

Appellate Tribunal

Questions on Lay and Diaconal Administration of the Lord's Supper

Submissions by The Rector of the Parish of Christ Church St Laurence, Sydney, The Rector of Parish of St John the Evangelist, Gordon, The Rector of the Parish of St John the Evangelist, Dee Why and a Parishioner of the Parish of St John the Evangelist, Gordon, all of which parishes are in the Diocese of Sydney

Introduction and Summary

1. By written request of 25 members of General Synod dated 17 June 2009 made to the Primate under section 63(1) of the Constitution, 6 questions arising under the Constitution of the Anglican Church of Australia have been referred to this Tribunal. We submit that for the reasons set out below those questions should be answered as follows:

1. No.
The *Lay Assistants at Holy Communion Canon 1973* of General Synod does not have the effect that a lay person's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.
2. No.
The *Authorised Lay Ministry Canon 1992* of General Synod does not have the effect that a lay person's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.
3. No.
The *Ordination Service for Deacons Canon 1985* of General Synod does not have the effect that a deacon's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.
4. No.
The *Canon Concerning Services 1992* of General Synod does not have the effect that a deacon's or lay person's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.
5. No.
There are no other canons of General Synod that have the effect that lay persons' presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.
6. No.
The resolution No 27.08 of 2008 of the Synod of the Diocese of Sydney in affirming that the Lord's Supper in the diocese may be administered by persons other than priests (described as "presbyters" in the resolution) is not consistent with nor is it in accordance with the Constitution of the Anglican Church of Australia and the canons made thereunder.

The Constitutional Position

2. It should be accepted that there is no dispute or doubt that prior to the Constitution of the Anglican Church of Australia coming into effect:
 - (a) the consensual compact and the relevant enactments applicable in the Diocese of Sydney did not permit, authorise or make provision for a deacon's or a lay person's presiding at, administering or celebrating the Holy Communion;
 - (b) it was legally incorrect to assert that the Holy Communion, or Lord's Supper, in the Diocese of Sydney might be administered by persons other than priests (whether so described or described as "presbyters").
3. Section 71 of the Constitution of the Anglican Church of Australia provides in part:
 - (1) *Every consensual compact and every enactment in force in the Church of England in the diocese of Australia and Tasmania, or in any province or diocese which has become or becomes a province or diocese to which this Constitution applies shall insofar as they are not inconsistent with this Constitution, continue in force in this Church or in the province or diocese, until altered under this Constitution or under the constitution of the province or diocese.*
 - ...
 - Nothing in this Constitution shall authorise the synod of a diocese or of a province to make any alteration in the ritual or ceremonial of this Church except in conformity with an alteration made by General Synod.*
 - (2) *The law of the Church of England including the law relating to faith ritual ceremonial or discipline applicable to and in force in the several dioceses of the Church of England in Australia and Tasmania at the date upon which this Constitution takes effect shall apply to and be in force in such dioceses of this Church unless and until the same be varied or dealt with in accordance with this Constitution.*
4. Whether or not there are any other obstacles to such a course, any change in who may preside at, administer or celebrate the Holy Communion would involve an "alteration in the ritual or ceremonial" of the Church. In accordance with section 71(1) of the Constitution, a synod of a diocese would only be authorised to make such a change "in conformity with an alteration made by General Synod".
5. Moreover, even if, as some have argued, the proposition in the preceding paragraph is not correct, any change in who may preside at, administer or celebrate the Holy Communion is a matter which affects the Church as a whole and, accordingly, would require a General Synod canon authorising such a change¹.

¹ Opinion of the majority of the Appellate Tribunal given on 24 December 1997. This is also consistent with the recent comments of the Archbishop of Canterbury in the paper "Communion, Covenant and our Anglican Future" dated 27 July 2009, paragraphs 16 to 18, which suggest that the matter of lay presidency may well affect not only this Church as a whole but also the Anglican Communion as a whole. (The paper may be accessed at <http://www.archbishopofcanterbury.org/2502>).

