

**In the Appellate Tribunal
of the Anglican Church of Australia:**

Reference in the matter of lay and diaconal presidency

Submission of the 28 Signatories

In reply to the Submission of Bishop Glenn N Davies

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Reply of the 28 Signatories to the submission of Bishop Glenn N Davies

1. Bishop Glenn Davies asks the Tribunal to interpret the *Ordination Service for Deacons Canon 1985* so as to constitute the authority of General Synod for a deacon ordained under that Canon, but no other, to preside at Holy Communion. That exercise in interpretation to discern the intention of General Synod requires the Tribunal to consider the language of the Canon in the context of the National constitution and the legislation that General Synod has otherwise passed touching on the issue of the authority and role of a deacon.
2. That context includes the Book of Common Prayer (referred to in the Constitution), the *Australian Prayer Book Canon 1977*, the *Ordination Service for Deacons Canon 1985* and the *Prayer Book for Australia Canon 1995*. The consistent approach of this legislative scheme so far as it relates to the question at hand is to ascribe different roles to the priest on the one hand and the deacon on the other hand.
3. The priest is to administer the sacrament, the deacon to assist the priest. See the attached table and compare the language. Bishop Davies appears to accept that the Book of Common Prayer confers no authority on the deacon to preside at Holy Communion. He also appears to accept that that the *Australian Prayer Book Canon 1977* and the *Prayer Book for Australia Canon 1995* confers no such authority. Bishop Davies asks the Tribunal to interpret the *Ordination Service for Deacons Canon 1985* so that it has a different operation.
4. He asks the Tribunal to accept that the language used in the *Ordination Service for Deacons Canon 1985* in relation to the role of the deacon has in substance the same meaning and effect as the language that General Synod used in the *Australian Prayer Book Canon 1977* in relation to the role of the priest; that both can preside at Holy Communion. This ignores the clear reference in the *Ordination Service for Deacons Canon 1985* to the deacon ‘taking your part... in administering the sacraments’ rather than being the sole actor.
5. His submission ignores the careful language used in the above Canons seeking with some particularity to delineate separate and distinct roles for the priest and the deacon. It ignores the historical context of the Book of Common Prayer and asks the Tribunal to accept this conclusion even if sometimes General Synod legislation has unpalatable outcomes.
6. Both the 1662 and 1978 services of ordination of deacons and priests are consistent in making clear distinctions as to the nature of the role of the deacon and the priest in relation to the administration of the sacraments. In both these deacons’ ordination services, the terms “assist” and “help” are used in relation to the sacraments, whereas in both cases the authority given to the priest at ordination in relation to the sacraments is the specific and unambiguous authority to minister or administer.

7. If, as Bishop Davies has submitted, the language of assistance used in the 1985 deacons' ordination service authorizes the deacon to preside at Holy Communion (paragraphs 40 ff), then the question arises as to why the claim could not also be made that the deacons' ordination services 1662 and 1978 do not similarly authorize diaconal presidency. The Signatories submit that, on the basis of this language, either all of the three deacons' ordination services authorize diaconal presidency or none does.
8. Further, as the Signatories have already submitted (paragraphs 65 to 70 inclusive of the Applicants' Submissions), the 1995 ordination services in *A Prayer Book for Australia* maintain the same distinctions of language in relation to the sacraments as made in the earlier authorised ordination services. The introduction to the services states unequivocally that

The limitations on the scope of the diaconate are maintained in accordance with the Ordinal in The Book of Common Prayer...The deacon's office... involves assisting others in ministry...
9. The introduction thus makes it clear that the restrictions on the diaconal role in the *BCP Ordinal* remain unchallenged in the 1995 service. It has not been submitted that the 1995 ordination service for deacons constituted a conscious and deliberate revocation of the supposed new level of authority given to deacons by the 1985 service.
10. Nor, despite the clear statement in the introduction, has it been argued that the 1995 service removed the supposed tacit authority given by the 1985 ordination service for deacons to baptise candidates of any age, regardless of the presence or otherwise of the priest, as argued by Bishop Davies in paragraph 7.6 and elsewhere. Changed diaconal baptismal practice, if in fact this flows directly from the 1985 service, cannot therefore be the basis for a claim that the 1985 deacons' ordination service authorises diaconal presidency at Holy Communion.

