

Convening of the first ordinary session of the 52nd Synod Deeming the date of Synod for conduct of elections

(A report from the Standing Committee.)

Key Points

- Two reports that informed the Standing Committee's decisions regarding the postponement of the first ordinary session of the 52nd Synod and deeming the date of Synod for conduct of elections are provided for the Synod's information.
- Resolutions made by the Standing Committee in relation to these matters are also included.
- The first ordinary session of the 52nd Synod is planned to be held on one day: Tuesday, 27 April 2021.
- A special session to elect the next Archbishop is planned to be held in the week of 3-7 May 2021.

Purpose

1. The purpose of this report is to provide the Synod with the papers considered by the Standing Committee regarding the convening (and ultimate postponement) of the first ordinary session of the 52nd Synod, and deeming the date of Synod for the conduct of elections.

Recommendation

2. Synod receive this report.

Background

3. The first ordinary session of the 52nd Synod was scheduled to commence on 12 October 2020, but has been postponed until 27 April 2021.
4. Two reports that informed the Standing Committee's decisions regarding the postponement of the first ordinary session of the 52nd Synod and deeming the date of Synod for conduct of elections, are included as schedules to this report. These are provided for the Synod's information, given the matters relate to, and have so heavily affected, the operation of the Synod.
5. The report attached as Schedule 1 was received by the Standing Committee at its meeting on 27 July 2020, to provide options for, and key considerations regarding, the convening of the 1st ordinary session of the 52nd Synod. (The form of report attached has been modified only to remove consideration of commercial lease figures and associated comments.)
6. The report attached as Schedule 2 was received by the Standing Committee at the same meeting, to address the request of the Standing Committee on 25 May 2020 for recommendations for a 'deemed' first date of the first ordinary session of the 52nd Synod for the purposes of conducting elections tied to the first ordinary session of the 52nd Synod.
7. At the meeting at which these reports were received, the Standing Committee made various resolutions, including recommendations to the Archbishop regarding the convening of a session of the Synod. These are provided below.

Resolutions of the Standing Committee on 27 July 2020

8. At its meeting on 27 July 2020, the Standing Committee, among other things, made the resolutions set out in the following paragraphs in connection with these matters.

Resolutions related to Schedule 1: Convening of the 1st ordinary session of the 52nd Synod

(1) *Receipt of report*

‘Standing Committee receives the attached report, noting –

- (a) since the publication of the report (on 21 July 2020) the Public Health Order with effect from 24 July 2020 was released, which limits corporate events to 150 persons unless they are held in a major recreation facility, such as a stadium, and
- (b) as a consequence, it would not be unlawful to convene a session of the Synod in a stadium, provided that the relevant social distancing rules are adhered to.’

(2) *Recommendation to convene ordinary session*

‘Standing Committee recommends to the Archbishop that, in order to remove ambiguity as to which Synod is to elect the next Archbishop, an ordinary session of the 52nd Synod should be convened prior to the special session to elect the next Archbishop.’

[Note that the word ‘immediately’ was included in the recommendation (paragraph (3) in the attached), but omitted by amendment during consideration of the matter.]

(3) *Deeming of date for elections*

‘Standing Committee agrees in principle to deem 12 October 2020 as the commencement of the 1st ordinary session of the 52nd Synod for the purposes of elections to Diocesan boards and councils.’

(4) *Recommendation not to convene Synod in 2020*

‘Standing Committee recommends to the Archbishop that he not convene a session of the Synod in 2020 while there is evidence of community transmission in NSW, owing to the significant health risks of convening a session associated with COVID-19.’

(5) *Discretion of the Archbishop*

‘Standing Committee notes the Archbishop may decide it is appropriate to convene a one day Synod, possibly in the daylight hours of a Saturday, to be held possibly in the [International Convention Centre (**ICC**)], sometime in the period of October to December 2020 provided this can be done in accordance with Public Health Orders in place at the time.’

(6) *Special session in 2021*

‘Standing Committee –

- (a) notes that the week commencing Monday 19 April 2021 is planned for the special session to elect an Archbishop, and
- (b) authorises the Diocesan Secretary to take reasonable steps to secure the ICC for a suitable week for this purpose (assuming similar reduced rates as at present), while simultaneously holding a booking at the Wesley Theatre (in the event that restrictions ease), to be finalised at an appropriate time in 2021.’

(7) *Tabling of Synod documents*

'Standing Committee –

- (a) requests the Diocesan Secretary to provide to the September Standing Committee meeting a draft annual report of Standing Committee to the Synod, with a view to making this report available online to Synod members in the absence of a session of Synod,
- (b) authorises the Diocesan Secretary to –
 - (i) make the reports and documents that would normally be tabled at Synod (including the relevant Standing Committee minutes) available for inspection by Synod members during the weeks of 12 and 19 October 2020 (by appointment), and
 - (ii) make any reports and documents that the Standing Committee has authorised for printing for the next ordinary session of the Synod available online for Synod members, following the September 2020 meeting.'

Resolutions related to Schedule 2: Deeming the date of Synod for conduct of elections

(8) *Receipt of report*

'Standing Committee receives the attached report from the Diocesan Legal Counsel and Senior Legal Counsel.'

(9) *Recommendation to deem a date for elections*

'Standing Committee, under rule 8.2 of the Schedule of the *Synod Elections Ordinance 2000*, recommends to the Archbishop that he –

- (a) determine that it is impossible or impracticable to conduct any elections at a session of the Synod during 2020, by reason of the health crisis created by the COVID-19 pandemic and ensuing restrictions on public gatherings; and
- (b) deem 12 October 2020 as the first appointed day of the first ordinary session of the 52nd Synod for the purpose of elections conducted under the rules for that session.'

(10) *Recommendation to make regulations*

'Standing Committee, under rule 8.5 of the *Synod Elections Ordinance 2000*, recommends to the Archbishop that he make the regulations set out in the Annexure to the report for the effective conduct of elections held prior to the deemed first appointed day of the session.'

Resolutions of the Standing Committee on 24 August 2020

9. At its meeting on 24 August 2020, the Standing Committee noted that the ICC is not available in the preferred week for the election Synod, and noted the following revised arrangements –
- (a) an ordinary session is planned to be held on Tuesday, 27 April 2021, and
 - (b) the special session to elect the next Archbishop, is planned to be held in the week of 3-7 May 2021.

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

16 September 2020

Standing Committee of the Synod

Convening of the 1st ordinary session of the 52nd Synod

Key Points

- The 52nd Synod is due to meet for its 1st ordinary session commencing 12 October 2020.
- In May 2020, the Standing Committee requested a report allowing the Standing Committee to make a recommendation to the Archbishop as to how to convene a session given the uncertainty and restrictions related to the COVID-19 virus.
- A number of factors are considered, and different options for venues are presented as an attachment. None of the realistic options for venue address the risk of spreading the virus, and none present a reasonable use of time and resources for meeting, given the relative lack of significant or urgent business. In addition, it is expected that the Public Health Order with effect from 24 July will prohibit corporate gatherings greater than 150 people, confirming that any attempt to convene a session is not only dangerous, but expected to be unlawful.
- Accordingly, the Standing Committee should recommend to the Archbishop that he does not convene a session of Synod in 2020.
- A number of other measures are recommended on the assumption that the Standing Committee adopt this recommendation, including –
 - Agreeing to implement measures to deal with elections associated with the 1st ordinary session using online ballots for any contested elections
 - Making Synod reports and documents normally tabled available to Synod members
 - Scheduling tentatively an additional meeting of the Standing Committee during October
- In order to prepare for the Election Synod, the International Convention Centre should be booked (if the rates are similar to current dramatically reduced rates) for the week of 19 April 2020, for a one day ordinary session on the Monday, and the Election Synod to commence on the Tuesday of that week.