How the Questions Before the Tribunal Arise

6. By its resolution No 27.08, the Synod of the Diocese of Sydney has purported to “*affirm that the Lord’s Supper may be administered by persons other than presbyters*” intending thereby to refer to both deacons and lay persons. The basis for this resolution, even accepting a canon of General Synod was required, was apparently that²:

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.

7. Despite the tentative nature of the opinion put forward, indicated by the use of the words “*may ... exist*”, the suggestion was then made to the Synod of the Diocese of Sydney that there actually was a way of permitting deacons to preside at, administer or celebrate the Holy Communion in the following terms³:

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.

8. In relation to lay persons presiding at, administering or celebrating the Holy Communion, the Synod of the Diocese of Sydney was told that the *Canon Concerning Services 1992* and *Lay Assistants at Holy Communion Canon 1973* could be relied upon to support either a form of service approved by Sydney Diocese that permitted a lay person to preside at, administer or celebrate the Holy Communion or the Diocese could permit lay persons to “assist the priest in ministering ... the Holy Communion” by administering any part or all of the Lord’s Supper⁴.
9. The issues before the Tribunal can be summarised as being whether these aspects of the views put to the 2008 Session of the Synod of the Diocese of Sydney and apparently accepted by the Synod when it passed resolution No 27.08 were legally correct. Or, in other words: Do the *Ordination Service for Deacons Canon 1985*, the *Canon Concerning Services 1992* and the *Lay Assistants at Holy Communion Canon 1973* or any other canon of General Synod, on their proper construction, authorise persons other than priests to preside at, administer or celebrate the Holy Communion?
10. We submit that the answer is in all cases “No” and the views put to and apparently adopted by the Sydney Synod were wrong and that paragraph (c) of the resolution of the Sydney Synod was ill founded, incorrect and of no effect.

² 2008 Session of Synod “Annual Report of the Standing Committee and Other Reports and Papers” issued by the Standing Committee of the Synod, Anglican Diocese of Sydney (“Sydney 2008 Report”), at page 164 paragraph 61.

³ Sydney 2008 Report at page 165 paragraph 69.

⁴ Sydney 2008 Report at page 165 paragraphs 65 to 68.

11. We shall deal first with the *Ordination Service for Deacons Canon 1985*, then the *Lay Assistants at Holy Communion Canon 1973*. We shall next consider whether the *Canon Concerning Services 1992*, if adopted by the Diocese of Sydney, or any other canon of General Synod would authorise non-priestly celebration of the Holy Communion. Finally, we address other considerations which militate against the constructions and conclusions expressed in paragraph (c) of resolution No 27.08 of the Sydney Synod.

Ordination Service for Deacons Canon 1985

12. A number of observations may be made about *Ordination Service for Deacons Canon 1985*. First, from the title, preamble and contents of the Canon, it is clear that its purpose and intent was merely to authorise an additional form of service for the ordination of deacons. It would be straining the Canon as a whole to extract from it an alteration in the functions and duties of a deacon. Such a strained reading of the Canon is both inappropriate and unnecessary.
13. Secondly, the order or office of deacon is assumed by the Canon already to exist and the functions and authority of that order or office already to have been defined. The Canon does not purport to alter or redefine that order or office.
14. Thirdly, and more specifically, there no indication whatsoever that after passage of the Canon the functions or authority of deacons generally are to be different from what they were before. Indeed, nothing in the Canon itself refers to the functions or authority attaching to the office of deacon in the Church. It is only in the form of service set out in the schedule to the Canon that the functions or authority of deacons are touched upon.
15. Fourthly, where the functions or authority of deacons are referred to in the form of service in the schedule to the Canon, they do not include any words expressly authorising a deacon to preside at, administer or celebrate the Holy Communion. The closest the form of service comes to referring to the Holy Communion is in the Bishop's instruction in section 7, in one of the Bishop's question in section 7 and in the last paragraph of section 10.
16. In the Bishop's instruction, he says to the candidates:

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.
17. On the natural meaning of these words, it appears that the Bishop is instructing the candidates for ordination as a deacon that they should be faithful in prayer and attend or be present at the services of the church: "take your place ... in public worship and at the administration of the sacraments" (underlining added). The preceding sentence, in which they are exhorted to model their lives according to the word of God, supports this reading of the instruction as focused upon how deacons are to model their lives. The

context and content of the words do not suggest that deacons are being given authority by this instruction to preside at, administer or celebrate the Holy Communion.

