administering the Lord's Supper in this Diocese?;

- (b) authorises from 2006 Synod Fund Contingencies the expenditure necessary for the committee to place a suitable advertisement in *Southern Cross*;
- (c) appoints Mrs Claire Smith, Canon Bruce Ballantine-Jones, Bishop Glenn Davies and Canon John Woodhouse as members of the committee, with power to co-opt; and
- (d) asks the committee to prepare a report of the opinions received for the meeting of Standing Committee on 28 August 2006 with recommendations, with a view to Standing Committee making a recommendation on this matter to the 2006 session of Synod."

2. Mrs Claire Smith subsequently declined to join the committee owing to other commitments. The committee agreed on the wording of the advertisement to be published in the May edition of *Southern Cross*. It read as follows –

Administration of the Lord's Supper by lay persons and deacons

Following a resolution of the Sydney Diocesan Synod in 2004 that the Standing Committee give "further consideration" to the administration of the Lord's Supper by lay persons and deacons, the Standing Committee has appointed a committee to seek written expressions of opinion by 20 June 2006 on the following question:

What is the nature of any legal barrier(s) that would make unlawful the practice of a lay person or deacon administering the Lord's Supper in this Diocese?

Any person interested in assisting the Standing Committee in this way should forward their opinion, by 20 June 2006, to:

Mr Robert Wicks
Diocesan Secretary
PO Box Q190
QVB Post Office NSW 1230
OR rjw@sydney.anglican.asn.au

3. The committee also agreed to ask the Diocesan Secretary to write to all known qualified lawyers who are members of the Diocesan Synod and to the members of the General Synod Church Law Commission, drawing their attention to the advertisement.
4. Written opinions were received from the following five persons –
Judge Chris Armitage
Mr Neil Cameron¹
Ms Susan Hooke
Mr David Morrison
Mr Mark Payne.
5. The committee is grateful to these persons for their generous assistance in the matter under consideration.
6. The committee met on 20 July 2006 to consider the submissions. It was recognised that there could be difficulty in meeting the timetable for a report to Standing Committee by 28 August 2006. Subsequent events prevented the committee from meeting again in 2006 and fulfilling the proposed timetable. However, this report will be

¹ Mr Cameron also submitted a paper, written in September 1998, being a critical examination of the Opinion of the Appellate Tribunal on the 1996 References concerning lay and diaconal administration of the Lord's Supper.

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available for Standing Committee to make recommendations, if it sees fit, for the 2007 session of Synod.

The Opinions

7. The expressions of opinion covered a number of topics related to the particular question asked. This report will present a summary of these opinions. References in square brackets are to paragraphs or pages of the relevant opinion. The order in which the opinions are considered reflects the case for the existence of legal impediments followed by the case against.

Mr Mark Payne

8. Mr Payne is of the opinion "that the rule that only a priest may administer the Holy Communion is part of the law of the Anglican Church of Australia in the dioceses of the Church in the Province of New South Wales." [1.4]

9. Where is this rule? "The rule is part of the consensual compact in force in the dioceses in New South Wales which continues following the establishment of the Anglican Church of Australia under section 71(1) of the Constitution" and "by virtue of section 71(2) which preserves a law of the Church of England in force on the date [of] the Constitution until varied or dealt with in accordance with the Constitution." [1.4]

10. "[D]ivergent views have been expressed about whether the rule is part of the doctrine and principles of the Church of England embodied in the Book of Common Prayer, the Ordinal and the 39 Articles of Religion". [1.5]

11. The question as to who may administer the Lord's Supper "is one which relates to the Church *as a whole*, and not solely to the Church in a particular diocese ... because it affects the relationship of the Anglican Church of Australia to other churches of the Anglican Communion." [1.7] For this reason, only the General Synod may legislate on the matter.

12. The above conclusions are based, at least in part, on the opinions of the members of the Appellate Tribunal on a number of matters. If the opinions of the Appellate Tribunal are binding, then the matter is settled; if the opinions of the Tribunal are not binding, then "a definitive response" could only be made by a secular court, which "in all probability would follow the opinion of the Appellate Tribunal. [1.12]

13. From 1 January 1962 the rule that only a priest could administer the Holy Communion continued to be part of the consensual compact in each diocese of the Church of England in Australia, by virtue of section 71 of its Constitution. [4.30-31] Accordingly the Act of Uniformity (Section 10) Repeal Ordinance 2003, made by the synod of the diocese of Sydney, cannot have the effect of amending the

consensual compact because it is beyond the legislative power of the synod. [5.88]

14. In the *Book of Common Prayer* the rubric before the Prayer of Consecration, when read in the context of the Act of Uniformity 1662, "has the effect of prescribing that a priest is to administer the Holy Communion". [3.4] Furthermore section 10 of the Act prescribes similarly and this has been restated in the Church of England's new canons of 1974 (Canon B12). [3.9] There is no common law rule (in addition to the statutory prohibition) that only a priest could administer the Holy Communion". [3.35]

15. The opinion of the Appellate Tribunal (in a majority of 4 to 3 and the requisite majority of two bishops and two laymen) is that the rule that only a priest may administer the Holy Communion is not enshrined in the Fundamental Declarations of the Constitution. [4.46]

16. The members of the Appellate Tribunal have expressed divergent views on the question as to whether the rule that only a priest may administer the Holy Communion is a "principle of doctrine and worship" embodied in the *Book of Common Prayer* and the Thirty-nine Articles of Religion. Therefore further consideration by the Tribunal is needed before a definitive response can be given to the question whether the rule is included in the Ruling Principles (Chapter 2) of the Constitution. [4.68-69]

17. The General Synod has the power to alter the rule that only a priest may administer the Holy Communion [5.8], but has not done so. [5.10] Neither the Lay Assistants at Holy Communion Canon 1973, the Authorised Lay Ministry Canon 1992, the Australian Prayer Book Canon 1977, nor the Prayer Book for Australia Canon 1995 had altered the rule. [5.11-30]

18. The synods of the Dioceses of New South Wales have the power, by virtue of the 1902 Constitutions to alter the rule that only a priest may administer the Holy Communion, but "sections 47 and 51 of the 1961 Constitution, and clause 3(1) of the 1902 Constitutions, expressly state that the legislative powers of a diocesan synod in New South Wales are subject to the 1961 Constitution." [5.43] The question remains as to the extent to which the width of the powers of a diocesan synod is constrained or limited by the 1961 Constitution." [5.43]

19. Whether or not a change in the rule that only a priest may administer the Holy Communion is "an alteration in the ritual and ceremonial of this Church", the third paragraph of section 71(1) of the Constitution is not necessarily an impediment to the power referred to in the preceding paragraph. [5.48-49]

20. However, the majority of the Appellate Tribunal held that the rule concerning who may administer the Holy Communion affects the Church as a whole. "It was said that a proper understanding of the

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1961 Constitution showed that matters which affect the Church as a whole (even in respect to discipline) are properly for the General Synod to legislate upon, and are not within the legislative competence of an individual diocesan synod." [5.50]

21. This view is supported by a minority of the members of the Appellate tribunal in relation to a reference concerning the power of a diocesan synod to authorise the ordination of women to the order of priests. [5.53-75] However, this view was subsequently accepted and adopted by a majority of the Appellate Tribunal in relation to lay and diaconal administration of the Holy Communion. [5.65]

22. One member of the Appellate Tribunal asserted that the question of who may administer the Holy Communion affects the order and good government of the Church as a whole because it affects the relationship of the Anglican Church of Australia with other churches of the Anglican Communion [5.68-69] Since the majority of the Tribunal has concurred with this assertion, the Appellate Tribunal has expressed the view "that an alteration of the rule as to who may administer the Holy Communion is a matter which relates to the order and good government of the Church as a whole and, accordingly, is a matter upon which the General Synod must legislate." [5.71]

23. In brief Mr Payne's opinion consists of the following points –

- (a) The rule that only a priest may administer the Lord's Supper is found in the rubric before the Prayer of Consecration in the *Book of Common Prayer* and in section 10 of the Act of Uniformity 1662.
- (b) This rule still exists in this Church by virtue of section 71 of the 1962 Constitution.
- (c) This rule may only be changed by a canon of General Synod because the person who administers the Lord's Supper is a matter that affects the order and good government of the Church as a whole.
- (d) This matter has been settled by the requisite majority opinion of the Appellate Tribunal.

Judge Chris Armitage

24. Judge Armitage considers that "the proviso to section 71(1) of the Constitution is an insuperable barrier to direct or indirect legislation of lay or diaconal administration of the Lord's Supper by the Synod of this diocese, either by ordinance or the proposed Declaration." [p. 17]

25. He considers that the opinion of the Appellate Tribunal is correct in expressing the view that a diocesan synod may not, otherwise than in accordance with a canon of General Synod, legislate for lay or diaconal administration of the Lord's Supper. Despite the expression of other views to the contrary, "only one remains legally

binding, and that is the majority opinion in answer to question 2 on the 1997 Reference in the Appellate Tribunal." [p. 17]

26. This majority opinion rested in part on one or more of the following –

- (a) The view that a provision for lay or diaconal administration of the Lord's Supper would be "an alteration in the ritual or ceremonial of the Church" which cannot be achieved by a diocesan synod alone (1961 Constitution, section 71(1)); [p.3]
- (b) The view that the requirement that only a priest may administer the Holy Communion is a principle embodied in the *Book of Common Prayer* and therefore a ruling principle of this Church (1961 Constitution, chapter 2); [p.4] and
- (c) A proper understanding of the relative powers of the General and diocesan synods conferred by sections 26 and 51 of the 1961 Constitution [pp. 4-5], along with the view that an alteration as to who may administer the Lord's Supper is a matter which affects the Church as a whole, one reason being that it is a matter which affects the relationship of the Church with other member churches of the Anglican Communion. [p. 5]

27. The arguments against this majority opinion of the Appellate Tribunal involve –

- (a) The view that who administers the Lord's Supper is a matter of "discipline" rather than "ritual" or "ceremonial", and therefore the powers of a diocese are unaffected by section 71(1) of the 1961 Constitution. This is incorrect because ritual, referring to the words of the rite, must include "*who is to perform an act as well as the form of the act itself*". [pp. 7-9, 12-13]
- (b) The view that the requirement that only a priest may administer the holy communion is not a ruling principle of this Church. [p.8]
- (c) The view that the Synod of the Diocese of Sydney has the power, independent of the 1961 Constitution, to alter this requirement. This view was unanimously held to be wrong in the 1990 opinion of the Appellate Tribunal in the matter of the ordination of women to the priesthood. [pp.10-11]

Ms Susan Hooke

28. Ms Hooke provides her own summary of her opinion.

"I am of the opinion that there are legal barriers that would make unlawful the practice of a layperson or

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deacon administering the Lord's Supper in this Diocese.
The legal barriers are –

- (a) The practice would require an enabling instrument authorised by the Anglican Church of Australia, there is presently no such instrument;
- (b) The only body of the Anglican Church of Australia which may have power to enable lay administration is the General Synod but I am of the opinion that General Synod does not possess the power to pass an enabling canon; and
- (c) in the absence of a canon of General Synod, the Synod of the Diocese of Sydney has no legal power to pass an ordinance to enable lay administration. [p. 2]"

29. Lay or diaconal administration of the Lord's Supper would be contrary to the Fundamental Declarations of the 1961 Constitution (section 3). Therefore General Synod does not have the power to legislate for lay or diaconal administration, despite the majority opinion of the Appellate Tribunal. Nonetheless, if it were established that General Synod did have the power, a canon would be required to effect lay or diaconal administration of the Lord's Supper. [pp. 2-3]

30. The 1662 Act of Uniformity "was not a source of the elements of the consensual compact; it was declaratory statement of the law considered necessary by reason of many lapses. Section 10 (or 14 in some prints) was a penal provision for non-compliance with the law." Therefore, in Ms Hooke's opinion, the Act of Uniformity (Section 10) Repeal Ordinance 2003 as passed by the Sydney Synod did not change the law in this matter. [p.4]

Mr Neil Cameron

31. Mr Cameron summaries his opinion in his opening paragraph [1] –

- (a) there is a legal barrier to a deacon or a layperson conducting the whole of a service of The Lord's Supper on church trust property in the Diocese of Sydney (the "Diocese");
- (b) there may be an indirect legal barrier to a deacon conducting the whole of a service of The Lord's Supper on property in the Diocese which is not on church trust property; and
- (c) there is no legal barrier to a layperson conducting the whole of a service of The Lord's Supper on property in the Diocese which is not on church trust property.

32. Neither the 1961 Constitution nor the 1902 Constitutions, nor any ordinance in force in the Diocese permit or prohibit lay or diaconal administration of the Lord's Supper. [4-5]

33. The rubrics of the *Book of Common Prayer* only allow presbyters to conduct a service of the Lord's Supper in its entirety. However, the *Book of Common Prayer* also only allows ordained persons to read Morning or Evening Prayer. Yet in 1922 the Synod of the Diocese of Sydney passed the Women's Work in the Church Ordinance 1922, which authorised a licensed deaconess, with the approval of the minister, to read Morning and Evening Prayer including the Litany and to address the congregation. It is clear from this ordinance that "the Synod has consistently acted on the assumption that what [it] was doing was changing the law so as to regularise what had been happening in practice or to allow a new practice." [6] In other words, in the absence of any General Synod canon the Synod considered itself competent to change the law of the Church of England in Australia, within the Diocese of Sydney, by ordinance.

34. In 1976 the Synod passed the Readers and other Lay Assistants Ordinance 1976. This ordinance authorised laymen to read Morning and Evening Prayer and certain other services (such as the ministration of baptism and the burial of the dead) when the minister was unavailable. [6] It is to be noted that this ordinance was passed without the existence of any "authorising" legislation having been passed by General Synod at the time.

