

39/16 Business rules for moving amendments to motions

(A report from the Standing Committee.)

Key Points

- Concerns have been raised about the way the existing business rules of Synod regulate debate on motions and, in particular, debate on “long and complex” motions which are subject to multiple proposed amendments
- It is proposed to trial a modification to the business rules at the Synod session in 2017 to give priority consideration only to those amendments which appear on the day’s amendment sheet

Purpose

1. The purpose of this report is to consider the matters raised in Synod resolution 39/16 (the “Synod resolution”) and to recommend amendments to the business rules of Synod to improve the process of considering amendments to motions.

Recommendation

2. The Synod receive this report.

Background

3. Synod passed resolution 39/16 in the following terms –

‘Synod, recognising that –

- (a) some of the motions brought before it can be long and complex;
- (b) on occasion, Synod has chosen to vary its business rules so as to enable a “set piece” debate;
- (c) the *Conduct of the Business of Synod Ordinance 2000* allows that –
 - (i) “a member may move a motion to amend a principal motion at any time before the close of debate.” (4.9.1);
 - (ii) “...for motions to amend a motion, a member may speak for up to 5 minutes” (4.6.1.c); and
 - (iii) the President is permitted to waive the application of rule 4.9 in order to enable the Synod to express its mind (4.9.8);
- (d) no such relief is given by the ordinance to the President in respect to rule 4.6; and
- (e) Synod’s practice has been to allow the movers of amendment to speak to their amendments prior to those wishing to speak for or against the principal motion, although this is not required by the *Conduct of the Business of Synod Ordinance 2000*,

is concerned for the possibility that a large number of amendments can have the effect of consuming the bulk of the time allocated for the debate of a particular motion, to the detriment of the Synod’s ability to debate the principal motion.

Accordingly, Synod requests Standing Committee to re-examine the *Conduct of the Business of Synod Ordinance 2000*, with respect to –

- (a) whether the President should be given permission to waive the application of rule 4.6 on similar grounds to the relief offered in 4.9.8;
- (b) whether the ordinance should require Synod’s practice of allowing movers of amendments to speak prior to those wishing to speak for or against the principal motion, or otherwise;
- (c) whether the ordinance should provide a rule regarding “set piece” debates, in particular for looking at the right of reply by both sides;
- (d) whether to provide for a considerably shorter time limit for the mover of an amendment, while providing for the mover of the amendment to speak one more time in the debate; and

- (e) any other matters that might improve the effectiveness of Synod's business rules as they apply to the debate of a motion,
and to bring to Synod in 2017 a report and any such amending ordinance as is required to give effect to its findings.'

4. At its meeting on 14 November, the Standing Committee requested the Chancellor and the Diocesan Secretary (the "committee"), in consultation with the Archbishop, to undertake the work requested in the Synod resolution and report their findings to a future meeting of the Standing Committee with recommendations.

Matters raised by resolution 39/16

5. The Synod resolution raises various issues of concern about the way in which the existing business rules of Synod regulate debate on motions and, in particular, debate on "long and complex" motions which are subject to multiple proposed amendments.

6. Although various issues are raised, there are two main areas of concern which are addressed in this report.

7. The first is whether the business rules should be amended to include a rule for "set piece" debates, particularly through the provision of a right of reply for both sides of a debate on a contested motion.

8. The second is whether the business rules should be amended to better regulate debate on a motion which is subject to multiple proposed amendments by ensuring the debate is not comprised solely of speeches made by those moving the amendments, thereby providing greater scope for speeches by members who wish to speak for or against the motion but without moving a proposed amendment.

Provision for set piece debates involving a nominated opposer

9. The committee recognises that from time to time the Synod has made special provision for a "set-piece" debate involving a nominated opposer of a motion who is given a special right of reply (usually exercised just before the right of reply of the mover).

10. However the committee does not believe it is necessary or desirable to include a further rule in the business rules to provide for such set-piece debates.

11. There are three main reasons for this.

12. Firstly, a set-piece debate involving a nominated opposer with a right of reply is just one type of special arrangement for considering a motion. There are many other types of special arrangements that have been used for motions. As each one needs to be tailored to the particular circumstances of the motion, it would be counter-productive to "hard-wire" any of them into the business rules in advance. The flexibility currently afforded to the Synod through its ability to suspend its business rules (under rule 6.5) and put in place special arrangements which would otherwise be inconsistent with the business rules is sufficient.

13. Secondly, while the mover of a motion is easily identified, there is a practical problem of identifying who should be the opposer of a particular motion for the purposes of exercising a special right of reply in opposition. On occasion, the special arrangements agreed to by the Synod have permitted the Archbishop to nominate the opposer. However more commonly the name of the opposer is specifically identified in the special arrangements agreed to by the Synod. Again, any special arrangements need to be agreed to by the Synod on a case-by-case basis and are not susceptible to being "hard-wired" into the business rules in advance.

14. Thirdly, the basic model for considering a motion requires two members of Synod to support the motion by moving and seconding it and for debate on the motion to proceed only if at least one other member indicates a wish to speak against the motion or move an amendment to it. While subsequent debate may involve speeches both for and against the motion, the trigger for the debate means that the debate will tend to be a time of testing of the motion or at least of the form of motion moved by the mover. Consequently, in the ordinary course, it is procedurally fair for only the mover to have a right of reply at the end of the debate. Any injustice that might on occasion arise from these arrangements can be dealt with by the Synod as the need arises.