18. Next, the relevant question by the Bishop in section 7 is:

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

19. Prior to the passage of the Canon and after, it was well understood and accepted that a deacon often did have a part in administering the Holy Communion. This is illustrated, for example, in the Second Order of the Holy Communion in An Australian Prayer Book 1978 where in the introduction to that form of service it is noted⁵:

The parts of the service are set out for three different ministers: the presiding priest or bishop; the deacon or assisting priest; and other ministers or authorized assistants.

20. Again on the natural meaning of the words used in the Bishop's question, "your part ... in administering the sacraments" refers, in relation to the Holy Communion, to the accepted role of the deacon as an assistant, but never the president, in the administration of that sacrament. Similarly, in relation to Baptism, a deacon can take part in the administration of that sacrament. All that the Bishop is asking is whether the candidate is willing to take whatever part is appropriate to a deacon in, among other things, the administration of the sacraments.

21. There is neither any necessity nor any reason to construe these words as requiring or producing the result that if a deacon may baptise an infant, a deacon must also be authorised to preside at, administer or celebrate the Holy Communion. The words are part of a question asked of a candidate, not a conferral of authority and, especially, not the conferral of a novel and controversial authority.

22. Finally, at the end of section 10 of the form of service, the Bishop gives the deacon the New Testament and says:

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

23. The deacon has, from the very earliest times of the Church, had the role of assisting in the administration of Holy Communion but deacons have not had the authority to preside at, administer or celebrate the Holy Communion⁶. If there were any doubt about this matter it was clarified in Canon 18 of the Ecumenical Council of Nicea in 325AD which said:

18. It has come to the attention of this holy and great synod that in some places cities deacons give communion to presbyters, although neither canon nor custom allows this, namely that those who have no authority to offer should give the body of Christ to those who do offer. Moreover it has become known that some of the deacons now receive the Eucharist even before the bishops. All these

⁵ An Australian Prayer Book 1978 page 134.

⁶ Note the views of Ignatius of Antioch, writing circa 110AD, where he states that Deacons are not ministers of meat and drink, i.e. the Holy Communion.

*practices must be suppressed. Deacons must remain within their own limits, knowing that they are the ministers of the bishop and subordinate to the presbyters. Let them receive the Eucharist according to their order after the presbyters from the hands of the bishop or the presbyter. Nor shall permission be given for deacons to sit among presbyters, for such an arrangement is contrary to the canon and to rank. If anyone refuses to comply even after these decrees, he is to be suspended from the diaconate.*⁷

24. This position was continued in the 1662 Book of Common Prayer and subsequent Australian prayer books where the sacred minister who presided at the Holy Communion and consecrated the elements was always a priest but a deacon was permitted to "assist".
25. These words at the end of section 10 of the form of service are a recognition of the deacon's authority consistent with the practice and doctrine of the Early Church as continued by the Church of England and the Anglican Church of Australia. The words do not purport to, nor should they be construed so as to, confer more extensive authority on a deacon than existed before the Canon was passed.
26. Fifthly, if (contrary to what has been submitted above) the effect of the 1985 Canon was, as the Sydney Synod apparently accepted, to confer on deacons the authority to preside at, administer and celebrate the Holy Communion, because of the use of some or all of the words in the form of service identified above, a curious if not absurd result would follow. A deacon ordained using the form of service in the schedule to the 1985 Canon would be authorised to preside, administer and celebrate the Holy Communion. A deacon ordained using the form of service in the 1662 Book of Common Prayer or An Australian Prayer Book 1978 would not be so authorised because of the different wording. Thus, there would be two classes of deacons with different functions and authority.
27. A construction of the 1985 Canon which produced such a result ought to be rejected. The construction proposed in these submissions would avoid such an anomalous position.
28. In summary, we submit that the *Ordination Service for Deacons Canon 1985* does no more than authorise an additional form of service that may be used for the ordination of deacons in the Church. It does not confer on deacons generally, or on deacons ordained using that form of service, any authority to preside at, administer or celebrate the Holy Communion.
29. In so far as paragraph (c) of resolution No 27.08 of the Sydney Synod was based upon the *Ordination Service for Deacons Canon 1985*, it provides no legal support for the conclusion expressed in that paragraph.