35. Accordingly Mr Cameron is of the opinion that it is within the competency of the Synod of the Diocese of Sydney to pass an ordinance authorising lay and diaconal administration of the Lord's Supper, as it was within the competency of the synod to pass the Act of Uniformity (Section 10) Repeal Ordinance 2003. [5, 11]

36. The only proviso with regard to deacons or lay persons administering the Lord's Supper is that they only do so in their capacity of assisting the presbyter, in conformity with the Ordinal of AAPB (as authorised by the Australian Prayer Book Canon 1977) and the Lay Assistants at Holy Communion Canon 1973. [8, 11]

Mr David Morrison

37. Mr Morrison wrote a brief letter to the committee in which he acknowledged that he was not a lawyer, but expressed the view that "there is no good reason why we should not have lay administration so long as it is done 'decently and in order'."

38. Mr Morrison also made the following observations:

- (a) Certain laws may become "dead-letters".
- (b) Any laws which may exist preventing lay administration are "dead-letters", in the same way as laws which

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prohibit extended communion are ignored in some places.

Comment

39. The opinions received by the committee identify a number of issues that are matters of some dispute. To the extent that these matters are uncertain, there is doubt as to whether there is a legal barrier to the practice of a lay person or deacon administering the Lord's Supper. In what follows the main points of dispute are identified.

Is the practice of the Lord's Supper being administered by a priest (presbyter) a custom or a rule?

40. The rubrics in the Order for the Holy Communion in the *Book of Common Prayer* designate the priest as the person who is to say and do various parts of the service (for example, the Bible readings and the Prayer of Consecration). While this may have once been merely a custom, by virtue of the 1662 Act of Uniformity it became law that only an ordained priest may "consecrate and administer ... the Lord's Supper".

What is the effect of the repeal of section 10 of the Act of Uniformity 1662 by an ordinance of the Synod of the Diocese of Sydney?

41. It is commonly recognised that the 1662 Act of Uniformity never had any force in the colony of NSW nor the Church of England in Australia, as the Act was an English law for the Church of England. However, it is also commonly believed that the substance of the Act, and specifically its prohibition against anyone other than a priest administering the Lord's Supper, was part of the consensual compact of the Church of England in Australia.

42. Clause 2 of the Act of Uniformity (Section 10) Repeal Ordinance 2003 states that the relevant section of the Act, "in so far as it continues to have force in this diocese as part of any consensual compact, is repealed."

43. The report accompanying the ordinance cites section 71(1) of the 1961 Constitution as the basis of the synod's power to amend the consensual compact.

44. Those who consider that the Sydney Diocesan Synod does not have the power to change the consensual compact in regard to who may administer the Lord's Supper, generally argue in one of two ways –

- (a) the matter is one of ritual and ceremonial and the 1961 Constitution does not empower diocesan synods to make changes in ritual or ceremonial (section 71(1) of the 1961 Constitution); or

- (b) the matter is one that affects the Church as a whole and therefore can only be changed by a canon of General Synod.
45. The response to both of these objections is –
- (a) the matter is one of discipline, pertaining to the order and good government of the Diocese and even if it were a matter of ritual or ceremonial, section 71(1) only states what the Constitution does not authorise; and
 - (b) the matter does not affect the Church as a whole, as argued below.
46. Nonetheless, these are disputed opinions and it is likely that a definitive answer will only be found in the judgement of a secular court.
- Is there a "principle of doctrine and worship" laid down in the Book of Common Prayer or the Thirty-nine Articles of Religion to the effect that only a presbyter may administer the Lord's Supper?*
47. The implicit answer provided by the Appellate Tribunal is that no such "principle of doctrine and worship" exists, otherwise it would be contrary to the Ruling Principles, and therefore unable to be changed except by Act of Parliament.
- Is the question of who administers the Lord's Supper a matter of "ritual or ceremonial" of this Church or a matter of "discipline"?*
48. This distinction is relevant, because if it is only a matter of discipline (as Bishop Chiswell argued in his minority opinion of the Appellate Tribunal), then diocesan synods have the power under the 1961 Constitution to make lawful changes to the existing practice of restricting the administration of the Lord's Supper to presbyters.
49. If it is a matter of ritual or ceremonial, then the 1961 Constitution provides no power to diocesan synods to make any changes. Nonetheless, it is a matter of dispute as to whether a diocesan synod may have other powers, not derived from the 1961 Constitution that enable it to make changes to practices affecting either ritual or ceremonial. This is the view of Mr Cameron, who argues that such powers exist in the Province of NSW under the 1902 Constitutions.
50. However, the Appellate Tribunal argued that, regardless of whether the question is a matter of "ritual and ceremonial" or of "discipline", to make a change in the law concerning who may administer the Lord's Supper is a matter that affects the Church as a whole, and therefore any changes to such a practice would require General Synod legislation.

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Is the question of who administers the Lord's Supper a matter that affects the order and good government of "the Church as a whole"?

51. The Appellate Tribunal held that it did, although it is difficult to know the reasons for this opinion as no supporting evidence or reasoning was provided.²

52. However, although there was no place for a lay person's participation in reading or leading any of the services in *Book of Common Prayer* when the Diocese of Sydney passed the Women's Work in the Church Ordinance 1922, it was not considered to be a matter that affected the Church as a whole. Similarly when the Readers and other Lay Assistants Ordinance 1976 was passed, this did not affect the Church as a whole. While there were other legal impediments to lay persons or deacons administering the Lord's Supper (viz., the 1662 Act of Uniformity being part of the consensual compact)³ the changes in the liturgy and specifically the inclusion of lay people *per se* did not require a canon of General Synod, as the legislation in the Diocese of Sydney arguably did not affect the Church as a whole.

53. It is the view of the committee that the person who administers the Lord's Supper in a particular congregation in the Diocese of Sydney does not affect the Church as a whole. This was not the case when the Diocese of Sydney passed legislation allowing non-ordained persons to read services of Morning and Evening Prayer, or conduct services of baptism, or to preach sermons. The matter affects the diocese, where the licence is issued, but it has no effect upon other diocese where there would be no implied authority to administer the Lord's Supper.

² Reasons were supplied by Taddell J (with which Handley J and Young J also concurred) on the question of the powers of the Synod of Canberra and Goulburn to pass the Ordination of Women to the Office of Priest Ordinance 1989. Taddell J argued that the matter clearly crossed diocesan boundaries in as much as a woman ordained priest in Canberra and Goulburn would have legitimate claim to be considered a priest in another diocese. The order and good government of the Church as a whole was therefore affected by the ordinance in question. However, it should be noted that the views of the majority of the Appellate Tribunal on this question failed to constitute the requisite majority under Section 59(1) of the 1961 Constitution.

³ Mr Payne cites Phillimore's *The Ecclesiastical Law of the Church of England* (1873) restating the author's claim at pages 132-33) that "in general, a deacon may perform all the offices in the liturgy which a priest may do, except consecrating the sacrament of the Holy Communion and pronouncing the absolution. Section 10 of the Act of Uniformity 1662 is cited as the authority for such exceptions." [3.33]

Is the opinion of the Appellate Tribunal (by the requisite majority) definitive for the question?

54. The Appellate Tribunal expressed the opinion that the administration of the Lord's Supper by deacons or lay persons was consistent with the 1961 Constitution, in particular the Fundamental Declarations and Ruling Principles.

55. The Appellate Tribunal also expressed the opinion that any change to the current practice of who may administer the Lord's Supper would require a General Synod canon authorising such a change.

56. However, intrinsic to the Appellate Tribunal's majority opinion is the reality that there are opposing legal views, indicated by the minority report on both of the above matters. While the Appellate Tribunal's opinion is not binding (which itself is a matter of dispute)⁴, the very existence of various well respected legal opinions makes it difficult to believe the matter is clear cut. Thus Ms Hooke considers that lay or diaconal administration of the Lord's Supper is inconsistent with the Fundamental Declarations of the Constitution, while Mr Cameron considers that diocesan powers in NSW are able to pass ordinances authorising such a practice.

57. The committee considers that one reason for the variety of legal opinion on this matter is that in this case the legal questions cannot be separated from theological questions. For example the question of whether or not the Fundamental Declarations of the 1961 Constitution constitute a barrier to the administration of the Lord's Supper by persons who are not priests depends in part on what is understood to be essential to the office of priesthood. Similarly the question of whether who administers the Lord's Supper is a matter of "ritual or ceremonial" or a matter of "discipline" depends largely on the theological significance that is seen in the person of the one administering. Furthermore, the view that a change in the practice of some churches in the Diocese of Sydney would affect "the Church as a whole" probably rests on a particular understanding of church and sacrament. Whether or not there is any legal barrier to a lay person or deacon administering the Lord's Supper may finally depend on theological questions.

The Way Forward

58. The existence or otherwise of legal barriers to the Administration of the Lord's Supper by lay persons or deacons is a matter of debate. If, in fact, there is no legal barrier to the Administration of the Lord's Supper by lay persons or deacons, then

⁴ See Keith Mason, *Believers in Court: Sydney Anglicans going to Law* (The 2005 Cable Lecture, published by the churchwardens, St James' King Street, Sydney, 2006).

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no diocesan legislation may be necessary. If there is a legal barrier the members of this committee are of the view that it could be overcome by diocesan legislation. However not all agree with these contentions.

59. It is notable that the Appellate Tribunal does not agree that diocesan legislation is sufficient to achieve the express desire of the Synod of the Diocese of Sydney for more than two decades, based on theological, pastoral and mission concerns, to make provision for lay and diaconal administration of the Lord's Supper.

60. One way forward may be to pass diocesan legislation that would enact the desired outcome. The risk of such a course of action would be a likely referral to the Appellate Tribunal concerning the validity of such an ordinance or even a challenge in the secular courts. The synod would need to be aware of the risks of pursuing such a course of legislative action.

61. However, if we were to assume that the Appellate Tribunal opinion is correct, and that General Synod legislation is required to achieve the desired outcome, it is the view of the committee that several General Synod canons may already exist which authorise or provide for the authorisation of lay persons or deacons to administer the Lord's Supper, namely the Ordination Service for Deacons Canon 1985, the Canon Concerning Services 1992, and the Lay Assistants at Holy Communion Canon 1973.⁵ A brief explanation of the committee's view with regard to each of these canons follows.

Ordination Service for Deacons Canon 1985

62. In 1662 the duties of the deacon were to assist the priest when he administered the holy communion and to help him in the distribution thereof. The deacon was also authorised to baptise infants when the priest was absent. The 1985 service, on the other hand, expanded the duties and responsibilities of the deacon and, in particular, authorised the deacon to assist the priest in the administration of the sacraments.

63. While no specific mention is made of either baptism or the holy communion, a plain reading of the ordinance indicates that whatever assistance the deacon may render in the administration of one sacrament would also pertain to the other. No hierarchy of sacraments is expressed in describing the deacon's role of assisting the presbyter. In particular, there is no dispute that the deacon is authorised to administer the sacrament of baptism in its entirety as a means of assisting the presbyter. In like manner, the deacon is similarly

⁵ The General Synod has passed the Authorised Lay Ministry Canon 1992, by which the Lay Assistants at Holy Communion Canon 1973 ceases to have effect in a diocese that adopts the 1992 canon. The Synod of the Diocese of Sydney adopted the 1973 canon, but has not adopted the more recent canon. Therefore the 1973 canon is still in force in the Diocese of Sydney.

authorised to administer the Lord's Supper in its entirety as a means of assisting the presbyter.

64. A fuller argumentation for this view, prepared by Bishop Davies, is contained in Appendix B.

Canon Concerning Services 1992

65. This canon provides, "Subject to any regulation made from time to time by the Synod of a diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions." The canon further states, "All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church."

66. A form of the Lord's Supper which did not require any particular part to be said or conducted by a presbyter would seem to be allowed by this canon, since even the Appellate Tribunal opinion implies that lay and diaconal administration of the Lord's Supper would not be contrary to or a departure from the doctrine of this Church.

Lay Assistants at Holy Communion Canon 1973

67. This canon provides, "Lay persons being communicants may be authorised by the bishop to assist the priest in the ministering and distribution of the Holy Communion."

68. The canon does not define or limit the extent to which the lay person may "assist" the priest. Limitations beyond the fact that the lay person must "assist" the priest are left to diocesan synods. This would seem to allow for the authorisation of lay persons to assist the presbyter by administering any part or all of the Lord's Supper.

69. It would appear, therefore, that the canon of General Synod, deemed by the Appellate Tribunal opinion to be required, may already exist. Notably the 1985 Deacons Canon has been passed into legislation in all dioceses of the Anglican Church of Australia. Hence for diaconal administration of the Lord's Supper, at least, there is a way forward by simply licensing deacons to administer the sacraments in accordance with their ordination responsibilities.

Recommendations

70. That the Archbishop be encouraged to include in the licences of deacons their authorisation to assist the presbyter in administering the sacraments of baptism and the Lord's Supper (consistent with the terms of the Ordination Service for Deacons Canon 1985).

71. That the Synod request that, in accordance with the Canon Concerning Services 1992, an order for the Lord's Supper be prepared and authorised for use in the diocese which does not require a presbyter to say or conduct any particular part thereof.

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72. That the Archbishop be encouraged to include in the licences of suitable lay persons their authorisation to assist the presbyter in the ministration and distribution of the Lord's Supper, (consistent with the terms of the Lay Assistants at Holy Communion Canon 1973).

Standing Committee's response

73. At its meeting on 23 July 2007, the Standing Committee encouraged the Archbishop –

- (a) to include in the licenses of deacons their authorisation to assist the presbyter in administering the sacraments of baptism and the Lord's Supper (consistent with the terms of the Ordination Service for Deacons Canon 1985), and
- (b) to include in the licenses of suitable lay persons their authorisation to assist the presbyter in the ministration and distribution of the Lord's Supper (consistent with the terms of the Lay Assistants at Holy Communion Canon 1973).

74. Standing Committee also approved of the printing of this report for the 2007 session of the Synod along with a suitable extract from earlier reports to the Synod, indicating the reasons that lie behind this approach. At that session, the Synod –

- (a) received the report, and
- (b) agreed to consider the report and its recommendations as a matter of priority at the 2008 session of the Synod.