Purpose

1. The purpose of this report is to provide the Standing Committee with the options for, and key considerations regarding, the convening of the 1st ordinary session of the 52nd Synod.

Recommendations

2. Standing Committee receive this report.
3. Standing Committee recommend to the Archbishop that, in order to remove ambiguity as to which Synod is to elect the next Archbishop, an ordinary session of the 52nd Synod should be convened immediately prior to the special session to elect the next Archbishop.
4. Standing Committee agree in principle to deem 12 October 2020 as the commencement of the 1st ordinary session of the 52nd Synod for the purposes of elections to Diocesan boards and councils.
5. Standing Committee recommend to the Archbishop that he not convene a session of the Synod in 2020, owing to the significant health risks of convening a session associated with COVID-19, noting that under the current Public Health Order such a gathering would be unlawful.
6. Standing Committee –

- (a) note that the week commencing Monday 19 April 2021 is planned for the special session to elect an Archbishop,
 - (b) agree in principle to recommend to the Archbishop that the Monday of the week of the 2021 planned special session to elect the next Archbishop comprise an ordinary session; with the Tuesday to Friday set aside for the Archbishop's election,
 - (c) authorise the Diocesan Secretary to take reasonable steps to secure the ICC for a suitable week for this purpose (assuming similar reduced rates as at present), while simultaneously holding a booking at the Wesley Theatre (in the event that restrictions ease), to be finalised at an appropriate time in 2021.
7. Standing Committee –
- (a) request the Diocesan Secretary to provide to the September Standing Committee meeting a draft annual report of Standing Committee to the Synod, with a view to making this report available online to Synod members in the absence of a session of Synod,
 - (b) authorise the Diocesan Secretary to –
 - (i) make the reports and documents that would normally be tabled at Synod (including the relevant Standing Committee minutes) available for inspection by Synod members during the weeks of 12 and 19 October 2020 (by appointment), and
 - (ii) make any reports and documents that the Standing Committee have authorised for printing for the next ordinary session of the Synod available online for Synod members, following the September 2020 meeting.
8. Standing Committee –
- (a) agree to schedule tentatively 19 October 2020 for an additional meeting of Standing Committee,
 - (b) ask the Diocesan Secretary to bring a suitable motion to the September meeting to decide the matter, and
 - (c) invite members to advise the Diocesan Secretary of any business that would benefit from being considered during October, or any other considerations.

Background

9. The 1st ordinary session of the 52nd is scheduled to commence on 12 October 2020, continuing on 13, 14, 19 and 20 October.
10. At its meeting on 27 April 2020, the Standing Committee received a series of reports from the Diocesan Secretary outlining problems known at that time, related to the COVID-19 restrictions and convening sessions of the Synod. The matters raised included –
- (a) Restrictions on large gatherings suggest that a meeting is unlikely to be able to be held as planned, and may not be able to be held at all this calendar year.
 - (b) If the Archbishop does not summon a meeting of the Synod, a constitutional problem arises as the Schedule to the *Anglican Church of Australia Constitution Act 1902 (1902 Constitution)*, in subsection 1(2) requires –

‘The Synod in each Diocese shall be convened at least once in every year by summons of the Bishop of the Diocese, stating the time and place of meeting.’
 - (c) Many diocesan boards and councils have members with terms set to expire either at the 1st ordinary session of the 52nd Synod, or at the first Standing Committee meeting next following the 1st ordinary session. We may expect approximately 290 positions would ordinarily be filled at a first ordinary session of a Synod, and then a further 130 or so positions filled by the Standing Committee at the first meeting following a first ordinary session. The circumstances and requirements for each position need to be ascertained. Similarly, and in particular, Standing Committee members hold office until the first day of the first session of the next Synod.
11. At its meeting on 25 May 2020, the Standing Committee received a report which among other things –

- (a) recommended Standing Committee endorse a letter to the Attorney General, requesting an amendment to the *Anglican Church of Australia Constitution Act 1902* –
 - (i) to allow the diocesan council in each diocese in NSW to declare by resolution that by reason of circumstances arising from the COVID-19 pandemic it is impossible or inexpedient for their Synod to be convened in 2020, and
 - (ii) to allow for the Synod in each Diocese to be held using one or more technologies that give all members a reasonable opportunity to participate without being physically present in the same place,
 - (b) outlined problems with planning to meet in person for Synod (these are updated and expanded upon in this report),
 - (c) outlined an option for Synod to meet in multiple centres connected by video conference (this is one of the options investigated further in this report), and
 - (d) foreshadowed two options which may be considered by the Standing Committee at this (27 July 2020) meeting. The first option relied upon the legislation allowing remote meetings of the Synod to be in effect; this has not transpired. The second option allowed for some ambiguity but focused on the multiple remote meetings model. Those suggestions are taken up later in this report.
12. At the same meeting, the Standing Committee –
- (a) agreed to make a recommendation to the Archbishop at this meeting, regarding the timing of the next ordinary session of the Synod,
 - (b) requested that a report be provided to allow for a date to be deemed the first date of the 1st ordinary session of the 52nd Synod for the purposes of conducting elections tied to the 1st ordinary session, and
 - (c) asked for options to hold the 1st ordinary session of the 52nd Synod “in an under-cover venue (such as a stadium or other indoor venue), assuming large gatherings may be convened under health restrictions but social distancing rules remain in place during October to December 2020; to enable Standing Committee to consider making a recommendation to the Archbishop to preference holding the session in person in such a venue over holding the session through the proposed multiple remote sites using internet and other technologies method.”

Discussion

13. Since the Standing Committee meeting of 25 May 2020 (when the options to convene the 1st ordinary session of the 52nd Synod were last raised), some of the key factors in making a decision regarding Synod have progressed, others have not –
- (a) The Attorney General's office has indicated that any change to our Constitution is unlikely, prior to 2021; and otherwise has made no progress in our request.
 - (b) While Public Health Orders had removed entirely restrictions on maximum numbers of attenders at large gatherings, relying instead on the '4m²' rule, the NSW Premier has indicated that from 24 July 2020, corporate events (among others) will be limited to 150 people. It is anticipated that the Public Health order giving effect to this restriction may not be available until 24 July 2020. Due to the timing of this report and the Standing Committee meeting, I have assumed the content of the Public Health Order that will have effect from 24 July 2020 based on the stated intention of the Premier on 17 July 2020.
 - (c) It impossible to predict what the state of restrictions will be in October 2020.