⁷ In another translation: "It has come to the knowledge of the holy and great council that in some districts and cities, deacons are administering the Eucharist to the priests, even though neither church law nor custom permits that those who have no right to offer it should give the body of Christ to those who can offer it. It has also become known to us that certain deacons now handle the Eucharist even before the bishops. Let all such practices be abolished, and let the deacons remain within their own bounds, knowing that they are the servants of the bishop and at a lower rank than the priests. Let them receive the Eucharist according to their rank, after the priests, and let either the bishop or the priest administer it to them. Furthermore, do not let the deacons sit among the priests, for that is contrary to canon and order. And if, after this decree, any one shall refuse to obey, let him be deposed from the diaconate."

Lay Assistants at Holy Communion Canon 1973

30. This 1973 Canon has been adopted by the Diocese of Sydney and remains in force in the diocese. The relevant provision is section 1 which provides:

Lay persons being communicants may be authorised by the bishop to assist the priest in the ministering and distribution of the Holy Communion.

31. This section establishes that lay persons may be authorised to assist or help the priest in ministering and distributing the Holy Communion. The context in which it was to operate was one where the prayer of consecration was required to be offered by the priest, in accordance with the relevant form of service set out in the 1662 Book of Common Prayer or subsequent Australian prayer books.

32. On an ordinary and natural meaning of the words in section 1 in this context, the section permitted lay persons to help the priest with aspects of the Holy Communion that were not required to be performed by the priest. One such aspect specifically mentioned in the section was the distribution of the consecrated elements. Other aspects which lay persons could be permitted to perform include, for example, those referred to in the introduction to the Second Order of the Holy Communion in An Australian Prayer Book 1978 as the part for "*other ministers or authorized assistants*"⁸.

33. The construction apparently accepted by the Sydney Synod was that authorising lay persons "*to assist the priest in the ministering ... of the Holy Communion*" includes authorising them to conduct the service of Holy Communion, including the consecration of the elements, in its entirety. There are at least two specific reasons why such a construction should not be adopted.

34. First, the words "*to assist [someone] in*" doing something do not mean the same as to assist someone by doing something. When A assists B in doing X, B remains the principal actor in X and A is merely an assistant or helper. For this reason, the ordinary meaning of the words suggests that the priest must remain the principal actor in ministering the Holy Communion and the lay person merely assists. This form of words having been used, it could not be the case that a lay person could be authorised to replace the priest entirely and administer the whole service of Holy Communion. If that had been intended, the words of the Canon might rather have been "*to assist the priest by the ministering of the Holy Communion*".

35. Secondly, the construction apparently accepted by the Synod is inconsistent with the liturgical context in which the Canon was to operate, that is, one where the priest was a necessary participant in the service of Holy Communion.

36. It might be noted here that even if the Diocese of Sydney were to adopt the *Authorised Lay Ministry Canon* 1992, this would not support the resolution passed by the Synod. The relevant portion of that Canon is section 3(1)(c) which provides:

⁸ An Australian Prayer Book 1978 page 134.

- (1) *A lay person who is a communicant member of this Church may be authorised by the bishop of a diocese to exercise within and for this Church in that diocese one or more of the following lay ministries:*

...

- (c) *assistance to the priest in the ministration and distribution of the Holy Communion;*

37. The wording of this Canon is relevantly indistinguishable from the wording of the 1973 Canon and the same arguments apply.
38. For these reasons, we submit that the construction apparently accepted by the Synod of the Diocese of Sydney of section 1 of the *Lay Assistants at Holy Communion Canon 1973* is wrong.
39. The *Lay Assistants at Holy Communion Canon 1973* (and the *Authorised Lay Ministry Canon 1992*) provide no legal support for the conclusion expressed in paragraph (c) of resolution No 27.08.