75. At its meeting on 25 August 2008, the Standing Committee approved the reprinting of this report for the 2008 session of the Synod and requested that the following motion be moved at the Synod "by request of the Standing Committee" –

"Synod –

- (a) accepts the report concerning legal barriers to lay and diaconal administration of the Lord's Supper which was submitted to the 3rd session of the 47th Synod; and
- (b) affirms again its conviction that lay and diaconal administration of the Lord's Supper is consistent with the teaching of Scripture; and
- (c) affirms that the Lord's Supper in this diocese may be administered by persons other than presbyters."

76. For the purposes of printing the "suitable extract" referred to in 74, a copy of a report from the Diocesan Doctrine Commission printed at pages 459-469 of the 1994 Yearbook has been reproduced in

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Appendix C. Other reports subsequently received by the Synod on this subject are –

- "16/94 Lay and Diaconal Administration of The Lord's Supper" – a report from a committee appointed by the Standing Committee 1995 Year Book, pages 427-444
- "Lay and Diaconal Administration of the Lord's Supper" – a report from the Diocesan Doctrine Commission 1996 Year Book, pages 422-430
- "Lay and Diaconal Administration of the Lord's Supper" – a report from the Diocesan Doctrine Commission 1998 – 1999 Year Book, pages 449-459
- "34/98 Lay and Diaconal Administration of Holy Communion" – a report of the Standing Committee – 2000 Year Book, pages 490-492
- "25/01 Lay and Diaconal Administration of the Lord's Supper" – a report from a committee appointed by the Standing Committee 2004 Year Book, pages 392 – 401.

For and on behalf of the Standing Committee.

JOHN WOODHOUSE
Chairman of the subcommittee

26 July 2007

Appendix A

The following motion appeared on the Business Paper for the first day of Synod on Monday 18 October 2004, as a motion moved at the request of Standing Committee. However, Canon John Woodhouse indicated that he did not think that the motion should be moved at this session of synod and subsequently moved that the matter be referred back to Standing Committee for further consideration.

Declaration of the Synod of the Diocese of Sydney concerning the Administration of the Lord's Supper

WHEREAS -

(A) With deep conviction under Almighty God, this Synod believes that holy Scripture contains all things necessary to salvation, so that whatever is not read therein, nor may be proved thereby, is not to be required of any person, that it should be believed as an article of the Faith, or be thought requisite or necessary to salvation.

(B) With deep conviction under Almighty God, this Synod believes that Jesus Christ, in his death on the cross for our redemption, made there (by his one oblation of himself once offered) a full, perfect and sufficient sacrifice, oblation, and satisfaction, for the sins of the whole world.

(C) This Synod thanks Almighty God for the participation of all Christian people in the ministry of the gospel of our Lord Jesus Christ, and in particular the participation of lay persons in the public ministry of the Word of God and prayer.

(D) This Synod believes, with deep conviction under Almighty God, that there is no prohibition or restriction in the holy Scriptures, or in Christian doctrine, on the administration (sometimes referred to as 'presidency') of the Lord's Supper by a suitable person, but who is not a bishop or an episcopally ordained priest.

(E) This Synod has actively considered and debated this subject since 1977, receiving reports from committees and commissions in 1978, 1983, 1984, 1985, 1986, 1987, 1993, 1994, 1998, 2002, 2003 and 2004. After due consideration this Synod has consistently endorsed the principle that, for theological, pastoral and evangelistic reasons, suitable lay persons and deacons should be permitted to administer the Lord's Supper.

(F) The Sydney Diocesan Doctrine Commission concluded in 1993 that –

“... there are no sound doctrinal objections to, and there are significant doctrinal reasons for, lay presidency at the Lord's Supper. There are also sound reasons based on our received Anglican order for allowing lay presidency. In the light of this the continued prohibition

of lay presidency at the Lord's Supper does not seem justifiable theologically. Since church practice should conform to sound doctrine, practical problems related to the introduction of lay presidency ought to be dealt with, but should not constitute an obstacle to reform motivated by theological truth."

(G) The Appellate Tribunal of the General Synod of the Anglican Church of Australia in its opinion of December 1997 on the Primate's reference concerning diaconal and lay presidency, by majority, advised that –

"[it is] consistent with the Constitution of the Anglican Church of Australia to permit or authorize, or otherwise make provision for

- (a) deacons to preside at, administer or celebrate the Holy Communion; [and]
- (b) lay persons to preside at, administer or celebrate the Holy Communion."

(H) The same opinion advised, by majority, that it is not consistent with the Constitution of the Anglican Church of Australia for a diocesan synod, otherwise than in accordance with a canon of General Synod, to permit, authorise or make provision for these ministries.

(I) Both opinions of the Appellate Tribunal were opposed by a minority within the Tribunal and have been opposed by others since 1997. Some consider that there is in fact no legal impediment to the authorisation of lay and diaconal administration.

(J) Differing opinions have been, and continue to be, expressed as to whether there is a law of this Diocese that needs to be changed and, if so, as to the means whereby it may be changed, in order to allow diaconal and lay administration of the Lord's Supper.

(K) The Synod believes that law should allow that which holy Scripture allows and for which there are sound theological, pastoral and evangelistic reasons.

THE SYNOD OF THE DIOCESE OF SYDNEY DECLARES THAT -

(1) This Synod respects the consciences both of those who support the introduction of diaconal and lay administration of the Lord's Supper and those who oppose it.

(2) This Synod commits itself to the continuing investigation and implementation in due course of such processes as may be necessary to formally effect a change in the law of this Diocese to remove any conflict in this matter between what holy Scripture allows and what the law may prevent.

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(3) This Synod believes and urges that, until such time as any necessary change in the law can be effected by an appropriate process (or it can be determined by an appropriate process that no change in the law is needed), no disciplinary or other action should be taken against any person merely because the person, in accordance with this Declaration –

- (a) authorises or permits, or purports to authorise or permit, a deacon or lay person to administer the Lord's Supper, or
- (b) being a deacon or lay person, administers, or purports to administer, the Lord's Supper, or
- (c) is involved in the administration, or purported administration, of the Lord's Supper by a deacon or lay person.

(4) This declaration is intended to have application only to the administration of the Lord's Supper by a deacon or layperson and not to any other area of doctrine or worship, or of faith, ritual, ceremonial or discipline, applicable to and in force within this Diocese.

Appendix B

**THE AUTHORISATION OF A DEACON
TO ADMINISTER THE HOLY COMMUNION**

Introduction

1. In 1996 the Appellate Tribunal of the Anglican Church of Australia was asked whether it was consistent with the Constitution of the Anglican Church of Australia for deacons or lay persons to administer the holy communion. The majority opinion of the Appellate Tribunal expressed the view that it was consistent with the Constitution for lay persons or deacons to administer the holy communion, as long as there was a canon of General Synod authorising such practice.
2. Following this opinion, it is the contention of this chapter that it is legal for deacons to administer the holy communion within the Anglican Church of Australia since there is a canon, the General Synod Ordination Service for Deacons Canon 1985, which authorises deacons to assist the priest by administering both sacraments.

The 1985 Ordination of Deacons Service

3. In 1985 the Ordination Service for Deacons Canon was passed by General Synod and has since been adopted by every diocese in Australia. The new service was introduced on the basis of the changing shape of the diaconate and the perception that the 1978 service in *An Australian Prayer Book* was inadequate for setting out the responsibilities of a deacon at the end of the twentieth century. The 1985 canon, introduced into General Synod by the chair of the Liturgical Commission, was deemed an important step in revision of the ordinal, which came to full expression in the 1995 canon authorising *A Prayer Book for Australia*⁶.
4. Two notable changes occur in the service. First, whereas deacons could only baptise infants in the absence of the priest,⁷ the deacon may now baptise a candidate of any age and may do so, if appropriate, in the presence of the priest. Second, the authority to preach, which was previously dependent upon the bishop's explicit permission is replaced with the bishop's instruction: "to preach the word of God in the place to which you are licensed." In other words,

⁶ Significantly, when the 1995 Prayer Book was authorised by canon, the previous 1985 Ordination of Deacons Canon was not repealed but remained in force as church law.

⁷ "It appertaineth to the office of a Deacon...in the absence of the priest to baptize infants." BCP Ordinal.

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the licence to preach, which was not inherent in the *BCP* service, is now constitutive of the order of deacon.⁸

5. Under the 1985 canon, both of these changes are highlighted in the words of the bishop when he gives the deacon a copy of the New Testament: "Receive this sign of your authority to proclaim God's word and to assist in the administration of the sacraments." These changes have been universally recognised as an authorisation of the deacon to preach God's word and to administer baptism to candidates of any age. This represented a liturgical catch up as many deacons had been baptising candidates other than infants, and the general recognition that there are occasions when it is appropriate for a deacon to baptise, notwithstanding the presence of a priest. However, what is curious about the wording of the 1985 service is the explicit inclusion of the holy communion in the deacon's responsibilities. On three occasions the term "administration" of the sacraments is used in the service, whereas the word "baptism" does not occur at all.

From the bishop's instruction:

You are to be faithful in prayer, and take your place with bishop, priest and people in public worship and at the administration of the sacraments.

In the bishop's questions:

Will you take your part in reading the holy scriptures in the church, in teaching the doctrine of Christ, and in administering the sacraments?

In the bishop's authorisation:

Receive this sign of your authority to proclaim God's word and to assist in the administration of his holy sacraments.

6. Clearly, the authority to assist the priest in the administration of the sacraments is an authority to assist in the administration of holy communion as well as baptism. There is no differentiation in the service between the deacon's authority to administer either sacrament. In both cases the deacon is assisting the priest, whether it is in administering baptism or in administering holy communion.

Objections to Deacons' Administering Holy Communion

7. Three objections have been raised concerning the above interpretation that the administration of holy communion is included in the responsibilities of a deacon. First, the term "administration" does not imply "celebration" or the recital of the prayer of consecration. It merely means distribution of the consecrated elements. Second, the service only speaks of the deacon taking his or her "part" in the

⁸ The bishop's charge in the Ordinal of BCP states: "Take thou authority to read the Gospel in the church of God, and to preach the same, if thou be thereto licensed by the Bishop himself."

administration, so that even if administration means "celebration", the part of the deacon is to assist the priest, not to take the place of the priest, as is the custom of diaconal ministry. Third, it was not the intention of the General Synod to authorise deacons to administer the holy communion, because the law of the Anglican Church of Australia, as expressed in the 1662 Act of Uniformity, prohibits anyone other than an episcopally ordained priest to administer holy communion.

First Objection: Administration does not mean celebration (or consecration)

8. The use of the term "administration" has had a particular reference in the history of Anglicanism to the conduct of the service of the Lord's Supper since the first English Prayer Book of 1549.⁹ Moreover, the title of the service in the 1662 Book of Common Prayer bears the same wording as that of 1552 service: The Order for the Administration of the Lord's Supper or Holy Communion.

9. In Anglican formularies the use of the word "celebration" is somewhat of a novelty, the historically preferred term is "administration". In Canon 71 of the 1604 Canons, there is a particular reference to the "administration of the holy communion".¹⁰ In Canon 56, in reference to the duties of stipendiary Preachers and Lecturers, administration is equally applied to both sacraments:

[they] shall likewise as often every year administer the Sacraments of Baptism, if there be any to be baptized, and of the Lord's Supper, in such manner and form, and with the observation of all such rites and ceremonies as are prescribed by the Book of Common Prayer in that behalf...

10. Richard Hooker refers to the term when discussing the objections of those who "allow no invention of man to be mingled with the outward administration of sacraments".¹¹ Similarly, in reference to the sacrament of the body and blood of Christ, Hooker states:

...they [the apostles] being the first that were commanded to receive from him, the first which were warranted by his promise that not only unto them at the present time but to whomsoever they and their successors after them did duly administer the same,

⁹ The titles of the first two English Prayer Books are: "The Booke of the Common Prayer and Administracion of the Sacraments, and Other Rites and Ceremonies of the Church after the Use of the Church of England" (1549); and "The Boke of Common Prayer and Administracion of the Sacraments, and Other Rites and Ceremonies in the Church of England" (1552).

¹⁰ See also Canons 56, 57, 58.

¹¹ *Ecclesiastical Polity* V.lxxv.3.

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these mysteries should serve as conducts of life and conveyances of his body and blood unto them, was it possible they should hear that voice, 'take, eat, this is my body; drink ye all of this, this is my blood'...¹²

By citing the words of Jesus, Hooker unmistakably includes the prayer of consecration within the act of administration.

11. The language of administration continues to be used to this day in the Revised English Canons of 1969, where the heading of Section B is entitled: "Divine Service and the Administration of the Sacraments". The term is also specifically used of the Holy Communion (B12) and of Holy Baptism (B21). Moreover, the distinction is made between "administer" and "distribute" in these English canons.¹³ Clearly the "administration" includes the prayer of consecration and the service proper, while the distribution refers to that part of the service where the bread and wine are offered to communicants.

12. In the Form and Manner of the Making of Deacons (BCP), it is also clear that the administration of the Lord's Supper is not part of the duties of a deacon. The deacon assists, but it is the priest who administers the sacrament and the deacon also helps in the distribution of the consecrated elements.¹⁴ It is not possible therefore, to reinterpret the language of "administration" when referring to the sacraments as other than the conduct of the rite, whether it be baptism¹⁵ or holy communion. This is the language of the Prayer Book and of the Canons of 1604, which continues to be used in the English Canons of 1969.

Second Objection: Deacons only take their part, not take the whole service

13. The language of "assistance" or of deacons' taking their part in the administration of the holy communion has been construed by some to indicate that the whole service is not in the hands of the deacon, this being the established custom of the Church of England. However, there is nothing in the canon to indicate this. Rather, the canon is

¹² *Ecclesiastical Polity* V.lxxvii.4.

¹³ Canon B21.

¹⁴ "It appertaineth to the office of a Deacon, in the church where he shall be appointed to serve, to assist the priest in Divine Service, and specially when he [the priest] ministereth the holy Communion, and to help him in the distribution thereof, and to read holy Scriptures and Homilies in the Church..." BCP Ordinal.

¹⁵ The title of the service in the BCP is "The Ministration of Publick Baptism of Infants to be used in the Church". However, the alternating use of the verb "administer" and "minister" in the opening rubric indicates that the two words were used synonymously.

undifferentiated in its description of the deacon's part in baptism and the deacon's part in holy communion.

