

Preaching and Administration of Holy Communion by Lay Persons and Deacons Ordinance 1995: Appellate Tribunal Questions etc

The bill for this Ordinance was passed to the 3rd reading stage by the Synod in 1994. It was then deferred and referred to the Appellate Tribunal for an opinion on whether it was consistent with the Constitution of our Church. 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).

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 made 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?”.

The 3rd reading of the bill was deferred to the 1st session of the 44th Synod.

At the request of more than 25 members of the General Synod, the Primate has also referred the following questions to the Appellate Tribunal for its determination -

1. Is the practice of prayers for the dead at Divine Service consistent with the fundamental declarations and ruling principles of this Church?
2. Is the practice of reservation of the elements either as objects of devotion in the church or for the later use of worshippers not present at the time of consecration of the elements consistent with the fundamental declarations and ruling principles of this Church?
3. Are any manual acts in relation to the consecration of the elements at the Holy Communion, not specifically allowed for, in the Book of Common Prayer, consistent with the fundamental declarations and ruling principles of this Church?
4. Is it consistent with the fundamental declarations and ruling principles of this Church for -
 - (a) A lay person to read the lesson at Divine Service.
 - (b) A lay person to read prayers at Divine Service.
 - (c) A lay person to assist in the distribution of the elements at Holy Communion.
 - (d) A lay person to say the prayer of consecration of the elements at the Holy Communion.
 - (e) A lay person to preach a sermon at Divine Service.
 - (f) A lay person to pronounce the absolution at Divine Service?

A preliminary hearing of the Appellate Tribunal to consider both references was held in Sydney on 14 June 1996, at which the Standing Committee was represented. At that hearing the Appellate Tribunal ruled that written submissions for both references are to be lodged by 26 December 1996 and any replies to the written submissions are to be lodged by 17 February 1997.

The Standing Committee has decided not to make submissions on either reference but it will reply to submissions if necessary.

In the circumstances, the mover of the bill for the Ordinance will seek leave to have the 3rd reading deferred until the 2nd session of this Synod. The Standing Committee supports this and the bill has not been reprinted. Copies of it can be obtained on request.

For and on behalf of the Standing Committee

WARREN GOTLEY
Diocesan Secretary

18 November 1996