Canon Concerning Services 1992

40. Sections 4 and 5 of the *Canon Concerning Services 1992* provide in part:

4(1) *The following forms of service are authorised:*

- (a) *the forms of service contained in the Book of Common Prayer;*
- (b) *such forms as may have been authorised, as regards a parish, pursuant to the Constitution or a canon of the General Synod in force in the diocese of which that parish is part.*

(2) *Every minister must use only the authorised forms of service, except so far as the minister may exercise the discretion allowed by section 5.*

5(1) *The minister may make and use variations which are not of substantial importance in any form of service authorised by section 4 according to particular circumstances.*

(2) *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.*

...

41. In relation to this Canon, the Sydney 2008 Report stated⁹:

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.

42. In reaching this conclusion, the authors of the Sydney 2008 Report rely in particular upon section 5(2) of the Canon. This, however, is misguided. Section 5(2) only applies where there is "an occasion for which no provision [by way of a form of service] is made". The occasion when the Lord's Supper is to be administered or celebrated is not such an occasion. The forms of service for that occasion have been provided under section 4 of the Canon.

⁹ Sydney 2008 Report at page 165 paragraph 65.

43. In so far as the Sydney Synod relied upon the *Canon Concerning Services* 1992 as supporting paragraph (c) of its resolution No 27.08 that reliance was misguided and wrong. The *Canon Concerning Services* 1992 provides no basis for permitting deacons or lay person to preside at, administer or celebrate the Holy Communion.

Other Canons of General Synod

44. We are not aware of any other Canons of General Synod, nor has any other such canon been referred to (as far as we are aware) by any other party, which would support the introduction of lay or diaconal presidency in the Diocese of Sydney.

General Considerations Contrary to the Construction Relied Upon by the Sydney Synod

The Three Orders

45. It is clear beyond dispute in the light of section 3 of the Constitution that one of the Fundamental Declarations is that the Church will “*preserve the three orders of bishops, priests and deacons in the sacred ministry.*” The construction of the Canons apparently relied upon by the Sydney Synod undermines that Declaration as the distinctions between the order of priest and the order of deacon would effectively be abolished or reduced to the trivial if those constructions were correct. To construe those Canons as authorising diaconal celebration of the Holy Communion, let alone, lay celebration would be the antithesis of preserving the three orders of sacred ministry.
46. Further, the Constitution in section 4 enshrines the Book of Common Prayer (and Ordinal) together with the 39 Articles as the authorised standard of worship and doctrine for our church and states that no alteration in or permitted variations from the services or Articles contained in them should contravene any principle of doctrine or worship laid down in that standard. Thus, the Canons of General Synod should be construed so as not impinge upon this principle.
47. The Ordinal within the Book of Common Prayer sets out not only what the orders of ministry are, but their function in relationship to each other. So the Bishop holds the entire sacramental ministry within himself, the priest: reading God’s word and preaching from it, Baptism, Holy Communion, the conducting of weddings, and Confession. The Deacon: reading God’s word and assisting the Priest, among other aspects of servant ministry. This division is further clarified within the Order for Administration of Holy Communion. It is identified that the Priest shall officiate, and say the words of institution. Cranmer and the subsequent reformers who finally framed the 1662 Prayer Book had ample opportunity to change this aspect, but chose deliberately not to. While there certainly were very vigorous reformers within the English church who clearly wanted to see a continental style reformation in England, the English Church resisted this pressure, and so while it is clearly reformed it is also Catholic, and has never claimed a theology of its

own. It has always claimed that it is Catholic and Apostolic, tracing its theology back through the Church Catholic seeking to jettison that which was clearly not sustainable by the Bible, yet maintaining some traditions that went back to the primitive Church such as the threefold order of ministry. This was expressly continued in the Constitution of the Anglican Church of Australia. The Sydney Diocese as part of this Church cannot by resolution or a tendentious construction of Canons of General Synod change that aspect of the Church.