14. It was the established custom of the Anglican Church to restrict deacons to baptising only infants, in accordance with the *BCP* Ordinal. Yet this restriction is plainly removed by the new canon. In other words there is a new part for the deacon to play. Significantly there is no other church law, other than the words of the Ordinal that describes such a restriction.¹⁶ Likewise, there is nothing in the new service, which prevents deacons from baptising a candidate in the presence of the priest. The absence of this *BCP* restriction is not accidental but deliberate, as it seeks to redefine the role of the deacon in baptism. This new role is still seen as assisting the priest, but such assistance may now be rendered in the presence as well as the absence of the priest. The concept of "assistance" does not preclude the deacon's administering the rite of baptism in its entirety.

15. Since the canon is undifferentiated in its reference to the deacon's assistance in the administration of the sacraments—noting that neither baptism nor holy communion are explicitly mentioned in the canon—the expanded role of the diaconate may properly be seen in the deacon's assistance to the priest in holy communion as well as in baptism. The words of the canon are capable of being interpreted as a change in custom in the role of the deacon, superseding the role assigned to the deacon in the *BCP*. If the deacon is now authorised to assist the priest by administering baptism to adults, as well as infants, and in his presence, as well as his absence, then there is no justification for reading the canon as restricting the deacon's assistance to the priest by administering the holy communion in his absence (or even in his presence).

16. Moreover, the bishop instructs the deacon: "take your place with bishop, priest and people in public worship and at the administration of the sacraments." Clearly the deacon can take his or her "place", exercising a liturgical role in the absence of the bishop. The deacon's activities are in relationship with the bishop and under his authority, but do not necessarily require his presence. Similarly, the deacon can exercise his or her role in assisting the priest when administering the sacraments in his absence. The deacon's designation as assistant to the priest does not prevent him or her from acting in the absence of the priest, any more than it prevents an assistant bishop acting in the absence of the archbishop. Mr Justice Handley makes a similar point in the following remarks.

¹⁶ The Ordinal, being a part of the *BCP*, was a schedule to the Act of Uniformity, 1662 (14 Car.2, c.4). Section 10 of that Act restricted the administration of the holy communion to episcopally ordained priests. See note 13 below.

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The role of the deacon, as defined in the Ordinal, is to assist the priest. If the priest was present at a communion service he (or she) would preside and the deacon would be relegated to the role of an assistant to the presiding priest. The situation would be otherwise if the priest was sick, on holidays, away from the parish on duty, or conducting services elsewhere. In such circumstances the deacon could "assist" the priest in fulfilling his/her ministry to the parish by conducting communion services that the priest could not conduct personally

...However the role of an assistant is not limited to situations in which the rector is absent.¹⁷

17. The language of the canon plainly authorises the deacon to assist the priest in the administration of both sacraments, not baptism alone. The canon provides no qualification of this assistance and no indication that the administration of either sacrament cannot be undertaken by the deacon.¹⁸

Third Objection: It was not the intention of the Canon to authorise diaconal administration

18. While the wording of the 1985 General Synod Canon may be capable of the interpretation offered above, it could still be argued that it was not the intention of the General Synod. Interestingly, a similar argument was proposed when the Appellate Tribunal was considering the constitutional change in the definition of canonical fitness for bishops. While it was argued that the change was not intended to allow for women bishops, the majority opinion of the Tribunal determined otherwise. In other words, they expressed the view that legislation is to be interpreted by the meaning of the words used and not on the basis of any supposed intention of the promoters of legislation.

19. In the words of Justice Keith Mason:

The primary source of the presumed "intention" of a legislative body is the language it uses. But to talk about a legislator's "will" is largely fictional...Those who prepare or promote legislation (or any other formal

¹⁷ Opinion of Handley J in relation to the 1996 Reference to Lay and Diaconal Administration, p22.

¹⁸ Significantly there is no church law, other than Section 10 of the 1662 Act of Uniformity, which prohibits deacons from administering the Lord's Supper. Although this law has been repealed in the Diocese of Sydney (Act of Uniformity (Section 10) Repeal Ordinance 2003), according to the majority opinion of the Appellate Tribunal, diaconal administration would be lawful by virtue of a General Synod Canon authorising it, notwithstanding Section 10 of the Act.

instrument) have the opportunity to form it in their own terms, but they have no additional control over its interpretation. After all they are not the lawmakers.¹⁹

Conclusion

20. The Appellate Tribunal has expressed the opinion that the administration of the holy communion by deacons is consistent with the Constitution of the Anglican Church of Australia. However, for a change in the law of this Church to become effective, they expressed the view that a canon of General Synod would be required to authorise such a practice. It is the contention of this paper that such a General Synod canon exists. The Ordination Service for Deacons Canon 1985 expressly authorises the deacon to assist the priest in the administration of the sacraments. Such assistance equally applies to holy communion as it applies to baptism; and there is no dispute that a deacon can administer baptism in its entirety. It is therefore competent for the Archbishop of Sydney to license a deacon to assist the priest in the administration of holy communion as well as baptism, if the deacon has been ordained in accordance with the schedule of the 1985 Canon.

Glenn N Davies

18 August 2008

¹⁹ Opinion of Mason J in relation to the 2005 Reference on Women Bishops, §§61, 64.

Appendix C

Lay Presidency at the Lord's Supper

(A report from the Diocesan Doctrine Commission of the Anglican Diocese of Sydney.)

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1. A Brief History

- 1.1 In 1983 the Synod of the Diocese of Sydney received a report from the Diocesan Doctrine Commission which was a response to the General Synod Doctrine Commission Report, *Towards a Theology of Ordination*. The Sydney report drew the following conclusion –

"Since the [General Synod] Report, in our judgement, is in error regarding (a) 'the nature of ministerial priesthood', it can also be shown its conclusions are incorrect regarding (b) 'the relationship between ordination and presidency at the Holy Communion', (c) 'lay presidency at the Holy Communion', and (d) indelibility."

The report then examined the question of lay presidency at the Lord's Supper in the light Biblical, historical, theological and contemporary considerations. This part of the report concluded –

"If the Christians of the sixteenth century rediscovered [the] biblical doctrine of the *Priesthood* of all believers, Christians of the twentieth century are rediscovering the *Ministry* of all believers. Fundamental to that ministry of all believers is the word-ministry of the pastors and teachers in the congregation which equips the other members for their ministries (Eph. 4: 11-12). One of these ministries is leadership to be exercised by those members whose gifts of experience and maturity commend them to the

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congregation. Presiding at the Eucharist is a proper expression of such gifts, and one which is thoroughly in keeping with the 'body members' gifts' pictures of church life within the New Testament."

- 1.2 The 1983 Synod resolved (37/83) that a committee be set up –
 "to explore the desirability and constitutional aspects of lay presidency at the Holy Communion."
 - 1.3 1985 Synod received the report of the committee which affirmed the desirability of lay presidency at Lord's Supper in certain circumstances, and noted that –
 "A person should not be given authority to preside at the Lord's Supper unless he or she is authorised to preach *and vice versa*." (emphasis added)
- and recommended alterations to the Deaconesses, Readers and Other Lay Persons Ordinance 1981 to give effect to the proposal.
- 1.4 That Synod resolved (18/85) that it –
 "endorses the principle of lay presidency and requests the Standing Committee to investigate ways the possible legal and other difficulties in enacting this principle could be overcome."
 - 1.5 The 1986 Synod received the report of the committee which stated –
 "the committee accepts that there exist no doctrinal objections to lay presidency in the context contemplated by Synod. This context includes the authorisation by the bishop of suitable and duly prepared persons in situations where the regular ministry in the local congregation of an episcopally ordained priest is not available. The reason for stressing this context is that we see difficulties if lay presidency became the norm as there are some who would argue that it could alter the role of the priest whom they would see as a focus of leadership and unity."

The report further stated –

"We do not think that there would be a threat to the concept of the three orders if the Church allowed lay presidency as contemplated."

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"The majority of the committee believes that lay presidency as contemplated does not contravene any 'principle of worship' of the Book of Common Prayer envisaged in Section 4 of the 1961 Constitution."

- 1.6 The 1987 Synod received the report of a Legal Committee which declared –

"There is no principle of worship involved, nor any principle of doctrine, in having a lay president ... in situations where the rector (archdeacon or bishop) is obviously the president of the congregation, but the particular service, at the president's direction, is carried out by a lay person."

"... a majority of the members ... are of the view that there is no legal impediment to lay presidency ... and that the view of the 1985 committee and the majority of the 1986 committee is correct in law." (There was a minority report.)

- 1.7 In 1992 the Synod referred to Standing Committee a notice of motion –

"In the light of Synod resolution 18/85 endorsing the principle of lay presidency and the further report to the 1987 Synod, Standing Committee is requested to bring to the next session of Synod legislation to enable lay persons to preside at the Lord's Supper."

- 1.8 In 1993 Standing Committee referred to the Doctrine Commission for its comment the above notice of motion.

2. Theological Assumptions

- 2.1 The Doctrine Commission accepts the finding of the 1983 report that the arguments against lay presidency at the Lord's Supper, such as those expressed in the General Synod Doctrine Commission Report *Towards a Theology of Ordination*, are incorrect, and that "there is no Scriptural or doctrinal barrier to lay presidency".

- 2.2 Moreover there do exist positive reasons, theological, historical and practical, for allowing lay presidency at the Lord's Supper.

- (a) The welcome development of lay preaching ministry over many years has resulted in a distortion of our Anglican order which has, in effect, elevated the Sacrament above the Word in that those authorised to preach are not necessarily authorised to preside (note

the words "vice versa" in the 1985 report quoted above). To preserve the balance of Anglican order there is a need for lay ministry of the Sacrament to develop in a way corresponding to lay ministry of the Word.

- (b) On the grounds that Jesus Christ alone was the proper *sacramentum* given us by God (1 Tim 2:3-7; 3: 14-16), the 16th century Reformers worked to heal the split between Word and Sacrament endemic to medieval theology and practice. Anglican writers of the period when the formularies were being composed "regarded the ministry of the word and that of the two sacraments as closely bound up together, and were, generally speaking, entirely free from those sacerdotal conceptions which put the ministry of the eucharist in a class by itself".¹ While the question of lay presidency at the Lord's Supper hardly arose in this period, this was because lay ministry was generally only envisaged in cases of necessity or "highly remote theory".² Normally a layman could neither preach nor administer the sacraments. Where opposition to lay presidency was expressed, it was in terms of the general argument propounded by Calvin, which was based on the concept of those "called and authorised" to each and administer the sacraments.³ The main stream of Anglican writers did not apply Calvin's argument narrowly, as can be seen in their views of lay baptism, and, at least theoretically, of lay preaching. The development of Anglican lay ministry generally in more recent times has likewise not accepted a restricted application of Calvin's principles of order to modern church life. We have recognised that lay people too may be "called and authorised" for various ministries. However the separation we now see between preaching and sacraments was inconceivable to the Reformers. This separation has developed in the climate created in Anglicanism by the theology of the 19th century Tractarian movement which reverted to pre-Reformation views of Church and ministry.⁴
- (c) It follows that the role of presiding at the Lord's Supper should not be elevated above the role of presiding when the congregation of God's people gathers for prayer and the hearing of God's Word. This is not a diminution of the importance of the Lord's Supper: it is, rather, a recognition of the importance of every gathering of God's household. At the centre of every such assembly must be the word of Christ, the gospel of Jesus Christ and him crucified. We have rightly recognised that the headship of Christ over his household allows for any suitably

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mature and gifted member of the congregation to be authorised to preside at Morning and Evening Prayer (see the conclusion to the 1983 Doctrine Commission Report, 1.1 above). It follows that the prohibition of lay presidency at the Lord's Supper is today a serious inconsistency, which has distorted Anglican order as envisaged in our formularies (see (d) below).

- (d) The anomaly of churches, schools, colleges which have regular Anglican ministry, but must bring in an outside priest on certain occasions in order to conduct the Lord's Supper suggests the "Mass priest" concept rightly rejected by our forebears.
- (e) When lay people are permitted to share in every form of ministry except one in the regular meetings of the congregation, except one, the impression can be given that the prohibited thing is the essence of ordained ministry. A sacerdotal view of the priesthood is difficult to avoid. Again this is a distortion of Anglican order due to the welcome developments in lay ministry which have not however been matched in the ministry of the Sacraments.

3. Ordering Ministry in the New Testament

3.1 Ministry is exercised in the New Testament by two principles –

- (a) A "charismatic" principle whereby the members of a congregation exercise various and diverse gifts for its edification (e.g. 1 Cor 12:4-13; 14:1-38; Rom 12:3-8).
- (b) An "official recognition" principle whereby some persons called "elders"/"bishops" and "deacons" appear to have had an accepted "role" or "office" within congregations (e.g. Acts 14:23; 15:2; 20:17, 28; 21:18; Phil 1:1; 1 Tim 3:1-13; 5:17-22; Tit 1:5-9; Ja 5:14; Heb 13:17; 1 Pet 5:1-4; 2 Jn 1; 3 Jn 1; (cf. e.g. Rev 4:10)).

These "elders"/"bishops" are to be found across the New Testament writers - Paul, Peter, James, John, Luke-Acts - and must be regarded as well established roles within the New Testament.

Other references include "those who lead", "him who catechises", "pastor-teachers", "teacher", "those who are ... over you in the Lord" (Heb 13:7; Gal 6:6; Eph 4:11; Ja 3:1; 1 Thess 5:12).

Hints of the principle of "official recognition" are seen in the practice of "the laying on of hands" (e.g. Acts 6:6; 13:3; 1 Tim 1: 18; 4: 14; 5:22; 2 Tim 1:6) and the show of hands/voting hence electing (Acts 14:23; cf. 2 Cor 8: 19).