Other Dioceses in New South Wales

14. As a matter of interest, we understand that the other dioceses within the Province intend to act as follows –
- (a) Armidale: intends to hold a Synod this year, but yet to formally decide.
 - (b) Bathurst: intends to hold a Synod this year, but yet to formally decide.
 - (c) Canberra & Goulburn: Not planning to hold a Synod this year, but Bishop and Registrar expect to tour the diocese to update parishes on diocesan matters.
 - (d) Grafton: Planning to hold their Synod (of about 130) in September in a school hall large enough to accommodate the 4m² rule.

- (e) Newcastle: Anticipates not being able to hold a Synod.
- (f) Riverina: Plan to hold their Synod on 20-21 November in the Cathedral, where there is expected to be sufficient space to satisfy the 4m² rule.

Key factors that influence the convening of Synod

- 15. There are a number of factors which must be weighed as we consider the convening of a session of Synod. In order to arrive at a reasonable set of decisions, key factors are set out in separate headings, and several options for the venue and timing of Synod are provided in the attachment.

Risk of infection

- 16. A primary consideration in any decision about gatherings during the time of a pandemic must be the risk of spreading infection. If the Synod meets and the virus is present in any member, even with social distancing, there would be the expectation that it would spread during Synod, with the attendant perhaps catastrophic impact upon the health of our members, families and communities; as well as the impact upon our ministries and reputation.
- 17. Consider also the demographic of Synod members. The 51st Synod had 812 members, of whom 138 were over the age of 70 during the last session. By age alone 138 members are in the 'at risk' category for COVID-19, let alone those who are 'at risk' resulting from medical conditions.
- 18. For this reason, if a session of Synod is to go ahead, provision will need to be made for temperature checks, records of attendance for contact tracing, and regular cleaning of seats and surfaces.
- 19. The current understanding of the nature of COVID-19 itself suggests that it is more likely to spread indoors than outdoors.

Social distancing

- 20. The 4m² rule is a critical consideration in any venue we choose and requires at least 4m² of space for each person on the premises. The Wesley Centre can accommodate 150 persons by this rule. A venue capable of holding 850 persons is roughly three times the size of Sydney Town Hall.

Accessibility of transport and meals

- 21. Along with Social Distancing requirements, consideration must be given to how members may travel to and from the venue, and find meals nearby – allowing for parking, public transport, meals, restrooms, etc; all with consideration to limiting crowds and exposure to others for the sake of infection control. The number of Synod representatives may overwhelm seating restrictions on public transport or at restaurants nearby, simply because of the size of the gathering.

Isolation requirements in the event of a confirmed case

- 22. Emerging as a critical consideration is the isolation requirements in the event of a confirmed or suspected case of infection with COVID-19. A person who is identified as a close contact of a person with a confirmed or probable (until proven otherwise) COVID-19 infection must isolate at home for 14 days after the last contact. This is enforceable under section 62 of the Public Health Act 2010.
- 23. 'Close contact' is defined as:
 - (a) face to face contact in any setting with a confirmed or probable case of COVID-19 for greater than 15 minutes cumulative over the course of a week, or
 - (b) sharing close space with a confirmed or probable case for a prolonged period (2 or more hours).
- 24. We need to be conscious that if any member who attends Synod is confirmed with COVID-19 during Synod, or is a probable case, every other person present at Synod at the same time as that person would be considered a close contact under paragraph (b), and accordingly would need to isolate at

home. The duration of isolation would be until a 'probable' case is ruled otherwise, or until 14 days have passed.

25. While not every member attends every session of Synod, we must consider the impact upon ministry and the function of the Diocese and its organisations if the majority of rectors and two involved lay persons from most parishes, not to mention the senior episcopal team, are forced to isolate for two weeks.

Ambiguity – for Synod members, Standing Committee and staff

26. The Standing Committee needs to form a view on the level of ambiguity it is willing to tolerate in convening a Synod, given the possibility of restrictions and rules changing with little notice, derailing a planned session. For example, we may choose to convene a Synod in a venue that meets the requirements of restrictions at the time, only to find that restrictions are tightened shortly before Synod resulting in the need to cancel.
27. As we have recently seen in Victoria, and now increasingly in New South Wales, there is also the possibility of a spike in infections leading to restrictions on certain postcodes. This raises the issue of whether Synod would proceed if a portion of its members were unable to attend due to restrictions. From a fairness perspective, could Synod proceed if for example, all of Wollongong were in lockdown but Sydney was not? The recent example of the deferral of Federal Parliament, given the inability for Victorian politicians to participate is a case in point.
28. If Synod were to go ahead, we may have even lower than normal turnout from Synod members, or members only attending the session during the consideration of the most critical matters in an effort to avoid venturing into the city.
29. Much of this ambiguity can only be mitigated to a small degree; and any cancellations are likely to result in financial loss. Selecting venue and timing options that anticipate possible tightening of restrictions should be taken up wherever possible, but in this pandemic environment there is no predicting what the state of restrictions will be in future months.

Planned and urgent business of the Synod

30. The upcoming session is the 1st ordinary session. In a normal Synod cycle, the 1st session would include consideration of budgeting principles and priorities, in order to inform the budget which is brought to the 2nd session. However, in light of the anticipated election of a new Archbishop, the Standing Committee in February 2020 agreed to a proposal from the Diocesan Resources Committee, to omit any budget considerations from the 1st session, bringing the principles and priorities to the 2nd session (planned for September 2021), and the budget itself (covering two years) to the 3rd session (2022). Accordingly, the forthcoming session was not expected to include a budget component. (Assuming an ordinary session may be held early in 2021, a 2nd ordinary session in September 2021 would allow the budget process to continue as planned.)
31. Elections are a significant component of the 1st ordinary session, however in line with the Standing Committee's request (May 2020), provision has been made to conduct the elections associated with the 1st ordinary session with a 'deemed' date of commencement of Synod, of 12 October 2020; along with Rules for contested elections to be determined by use of online ballot (rather than in person). If Standing Committee adopts this course of action, the elections will be administered separately to Synod's meeting, though in the same timeframe as would have been the case had Synod met as planned, with the consequence that any venue or timing, or even cancellation of Synod, would not impact the administration of elections.
32. The following is a list of matters already approved by the Standing Committee to be brought to the next ordinary session of the Synod –
 - (a) Amendment to the Governance Policy for Diocesan Organisations: Allowing Diocesan Organisations to align with the broader purposes of the Diocese
 - (b) Domestic Abuse Leave for Clergy: Responding to Domestic Abuse (23/18)
 - (c) Indigenous Ministry in the Diocese A Theological Framework for Reconciliation (22/18)
 - (d) Doctrine Commission report: On the Need of Children for a Mother and a Father

- (e) Various annual reports, including for example, the Anglican Church Property Trust Annual Report
33. The following is a list of matters that may be brought to the Standing Committee for the next ordinary session of Synod –
- (a) Standing Committee report to Synod
 - (b) Composition, purpose and role of Synod (43/17)
 - (c) Fixed term appointment for the Archbishop (64/19)
 - (d) Human Sexuality Pastoral Guidelines (29/19)
 - (e) New Safe Ministry Assessment process and timing (49/19)
 - (f) Review of the Standing Committee Ordinance (66/19)
 - (g) Safe Ministry Board annual report
 - (h) Stipends and Allowances for 2021
 - (i) Ministry Standards Ordinance review
 - (j) Review of the Archbishop of Sydney Election Ordinance (to provide for certain matters relating to the consecration of the successful candidate)
34. Of all the matters in the preceding two paragraphs, while some are significant, only the matter in paragraph (j) above is urgent (and may be dealt with during the special session, if needed). There may be additional matters that arise subsequent to the preparation of this report, however owing to the lead time to prepare for a Synod, the July meeting is the last reasonable date to make a decision regarding an October session.