No Equivalence of, or lack of Hierarchy in relation to, the sacraments of Baptism and Holy Communion

48. One strand of reasoning relied upon to support the conclusion adopted by the Sydney Synod in paragraph (c) of resolution 27.08 is the asserted equivalence of, or lack of hierarchy in relation to, the sacraments of Baptism and Holy Communion. It is then in effect argued that because a deacon or a lay person may baptise, it must follow that a deacon or a lay person may preside at, administer or celebrate the Holy Communion. The Sydney 2008 Report puts it this way¹⁰:

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

49. This reasoning is flawed on a number of grounds. First, the authority of a deacon to administer the sacrament of Baptism does not depend upon the wording of the form of service used for his or her ordination. It is universally accepted that deacons and lay persons may baptise. The authority to preside at, administer or celebrate the Holy Communion is likewise not dependent upon the form of service used in ordaining a priest, it is inherent in the priestly order. Thus the underlying premise of the argument is misconceived. Secondly, the expression "hierarchy of sacraments", while superficially plausible, can be seen on reflection to be either meaningless or wrong if it means that the two sacraments of Baptism and the Holy Communion are equivalent, operate in the same way or must be capable of being administered by the same persons. A number of these matters will be examined in greater detail below.

50. In putting the arguments in favour of lay and diaconal celebration of the Holy Communion, some stress has been put on the term "administration" and cognate expressions, especially in their usage in the orders of service for the Ministration of Baptism and the Administration of the Lord's Supper in the Book of Common Prayer. It appears that part of the argument relied upon by the Sydney Synod was that since deacons in the absence of the priest (and even lay people in an emergency) may under the Book of Common Prayer minister the sacrament of Baptism, and in this way "assist" the priest by the administration of that sacrament, the authority to "assist" the priest in the administration of the Holy Communion under the *Ordination Service for Deacons Canon 1985* and the *Authorised Lay Ministry Canon 1992* also

¹⁰ Sydney 2008 Report at page 164 paragraph 63.

involves the authority to administer the whole of the rite of the Lord's Supper. Why this is mistaken on the proper construction of the canons has been dealt with in the submissions above. Nonetheless, even if the those submissions were not accepted, it does not follow that if a person may minister the sacrament of Baptism, they may also preside at, administer or celebrate the Holy Communion. This is because the two dominical sacraments are not equivalent or identical in nature or operation. For this reason, the position adopted by the Sydney Synod is wrong and it may be that the Appellate Tribunal also erred in its 1997 Opinion that Lay and Diaconal celebration of the Holy Communion could be authorised by a canon of General Synod (if that were relevant).

The Crucial Differences

51. In particular, it is essential to appreciate that in the case of the Holy Communion or Lord's Supper, but not in the case of Baptism, there is a Prayer of Consecration. The implications of this for an understanding of the meaning of "administration" and "assist" in the respective cases are considered below. If the terms "ministration" and "administration" are taken to mean the same thing in Baptism, the Lord's Supper and the canons previously referred to, it must first be asked what in fact do they mean? And what in fact is being administered in each case?
52. The Catechism in the Book of Common Prayer defines a Sacrament as "*an outward and visible sign of an inward and spiritual grace*". But when it comes to defining the outward sign and spiritual grace of Baptism and the Lord's Supper, there is no straightforward equivalence between the sacraments.
53. In Baptism, the outward sign is identified as water. The inward grace of Baptism is described in terms of the sacrament's effects on the one who receives it, namely "*a death unto sin, and a new birth unto righteousness ...*"
54. But in the case of the Lord's Supper, where the outward sign is identified as bread and wine, the inward part is not the effects of the sacrament. It is clearly identified as "*the Body and Blood of Christ, which are verily and indeed taken and received by the faithful in the Lord's Supper*". After defining the inward part of the sacrament, the benefits for the partakers are described, namely "*the strengthening and refreshing of our souls ...*". Baptism's inward part is described in terms of its effects on the recipient. The inward part of the Lord's Supper is described in terms of what is signified by the bread and wine. The effect on the recipient is the result of what is signified. It is not, according to the Catechism, the inward part of the sacrament.
55. Furthermore, the sacrament of Baptism consists of the pouring or washing with water, using the Biblical formula of the Trinitarian Names as commanded by Jesus. Although there is a prayer to "sanctify" the water, its significance is still precisely that it is water. The order for the Ministration of Private Baptism of

Children in the Book of Common Prayer for “*when need shall compel them*” does not require the prayer over the water for the sacrament at all to be “*lawfully and sufficiently administered*”.