- 3.2 There appears to be considerable fluidity implied between "charismatic" and "official recognition" in the New Testament references; clear cut definitions do not easily emerge from the relevant texts.
- 3.3 Nonetheless it seems likely that the "official recognition" principle applied where ministry was exercised in the congregation on an ongoing basis, including where a minister was remunerated (Gal 6:6; 1 Tim 5: 17). This may account for the weight given in the New Testament to qualifications for "elders"/"bishops" and "deacons" (1 Tim 3:1-13; Tit 1:5-9) and the duties of "elders" (1 Pet 5:1-4; Acts 20: 17-36).
- 3.4 It should be further noted that we have no New Testament statements as to who "presided" at the Lord's Supper.. The question of Lay Presidency at the Lord's Supper today involves more than the direct application of explicit New Testament teaching to modern church life.
- 3.5 The Doctrine Commission affirms a high view of the Lord's Supper and the presidency at the supper. It is a *koinonia* in the blood of Christ/the body of Christ; a sharing in the cup of the Lord/the table of the Lord. In hearing watching and eating/drinking "in remembrance" of the Lord, his people participate in an eschatological occasion, which to misuse is to profane the body and blood of the Lord and risk illness or even death (see 1 Corinthians 10-11).
4. **Anglican Order**
 - 4.1 Questions of order in Christian ministry and church life are often not settled by direct Biblical prescriptions, and a certain liberty is recognised in such matters (Article 20). However order must reflect and express sound theology. The biblical doctrines of justification by faith alone, of the atoning death of Christ, and of the Word of God led to the rejection of sacerdotalism and insistence on the unity of word and sacrament seen in the ordering of ministry in the Book of Common Prayer and The Thirty Nine Articles (e.g. Articles 2, 6, 11, 19, 25 - 31).
 - 4.2 The Anglican formularies, as defined by the Book of Common Prayer and the Thirty Nine Articles –
 - (a) joined together word and sacrament, and
 - (b) made the ministry of the sacraments secondary to (and dependent upon?) the ministry of the word.
 - 4.3 In the Ordination of Priests the Bishop "shall deliver to every one of them .., the Bible" and say –

"Take thou authority to preach the Word of God,
and to minister the Holy Sacraments in the

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Congregation where thou shall be lawfully appointed thereunto."

A Priest is ordained –

- (a) to "preach", and also
- (b) to "minister the Holy Sacraments in the Congregation."

- 4.4 On the other hand the Deacon is handed only the New Testament and given "Authority to read the Gospel in the Church of God, and to preach the same," if he is "thereto licensed by the Bishop". This is a diminished authority as compared to the Priest who is given a Bible and who solemnly agrees to "teach the people committed to [his] Cure and Charge." The difference between Priest and Deacon in the Ordinal is seen most clearly in terms of the responsibility and authority taken by the former for "the Congregation where [he] shall be lawfully appointed thereunto", rather than in terms of specific actions he is authorised to perform. The Deacon is to assist the Priest in Word and Sacrament. (It therefore appears to be inconsistent that a Deacon may in the absence of the Priest baptise and preach (if admitted thereto by the Bishop) and yet have no authority to preside at the Lord's table.) See the Doctrine Commission's paper on Diaconal Presidency.
- 4.5 According to the Ordinal, and the New Testament which in this respect it accurately reflects, the priest/presbyter's identity consists in the responsibility he takes for "the people committed to your charge", "all within your care", "the flock of Christ", "those who are committed to your care". The authority he takes for this task is the authority "to preach the word of God, and to administer the holy sacraments in the congregation". Ordination is therefore more than a license to perform certain actions (preach, administer). Ordination confers responsibility for and authority in the congregation.
- 4.6 In our received order, therefore, on the one hand we reject the notion of a sacerdotal priesthood, and on the other hand we do not separate the ministry of word and sacrament; those licensed to preach also preside at the table; those who preside also preach. This principle was recognised in the 1985 Report (#7).
- 4.7 However with the subsequent development of lay ministry of the Word in the Anglican Church our inherited order has been distorted. We now have many persons licensed to preach who are not permitted to preside at the Lord's Supper.
- 4.8 It is important to note that while the principle of not separating Word and Sacrament may have been expressed in the Ordinal by authorising the one person to perform both functions, the same principle is also expressed liturgically in the Lord's

Supper in the Book of Common Prayer, where the Sacrament must be accompanied by a sermon. It is relevant to note that this is a concept applied to the theology of the Sacraments (i.e. the Sacrament must be accompanied by the Word preached), but not to the theology of the Word (i.e. the Word need not be accompanied by the Sacrament).

- 4.9 Although the situation may not have been envisaged in the 16th century, the principle of the unity of Word and Sacrament does not seem to be compromised simply by virtue of their being conducted by different persons. When one priest presides at the Lord's Supper while another priest preaches the sermon (a common Anglican practice), or when a lay person reads the Bible in the Lord's Supper service, it would be difficult to argue that Word and Sacrament had thereby been separated.
- 4.10 To preside at the Lord's Supper one would need to be a person of good repute, respected in the congregation, a mature Christian with an adequate grasp of Christian truth and able to lead the service acceptably. But the question arises whether only those authorised to preach should be authorised to preside. Here the members of the Commission took different views.
- 4.11 Some held that the qualifications for presiding at the Lord's Supper should be precisely the same as the qualifications for presiding at Morning or Evening Prayer (see 2.2(c) above). To preach the Word, one needs at least those qualifications, but preaching has additional demands, and requires additional gifts. Therefore it seems reasonable to say that anyone who is authorised to preach, should also be authorised to preside, but, at least in principle, some may be authorised to preside who should not be authorised to preach. In other words anyone who is competent to preach will be competent to preside, but not necessarily vice versa. Our current practice is the reverse of this.
- 4.12 Others took the view that presiding at the Lord's table should be limited to those licensed to preach. This view maintains that since in the Ordinal authority "to minister the Holy Sacraments" is secondary to (and dependent upon) authorisation "to preach the Word of God" in the congregation (see 4.1,2 above), the same principle should apply to lay presidency. A high view of the Lord's Supper (see 3.5) demands a high view of those qualified to preside at the meal on behalf of the congregation. Furthermore, in the absence of the rector the possible need for the president to exercise discretion and discipline of communicants, as envisaged by our Order, means that the president must be of sufficient maturity and standing in the congregation. Since the teaching of the Word should only be

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permitted to individuals on the most stringent of qualifications, it is held that the Lord's Supper and the presidency at the Lord's Supper is best secured by requiring that only those who are authorised to teach should be authorised to preside.

- 4.13 In any case the Doctrine Commission agrees that the theological principles behind the ordering of ministry in the Anglican formularies have the following implications.

- (a) Those authorised to preach should be authorised to preside at the Lord's Supper.
- (b) Since there should be no distinction between qualifications required to preside at the Lord's Supper and qualifications required to preside at Morning or Evening Prayer, the present requirements for presiding at Morning and Evening Prayer may need to be reconsidered.

5. Qualifications

- 5.1 Lay persons who are to be authorised to preside at the Lord's Supper (and Morning and Evening Prayer) should have demonstrated educational, theological, personal and pastoral fitness to do so. Appropriate externally established educational and personal qualifications for such ministry are desirable.

6. Safeguards

- 6.1 To protect congregations from the imposition of persons unsuited for this task it is desirable that –
- (a) lay persons who will preside must first be approved by
 - (i) nomination by the incumbent, and
 - (ii) resolution of the Parish Council; and
 - (b) a lay person may not preside at the Lord's Supper unless licensed to do so by the Archbishop or Assistant Bishop.

7. Some Implications of Lay Presidency

- 7.1 Some concern was expressed in the 1986 report that –

"... we can see difficulties if lay presidency became the norm as there are some who would argue that it could alter the role of the priest whom they would see as a focus of leadership and unity."

It is unlikely that lay presidency will become the "norm" (in the sense of more usual than clergy presiding) any more than lay preaching has. On the other hand the suggestion that lay presidency should be perceived as a departure from "the norm" (in the sense that it should be thought of as "abnormal") must

be opposed on theological grounds. Therefore to allow lay presidency only "where the regular ministry in the local congregation of an episcopally ordained priest is not available" (as envisaged in the 1986 report) is unacceptable, unless we are going to insist on the same principle for lay preaching, and for lay presiding at Morning and Evening Prayer. The position expressed in the 1987 report (which is consistent with the 1983 report) is preferable. That report declared there to be no problem with a lay president "in situations where the rector (archdeacon or bishop) is obviously the president of the congregation, but the particular service, at the president's direction, is carried out by a lay person".

- 7.2 The introduction of lay presidency must not be interpreted as reflecting a low view of the Lord's Supper, but rather of a high view of the ministry of lay people.
- 7.3 Our current practice encourages both a perception of a "Mass Priest" when a congregation brings in an outside priest in order to share the Lord's Supper, and a sacerdotal view of the priesthood, when the one thing that only the priest can do is preside at the Sacrament. The introduction of lay presidency is bound to diminish both of these aberrations of Anglican polity.
- 7.4 To this point the paper has discussed the question of lay Presidency without specific gender reference. In the light of contemporary debates, it is appropriate to ask how the proposal to allow lay presidency applies to the general question of how women may appropriately exercise their ministries. Is there any barrier to lay women presiding at the Lord's Supper? If there is no difficulty with lay women taking this ministry, it may be asked what further barrier remains to the ordination of women to the priesthood?
 - (a) On biblical and theological grounds the Synod of the Diocese of Sydney has declined to ordain women to the priesthood. These grounds have included New Testament texts indicating that gender does make a difference to human relationships and therefore to ministry. Arguments against the ordination of women have not been based on a supposed sacramental function of the priest, or the view that women are excluded from performing such a function for some reason, but on the New Testament concept of "headship" in the family and the church, and on New Testament texts based on this or a related concept. Anglican priesthood, as defined by the Ordinal has to do with responsibility for, and therefore authority within, the congregation (the "cure of souls"), not with capacity to dispense sacramental grace.

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- (b) If gender makes a difference to ministry, then (in addition to the ordination question) it is right to ask whether lay presidency is equally appropriate for both lay women and lay men. This question arises in connection with lay preaching as well lay preaching and lay presidency for women may not be appropriate in all circumstances, but would be appropriate in many contexts. The arguments of this paper would lead to the conclusion that it is appropriate for lay women to preside at the Lord's Supper only in those circumstances in which it is theologically and biblically appropriate for lay women to preach.

8. Conclusion

- 8.1 In summary, there are no sound doctrinal objections to, and there are significant doctrinal reasons for, lay presidency at the Lord's Supper. There are also sound reasons based on our received Anglican order for allowing lay presidency. In the light of this the continued prohibition of lay presidency at the Lord's Supper does not seem justifiable theologically. Since church practice ought to conform to sound doctrine, practical problems related to the introduction of lay presidency ought to be dealt with, but should not constitute an obstacle to reform motivated by theological truth.

For and on behalf of the Diocesan Doctrine
Commission of the Anglican Diocese of Sydney

P.W. BARNETT

Chairman

27 September 1993

Endnotes

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- ⁱ R.T. Beckwith, *Priesthood and Sacraments*, Latimer Monographs 1 (1964), pp. 44.
- ⁱⁱ C. Buchanan, Some Anglican Historical Perspectives on T. Lloyd, *Lay Presidency at the Eucharist?*, Grove Booklet 9 (1977), p. 12.
- ⁱⁱⁱ Cf. C.J. Cocksworth, *Evangelical Eucharistic Thought in the Church of England* (1993), pp. 222-4.
- ^{iv} Cf. Buchanan, p. 13.

16/94 Lay and Diaconal Administration of The Lord's Supper

(A report from a committee appointed by the Standing Committee)

1. Preamble

1.1 In March 1994 Synod passed the following resolution (16/94) - "In the light of Synod resolution 18/85 endorsing the principle of lay presidency, the report to the 1987 Synod with reports accepting that there existed no doctrinal objection and no legal impediment to lay presidency as contemplated by Synod, and the report to the 1993 Synod stating that there are no sound doctrinal objections to, and there are significant doctrinal reasons for, lay presidency at the Lord's Supper, this Synod requests Standing Committee, in consultation with the Archbishop concerning the matters raised in his Presidential Address, to bring to the next session of Synod legislation to enable deacons and lay persons, in appropriate circumstances, to preside at the Lord's Supper."

1.2 In accordance with this resolution, Standing Committee appointed a committee of Drs B.C. Newman and J.W. Woodhouse to consider the implementation of resolution 16/94. The Committee met 8 times, and consulted with the Archbishop on 2 occasions.

1.3 At its meeting on 20 June 1994 Standing Committee received a report from the Committee, and resolved that bills be promoted to the next session of Synod "by request of Synod" to enable Synod to consider the implementation of Options 1, 2, or 3 in item 6. However, it was decided on 25 July that Option 3 may not require legislation.

2. Preliminary Questions

Lay and Diaconal "Administration", rather than "Presidency"

2.1 Some confusion has come into the discussion of lay and diaconal involvement with the Sacrament of the Lord's Supper, by the use of the term "presidency". For the following reasons, the Committee recommends that in future discussions or legislation with regard to this matter the word "presidency" should be replaced by "administration".

2.2 "President" is not a term found in the New Testament ("NT") or *The Book of Common Prayer* ("BCP"), and its first known relevant use (by Justin Martyr) seems to be a reference to the regular head of the congregation in terms that would be understood by outsiders (as suggested by D.W.B. Robinson in an unpublished paper). BCP speaks of "ministering" or "administering" the Sacrament, a rather different concept.

2.3 The Synod reports have used the term "president" to refer to the person who leads the people on a particular liturgical occasion (such as the Lord's Supper). The confusion arises because others (probably including Justin Martyr) refer to the "president of the community", an ongoing role, not restricted to any particular occasion. The matter under consideration has been whether the only person who can "preside" (in the former sense) is the "president of the community". Some have suggested that any "presidency" exercised by a lay person will undermine the "presidency" of the priest. This can be more clearly considered if different terms are used for the two concepts.

2.4 Even now lay people and deacons can (and probably do occasionally) "preside" (in an ordinary sense of the word) at the Lord's Supper quite legally, and without controversy. If, say, in the absence of the minister, a lay person or a deacon welcomes the congregation, and leads the first part of the liturgy, but invites a visiting priest to say the Prayer of Consecration, and to distribute the elements with the lay person's help, many would regard the lay person or deacon as the "president" of that gathering on that occasion. Legally he would have been "assisting" the priest, but in reality the priest would appear to be assisting him! The change that is envisaged is not lay or diaconal *presidency*, but permission for a lay person or deacon to pray the Prayer of Consecration.