Numbers and quorum

35. The exact number of Synod members fluctuates as a result of parish reclassifications, resignation of members, rector moves, and other factors. Approximately 25% of Synod members for the 52nd Synod have not yet been appointed or advised to the Registry. Accordingly, for the sake of understanding our numbers, this report will rely on the numbers of members associated with the 51st Synod.
36. The 51st Synod had 812 members, comprising 288 clergy and 524 lay members, plus the President. The largest number of Synod members in attendance for an ordinary session in recent history was in 2005 when 628 people attended. In addition, approximately 20 staff, technicians and security may be present in the theatre, and the public gallery. It is difficult to determine how many seats are required for the public gallery since the public's use increases with certain topics being discussed by the Synod, and many Synod members use the public gallery.
37. A quorum of the Synod is defined in clause 1.4 of the Schedule to the *Synod Standing Orders Ordinance 2019*, as follows –
- (1) When a motion about a proposed ordinance is being considered, one fourth of the members of each House is a quorum.
 - (2) Otherwise, 50 members of the House of Clergy and 100 members of the House of Laity is a quorum.
38. Accordingly, assuming any prioritised business of the Synod is likely to include an ordinance, a quorum should be considered to be 25% of each house, being approximately 72 clergy and 131 lay persons, 203 in total. Including the President and minimal staff, the bare minimum number for a quorum and ability to function, is therefore approximately 220. This number is beyond the anticipated maximum of 150 people allowed at corporate events (with effect from 24 July 2020).

Timing options for Synod

39. For the sake of this report, noting the lack of urgent and significant business as well as the significant health concerns, it is assumed that if Synod meets it will meet for one or two days (as opposed to five days).
40. Noting the unpredictability of the virus and the fluctuating intensity of restrictions, there seems little practical benefit in moving the session to December 2020, as there is no telling if restrictions may be

tighter at that time. Any remaining increased chance of a more favourable restrictions environment in December is offset by the inconvenience to members of meeting for Synod close to Christmas and at an unexpected time.

41. Given the assumed shortened length of the session, it may be worthwhile considering meeting during the day (rather than during the day and the evening) for one long day; or some other combination that maximises the use of time. However, given the relative lack of urgent business, and the desire to minimise time spent in large gatherings, this seems unnecessary.

Venue options for Synod

42. Included as an attachment to this report is a consideration of the types of characteristics that should be present in a location for Synod, as well as a consideration of four different types of venues –
 - (a) an indoor location (the International Convention Centre),
 - (b) an outdoor undercover location (a stadium such as ANZ Stadium at Homebush),
 - (c) multiple (satellite) centres, and
 - (d) Synod via webinar.

A summary table is also provided.

43. Each of the options outlined for hosting Synod is far from perfect. None of the realistic options address the risk of spreading the virus, and in the COVID-19 environment, none present a reasonable use of time and resources for meeting, given the relative lack of significant or urgent business. These factors alone are sufficient to form the view that Standing Committee should recommend that the Archbishop not convene a Synod in 2020.

Indoor or outdoor (undercover) venues

44. In addition to the significant concerns regarding a gathering as large as our Synod, it is anticipated that the Public Health Order to come into effect from 24 July 2020 will restrict corporate gatherings to 150 people or less. This is expected to make it unlawful for indoor meetings of the Synod or outdoor undercover meetings of the Synod to be convened. While the Public Health order may be relaxed in time for Synod, there is no way to predict when or if this will occur. The Summons would typically be sent in mid-August.

Venues with reduced numbers in each location and reliance upon technology to meet

45. The multiple (Satellite) centres option relies upon an amendment to the Constitution which is no longer expected to be implemented this year. Without the amendment, the option is not viable.
46. Holding Synod via webinar, with each member attending using their own connection, is not viewed as realistic, but is included only for the sake of completion.

Viable options for venues

47. From a pragmatic perspective, there are no viable options for Synod to meet in October 2020. However, a detailed consideration of the characteristics of the potential venues may be useful in formulating options for sessions of Synod at a time with significantly reduced concern over community transmission. Hence I have included this information as an attachment to this report.

Postpone until 2021 the 1st ordinary session of the 52nd Synod

48. The Standing Committee may recommend to the Archbishop that he not convene a session of the Synod in 2020. Such a recommendation is justified in summary by reference to the significant health concerns and the lack of any venue or format that significantly mitigates the risk of transmission.
49. Beyond these reasons to postpone the session until 2021, it is unforeseeable what the level of restriction will be in three months' time, and it is entirely possible in this environment that a significant

portion, perhaps even a majority, of Synod members would not wish to attend a large gathering; or may be prevented from doing so by Public Health Orders.

50. As a further concern, it is worth considering the potential impact upon Sydney and Wollongong, and upon the people and ministries of our Diocese if a person attends who is carrying the virus:
- (a) Even if there was no transfer of infection, the very presence of someone with a confirmed *or likely* case will result in every member who had been present needing to isolate for two weeks or until the 'likely case' is confirmed negative.
 - (b) The potentially catastrophic scenario is if there is a transfer of infection during Synod. The geographically representative nature of Synod means that the rector and two senior lay people from most parishes are present (many of whom are 'at risk'), meaning that Synod could be an incredibly efficient means of spreading the virus all over Sydney, Wollongong and surrounds, with local focus areas in our parishes.
51. My recommendation is that the Standing Committee recommend to the Archbishop that he not convene a session of the Synod in 2020, owing to the significant health risks of convening a session associated with COVID-19, noting that under the current Public Health Order such a gathering would be unlawful.

Implications for elections associated with the 1st ordinary session

52. Each ordinary session of Synod includes elections to diocesan boards, councils and committees. The 1st ordinary session of each Synod is intentionally weighted to include the largest number of these elections. At the planned forthcoming session, there is expected to be 294 such elections.
53. At its meeting in May 2020, the Standing Committee received a report which, noting the possibility of delayed or cancelled session in October 2020, described the option to 'deem' a date to be the first date of the first session of the Synod for the sake of elections associated with the session. The Standing Committee requested a report with recommendations to provide for this option, to be brought to this (July 2020) meeting. Accordingly a report recommending a mechanism for the Archbishop-in-Council to 'deem' the date, while also directing that contested elections shall be determined by online ballot (rather than a physical ballot), is expected to be considered by the Standing Committee at this meeting.
54. As Standing Committee considers this approach, it is worth noting that the elections associated with a session of the Synod require a two month lead time for communications to members, call for nominations, publication of provisional results, opportunity for nominees to withdraw, and publication of the results of uncontested elections. If a session is to be held commencing 12 October 2020, or if the deeming date option is adopted, notices need to be sent to members by mid-August.
55. One benefit of the use of the 'deeming' option together with the use of online ballots rather than in-person ballots, is that it will allow the proper administration of elections regardless of whether the session is planned and then cancelled, or whether it is cancelled immediately. That is, it allows the elections to be conducted without the need to gather, and without the risk of interference from fluctuating levels of restriction.