56. In the case of the Lord’s Supper, however, before the bread and wine can be administered, it is required that the priest say the Prayer of Consecration. This consecration is clearly of the utmost importance in the Communion Service. If the consecrated bread and wine is insufficient for all to communicate, it is necessary to “*consecrate more according to the form prescribed*”. Consecrated and unconsecrated bread and wine are to be treated differently from each other. If any bread or wine remain unconsecrated, “*the curate may have it to his own use*”. But, if it has been consecrated it must not be put to profane use but must be reverently consumed.
57. It is evident from this that the Book of Common Prayer is emphatic that the lawful consecration, not just the receiving or “administration” or “distribution” of the bread and wine, are required for the “inward sign” of the sacrament. The consecration of the bread and wine therefore marks a significant difference between the administration of the sacrament of Baptism and the administration of the Lord’s Supper in Anglican formularies. The water of baptism is “*sanctified for its use*”. The bread and wine of the Lord’s Supper are necessarily consecrated as “signs”.

Consecration is a Headship Role

58. In the New Testament the word “consecrate” is sometimes used to translate *ἀγιάσων*, for example in the prayer of Jesus at the last supper in John’s Gospel. “*For their sake I consecrate (ἀγιάζω) myself, that they may be consecrated (ἁγιασμένοι) in truth*” (Jn 17: 19). This prayer to the Father is one of self-offering in anticipation of his atoning sacrificial death on the cross, and is rightly called his High Priestly prayer. The synoptic gospels record the institution of the Lord’s Supper on the same occasion, as the “*perpetual memorial of his precious death until his coming again*”.
59. In contrast to his diaconal role when he took the towel and washed the disciples feet, setting them an example that they should love and serve one another, in these later passages Jesus acts in his unique role as the Saviour, a priest after the order of Melchizedek and the atoning sacrifice, the One who will suffer death on the cross, and who will make 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*”. Consecration is a solemn act by one who stands in a relationship of authority over those who are consecrated or who receive the fruits of what is consecrated. It is self-evidently an exercise of Headship over others.
60. This is the reason the consecration of the bread and wine in the Lord’s Supper has always been the role of the priest, or even more fittingly, the bishop, in Anglican tradition. It is quintessentially the role of the Pastor-Teacher to feed the flock. To assign this role to others is to devalue all ministry of humble service whose dignity and value are honoured and commended in the order of deacons.

The Witness of Anglican Tradition

61. In explaining and defending the validity of Anglican Orders after their condemnation by Pope Leo XIII in the bull *Apostolicae Curae* in 1896, the Archbishops of Canterbury and York wrote in a letter in 1897 to the "Whole Body of Bishops of the Catholic Church" which they regarded as setting forth the position of the Anglican Church definitively and comprehensively, that "*We make provision with the greatest reverence for the consecration of the Holy Eucharist and commit it only to properly ordained Priests and to no other ministers of the Church.*" (Saepius Officio XI)
62. Archbishop Donald Robinson affirmed this position in his essay "What Theology of Order and Ministry do the Anglican Formularies Teach?" in the General Synod Doctrine Commission Report Lay Presidency at the Eucharist: A Theological Consultation, 1995: "*With regard to the Holy Communion, the Act of Uniformity of 1662 is explicit: 'No person whatsoever ... shall presume to consecrate and administer the holy sacrament of the Lord's Supper, before such time as he shall be ordained priest ...'. Although this prohibition had particular reference to the situation in 1662, it really does no more than spell out what had been in the Preface to the Ordinal since 1550.*"
63. In 2003 the Synod of Sydney Diocese passed an ordinance repealing the Act of Uniformity in the diocese¹¹, which was seen as an obstacle to lay and diaconal administration of the Lord's Supper. Despite this, the Act of Uniformity retains its authority as an explanation of Anglican practice and teaching as set forth in the Ordinal, as Archbishop Robinson states. It remains part of the documentation of the Book of Common Prayer 1662. "*It really does no more than spell out what had been in the Preface to the Ordinal since 1550.*"

Anticlericalism Masquerading as Reformation?