2.5 Lay or diaconal administration of the Lord's Supper, as envisaged, acknowledges the oversight that rightly belongs to the priest to whose "cure and charge" the people have been committed. The rector (or archdeacon or bishop) remains the "president" of the congregation, but the particular service, at the "president's" direction, is carried out by a lay person or deacon. Like all lay and diaconal ministry, this ministry would be "assisting the priest". The term "presidency" for "administration" tends to obscure this fact.

2.6 In the Lord's Supper the focus is not on the minister, but on the corporate act of remembering the Lord's death through the activity of thanksgiving, distributing and eating together. The term "presidency" gives too much weight to the role of the minister.

What is "Administration" of the Lord's Supper?

2.7 The Committee understands lay or diaconal administration of the Lord's Supper to mean a lay person or deacon conducting any part or all of *The Order for the Administration of the Lord's Supper*, or another recognised service of Holy Communion.

Why Should Lay Persons and Deacons be Permitted to Administer the Lord's Supper?

2.8 Those advocating this change regard it as a positive reform, consistent with both Scripture and the theology of the Reformation reflected in BCP. While this is not the place to rehearse all the arguments of the various reports to Synod of the last decade, it might be helpful to refer briefly to some of the main reasons that have been expressed for proposing this change.

2.9 The present situation (as generally understood) is that lay persons and deacons may be authorised to preach the Word of God in a wide range of situations (there is no situation in which a lay person, by law, cannot be authorised to preach), but may not be authorised to administer the Sacrament (as defined in item 2.7) under any circumstances whatsoever.

2.10 Prohibiting lay people (or deacons) from this one activity, conveys to many an improper impression of the distinction between clergy and laity on the one hand, and priests and deacons on the other, as though it has to do with capacity to dispense sacramental grace.

2.11 Allowing lay persons and deacons to conduct the ministration of Baptism in some circumstances, but never the Lord's Supper can suggest an inappropriate distinction between the 2 Sacraments.

2.12 The absolute prohibition of lay people and deacons from administering the Sacrament, while permitting them to minister the Word of God by preaching sermons suggests a division between Word and Sacrament, where the Sacrament can appear to be more important than the Word because only priests can administer the former.

2.13 The restriction of administering the Lord's Supper to priests (and bishops) leads to misunderstandings of the nature of the Sacrament, as though its value depends somehow on the person who prays the consecration prayer.

2.14 When the 1 thing that only the priest can do is administer the Sacrament, a misunderstanding of the nature of the Anglican priesthood, and therefore of ordination, is difficult to avoid.

2.15 The absolute necessity of having a priest or bishop administer the Lord's Supper may convey the improper impression that Christ is not the only necessary mediator between man and God.

2.16 Items 2.10 to 2.15 raise substantial objections to Anglican order as it has developed and departed from BCP (see items 4.2 to 4.9).

What Kind of Change is Proposed?

2.17 The Synod has asked for the removal of a perceived prohibition, not the imposition of a new practice. In many churches there will be no change. The removal of the prohibition should be accompanied by adequate safeguards to preclude the new practice being introduced in circumstances where it would be inappropriate.

What about Order?

2.18 It has been said by some who oppose the proposed change that while there is no theological difficulty, there are difficulties related to "order". "Order" has a variety of meanings.

2.19 "Order" may mean "order" as opposed to chaos! What would happen to our relationships with other Anglicans, and to our relationship to the rest of the Anglican Church of Australia? The Anglican Church of Australia already lives with considerable diversity of opinion and practice. With goodwill and respect for sincerely held convictions, there is no reason for this change to be of greater concern than other differences.

2.20 "Order" may refer to the ordering of ministry in the Anglican Church. Specifically there is a constitutional commitment in the Anglican Church of Australia to the 3 "orders" of bishop, priest, and deacon. To think that lay or diaconal administration of the Lord's Supper will be more damaging to the orders than lay preaching suggests that ordination is more about the Sacraments than it is about preaching. This view cannot be supported from either the NT or BCP.

2.21 "Order" may just be a way of referring to custom. Some may feel that it is too great a change from the way in which Anglicans have always done things and the practice which BCP prescribes. Some may like to call such custom "tradition". This is misleading. Theologically the "tradition" of the Christian Church is the Scriptures. Custom, however ancient, must never be elevated to the level of "tradition". What is being proposed is a change in our customary ways. It is yet another change from the ways prescribed in BCP. However to object to this change, but to accept lay preaching and lay assistance at the Holy Communion is arbitrary and unjustified.

2.22 If there are sound theological objections to our present "order" (items 2.8 to 2.16), appeals to maintain that "order" (in any sense) are not compelling.

Particular Questions Related to Deacons

2.23 Should all deacons automatically be given the authority to administer the Lord's Supper? A deacon is not, by virtue of having been made a deacon, thereby authorised to preach (he/she must be licensed by the bishop). Likewise it seems appropriate that a deacon should require the authorisation of the bishop before being permitted to administer the Lord's Supper.

2.24 Should deacons be authorised by a different process from that for lay persons? Since permission to preach the Word of God in the congregation and to administer the Lord's Supper is not inherent in the office of a deacon, any more than it is inherent in the laity, it seems appropriate that the authorisation of deacons to administer the Lord's Supper (and to preach) should be essentially the same as the authorisation of lay persons (items 5.2 to 5.4).

Particular Questions Related to Lay Persons

2.25 Should lay persons only be authorised to administer the Lord's Supper if they are authorised to preach, and *vice versa*? While the Committee recommends that authorisation to administer the Sacrament should be tied to authorisation to preach the Word of God, this introduces an anomaly. Under the Deaconesses, Readers and Other Lay Persons Ordinance 1981 lay persons who are not authorised to preach can nonetheless be authorised to read Morning or Evening Prayer, and conduct baptisms, funerals, and the churaching of women. Consistent with the recommendations of the 1993 Doctrine Commission Report it would be desirable - if administration of the Lord's Supper is to be dependent on authorisation to

preach - to raise the requirements for these other lay ministries as well. However this is a matter for future consideration.

2.26 Who should be involved in the authorisation of lay persons to administer the Lord's Supper? The bishop, the minister of the church in question, the Parish Council, and the churchwardens of the church should be required to agree to any authorisation.

What is the Place of the Lord's Supper in Church Life?

2.27 The Lord's Supper is an important occasion to which "all such as shall be religiously and devoutly disposed" should come, and "the people negligent to come" should be exhorted "that ye will not refuse to come thereto, being so lovingly called and bidden by God himself". The reasons given in the second Exhortation are that to refuse to come when God himself has bidden you is shameful, and a neglect of duty. "Sore punishments hang over your heads for the same; when ye wilfully abstain from the Lord's Table, and separate from your brethren ...".

2.28 The proposal to allow persons other than a priest to administer the Lord's Supper has led some to reconsider the place of the Sacrament in the life of the church. Some have found support for the present prohibition in a notion that the Lord's Supper is a complete occasion involving the whole community, and where the appropriate "president" must be the one with pastoral oversight (the priest). In the opinion of the Committee this reasoning rests on 2 fictions.

2.29 Fiction 1: that the administration of the Lord's Supper is now restricted to the one with pastoral oversight. This is not, and to our knowledge has never been, the case. An assistant minister who is a priest, or a visiting priest can and frequently does administer the Sacrament. An assistant minister who is a deacon or a lay person cannot.

2.30 Canon 56 of 1603 illustrates the point. This Canon envisages a minister who has "cure and charge of souls", and who may "chiefly attend to preaching", having "a Curate under him to execute the other duties which are to be performed for him in the Church". These duties include administration of the Lord's Supper. This Canon prescribes that such a minister must himself read the Divine Service and administer the Lord's Supper at least twice a year! On all other occasions "the Curate under him" may perform this duty for him. There is no suggestion that the Lord's Supper should normally be administered by the minister "that hath cure and charge of souls".

2.31 Fiction 2: that the Lord's Supper is the essential expression of the community's life. This, too, seems to be a novel invention to support a custom that has arisen without any such rationale. BCP has no such notion. "Every parishioner shall communicate at least 3 times in the year." Only 3 persons need to be present. If a sick person "be not able to come to the Church" the Lord's Supper can be administered in the sick man's house. In special circumstances a minister may communicate with a sick person with no one else present. BCP does not suggest that the Lord's Supper is *the* expression of the community's life.

2.32 Of course there are occasions where it is most appropriate for the one entrusted with the "cure of souls" in that place to administer the Sacrament, just as there are occasions when it is most appropriate for the Rector to preach. Since in the past there has not been a need to define such situations by legislation (with regard to preaching), there is no need to do so with regard to the administration of the Lord's Supper.

3. Possible Ways of Proceeding

Should we Proceed at all?

3.1 It is necessary to take note of various arguments against the introduction of lay and diaconal administration of the Lord's Supper. These arguments may be theological, pragmatic, or legal.

3.2 The theological arguments against lay (and by implication diaconal) administration of the Lord's Supper include unreformed views of the Sacrament and the priesthood, and sacramental ecclesiology ("the eucharistic community"). Such arguments have been repeatedly rejected by the Sydney Synod and the Diocesan Doctrine Commission.

3.3 There are also various pragmatic arguments. Some suggest that in the Anglican Church the administration of the Lord's Supper is an essential and definitive part of the priest's role. "If *anyone* can do this, is a priest's ordination and the years of training for nothing?" A related concern is whether the demand for trained full-time ordained priests will diminish if "lay people can do everything".

3.4 The Committee sees no sign of such a trend, and no reason to suppose that allowing lay persons and deacons to administer the Lord's Supper would create such a trend.

3.5 In BCP ordination authorises a person to oversee a congregation: "how great a treasure [the sheep of Christ] is committed to your charge", "the people committed to your charge", "the people committed to your cure and charge", "them that are or shall be committed to your charge", "the flock of Christ". This oversight certainly involves preaching the Word of God and ministering the Sacraments, but just as a person may be competent to preach sermons from time to time, without all the training and gifts necessary for full time pastoral oversight of the congregation, so such a person may be fully competent to administer the Lord's Supper from time to time, without either being ready to be ordained, or threatening the significance of ordination.

3.6 A further pragmatic argument relates to the anticipated controversy. At a local level the views of congregational members should be taken into account, and, where appropriate, teaching on the nature of the Sacrament should be given. If it appears to either the minister, the parish council or the churchwardens that there are good reasons for not introducing lay or diaconal presidency to a given congregation, then it should not happen. At a wider level, members of other dioceses might take offence. While every effort should be made to explain the genuine motives behind this change, and to make clear that the Sydney Synod is not seeking to impose this practice on other dioceses or to cause them difficulties by seeking their approval, others should recognise that the Sydney Synod sees the issue in significant theological terms. It is a matter of conviction, not convenience.

3.7 As for legal arguments sections 3 and 4 of the Constitution are regarded by some as legal obstacles to this change. Section 3 requires this Church to "preserve the three orders of bishops, priests and deacons in the sacred ministry" and Section 4 states "this Church retains and approves the doctrines and principles of the Church of England embodied in the Book of Common Prayer".

3.8 It needs to be recognised that the constitutional commitment to these "orders", "doctrines" and "principles" does not imply that all prescriptions of BCP are unalterable.

3.9 Among the accepted departures from BCP, whose constitutionality is not in question, are: a deacon directly assisting the poor or bereaved, an unordained lay person working in full time ministry alongside a deacon, lay persons preaching or assisting the needy, instructing the young in the Word of the Lord, women deacons, deaconesses, lay assistants at the Lord's Supper.

3.10 It is by no means obvious that the further departure from BCP involved in lay and diaconal administration of the Lord's Supper would be unacceptable constitutionally. The Ordinal emphasises the pastoral oversight of the priest (item 3.5). This oversight is not diminished by lay or diaconal administration. While BCP does not envisage lay or diaconal administration of the Lord's Supper, it does not articulate any "principle" by which, for example, the Prayer of Consecration can be more exclusively the prerogative of a priest than other parts of the liturgy (item 4.3).

3.11 The 1987 Legal Committee's Report found no legal obstacle to lay administration of the Lord's Supper as then envisaged.

3.12 The arguments against proceeding in the manner envisaged by Resolution 16/94 do not appear to outweigh those for moving ahead.

Should we Proceed with Deacons First?

3.13 It may be argued that since this is a contentious matter, we should move slowly, proceeding first with diaconal administration, considering lay administration at a future time. While it may initially appear "logical" to admit deacons to this role first, and lay people possibly later, this procedure would raise serious problems. The strongest arguments against lay administration of the Lord's Supper (such as, a lay person does not have pastoral oversight) are equally arguments against diaconal administration. To reject the arguments in the latter case, but not in the former would only compound the inconsistencies.

Should we Proceed by Way of a General Synod Canon?

3.14 Given the controversy associated with this subject, is there wisdom in taking the matter first to the General Synod and asking that body to express its mind on the issue?

3.15 The 1981 General Synod Doctrine Commission report *Towards a Theology of Ordination* outlined a view of priesthood in relation to the administration of the Lord's Supper which the Sydney Doctrine Commission Report of 1983 found to be in serious error. There has been no indication since then of any significant change in this understanding at the General Synod level. It is difficult to imagine that General Synod would, in the foreseeable future, assent to a Canon permitting lay or diaconal administration of the Lord's Supper. Would it be wise to seek approval from General Synod, if the outcome can be predicted with some confidence? An intense debate is certain, on such issues as the theology of the priesthood and the Sacrament, with almost no prospect of a happy resolution. When General Synod says "No", it would be perceived as more confrontational for Sydney then to proceed. The Committee considers that the wisest course is to proceed with the best advice presently available to us, testing the legal waters if they arise. If a Sydney Ordinance were legally challenged, the matter might then come before the Appellate Tribunal. The Tribunal would then make its judgement. At that point in time Sydney would have to decide its response.