Implications for the Election Synod

56. Having cancelled the Election Synod planned for August 2020 following the extension of Archbishop Davies' retirement age, it would be reasonable to assume that the responsibility to elect the next Archbishop would fall to the 52nd Synod, given that under normal circumstances the 52nd Synod would commence in October 2020 and the Election Synod is likely in the week of 19 April 2021. However, in accordance with subclauses 18(1) and 46(1) Of the *Synod Membership Ordinance 1995*, until the first ordinary session of the 52nd Synod is held, the 51st Synod remains the Synod that will be called upon to elect the next Archbishop.
57. In order to remove this cloud of uncertainty for all involved, measures may be taken to ensure that the 1st ordinary session of the 52nd Synod is held prior to the special session to elect an Archbishop. In order to achieve this end, the Standing Committee should recommend to the Archbishop that an ordinary session be convened immediately prior to the first day of the special session to elect the

next Archbishop. Aside from the need to meet for an ordinary session to address 'ordinary' matters, this will confirm that the 52nd Synod will be called upon to elect the next Archbishop. It is advantageous to convene the two Synods concurrently, as this will (as far as possible) ensure that one is not held without the other due to changing restrictions.

58. It seems unlikely that the Wesley Centre will be a viable venue for the Election Synod in April 2021. However, the terms of our booking allow cancellation two months prior with minimal financial penalty. The ICC is the preferred location for the Election Synod assuming that restrictions are still in place and the rates for the centre are reduced. Assuming a session of Synod is not held in 2020, the funds saved may be used to make up the shortfall for the Election Synod at the ICC.
59. To this end, the Standing Committee may –
- (a) agree in principle to recommend to the Archbishop that the Monday of the week of the planned 2021 special session to elect the next Archbishop comprise an ordinary session, then the Tuesday to Friday be set aside for the Archbishop's election, and
 - (b) authorise the Diocesan Secretary to take reasonable steps to secure the ICC for a suitable week for this purpose (assuming similar reduced rates as at present), while simultaneously holding a booking at the Wesley Theatre (in the event that restrictions ease).

Next steps

60. Assuming the Standing Committee agrees with the recommended actions in this report, the Diocesan Secretary will formally convey the recommendations and decisions of the Standing Committee to the Archbishop, and with his concurrence, the Diocesan Secretary will –
- (a) cancel the booking at Wesley Theatre for the planned ordinary session in October,
 - (b) attempt to progress a booking at the ICC for the Election Synod in April 2021 at the reduced rates,
 - (c) convey the planned actions to members of the 51st Synod and members of the 52nd Synod,
 - (d) provide updates as needed and a progress report to the Standing Committee by the time of its December 2020 meeting, with regard to the planned 1st ordinary and special sessions of the 52nd Synod.
61. In order to keep the Synod informed of the work of the Standing Committee and other diocesan organisations, the Standing Committee may wish to
- (a) provide an annual report in the same format as usual to the Synod, making it available to Synod members following the September Standing Committee meeting,
 - (b) make the reports and documents that would normally be tabled at Synod (including the relevant Standing Committee minutes) available for inspection by Synod members during the weeks of 12 and 19 October 2020 (by appointment), and
 - (c) make any reports and documents that the Standing Committee has authorised for printing for the next ordinary session of the Synod available online for Synod members.
62. In the absence of a session of Synod in October 2020, the Standing Committee may wish to schedule an additional meeting on 19 October 2020, to carry on its business. It is unclear whether this will be necessary. I recommend that the date be tentatively scheduled for a meeting with the matter to be decided at the September meeting, and members of Standing Committee be invited to advise the Diocesan Secretary of any business that would benefit being considered during October and any other considerations.

DANIEL GLYNN
Diocesan Secretary

20 July 2020

Venue options and requirements for Synod

1. At its session in October 2019, the Synod received a report entitled '14/17 Forum of Synod', outlining among other things, the key factors to consider in determining the location to convene a Synod. According that report, the location for Synod needs –
 - (a) to be accessible by public transport,
 - (b) to offer sufficient parking,
 - (c) to provide capacity for meals for 500 people simultaneously emerging from a session,
 - (d) to be reasonably 'central' for the benefit of members from all areas of the Diocese, and
 - (e) to offer sufficient options for accommodation,
 and would be highly beneficial to be a short walking distance from St Andrew's House (given the need for staff to produce and provide daily business papers, amendment sheets, and answers to questions with a tight turnaround time).
2. The requirements associated with the COVID-19 pandemic must be overlaid on top of those factors in determining a location for Synod.
3. There are a number of options for a venue for Synod, outlined below. In each, a description is given of the key considerations relating to that venue.

Synod in one indoor location – International Convention Centre, Darling Harbour

Most indoor venues unsuitable

4. Given social restrictions, the Wesley Centre is not a viable option for the October session of Synod. With the 4m² rule in place, the Theatre can only accommodate 150 persons (less than a quorum, let alone the full membership). Even if the official social distancing requirements are removed, it seems unlikely that we could reasonably expect our members to meet in such close proximity in the near future.
5. Several alternative options were considered, however most were immediately ruled out due to insufficient size (including St Andrew's Cathedral, the Sydney Town Hall and City Recital Hall).

The International Convention Centre

6. Ultimately, noting the desirability of hosting Synod near the city CBD for the reasons listed above (including access to transport, parking, meals and accommodation), the International Convention Centre (the **ICC**) at Darling Harbour is the logical remaining option, being able to scale to provide suitable social distancing.
7. The ICC has provided an interim quote to use its First State Super Theatre (the **FSS Theatre**) on Tuesday 13 and Wednesday 14 October 2020 (these were the available dates in the correct week), being 50% more expensive than we are used to, but within our capacity given we would likely only meet for two days.
8. Due to its location and normal purpose being for conventions, the ICC seems best suited to meet the operational needs related to running a 'normal' session of Synod. (For example, meals, transport options and accommodation [if needed], will be at least as available at and around the ICC as any other suitably sized venue in Sydney; while its proximity to the CBD and accessibility for train users make it the most attractive option.) Accordingly, this report will not dwell on the detail of operational considerations for meeting at the ICC.
9. Being indoors, there is the increased likelihood for transmission; and having all Synod members in one location maximises both the pool of people who may become infected if a person brings COVID-19 to Synod, and who must self-isolate for two weeks in that eventuality.

10. If the (anticipated) restriction on corporate gatherings larger than 150 people is removed, and Synod is to meet in one location, the ICC's FSS Theatre is the simplest option due to its proximity to the city, parking and public transport, and availability of restaurants – in addition to its ample space. The cost would be prohibitive if held over five days, however a 1-3 day session could fit within the original budget.

