

Lay and Diaconal Administration of Holy Communion

(A report of the Standing Committee.)

Introduction

1. On 20 October 2003, the Synod resolved as follows -
“Synod requests that the Standing Committee -
 - (a) bring to the next session a bill which incorporates the recommendations of its sub-committee for consideration by the Synod at that session, and
 - (b) arrange a formal debate on the bill at that session, and report to that session as to the possible consequences of the passing of an ordinance which authorises diaconal and lay administration and as to how any adverse consequences can be avoided.”
2. On 16 December 2003 the Diocesan Secretary invited Bishop Glenn Davies to reconvene the committee that had reported to the Synod in 2003. The following members of the former committee agreed to reconvene, namely Mr Neil Cameron, Dr Barry Newman, Mr Bill Nicholson, Mr Robert Tong, the Rev Dr John Woodhouse and the chairman. The committee presented their report to the Standing Committee on 26 July 2004.
3. The Standing Committee discussed the report and the matters pertaining to the possible introduction of legislation for lay and diaconal administration of the Lord’s Supper on 3 consecutive meetings, namely 26 July, 9 August 2004 and 30 August 2004.
4. The Standing Committee noted the Archbishop’s comments in his Presidential address of 2001 - “Lay administration, should it be legal, would be a contribution to the common task of bringing the gospel to Australia.” Earlier in the same speech he said, “It is strange not to allow for this ministry in an ordered way.” It is the pursuit of an ordered and legal way of establishing lay and diaconal administration that has been the goal of the Synod’s consideration of this matter for over 25 years.
5. However, it was also noted that the Archbishop has indicated that he can only give assent to an ordinance if it is legal, that is, if it is within the competence of the Synod to pass such an ordinance.

Matters of Law

6. Within the Standing Committee opinions differ as to the legality or otherwise of passing an ordinance as proposed by Synod resolution 26/03. For example, many are persuaded that the majority (6/1) decision of the Appellate Tribunal, which expressed the view that a General Synod canon was the only way to authorise lay and diaconal administration of the Lord’s Supper in the Diocese of Sydney, was correct. Others considered that the opinion of the Appellate Tribunal was flawed, given the 1976 amendments to the 1902 Constitutions (as argued in the 2003 report to Synod). Such a viewpoint was supportive of pursuing a path in line with resolution 26/03.
7. As the debate proceeded in the Standing Committee, it became evident that the Archbishop was more than ever convinced of the rightness of lay and diaconal administration, from both a theological and mission perspective. However, he would not (because he believed he could not) assent to an ordinance as proposed by Synod resolution 26/03, because it was not considered a lawful ordinance. It was therefore concluded that the only kind of ordinance that the Archbishop could assent to was one in which the lawfulness of the measure had been proven. Apart from a canon of General Synod, the only way to test the legality of such authorisation would be to frame an ordinance that became operative upon a court of competent jurisdiction making a positive determination as to the legality of such a measure.
8. However, the Standing Committee, mindful of the will of the Synod as outlined in resolution 26/03, did not think that the Synod was willing to wait for the determination of a secular court. Nor did they think that the Synod would be willing to risk a negative determination from the courts, nor the costs associated with seeking such a determination, nor even the possibility of an appeal to the High Court.

Matters of Communion

9. The Archbishop also indicated that before he could assent to an ordinance authorising the administration of the Lord’s Supper by laypeople or deacons, he would need to be assured that the Synod was fully informed of the consequences of such a decision for our fellowship within the Anglican Church of Australia and the Anglican Communion.
10. Consultations across the Church and the Communion have indicated considerable, but not universal, opposition to this measure. This raises questions about our responsibilities to others. For example, while the Synod is no doubt aware of some resistance within the diocese to any form of lay administration, it may

not be conscious of the effect that such a measure would have upon those parishes who found it to be unacceptable. The possibility of seeking alternative episcopal oversight was mooted as a way forward for such parishes. In similar vein, many, although not all, other dioceses in Australia are strongly opposed to its being introduced into the Australian Church and believe the measure would jeopardize the harmony of the Anglican Church of Australia that currently exists. Note the appended extract from Bishop Michael Hough's 2004 Synod Address.