Should we Proceed Now with a Sydney Ordinance?

3.16 It seems perfectly proper for Sydney to proceed now with an appropriate ordinance prepared in accordance with the recommendation of item 5.19, and as outlined in item 6.

3.17 In any case a comprehensive debate in the Sydney Synod on such an ordinance is important for a number of reasons. It may assist the Archbishop, in his extra-diocesan responsibilities, to know what the Synod desires and its reasons. Likewise, if the matter were to be raised in General Synod it would be essential for the Sydney representatives to be aware of the same. It is also valuable for parish representatives and clergy to have the benefit of hearing a proper debate. A debate that is curtailed will leave us all seriously uninformed.

3.18 To allow consideration of any responses from outside the Diocese, the Committee recommends that, the third reading of any ordinance be deferred until the next session of Synod.

4. Historical Matters

The Book of Common Prayer 1662

4.1 BCP envisaged no lay ministry of the Word or the Lord's Supper. However, the following statement is made in *The Form and Manner of Making of Deacons* -

"It appertaineth to the office of a Deacon ... to assist the Priest in Divine Service, and specially when he ministereth the holy Communion, and to help him in the distribution thereof, and to read holy Scriptures and Homilies in the Church ... and to preach if he be admitted thereto by the Bishop."

4.2 It is not clear how extensive the involvement of the deacon in the Lord's Supper might have been. The rubrics of the *Order for the Administration of the Lord's Supper* specifically indicate that it was to be the priest who said/read -

The Lord's Prayer	The call to repentance
The Collect	The Absolution (said by the Bishop, if present)
The Ten Commandments	The comfortable words "It is meet, right, and ..."
The Collect for the Queen	The prayer of humble access
The Epistle	The Prayer of Consecration
The Gospel	The Lord's Prayer
The Offertory Sentence(s)	The Blessing (said by the Bishop, if present)
The general Prayer for "the whole state of Christ's Church ...	
The Exhortation (at the time of the celebration of the Communion)	

4.3 The Prayer of Consecration is one of many items which, according to the rubrics, are to be said by the priest. The 1662 Act of Uniformity made it clear that only those who had been episcopally ordained priest may "consecrate and administer the holy sacrament of the Lord's Supper". However, it is now commonly accepted that a person other than the priest (a deacon or an authorised lay person) may say/read several of the above items, but never the Prayer of Consecration. It is not clear why the rubric to that prayer has popularly been given more weight than the others. Restricting that prayer to the priest, except on the same grounds that virtually the whole liturgy is restricted to him, has no basis in BCP.

Lay Assistants at Holy Communion Canon 1973

4.4 As far as the Anglican Church of Australia is concerned, lay involvement in the administration of the Lord's Supper began with the Lay Assistants at Holy Communion Canon 1973. This Canon, which was adopted by the Sydney Synod in the same year, allows for lay persons to be "authorised by the bishop to assist the priest in the ministration and distribution of the Holy Communion".

4.5 The really significant change to Anglican order in the Anglican Church of Australia, as far as lay involvement in the Lord's Supper is concerned, occurred with the 1973 Canon. There a shift took place. The ministration of the Lord's Supper is now no longer restricted to the clergy only. Few may have recognised that no principle was in place which would provide any limitation on what a lay person might now be authorised to do in his/her assistance to the priest. So significant was the change that it has been suggested that the Canon may be unconstitutional (D.W.B. Robinson in an unpublished paper). It has, however, never been challenged.

4.6 What does the term "ministration" mean in this Canon? From the context "ministration" means something additional to "distribution". BCP uses the word "ministration" in several contexts. In the table of Contents the Lord's Supper is called *The Order of the Ministration of the Holy Communion*, while the title given to the liturgy itself is *The Order for the Administration of the Lord's Supper or Holy Communion*. This suggests that "ministration" and "administration" are synonyms, and in these contexts refer to the whole activity. In the Ordinal the priest is given authority to "minister the holy Sacraments", while the deacon is

"to assist the Priest when he ministereth the holy Communion". To "minister" the Sacrament seems to be a general term applying to the occasion as a whole.

4.7 The Lay Assistants at Holy Communion Canon 1973 does not specify limits to the assistance which a lay person may give. The Canon allows for "the synod of any diocese by ordinance [to] set further limitations". No such ordinance has been made in Sydney. It seems therefore that there is no reason in law to prevent the assistance which can be authorised under this Canon extending to the Prayer of Consecration. In other words if the Canon allows for some of the rubrics in BCP to be relaxed, it is arbitrary to say that it does not allow the same for the rubric to the Prayer of Consecration.

4.8 While this Committee believes that the above argument is sound, it seems clear that neither the General Synod nor the Sydney Synod *intended* to allow for lay people to be authorised to offer unlimited assistance to the priest in the administration of the Lord's Supper. To our knowledge it has never before been suggested that the Lay Assistants at Holy Communion Canon 1973 enables so much. It therefore seems advisable to proceed by way of making explicit and deliberate allowance for lay persons and deacons to be authorised to administer the Lord's Supper (however see item 6.3).

4.9 If there is no principle to prohibit a lay person authorised under the Lay Assistants at Holy Communion Canon 1973 from any particular part of the administration of the Lord's Supper, it would follow that there is likewise no principle limiting the scope of a deacon's assistance.

Sydney Synod and General Synod 1977 - 1994

4.10 Sydney Synod's consideration of the desirability, appropriateness, and possibility of lay administration of the Lord's Supper began (as far as we have ascertained) with a resolution in 1977 (9/77), which requested a committee -

"to investigate the issue of licensing lay persons for the ministry of Word and Sacrament and to report to the next session of Synod".

4.11 The question of whether lay persons might be licensed to administer the Lord's Supper was put to the General Synod Doctrine Commission, and the response was contained in their 1981 report titled *Towards a Theology of Ordination*. That report concluded (among other things) that lay administration of the Lord's Supper would "call in question the very necessity of ordination itself" -

"The Commission cannot recommend that laymen be licensed to preside at the eucharist, because a layman thought fit by the bishop and congregation and willing to lead that congregation in this way ought to be ordained."

4.12 In 1983 the Sydney Diocesan Doctrine Commission responded to the General Synod Report, with a survey of Biblical and historical data, concluding firmly that the General Synod report was -

"in error regarding (a) 'the nature of ministerial priesthood', ... (b) 'the relationship between ordination and presidency at the Holy Communion', (c) 'lay presidency at the Holy Communion', and (d) 'indelibility'."

4.13 On the subject of lay administration of the Lord's Supper, the Sydney Report concluded -

"The Doctrine Commission believing, therefore, that there is no Scriptural or doctrinal barrier to lay presidency at the Eucharist RECOMMENDS that the [Sydney] Synod explore immediately the desirability and constitutional aspects of such a presidency."

4.14 From 1983 to 1993 there has been a series of reports to the Sydney Synod on the question of lay administration of the Lord's Supper from theological, historical, and legal perspectives, and 1 report on the question of diaconal administration (1993). These reports have consistently endorsed the general position of the 1983 Report of the Sydney Diocesan Doctrine Commission, and encouraged the Synod to proceed with necessary legislation.

4.15 Dissenting voices have been expressed including -

(a) Archbishop Robinson's indication in 1985 that he would not assent to any ordinance purporting to enable lay persons to administer the Lord's Supper.

(b) A dissenting view in the 1985 Synod Committee Report "to the effect that there is insufficient need for this provision in the Diocese, and that a reformed view of word and sacrament does not of necessity require that those licensed to preach should also preside at the Lord's Supper".

(c) The view of 1 member of the 1986 Committee who saw "a diminishing area of leadership for the priest due to a confusion of roles", which "would profoundly affect the 'style' of worship", and "the character of our church".

(d) The view of another member of the 1986 Committee, that a "legal objection may exist" based on "a principle of priestly presidency" which he derived from BCP.

(e) The minority opinion of J.R.L. Johnstone in the 1987 Legal Committee's Report, based on the view that it is "a 'principle of worship' ... in the Book of Common Prayer that the Holy Communion cannot be consecrated and administered by a person who has not been episcopally ordained priest".

4.16 In the reports advocating lay administration of the Lord's Supper 2 general positions can be discerned as to the circumstances in which lay administration would be appropriate.

4.17 The narrower view was expressed in the 1985 Synod Committee's Report, which recommended changes to the Deaconesses, Readers and Other Lay Persons Ordinance 1981, to the effect that lay persons could be authorised to administer the Lord's Supper where the minister is unable to preside, where there is no minister, and in a church to which no minister is ordinarily appointed.

4.18 This narrower view was endorsed by the 1986 Synod Committee, which affirmed that -

"... there exist no doctrinal objections to lay presidency ... where the regular ministry in the local congregation of an episcopally ordained priest is not available."

4.19 The 1987 Report of the Legal Committee seems to indicate a broader view. While endorsing the Reports of 1985 and 1986, the situations in which there would be "no principle of worship involved, nor any principle of doctrine" in having lay administration of the Lord's Supper are described as -

"... situations where the rector (archdeacon or bishop) is obviously the president of the congregation, but the particular service, at the president's direction, is carried out by a lay person."

4.20 The broader position is endorsed and elaborated by the 1993 Doctrine Commission Report -

"It is unlikely that lay presidency will become the 'norm' (in the sense of more usual than clergy presiding), any more than lay preaching has. On the other hand the suggestion that lay presidency should be perceived as a departure from 'the norm' (in the sense that it

should be thought of as 'abnormal') must be opposed on theological grounds. Therefore to allow lay presidency only 'where the regular ministry in the local congregation of an episcopally ordained priest is not available' (as envisaged in the 1986 report) is unacceptable, unless we are going to insist on the same principle for lay preaching, and for lay presiding at Morning and Evening Prayer. The position expressed in the 1987 report (which is consistent with the 1983 report) is preferable."

5. Possible Models

5.1 Before considering various models for the introduction of lay and diaconal administration of the Lord's Supper, 3 matters need to be considered: the process by which such ministry should be authorised, the requirements of fitness that should apply and the circumstances in which lay or diaconal administration should be permitted.

Authorisation

5.2 With respect to lay administration of the Lord's Supper, conditions similar to those applying to the authorisation of lay persons for ministry under the terms of the Deaconesses, Readers and Other Lay Persons Ordinance 1981 and the Regulations for assistance at Holy Communion do not seem inappropriate. It would then follow that before a lay person could be authorised he/she would require the approval of -

- (a) the Archbishop or an assistant bishop (acting on his behalf);
- (b) the minister; and
- (c) the parish council and the churchwardens of the church concerned.

5.3 The authorisation could be Continuing or Periodic.

5.4 It would seem appropriate for the process of authorisation applying to lay persons to apply to deacons (item 2.24). This would recognise the importance of the parish council and churchwardens.

Requirements of Fitness

5.5 The requirements that a lay person or a deacon must meet before being authorised to administer the Lord's Supper need to be considered in relation to the existing requirements for various forms of ministry.

5.6 Two alternatives exist for lay administration of the Lord's Supper.

(a) Since administration of the Lord's Supper as envisaged involves leading the congregation in a prescribed liturgy, but not necessarily preaching, it might be argued that the requirements should be the same as those set out in the Deaconesses, Readers and other Lay Persons Ordinance 1981 for leading Morning or Evening Prayer, but not necessarily the requirement regarding preaching. This is the less demanding alternative, and could be supported in principle by reference to Canon 57 of 1603 ("The Sacraments not to be refused at the Hands of unpreaching Ministers"). This Canon insisted that the virtue of the Sacraments does not depend on the minister's ability to preach, since the teaching of the Sacraments is so sufficiently set down in BCP that "nothing can be added unto it that is material and necessary".

(b) Since, however, a sermon must be preached at the Lord's Supper (but not necessarily at Morning or Evening Prayer), it might be argued that the person who is authorised to administer the Sacrament should be a person who is fit to preach. This would emphasise the necessary dependence of the ministry of the Sacrament on the ministry of the Word. In this case the requirements applying to those authorised to administer the Sacrament would be the same as the requirements applying to those authorised to preach. This is the more demanding alternative.

5.7 Corresponding alternatives exist for diaconal administration of the Lord's Supper.

(a) Since the requirements for lay ministry set out in the Deaconesses, Readers and other Lay Persons Ordinance 1981 are already requirements for the ordination of deacons, no further requirements are needed for the alternative in item 5.6(a).

(b) If for lay persons only those who are authorised to preach are to be authorised to administer the Lord's Supper, the same requirement should apply to deacons.

5.8 The Committee recommends alternative (b) for both lay and diaconal administration.

Circumstances

5.9 Under the Deaconesses, Readers and Other Lay Persons Ordinance 1981, the circumstances in which an authorised lay person may exercise various ministries is not prescribed, except that it is to be at the invitation of the minister. Should the circumstances in which an authorised lay person or a deacon may administer the Lord's Supper be specified in legislation? In general terms there are 2 views (see items 4.16 to 4.20), which yield 2 alternatives.

5.10 The narrower view expressed in the changes to the Deaconesses, Readers and Other Lay Persons Ordinance 1981 proposed in the 1985 Synod Committee's Report (see item 4.17) seems to be based on the notion that the minister, being the most "senior" member of the congregation, should be the one who leads the people in this particular liturgy if he is present. Against this see items 2.29 and 2.30. The narrower alternative is that only in the absence of the minister (or if for some other reason the minister is unable to administer) may an authorised lay person or deacon administer the Lord's Supper.

5.11 The broader view (see items 4.19 and 4.20) is based on the understanding reflected in the 1983 Doctrine Commission Report.

"The Lord's Supper is first and foremost a congregational activity the New Testament is silent in defining [the president's] identity. We maintain that the role of the President is relatively unimportant since the focus is not on what he does but on the corporate act of remembering the Lord's death through the total activity of thanksgiving, distributing and eating together (see 1 Cor. 10:16-17)."

5.12 The broader alternative, then, is that the circumstances in which a lay person or a deacon may administer the Lord's Supper should not be prescribed in legislation, except that it should only happen at the invitation of the minister, like other authorised lay or diaconal ministry.