M.W. SHAND

for the Signatories

19 February 2010

TABLE OF SERVICES

<p>“The Form and Manner of Making of Deacons” in <i>The Book of Common Prayer</i> (1662)</p>	<p>‘The Ordering of Priests’, in the <i>Book of Common Prayer</i> (1662)</p>
<p><i>It appertaineth to the Office of a Deacon, in the Church where he shall be appointed to serve, <u>to assist the Priest in Divine Service, and specially when he ministereth the holy Communion, and to help him in the distribution thereof</u> [emphasis added]...</i></p>	<p><i>Take thou Authority to preach the Word of God, and <u>to minister the holy Sacraments</u> in the Congregation, where thou shalt be lawfully appointed thereunto. [emphasis added]</i></p>
<p>“The Making of Deacons” in <i>An Australian Prayer Book 1978</i></p>	<p>The Ordering of Priests in <i>An Australian Prayer Book 1978</i></p>
<p><i>It pertains to the office of a deacon, in the church where he is appointed to serve, <u>to assist the priest in divine service, and help him in the administration of the holy communion...</u> [emphasis added]</i></p> <p>The Bishop again gives two forms of authority:</p> <p><i>Take authority to execute the office of a Deacon in the church of God, now committed to you...</i> and <i>Take authority to read the Gospel in the Church of God, and to preach the same if you are so licensed by the Bishop.</i></p>	<p><i>Take authority to preach the word of God, <u>and to administer the holy sacraments</u> in the congregation in which you shall be lawfully appointed to do so [emphasis added]</i></p> <p>and, in laying hands on the priest, the Bishop says:</p> <p><i>Receive the Holy Spirit for the office and work of a priest in the church of God... <u>and be a faithful dispenser of the word of God and of his holy sacraments...</u> [emphasis added]</i></p>
<p>The form of service prescribed by the <i>Ordination Service for Deacons Canon 1985</i></p>	
<p><i>As deacons, you are to model your life according to the word of God. You are to be faithful in prayer, <u>and to take your place with bishop, priest and people in public worship and at the administration of the sacraments.</u> [emphasis added]</i></p> <p>and in interrogating the candidates, the Bishop asks:</p> <p><i><u>Will you take your part in reading the holy scriptures in the church, in teaching the doctrine of Christ, and in administering the sacraments?</u> [emphasis added]</i></p> <p>Laying hands on the candidates, the Bishop, giving a copy of the New Testament, gives the following authority:</p>	

<p><i>Receive <u>this</u> sign of your authority to proclaim God's word <u>and to assist in the administration of his holy sacraments.</u></i> [emphasis added]</p>	
<p>“The Ordination of Deacons” service in A Prayer Book for Australia 1995</p>	<p>“The Ordination of Priests” service in A Prayer Book for Australia 1995</p>
<p><i>Together with your bishop, priest and people, <u>you are to take your place in public worship, assist in the administration of the sacraments,</u> and play your part in the life and councils of the church...</i> [emphasis added]</p> <p>Examining the candidates, the Bishop asks:</p> <p><i>Will you <u>take your part in reading the holy Scriptures in the church and in assisting the priest to teach the doctrine of Christ and administer the sacraments?</u></i> [emphasis added]</p> <p>Giving authority to the newly-ordained deacon, the Bishop says:</p> <p><i>Take authority to exercise the office and ministry of a deacon in the Church of God...</i></p>	<p><i>Take authority to preach the word of God, <u>and to minister the holy sacraments in the congregation where you are appointed</u></i> [emphasis added]</p>