

Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014

Explanatory Statement

Purpose

1. The purpose of this statement is to provide explanatory notes for the bill for the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 (the “bill”) which is being promoted to the 1st session of the 50th Synod in 2014.

Recommendation

2. The Synod pass the bill as an ordinance of the Synod.

Summary of business rules to be amended

3. The main amendments proposed to be made to the *Conduct of the Business of Synod Ordinance 2000* relate to –

- Election of Synod officers and committees
- Notices of motion
- Time limits for speeches
- Amendments to motions
- End of debate on a motion
- Right of reply
- Voting by ballot or by Houses
- Motions previously voted on
- Proposed policies of the Synod
- End of question time for proposed ordinances
- Passing an ordinance after considering the text in committee
- Questions
- Application of business rules
- Election of a single Secretary of the Synod

Explanatory notes

4. *Election of Synod officers and committees (clauses 2(a) – (d))*: It is proposed that Synod officers and the members of Synod committees be elected for a 3 year term at the first session each Synod. Casual vacancies arising during the 3 year term would be filled by the Synod or, if the Synod is not in session, by the Standing Committee. Currently the election of Synod officers and the members of Synod committees takes place at each session.

5. *Notices of motion (clauses 2(e) and (f))*: Currently rule 4.3(2) provides that motions intended to facilitate the consideration of the business of Synod “at the time” are known as “procedural motions” and that the general requirement that Synod is not to consider a motion unless notice is given on the previous day does not apply to such procedural motions. It is proposed to make clear that any motion intended to facilitate Synod’s consideration of business may be moved without notice (rather than just motions to facilitate consideration of business “at the time”). It is also proposed to make clear that motions to amend a motion can be moved without the requirement to give notice on a previous day.

6. *Time limits for speeches (clause 2(g))*: It is proposed to insert a new rule 4.6(1) to make the following changes to the time limits for speeches in relation to certain motions –

- (a) a reduction from 20 to 15 minutes in the time limit for a mover speaking to a motion that a proposed ordinance be approved in principle and a corresponding reduction from 10 to 5 minutes for other speakers to such a motion,
- (b) a time limit of up to 5 minutes for any member speaking to a procedural motion or to a motion to amend a motion.

7. *Amendments to motions (clause 2(h))*: It is proposed to include a new rule which prevents amendments to motions being considered if the amendment is irrelevant to the principal motion, or gives rise to an entirely different subject matter from or a direct negative of the principal motion.

8. *End of debate on a motion (clause 2(i))*: It is proposed that where there is no further member who indicates they wish to speak in the debate on a motion, the President may declare the time for debate at an end without having to ask the Synod whether sufficient time has been allowed for such debate.
9. *Right of reply (clause 2(j))*: Presently rule 4.11(1)(b) provides that the only procedural motion for which the mover does not have a right of reply is a procedural motion that a motion not be voted on. It is proposed that there be no right of reply for the mover of any procedural motion. It is also proposed to make clear that there be no right of reply for the mover of a motion moved in the Synod in committee.
10. *Voting by ballot or by Houses (clauses 2(k) and (l))*: Presently, under rule 4.12, if a ballot is requested, the Synod, upon a motion without notice and without debate, is to determine when and how the ballot is to be conducted. It is proposed that these arrangements be modified to reflect the practice in recent years to conduct a vote by ballot in accordance with the directions of the Secretary of Synod. Similarly, it is proposed that if a vote is required to be taken by Houses, the Synod shall vote in accordance with the directions of the Secretary of the Synod provided the existing requirement that each House is to vote separately, the House of Laity voting first, is maintained.
11. *Motions previously voted on (clause 2(m))*: Under clause 2(h) it is proposed to prevent an amendment to a principal motion being considered if it is a direct negative of the principal motion. If the Synod wishes to express the direct negative of the principal motion, the appropriate course of action is to vote down the principal motion and consider a further motion expressing the direct negative. In such circumstances, it is desirable to make clear that such further motion is not to be regarded as substantially the same as one which has been voted on during the same session.
12. *Proposed policies of the Synod (clause 2(n))*: In recent years, special procedural arrangements have been put in place to enable the Synod to consider a number of Synod policies, for example Synod's Policy on Education and Synod's Governance Policy for Diocesan Organisations. It is proposed to insert a new rule 4.18 which enables these procedural arrangements to apply to any written statement designated by the Standing Committee or the Synod as a proposed policy of the Synod. This enables a proposed policy of the Synod to be considered in a manner similar to a proposed ordinance, with suitable modifications.
13. *End of question time for proposed ordinances (clause 2(o))*: It is proposed that during the time for questions, where there is no further member who indicates that he or she has a question, the President may declare that the time for questions is ended without having to ask the Synod whether sufficient time has been allowed for questions.
14. *Passing an ordinance after considering the text in committee (clauses 3(p) and (q))*: Presently, under rule 5.6, if the text for a proposed ordinance is considered in committee then it is not possible to move immediately to a motion that the ordinance pass as an ordinance of the Synod even if no amendment was made to the text of the ordinance in committee. It is proposed that if, having considered the text of a proposed ordinance in committee with no amendment being made, the Synod may move immediately to consider a motion that the proposed ordinance pass as an ordinance of the Synod unless 8 members object.
15. *Questions (clauses 2(r) and (s))*: In recent years, special procedural arrangements have been put in place to streamline the asking of questions at the Synod. In particular, these arrangements require a member called on by the President to ask a question to make a brief statement informing the Synod of the subject matter of the question rather than reading the text of the question in full. The answer to such a question is to be read orally to the Synod by the President, usually on the next day, without the question being asked again. It is proposed to incorporate these streamlined arrangements for asking questions in the business rules.
16. *Application of business rules (clause 2(t))*: It is proposed to include a new rule 6.8 which enables the President to decide any question about the application of the business rules, the form of motions and ordinances and the voting on motions and ordinances during a session. . Under this proposal the President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod. In making such a decision, the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.

Secretaries of the Synod

17. Clause 3 of the bill makes a number of amendments which provide for the election of a single Secretary of the Synod in place of separate Clerical and Lay Secretaries of the Synod. Clause 3(2) enables the Diocesan Secretary to make incidental or consequential amendments to other ordinances to give effect to this change.

Further amendments

18. Clause 4 of the bill makes a number of further amendments to the business rules which are of a minor or formal nature.

Transitional and commencement

19. Clause 5 provides that officers and members of Synod's committees elected at the 1st ordinary session of the 50th Synod in 2014 are taken to have been elected for a 3 year term in accordance with the amendments proposed by the bill.

20. Clause 6 provides that the amendments made by the bill will commence on the later of the date of assent to the bill and the day which next follows the last day of the first ordinary session of the 50th Synod.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

17 September 2014