Synod in one outdoor (undercover) location – Sydney Olympic Park Arena

11. Another option is to use the undercover portion of a stadium. Both the ANZ Stadium at Sydney Olympic Park and Bankwest Stadium in Parramatta are available and the lease per day is surprisingly competitive. The Sydney Cricket Ground was contacted but did not respond to our request for a quote.
12. In either scenario, Synod members would be seated in the lower seating bowl, facing the field. A public address (**PA**) system and a small stage would be set on the arena sideline, facing members. For the sake of this report, ANZ Stadium is assumed to be the more attractive option of the two, given the availability of parking and transport solutions.
13. A significant benefit of the stadium option relates to social distancing and being outdoors. The Public Health Order that we have access to (in effect until 23 July 2020) is more generous with sporting facilities, provided that "(a) admission to the premises is by way of a ticket and each person has been assigned to a seating area, and (b) the total number of persons is the lesser of 25% of the capacity of the premises or 10,000 persons."
14. The parking and availability of public transport is fairly well provided for in either venue, however cafés and restaurants are limited. While the ANZ Stadium has capacity to cater to crowds significantly larger than the Synod, the meal venues are separated from the Stadium and just don't seem to be an attractive option for our needs. Accordingly, the availability of suitable food remains questionable.
15. An obvious risk with any stadium option is the possibility of inclement weather, being rain, wind or heat. The stage would need to be setup on the sideline, which is not undercover. Members would be able to be seated undercover, but with significant separation from the front stage if the weather is a factor (not to mention the imposition upon the President). An indoor stadium would remove the risk of inclement weather, while also removing the benefits of reduced transmission from being outdoors; so there would be little benefit in pursuing an indoor stadium as opposed to the ICC.
16. While logistical considerations such as placements of microphones and PA gear could be overcome, the stadium option remains a desperate solution. A stadium is intended for sporting events, and so will bring additional operational risk if attempted to be used for our 'business' purposes.
17. Until the Public Health Order is updated specifying the changes to take effect on 24 July 2020, it can only be assumed that the restriction on corporate gatherings will apply to corporate gatherings held at sporting stadiums.

Synod in multiple (satellite) locations

18. The multiple centre or 'satellite meetings' option was presented to Standing Committee in May 2020. The following is a revised and more detailed description of that option –
 - (A) Arrange 8-10 remote Synod meetings in large church buildings, each staffed by 1 or 2 SDS staff and 1-3 volunteers from the church. (The fewer locations, the easier to manage once the conference is setup; but the more locations, the safer we are from changes in restrictions and maximum sizes.)
 - (B) Synod members are summoned to a specific church building near them, gathering in groups of up to 100. (Note, for the purposes of restrictions, this is a private gathering, not a public gathering such as a worship service).
 - (C) Each satellite location has two Zoom conference links managed by the SDS staff in conjunction with the church –
 - The first is a large screen view of the conference (showing whoever is speaking currently) for all the members in the meeting to view. Any microphone on the members is muted all of the time (possibly unmuted for resolutions carried by acclamation).

- The second is in a separate room nearby, with a camera and screen feed to the conference, allowing members from that location (when called on) to speak to the conference, without distraction and without PA interference. (This to eliminate echo and the problems associated with 'hybrid' Zoom/in-person meetings)

...in this way, any member presenting will always be in a dedicated room with microphone, and be the only person in that room speaking. This should remove distractions, and assure equality of presence among all satellite meeting locations.

- (D) When a Synod member wants to speak, the staff use a shared digital list to add names of those who are 'standing'. The President is able to view the list in real time and see who is 'standing', and call them at his discretion (as is the case at a regular session).
- (E) Votes that are 'little more than a formality' may, with goodwill be taken on the absence of opposition (such as has become the practice at Standing Committee). For the majority of votes (including votes by houses and by secret ballot), conference voting technology would be required (see discussion below).
- (F) As to the location of the President and staff, there are two options –
- The President and staff may meet in a meeting room in St Andrew's house, without other Synod members present, so that there is no advantage for those members who happen to be in the 'head' location; however, this approach seems to disconnect the President and others from the members
 - The Wesley Centre (or other large meeting option) may be used as the primary location, with Synod members being given the option to attend Wesley using a registration system. With social distancing, the numbers in Wesley would be limited to 150, however it is conceivable that a sufficient number of Synod members would self-select to attend a local meeting, rather than the Wesley Theatre to make this viable.

Wesley Centre Satellite meeting support

19. The Wesley Centre offers a service to host and support satellite meetings. As part of this service, the Wesley Centre provides the central location (the Wesley Theatre, allowing as many members as possible), as well as the setup, support and responsibility for the technical aspects of the conference. This service includes –
- (a) venue hire for the Wesley Theatre,
 - (b) laptops and screens for the conference at the Wesley Theatre (not the satellite meetings),
 - (c) multiple cameras and operators (for the Wesley Theatre, not the satellite meetings),
 - (d) a technical team to tour the satellite meeting locations prior, to ensure technical setup, and
 - (e) (remote) technical support for the satellite meeting locations throughout the session.
20. If a satellite model is to be pursued, utilising the Wesley Centre's service is the preferred model, in order to reduce the risk of technical error or interruption, while allowing SDS staff to focus on the business of Synod, rather than its technical operation.

Flow of business

21. A significant problem with the satellite option is the flow of business across multiple centres. Even assuming the technology works flawlessly, there would still be a heavy reliance upon staff at each location; and expected delays due to video relay, additional procedures for indicating a desire to speak and attracting the President's attention, let alone efficiently and suitably debating an amendment or contested motion.
22. The counting of votes presents a particular problem. A regular session of Synod usually relies on voting on the voices, which would not be possible across multiple centres. Having sufficient camera quality and screen space to perform voting on the hands is unrealistic. The most promising solution is to utilise conference voting technology, allowing Synod members to use their own device to cast a vote (from anywhere with internet connection), immediately tallied for the President to report. The following considerations are relevant –
- (a) The software would need to prevent members from voting more than once in each ballot, and ensure only those present are able to vote.

- (b) It is anticipated that a small portion of members in each centre would not have a suitable device or may have connectivity issues preventing them from using their own device. These members (estimated to be 10-20 in each location) would need to sit in a location where their votes can be tallied by staff and submitted electronically.
 - (c) In this circumstance, the Synod may agree to pass motions that have 75% in favour with 75% of the votes cast, without the need to tally the device-less members (and vice versa for motions that are 75% opposed by 75% of votes cast).
 - (d) It would be expected that voting in this way would be less efficient (though more accurate) than voting on the voices, but significantly more efficient than votes by secret ballot.
23. Specific vote casting devices may be an option (such as were utilised at General Synod), however these devices tend to be designed for use within one local centre – not spread across the Diocese in multiples centres. They also bring additional cost and administrative burden to hand out and collect each day; and in the age of COVID-19 – to clean with each use. Accordingly, these devices are not recommended.

Logistical limitations

24. A preliminary investigation has identified churches in each region that could be utilised for the meeting. However, a sufficient number of churches that had sufficient size as well as parking and access to transport and meals were not able to be identified in each region. Accordingly, this option is not well suited to sessions of Synod that require meal breaks (such as ordinary sessions) – although it may be suitable for the session to elect the next Archbishop, trusting that members will arrive having eaten, so at least the lack of nearby food in some locations is addressed.
25. Assuming the satellite locations are church buildings, we would also need to organise cleaning of the premises, as well as suitable COVID-19 prevention measures such as onsite temperature checks, protections against sharing of food, etc.