5.13 For some congregations the change may be very significant, and even unwelcome and it is therefore desirable that the parish council and the relevant churchwardens be involved in approving the introduction of lay or diaconal administration to a congregation. Further, the lay person or deacon so authorised would exercise his or her right to decline to administer the Lord's Supper if he/she judged the circumstances inappropriate.

5.14 The Committee recommends the broader alternative.

3 Models

5.15 The various possibilities canvassed here suggest 3 models for lay and diaconal administration of the Lord's Supper.

5.16 In *Model 1*, which places most restrictions on the practice of lay and diaconal administration, persons are permitted to administer the Lord's Supper who -

(a) in the case of lay persons, have an authority to preach under the Deaconesses, Readers and other Lay Persons Ordinance 1981 and in accordance with its regulations, or, in the case of deacons, have a licence to preach; and

(b) have been approved by the appropriate parish council, churchwardens and incumbent and subsequently given an authority or licence by the Archbishop.

Such persons may administer the Lord's Supper only -

(c) when a priest or bishop is not present (or if present is unable to administer the Lord's Supper);

(d) if invited to do so by the minister; and

(e) provided that the parish council and churchwardens have agreed to the introduction of lay or diaconal administration to the congregation in question.

5.17 In *Model 2*, which places least restrictions on the practice of lay and diaconal administration, persons are permitted to administer the Lord's Supper who -

(a) have been baptised;

(b) have been confirmed;

(c) have attained the age of 18 years;

(d) have assented to the doctrine of the Thirty Nine Articles;

(e) have undertaken to obey all lawful and honest commands of the Archbishop; and

(f) have been approved by the appropriate parish council, churchwardens and incumbent and subsequently given an authority or licence by the Archbishop.

Such persons may administer the Lord's Supper -

(g) when invited to do so by the minister; and

(h) provided that the parish council and churchwardens have agreed to the introduction of lay or diaconal administration to the congregation in question.

5.18 In *Model 3*, which is narrow in terms of who may be authorised, but broad in terms of the circumstances in which a lay person or deacon may administer the Lord's Supper, persons are permitted to administer the Lord's Supper who -

(a) in the case of lay persons, have an authority to preach under the Deaconesses, Readers and other Lay Persons Ordinance 1981 and in accordance with its regulations, or, in the case of deacons, have a licence to preach; and

(b) have been approved by the appropriate parish council, churchwardens and incumbent and subsequently given an authority or licence by the Archbishop.

Such persons may administer the Lord's Supper -

(c) when invited to do so by the minister; and

(d) provided that the Parish Council and churchwardens have agreed to the introduction of lay or diaconal administration to the congregation in question.

Recommendation

5.19 *Model 3* recognises the dependence of the ministry of the Sacrament on the ministry of the Word, acknowledges the importance of the parish council and churchwardens, and allows the appropriateness of the circumstances to be evaluated by the minister, parish council and churchwardens. The Committee therefore recommends the consideration of legislation which will give effect to *Model 3*.

5.20 All other relevant matters such as -

- (a) the scope of any authority or license;
- (b) any time limit applicable to any authority; and
- (c) rights for withdrawal of licenses or authorities;

would be, in the case of lay persons, as they may appear in any applicable ordinance or regulation or, in the case of deacons, as they may apply by way of Archbishop's licence. Some aspects of existing ordinances, regulations and procedures may be in need of revision. However that would be an issue for future consideration.

6. Possible Options

Option 1

6.1 *The Administration of Holy Communion Ordinance 1994* amends the Deaconesses, Readers and Other Lay Persons Ordinance 1981, and allows for the authorisation of deacons to administer the Lord's Supper if they are licensed to preach. In both cases the approval of the minister, the parish council and the churchwardens of the church concerned is required. The proposed ordinance also requires the parish council and churchwardens to approve the introduction of lay and diaconal administration of the Lord's Supper to any congregation.

Option 2

6.2 *The Ministry Ordinance 1994* comes to the October 1994 session of Synod at the second reading stage, and in its present form will allow for lay and diaconal administration of the Lord's Supper. However it may be desirable for the bill to be amended. For example instead of giving various parties a power of veto, their explicit approval could be required. A proposed amendment will be circulated to Synod members separately.

Option 3

6.3 *The Lay Assistants at Holy Communion Canon 1973* may allow for all that is envisaged in Synod resolution 16/94 with respect to lay persons and no further legislation may be required. It may be advisable for the Regulations re Lay Assistants at Holy Communion to recognise this situation. In the light of item 4.9 no further legislation may be required for diaconal administration. The Standing Committee has asked its Legal Committee for an opinion on questions related to these possibilities.

Deferral of Third Reading of Any Bill

6.4 In accordance with the recommendation of the Committee the Standing Committee has resolved -

"That Standing Committee in promoting a bill to the next session of Synod to authorise lay and diaconal administration of the Holy Communion recommends to the Synod that the third reading of the ordinance be deferred until a later session of Synod."

For and on behalf of the Committee

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B.C. NEWMAN
J.W. WOODHOUSE

2 August 1994



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The Rt Rev. Rob Forsyth
Bishop of South Sydney

Sydney Diocese
Anglican Church of Australia

21 October 2008

To the ministers in charge of parishes in the South Sydney Region

Lay and diaconal administration of the Lord's Supper

You may be aware that our Synod has passed a resolution which affirmed that "the Lord's Supper in this diocese may be administered by persons other than presbyters". I am writing to you in response to this resolution.

The first thing I want to say is that as with any resolution, this is simply the mind of the Synod voting at the time. It is not, as was pointed out by speakers during the debate, a change of the law or a giving of permission. However, for all that, it does represent an important statement of moral force and certainly invites us to look carefully at the reasons that may be advanced for the position.

I am writing to the ministers in charge of parishes in the region to provide some advice for you as you consider what you might do in response to the motion.

It is important to read and reflect on the report concerning legal barriers to lay and diaconal administration the 2008 Synod book from page 152 or online at the SDS website.

The Archbishop has made clear that he will not authorise deacons or lay people to preside at the Lord's Supper. Therefore such activity is not official diocesan policy as such.

However, it seems to me that there is a reasonable case that deacons presiding at the Lord's Supper is lawful. The case for unordained people presiding at the Lord's Supper is far more difficult to sustain. In the rest of my remarks I will only deal with the question of deacons.

Although we are moving into uncharted waters, I am prepared to give my personal approval to deacons presiding at the Lord's Supper where appropriate. I do this because although it is difficult to be completely certain as to the legal right of the action, I find that the higher need for regular provision of the Lord's Supper in a proper, authorised form compels me to suggest this way forward rather than simply maintain the absolute restriction that the Lord's Supper only be administered by priests/ presbyters.

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However, I believe that there are at least three conditions which should be met before you go ahead and allow a deacon, or someone licensed as a deacon, to celebrate the Lord's Supper in an official church context.

1. The rector of the parish must be convinced in his own mind and have a clear conscience that such an action would not be contrary to any of his promises made at his ordination, especially "to always faithfully administer the doctrines and sacraments, and the discipline of Christ as the Lord has commanded and as this Church has received according to the commandments of God".

I expect the minister also to be aware that, as Article XXXIV points out, to openly break with the traditions and ceremonies of the church purely by private judgement is not acceptable behaviour.

2. There would need to have been good and proper consultation with the members of any congregation involved in the parish in general. This is because for some the question of the orders of the person presiding at the Lord's Supper may be quite important. It is certainly crucial for the minister to have been transparent and respectful of consciences and other people's points of view in making this move. We clergy must always act in a way that protects and respects the rights and consciences of the lay people we serve.
3. As I understand it, a deacon would only ever be able to preside at the Lord's Supper in assisting the priest or presbyter. This means that in whatever form a deacon might conduct the Lord's Supper in your parish, he or she must do so in a way that makes clear that they are assisting and not simply acting as a kind of mini presbyter in their own right. The actual way that this would take place requires some thought and no doubt would vary from parish to parish.

I would appreciate it that if you thought it appropriate, you would let me know of what arrangements you can have in place if you wish to go down this track. I say this because such a move needs to be taken with a certain "fear and trembling" and in a way that keeps us respecting each other and in some measure mutually accountable as leaders and ministers in God's church.

If there is anything you want to raise about what I have written to you, please don't hesitate to contact me.

With every good wish in Christ,



Robert Forsyth
Bishop

st thomas' weekly bulletin letters

This is an archive of the St Thomas' "Weekly Bulletin" letters, written by Simon Manchester and other St Thomas' ministers.

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DATE 26th October 2008

AUTHOR Simon Manchester

TOPIC / KEYWORDS Synod decision to allow lay people to administer communion; Confirmation & Baptism Service on 23rd November; MP3 sermons soon to be available from church website; "Appeal" quotation from William Wilberforce

Dear Friends,

(a) Though of no great interest to our average Australian — a decision was made at our Anglican Synod (Assembly) last week which could change our church gatherings considerably.

It was agreed (by a large majority of the six or seven hundred members) to allow the administration of communion by lay or diaconal persons. The legally binding Prayer Book has made it possible — till now — for only the ordained presbyter (not the newly ordained deacon) to administer communion and the reason has been to safeguard proper communication of the meaning of the service — not some priestly view of the minister.

The issue has been discussed for decades at Synod and there has always been serious concern not to disrupt the fellowship of the global Anglican church — since Sydney is already seen as informal and independent in its style. But last Monday Bishop Glenn Davies and other speakers pointed out:

- there is no biblical warrant to restrict the administration of communion
- there is no legal impediment to our Anglican constitution
- it is time that Sydney acted on the truth of God's Word as an example to the wider church

So — despite some cautions — it was strongly supported.

We have yet to see how this will be translated into practice — but it opens the way for many new freedoms in the truth of God's Word.

(b) Speaking of church traditions — a helpful one historically has been "Confirmation" where people baptised as children have their opportunity to "confirm" their faith publicly and to be "confirmed" as welcome members of the church.

We have advertised this at length through our noticesheet and now have about 12 candidates beginning classes on 26th October (today), 2nd, 9th, & 16th November from 5–6pm in the North Sydney Community Centre (beside our Cottage Hall).

The Confirmation service will be 7pm on 23rd November when Bishop Glenn Davies will be with us — and some who have never been baptised will make their public profession of faith in baptism.

(c) We are working on making it possible to download sermons from our website, and plan to launch this resource in November.

(d) From William Wilberforce's written "Appeal" at the end of his long life to abolish slavery:

"though many of the physical evils of our colonial slavery are cruel and odious and pernicious, the almost universal destitution of religion [meaning Christian gospeling] and moral instruction among the slaves is the most serious of all the vices."

Yours in fellowship,
Simon Manchester



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st thomas' weekly bulletin letters

This is an archive of the St Thomas' "Weekly Bulletin" letters, written by Simon Manchester and other St Thomas' ministers.

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DATE 2nd November 2008

AUTHOR Simon Manchester

TOPIC / KEYWORDS The "Imagine If..." campaign: gathering ideas for our future planning; Parish Council vote on Deacons to administer Communion; New daytime Christianity Explained course in November; Comments on the book: "God Actually" by Roy Williams

Dear Friends,

(a) Do you want to know why (last week and this week) we have produced the "Imagine if..." notice in our Sunday services?

It was to get the congregations thinking spontaneously about the needs you perceive to be most urgent — as we seek to do the Lord's work as faithfully as we can — especially in reaching the next generation.

The benefits of this 'collection of ideas' is to find out if there are any general themes that emerge and (perhaps) any original ideas which would influence or guide our building decisions.

Our property committee has always worked faithfully and hard to meet the most pressing needs and often this has meant completing a big (urgent) project while smaller (less urgent) ones have to wait. But your ideas will help form the committee's understanding of the congregational priorities.

Obviously our best ideas may have to wait. But they will all be read and listed and prioritised and published soon — so our sincere thanks for your thought. It is not wasted.

(b) The Parish Council last Monday voted to allow clergy at St Thomas' who are deacons (and approved by the Rector of St Thomas') to administer Communion at St Thomas'. Since we allow them to handle the Word of God we should trust them to read/pray the set words for the Lord's Supper!

(c) I am planning to run a short "Christianity Explained" course in the day — just three Tuesdays and just an hour each time — from this week.

So it begins this Tuesday (November 4, 11, 18) and you are invited to join. It will be held in my study in the Ministry Centre from 11am–12 noon. You are welcome!

(d) You may have noticed the ABC book doing well in Sydney at the moment called "God Actually" by Roy Williams. The first half is full of helpful information — especially the sort of information to answer the Dawkins' views being peddled. But beware the second half of the book — it introduces an "opinion-based" faith that is really non-Christian. This sentence captures something of the flavour — "I believe that it may be possible for a person who does not practise any religion or even to have heard of the Christian Church to achieve a state of grace that is acceptable to God" (p. 305).

Such a sentence makes the book a dangerous one to give to a sceptical friend — it has no grasp of Scripture as the basis for faith and may reinforce their 'optional' view of Christ.

Yours in fellowship,
Simon Manchester



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I, John Reynolds Bunyan, clerk in Holy Orders, of 7 Richard Avenue, Campbelltown, NSW,

do solemnly and sincerely declare that:

Following the passing of a motion by the Synod of Sydney Diocese in 2008 affirming the celebration of the Holy Communion by deacons and lay persons, the then Rector of Campbelltown, Canon Peter Stavert, published a statement in the Sunday bulletin at a service at which I was present that lay and diaconal celebration of Holy Communion was now approved.

At a subsequent Women's Guild service of Holy Communion held in St Peter's Church, the service was celebrated by Mr James Carter-Locke, a layman holding the title of "Honorary Assistant Minister". Members of the Guild expressed their surprise and concern to me and to others and I and at least one other person wrote to the Parish Council to express our concern. The present Acting Rector, the Reverend Philip Bassett, has recently stated in writing that this celebration by Mr Carter-Locke was authorised by Canon Stavert. I believe that at least two and possibly three priests, including myself, were available to celebrate on that day.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

John Bunyan

Declared at Bankstown on the thirteenth day of November, AD 2009 before me:

Chris Christou J.P.
Justice of the Peace)

Chris Christou
Justice of the Peace
Reg. No. 144195

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