Considering amendments to motions

15. The committee accepts the contention in the Synod resolution that, in effect, a practice has emerged by which those moving amendments to a motion are generally given priority in the debate on the motion over those who simply wish to speak for or against the motion without moving an amendment. This practice is particularly evident in contested motions which are subject to multiple proposed amendments. As such the committee believes that consideration should be given to amending the business rules in a way which better regulates the consideration of amendments.

16. The committee is aware why the practice referred to above has developed and is arguably necessary even if not directly prescribed by the business rules. In short the problem is this. Debate will proceed on a motion only if a member wishes to speak against the motion or move an amendment to it. If debate on a motion proceeds because a member wants to move an amendment, then by direct implication, the member wishing to move the amendment will be called by the President to speak to the amendment. However other members may also wish to move amendments to the motion. This can occur at any time before the close of debate on the motion provided written copies of the amendments are handed to the President before the close of debate. In these circumstances the President is not strictly required to give the call to all who have given him a copy of a proposed amendment. However, practically, unless the President does so he will be open to potential criticism for picking and choosing the amendments he supports. Hence the practice has arisen of permitting all members who wish to move amendments to do so, usually in priority to those members who simply wish to speak for or against the motion without moving an amendment.

17. Another dimension of this problem arises from the general rule in business rule 4.7 that members, other than the mover, can only speak once to the same motion. This can lead to a member who speaks early in the debate on a principal motion in practice being precluded from speaking again to fresh matters raised in a subsequently moved amendment. Strictly, under the business rules amendments are separate motions and members are entitled to speak separately to both the principal motion and the amendment if called by the President to do so. However by reason of time limitations and the sheer number of Synod members who may wish to speak to a contested motion with multiple amendments, it is often impractical for the President to call a member to speak separately to both the principal motion and an amendment to the principal motion. The difficulty is compounded by the requirement under business rule 4.1(h) that all amendments are put to the Synod together with the principal motion, as amended, after the debate has concluded. While this requirement has many advantages, its disadvantage is that it obscures the "separateness" of the principal motion and any motion to amend the principal motion.

18. In many cases these problems can be dealt with satisfactorily from the chair, including through the use of the discretions for dealing with amendments in business rules 4.9(6) and (8). However the existence of the Synod resolution suggests that, on some occasions, even effective chairmanship and the existence of these discretions may not be sufficient.

19. In terms of possible amendments to the business rules to address these problems, there are no "magic bullet" solutions. Any amendment will be a matter of balance.

20. However the following modifications to the business rules are proposed to improve the Synod's consideration of motions which are subject to proposed amendments –

- (a) After a principal motion has been moved and seconded, any amendments which appear on the day's amendment sheet ("priority amendments") will be moved and seconded in the order determined by the President.
- (b) After any priority amendments have been moved and seconded, debate on the principal motion, including any priority amendments, will proceed in the following way –
 - (i) a member who wishes to speak in the debate on the principal motion or move an amendment to the principal motion or an amendment to an amendment may do so only if called by the President,
 - (ii) the mover of a priority amendment may speak again in the debate on the principal motion or move a further amendment to the principal motion or an amendment to an amendment only if called by the President to do so, and
 - (iii) if a member formally seconds a priority amendment, the member is not regarded as having spoken in the debate on the principal motion.
- (c) The business rule which provides that no member, other than the mover of the principal motion, may speak more than once to the same motion should be amended to exclude from this rule any speech made by a member in moving a priority amendment.

21. The above proposal introduces 2 main changes to the existing rules for considering motions and amendments.

22. The first change is to give priority to those amendments which have been prepared and submitted in time for inclusion on the day's amendment sheet. There are 2 advantages in this. Firstly, it encourages members to prepare and submit amendments in advance of the debate on the principal motion. While this is not always possible, in most cases it is desirable that amendments are not prepared on the run during the debate. Secondly, it enables such amendments to be presented to the Synod prior to the general debate on the principal motion commencing so that subsequent speeches either for or against the principal motion can also interact with these amendments.

23. The second change enables the mover of a priority amendment to speak again to the principal motion once all the other priority amendments have been moved – but only if called on by the President to do so. This effectively means that after the mover of a priority amendment has moved and spoken to his or her priority amendment, he or she is treated like any other member for the purposes of the general debate on the principal motion.

Standing Committee's response

24. The Standing Committee agreed in principle that the business rules of Synod should be amended as follows –

- (a) After a principal motion has been moved and seconded, any amendments which appear on the day's amendment sheet ("priority amendments") will be moved and seconded in the order determined by the President.
- (b) After any priority amendments have been moved and seconded, debate on the principal motion, including any priority amendments, will proceed in the following way –
 - (i) a member who wishes to speak in the debate on the principal motion or move an amendment to the principal motion or an amendment to an amendment may only do so if called by the President,
 - (ii) the mover of a priority amendment may speak again in the debate on the principal motion or move a further amendment to the principal motion or an amendment to an amendment only if called by the President to do so, and
 - (iii) if a member formally seconds a priority amendment, the member is not regarded as having spoken in the debate on the principal motion.
- (c) The business rule which provides that no member, other than the mover of the principal motion, may speak more than once to the same motion should be amended to exclude from the rule any speech made by a member in moving a priority amendment.

25. The Standing Committee requested the Diocesan Secretary to include in the business paper for the session of Synod in 2017 a procedural motion by which these proposed changes can be put to the Synod on a trial basis for that session with a view to amendments to the business rules being prepared for the Synod session in 2018 if that trial is considered successful.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

MICHAEL MEEK SC
Chancellor

31 August 2017