64. Another argument in the Sydney 2008 Report claims to be based on "Reformation principles". It argues in this way: deacons can be authorised to preach, and now also lay people if licensed. To allow them to preach but not officiate at the administration of the Lord's Supper would elevate the sacraments above the word, and create a cultic priesthood with exclusive powers. This, it is argued, denies the supremacy of the scriptures and the doctrine of the priesthood of all believers.
65. However, there is no nexus in Anglican ministry or formularies between preaching and administering the Lord's Supper. Deacons may indeed be licensed to preach, but have never been authorised to consecrate the Holy Communion. This was also the practice of the early Church.
66. The idea that word and sacrament are somehow in competition with each other is not to be found in Anglican formularies. On the contrary, the Ordinal declares that "*it is evident unto all men diligently*

¹¹ The Act of Uniformity (Section 10) Repeal Ordinance 2003.

reading holy Scripture and ancient authors, that from the Apostles' time there have been these orders in Christ's Church; Bishops, Priests, and Deacons". While it is certainly the case that priests are ordained (explicitly) for the ministry of word and sacrament, the idea that authority to preach the word absolutely necessitates authority to celebrate the sacraments is to make a connection which has not previously been made, even on Reformation principles. There is no Biblical, theological or historical basis for a single "order" of ministry, whether formally or informally.

67. In fact, the threefold order of ministry enshrined in Anglican formularies and in the Fundamental Declarations of the Constitution of the Anglican Church of Australia affirms that orders of ministry in the Church are not uniform and interchangeable, but diverse. The ministerial office in the Anglican Church, as in the New Testament, is not general and undifferentiated, but specialised, specific and interdependent with the ordained ministry and the laity (1 Corinthians 12: 4-31; Ephesians 4: 1-16).

Unintended consequences?

68. The consequence of insisting on the ministry of word and sacrament being notionally available to all is to declare that the only "real" ministry is a "priestly" one. The varied loving and humble service of the laity and the diaconate are treated as if illegitimate or second-rate. One could be forgiven for the perception that the approach adopted by the Sydney Synod was born out of a belief that only the "up-front" roles in ministry are regarded as important. The dignity of the ordained ministry as a gift from God to feed and care for his people might be seen as devalued, since "anyone can do it", or else turned into the role of a "manager" or a "guru". The sacraments might as a result be increasingly neglected in favour of gimmicks, personality cults and emotionalism.

Conclusion

69. For these reasons, we submit that the questions posed in the Questions directed to the Appellate Tribunal under section 63(1) of the Constitution be answered as follows:

1. No.

The *Lay Assistants at Holy Communion Canon 1973* of General Synod does not have the effect that a lay person's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.

2. No.

The *Authorised Lay Ministry Canon 1992* of General Synod does not have the effect that a lay person's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.

3. No.

The *Ordination Service for Deacons Canon 1985* of General Synod does not have the effect that a deacon's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.

4. No.

The *Canon Concerning Services 1992* of General Synod does not have the effect that a deacon's or lay person's presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.

5. No.

There are no other canons of General Synod that have the effect that lay persons' presiding at, administering or celebrating the Holy Communion is, or can be, permitted, authorised or made provision for.

6. No.

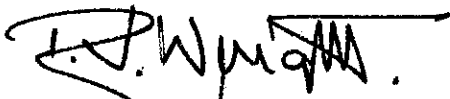
The resolution No 27.08 of 2008 of the Synod of the Diocese of Sydney in affirming that the Lord's Supper in the diocese may be administered by persons other than priests (described as "presbyters" in the resolution) is not consistent with nor is it in accordance with the Constitution of the Anglican Church of Australia and the canons made thereunder.

13 August 2009

The Rev'd Adrian Stephens

The Rev'd Keith Dalby

The Rev'd Steven Salmon



Robertson Wright