

Preaching and Administration of Holy Communion by Lay Persons and Deacons Ordinance 1999

Explanatory Statement

Introduction

1. The Bill for the Preaching and Administration of Holy Communion by Lay Persons and Deacons Ordinance is at the 3rd reading. It provides for, and regulates, preaching and the administration of Holy Communion by deacons and lay persons in churches and other buildings on church property in the Diocese of Sydney. A report entitled *Lay and Diaconal Administration of The Lord's Supper* outlines the background to the bill and is printed on pages 427 to 444 of the 1995 Year Book. A copy can be obtained from the Diocesan Secretary upon request.

2. The Bill was passed to the 3rd reading at the 2nd session of the 43rd Synod when the following resolutions were passed.

2/95 "That the third reading of the Preaching and Administration of Holy Communion by Lay Persons and Deacons Ordinance 1995 be made an order of the day for as soon as possible in the third ordinary session of the Synod."

3/95 "Synod requests the Primate, under section 63(1) of the Constitution of the Anglican Church of Australia, to refer to the Appellate Tribunal for its opinion the following question -

Would the Preaching and Administration of Holy Communion by Lay Persons and Deacons Ordinance 1995, if passed by the Synod of the Diocese of Sydney and assented to by the Archbishop of Sydney in the form now before the Synod, be consistent with the provisions of the Constitution of the Anglican Church of Australia?"

Referral to the Appellate Tribunal

3. The question in Synod resolution 3/95 was sent to the Primate who referred it to the Appellate Tribunal. In 1995, the Synod received a report on the referral and sought to withdraw the referral (see pages 446 to 450 of the 1996 Year Book).

4. The Primate was willing to let Sydney withdraw, but then referred the following question to the Appellate Tribunal -

"Is it consistent with the Constitution of the Anglican Church of Australia to permit or authorise, or otherwise make provision for -

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

5. At the 3rd session of the 43rd Synod the 3rd reading of the bill was deferred to the 1st session of the 44th Synod. The 3rd reading has been deferred or referred to the next session of the Synod each year since then.

6. The Appellate Tribunal gave its opinion on the Primate's reference on 24 December 1997. By a majority of 4-3 the Appellate Tribunal held that it was consistent with the Constitution of the Anglican Church of Australia to permit or authorise, or otherwise provide for deacons and lay persons to administer the Holy Communion. However by a 6-1 majority, the Appellate Tribunal held that a diocesan synod does not have power, in the absence of an authorising General Synod canon, to permit, authorise or provide for diaconal or lay administration. Our Doctrine Commission has reported on the opinion of the Appellate Tribunal. That report is printed on pages 449 to 459 of the 1999 Year Book.

Effect of the Bill

Deacons

7. The Bill provides that the minister of a church must not allow a deacon to preach a sermon in that church unless the deacon holds an appropriate authority from the Archbishop.

8. In relation to the administration of Holy Communion by a deacon the Bill provides that the minister of a church must not permit a deacon to administer Holy Communion during a service in that church unless -

- (a) the deacon holds an authority from the Archbishop to preach and administer Holy Communion in that church; and
- (b) the majority of the parish council (if any) of the parochial unit in which the church is situated and the majority of the churchwardens have given their approval to a deacon administering Holy Communion during that service.

9. The parish council and the churchwardens can give the approval referred to in 8(b) either generally or specifically. An approval can be withdrawn.

10. The Bill empowers the Archbishop to issue to a deacon an authority to preach or to preach and administer Holy Communion. An authority, which must not be contained in a licence, can be revoked at any time.

Lay Persons

11. The Bill provides that a minister of a church must not permit a lay person to preach a sermon in a church unless the lay person

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holds an authority to preach and administer Holy Communion in that church or an authority to preach which extends to that church.

12. In relation to the administration of Holy Communion by lay persons the Bill provides that the minister of a church must not permit a lay person to administer Holy Communion during a service in that church unless -

- (a) that lay person holds an authority which permits the lay person to administer Holy Communion in that church; and
- (b) the majority of the parish council (if any) of the parochial unit in which the church is situated and the majority of the churchwardens of that church have given their approval to *that* lay person administering Holy Communion during *that* service; and
- (c) the persons who normally attend that service have been consulted by the churchwardens regarding the administration of Holy Communion by a lay person during that service.

13. The parish council and the churchwardens can give the approval referred to in 12(b) either generally or specifically. An approval can be withdrawn.

14. The Bill empowers the Archbishop, or an Assistant Bishop on behalf of the Archbishop if authorised by the Archbishop, to issue to a lay person an authority to preach or to preach and administer Holy Communion. An authority can be revoked at any time.

Other Matters

15. The Bill also applies to St Andrew's Cathedral and other buildings not situated in a parochial unit, with certain modifications.

16. The Bill will not affect any authority issued by the Archbishop prior to the date on which it is passed and may receive assent.

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

13 August 1999