Viability of convening in multiple locations

26. As noted previously, the Schedule to the 1902 Constitution, in subsection 1(2) anticipates a single location for Synod. Little progress has been made with the Attorney General's office in amending that provision to allow the use of technology and multiple sessions. Accordingly, the satellite option is not a viable option at present.

Synod via webinar

27. We may quickly rule out a session of Synod held entirely on individual access video conference, even using professional conference software.
28. Such a meeting would be prone to connection issues from members, and a significant minority would be expected to be unable to connect, participate and or vote, making this option unviable.
29. In addition, a meeting with 800 members, any of whom may speak, seems unreasonable for the President to chair effectively.

Summary Table

30. The table below provides a summary of key location-specific factors for ease of comparison.

Factor	ICC FSS Theatre	Sydney Olympic Park	Multiple satellite Locations
Measures to reduce risk of infection	✗ Indoors	✓ Outdoors	✗ Indoors ✓ Reduced risk, each location quarantined from others
Social distancing	✓ Capacity for 1,300 under 4m ² rule	✓ Capacity for thousands	✓ Capacity limited by building size
(Anticipated) 150 person maximum	✗✗ Unlawful if 150 max. is in place	✗✗ Unlawful if 150 max is in place, unless stadiums exempted	✓ Each location would be less than 150 persons.
Implications if COVID-19 present	✗ All attending would need to isolate	✗ All attending would need to isolate	✓ Only the portion attending the location affected would need to isolate
Accessibility of Meals	✓ Darling Harbour restaurants ✗ Pricey	✓ Cafes and restaurants nearby ✗ Limited options, possibly closed	✗✓ Some locations well catered for; others not within walking distance of food outlets.
Travel accessibility	✓ Parking ✓ Public transport from all Regions	✓ Parking ✗✓ Public transport, although difficult for some regions	✗✓ Some locations have sufficient parking, others do not. ✗✓ Some locations close to public transport; others are not.
Other factors	✓ ICC is 'for purpose' – should be easy to run a Synod, with minimal operational risk	✗ Dependent on the weather ✗ Is not 'for purpose' – brings operational risk. ✗ Awkward to sit in the stands and have front table on the sidelines.	✗ Multiple locations brings significant operational risk. ✗ Likely technical problems with at least one site. ✗ Relies on significant staff presence. Huge logistical operation brings risk. ✗✗ Without amendment to the Constitution, is legally questionable.

Standing Committee of Synod

Deeming the date of Synod for conduct of elections

Purpose

1. The purpose of this report is to address the request of the Standing Committee on 25 May 2020 for recommendations for a 'deemed' first date of the first ordinary session of the 52nd Synod for the purposes of conducting elections tied to the first ordinary session of the 52nd Synod.

Recommendations

2. Standing Committee receive this report.
3. Standing Committee, under rule 8.2 of the Schedule of the *Synod Elections Ordinance 2000*, recommends to the Archbishop that he –
 - (a) determine that it is impossible or impracticable to conduct any elections at a session of the Synod during 2020, by reason of the health crisis created by the COVID-19 pandemic and ensuing restrictions on public gatherings; and
 - (b) deem 12 October 2020 as the first appointed day of the first ordinary session of the 52nd Synod for the purpose of elections conducted under the rules for that session.
4. Standing Committee, under rule 8.5 of the *Synod Elections Ordinance 2000*, recommends to the Archbishop that he make the regulations set out in the Annexure to this report for the effective conduct of elections held prior to the deemed first appointed day of the session.

Background

5. One of the key functions of the Synod is the election of persons to diocesan bodies. Currently, there are approximately 45 diocesan bodies to which Synod elects members. These include the councils of diocesan schools and other diocesan organisations, such as Moore Theological College, Youthworks and Anglican Community Services.
6. Under the terms of the relevant constituting ordinances, many board and committee positions in diocesan bodies fall vacant on the first day of the first ordinary session of each Synod. For instance, clause 10.2 of *Moore Theological College Ordinance 2009* states that the two longest-serving clergypersons elected by Synod to the College's Council are to retire on the first day of the first ordinary session of each Synod.
7. If Synod were to be held this year, it would be the first session of the 52nd Synod. The first appointed day of this 52nd Synod, which was scheduled to be 12 October 2020, would trigger certain vacancies in the membership of diocesan boards and committees.
8. However, the current social restrictions in place due to COVID-19 render it impractical (if not impossible legally-speaking) to hold a session of the Synod in 2020. It does not appear to be feasible to comply with these restrictions and to conduct Synod business effectively given the size of its membership.
9. Nonetheless, it is desirable for the business of diocesan boards and committees to proceed, including in relation to the conduct of elections. Accordingly, at its meeting on 25 May 2020, the Standing Committee resolved as follows:

“Standing Committee requests that a report with recommendations and, if appropriate, a Bill for an ordinance, be provided to a future meeting of the Standing Committee to

provide for a date to be deemed the first date of the first ordinary session of the 52nd Synod for the purposes of conducting elections tied to the first ordinary session.”

10. This report provides a recommended mechanism for the Standing Committee to ‘deem’ a commencement date for the first ordinary session of the 52nd Synod, allowing the elections tied to the first ordinary session to be administered regardless of whether a session is convened, and on the assumption that a session will not be convened as scheduled in 2020.

Discussion

Deeming the date of Synod for the conduct of elections

11. The *Synod Elections Ordinance 2000* (the **Ordinance**) sets out the processes for the conduct of elections by Synod members and for other matters. Specifically, the Schedule to the Ordinance sets out the ‘Rules for the Conduct of Synod Elections’.
12. Relevantly, rule 8.2 of the Schedule includes:
 - 8.2 Impossibility or impracticability etc of conducting an election**
 - (1) This rule applies:
 - (a) if the Archbishop-in-Council determines that it is impossible or impracticable to conduct an election at or during a session of the Synod, or
 - (b) if, for any reason, an election does not take place at the session.
 - (2) The election is to be conducted in the same manner as an election is to be conducted under this Schedule prior to the first appointed day of a session except that, for the purposes of the election, the Archbishop-in-Council is to specify a date which is to be regarded as the first appointed day of the ordinary session for the purposes of applying the relevant rules in this Schedule.
13. Under rule 8.2, if the Archbishop-in-Council determines that it is impossible or impracticable to conduct an election at or during a session of Synod, then that election is to be “conducted in the same manner” as an election that is conducted under the Schedule prior to the first appointed day of a session. This matter is discussed in more detail below.
14. For such an election to occur, the Archbishop-in-Council must also specify or deem a date as the first appointed day of the ordinary session for that purpose. It is sensible to propose 12 October 2020 as the deemed date, being the date that would be the first day of the session were it to be held.