11. The climate of the worldwide Anglican Communion has changed since the last Synod met, with the consecration of a practising homosexual in the Diocese of New Hampshire. The reaction around the world from conservative Anglicans, especially those represented by the Global South Primates, has been severe, with calls for excommunication and disassociation of those dioceses who were party to the consecration. Moreover, both the former and the present Archbishops of Canterbury have compared the novelties of New Westminster's blessing of same sex couples with Sydney's proposals to authorise lay administration. Given the release of the Lambeth Commission Report later this year and the highly charged international scene, some judge that it may be prudent to delay the introduction of lay and diaconal administration, or at the very least debate the wisdom of proceeding at this time.

12. A contrary view, however, is that no matter how long we delay authorising lay and diaconal administration of the Lord's Supper, this will not prevent considerable opposition to the move on the grounds that it would be a break with Anglican tradition. The time will never be right, because there is a fundamental difference of opinion between an evangelical view of ordained ministry and the liberal-catholic view that has been so influential in the Anglican Communion in recent decades. Additionally, the patience of the Synod is not likely to be unlimited, since it began its consideration of the subject more than 25 years ago.

A Way forward

13. After consideration of the above matters, the Standing Committee resolved to recommend to the Synod that no legislation for the authorisation of lay and diaconal administration of the Lord's Supper be promoted at this time. Rather, it was proposed that the Synod consider adopting a Declaration concerning the Administration of the Lord's Supper (see Appendix B). The import of such a declaration would be to discourage any disciplinary action against those involved in such administration by a deacon or layperson. It was also noted that should any 5 persons in a parish choose to bring a charge against the incumbent, under the Tribunal Ordinance, for authorising or purporting to authorise such an administration, then the due process of law would take its course. Likewise, it may still be possible for a civil action to take place.

14. In order to facilitate the passing of the Declaration, the Archbishop-in-Council passed a resolution which gave effect to the repeal of section 10 of the 1662 Act of Uniformity, which prevents deacons and laypersons from administering the Lord's Supper. This resolution was passed in accordance with the Act of Uniformity (Section 10) Repeal Ordinance 2003, whose commencement date was contingent upon a resolution of the Archbishop-in-Council. The Ordinance will therefore come into effect on 1 September 2004.

15. The Standing Committee also resolved to recommend that the Declaration be brought to the Synod in the context of a debate where 20 minutes was given to the mover and a further 20 minutes be given to a person speaking against the motion.

16. The Standing Committee has further resolved to request that a motion be moved at the forthcoming session of the Synod to allow the Synod to consider resolving that bishops and priests be encouraged to arrange, from time to time, for the administration of the Lord's Supper by deacons and laypersons on non-church trust property.

17. The Standing Committee has further resolved to request that a motion be moved at the forthcoming session of the Synod to allow the Synod to consider encouraging bishops and priests, when administering the Lord's Supper, to make certain public declarations from time to time in connection with the elements and their administration.

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

23 August 2004

Appendix A

Excerpt from "The Pastoral Address to the Synod of the Diocese of Ballarat" by Bishop Michael Hough, June 2004. Reprinted with permission.

SYDNEY AND LAY PRESIDENCY

In a matter closer to home, we are also going to face some quite serious difficulties in our relationship with the Diocese of Sydney if they were to proceed with their plans to allow lay people to preside at the Eucharist. Such a move would prove to be a major break with both the traditions and practice of the universal Church as well as our own Anglican traditions. If they were to go ahead with this radical and unprecedented move, we in the Diocese of Ballarat would find ourselves needing to make a most painful decision. If they proceed, how are we to understand the nature of our relationship in the future? While there would be occasions at which we might be able to vote together on certain issues, Sydney would in many ways be a new branch of Anglicanism. Their decision will place unnecessary obstacles between the two of us and create further insurmountable problems on an ecumenical level. Both the Lutherans and the Roman Catholics have made it clear that it would no longer be possible to continue dialogue with Anglicans at a Church to Church level if we were to accept lay presidency of the Eucharist. This should be a sad thought for all of us. What Sydney would be doing is forcing one more division on a Church that is already sinfully divided. What is equally important is that we need Sydney as an active part of our Church if there is going to be any kind of national renewal of our Anglican identity. The spirituality of men like Archbishop Jensen and our own canon theologian Bishop Glenn Davies have much to teach us, but we can only grow together while the open dialogue is able to happen. We might differ enormously in our theologies but we do share a common baptism. For the sake of the unity of our Church, I hope and pray that they do not go ahead and formally adopt lay presidency.

Appendix B

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.

(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.”