Implication for Standing Committee membership

15. Subclause 1A(3) of the *Standing Committee Ordinance 1897* provides that –
 - (3) The election of the Elected Members is to be held during the first session of each Synod and, subject to this Ordinance, such persons hold office until the first day of the first session of the next Synod.
16. The *Standing Committee Ordinance 1897* defines Elected Members as ministers or lay persons who are members of Synod.
17. Relevantly, subclauses 18(1) and 46(1) of the *Synod Membership Ordinance 1995* impose time limits on Synod membership for parochial representatives and nominated lay persons, stating that Synod membership “continues...until the day before the first day of the first ordinary session of the next Synod”.
18. If the Standing Committee passes the resolutions recommended in this report, the election of Standing Committee members (i.e. Elected Members) will occur alongside all other Synod elections prior to 12 October 2020.

19. The effect of subclause 1A(3) of the *Standing Committee Ordinance 1897* is that Standing Committee members elected at the first session of the 51st Synod will only retire from office immediately prior to the first day of the first session of the 52nd Synod (expected to be in April 2021). This means the persons elected to Standing Committee may only take their position as Standing Committee members at the first Standing Committee meeting after that first session of Synod (expected to be in May 2021).

Making regulations to give effect to the Rules

20. Rule 8.5 provides as follows:

8.5 Regulations

The Archbishop-in-Council may make regulations to give effect to the rules in this Schedule, including to provide for any matter or thing not provided for in the rules which may be necessary for an election to be conducted effectively.

21. The rules (specifically rule 8.2) provide for conducting an election in circumstances where it is impossible or impractical to conduct an election at or during a session of the Synod. Therefore it is competent for the Archbishop-in-Council to make regulations under rule 8.5 to provide for the effective conduct of elections that are not held at or during a session of the Synod.

Regulations for the conduct of uncontested elections

22. Rules 4.1 and 4.2 of the Schedule sets out the process by which uncontested elections are to be conducted.
23. In the case of an uncontested election, the only act that would be undertaken at a session of the Synod is the declaration that the relevant persons are elected to their respective offices (rule 4.1(2)). The proposed regulations therefore set out an alternative means for the Archbishop to declare the elections in a circumstance where no session of the Synod is held since this is a “thing” that is not provided for in the rules to ensure that an uncontested election can be conducted effectively.

Regulations for the conduct of contested elections

24. Under rule 8.2, the election is “to be conducted in the same manner as an election is to be conducted under this Schedule prior to the first appointed day of a session”.
25. There is no “manner” in the Schedule for the conduct of any such election which is contested. There had previously been such a manner in the form of rule 5.3, which dealt with postal ballots conducted before a session of Synod. Rule 5.3 was omitted by the *Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013*.
26. Ideally rule 8.2 would have also been amended in 2013 to better facilitate the conduct of elections in situations where the Archbishop-in-Council determines that it is impossible or impracticable to conduct an election at or during a session of the Synod. The Standing Committee lacks the delegated power to amend the rules in the *Synod Elections Ordinance 2000* (see sections 4(1)(a) and 7(2) of the 1902 Constitution). Amendments thereto can only be made by the Synod itself.
27. Regardless, the absence of a “manner” for the conduct of a contested election is a “matter or thing not provided for in the rules which may be necessary for an election to be conducted effectively” that can be the subject of a regulation under rule 8.5. Rule 8.2 clearly provides for elections to be conducted other than at or during a session of the Synod, so it is competent for the Archbishop-in-Council to make regulations to give effect to that rule by specifying a process for a contested election.
28. It is proposed that contested elections be held as online ballots in accordance with the proposed amendments to the *Synod Elections Ordinance 2000* set out in the Appendix to the report of the Diocesan Secretary dated 19 May 2020 titled “66/19 Review of the Standing Committee Ordinance 1897”. The Standing Committee resolved to support those amendments in principle at its May meeting. The material in the Annexure replicate these proposed amendments in the form of regulations under rule 8.5 of the Ordinance.

ANNEXURE

Regulations made under Rule 8.5 of the *Synod Elections Ordinance 2000* for the effective conduct of elections held prior to the deemed first appointed day of the first ordinary session of the 52nd Synod

Interpretation

1. In these regulations:

Ordinance means the *Synod Elections Ordinance 2000*.

Rule means a rule in the Schedule to the Ordinance.

Schedule means the Schedule to the Ordinance.

2. Unless the context otherwise indicates, the definitions in rule 1.2 of the Ordinance apply to these regulations.

Administering the election process

3. The administration of the election process shall be conducted in accordance with Part 3 of the Schedule.

Regulations for uncontested elections

4. If, by 5.00 pm on the precis closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected –

- (a) the Returning Officer is to forthwith give notice to the President of:
 - (i) the offices for which the nominations were made, and
 - (ii) the names of the persons nominated,
- (b) as soon as practicable, the President is to declare elected to their respective offices the persons named in the notice in regulation 4(a), and
- (c) the Returning Officer is to post a copy of the notice indicating those persons who have been elected at the nominated website address.

Regulations for contested elections

5. If, by 5:00 pm on the Precis closing day, the nominees for election to an office is greater than the number of persons to be elected, a ballot is to be held in the following manner –

- (a) As soon as practicable, the Secretary is to send Synod Members a notice which specifies –
 - (i) the offices for which a ballot is to be conducted,
 - (ii) the name of each person nominated to those offices and the suburb or locality of their residence, along with their precis,
 - (iii) the names of the 2 members who signed the nomination in accordance with the Rules,
 - (iv) the date by which a link to the online ballot will be circulated (the 'ballot opening date', per regulation 5(c)), and
 - (v) the date on which the ballot will close (the 'ballot closing date', per regulation 5(d)).
- (b) The notice in regulation 5(a) is to include an invitation for Synod Members to submit material to the Secretary in support of the nomination of a nominee or nominees, to be hosted on an unadvertised but publicly accessible page on the SDS website, subject to –
 - (i) the material being provided by the Synod Member in completed form within four business days of the notice of contested election being posted,
 - (ii) the provision of the written approval of every person referred to in the material (where reasonable to do so), including any nominee and their nominators, whether referred to by name or not.

- (c) On the date (the 'ballot opening date') five business days after the notice sent under regulation 5(a), the Returning Officer shall send by email to each Synod Member –
 - (a) a unique link to an online ballot allowing the Synod Member to indicate the name of the person or names of each of the persons for whom the member wishes to vote, preserving as far as reasonable the anonymity of the Synod Member, while providing only one vote per Synod Member,
 - (ii) a statement of the ballot closing date (per regulation 5(d)),
 - (iii) a link to an unadvertised but publicly accessible page on the SDS website, containing any notices made in accordance with regulation 5(b).
- (d) The ballot shall close at 5:00 pm on the date (the 'ballot closing date') five business days following the ballot opening date (per regulation 5(c)).
- (e) As soon as practicable after 5:00 pm on the ballot closing date, the Returning Officer is to send to the President a report containing:
 - (i) a statement of the total number of ballot papers which were formal and informal under rules 5.6(2) and 5.6(3) of the Schedule, and
 - (ii) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
 - (iii) having regard to the number of persons to be elected and the list referred to in regulation 5(e)(ii) – a statement of the name or names of the person or persons to be declared elected.
- (f) As soon as convenient after receiving the Returning Officer's report, the President is:
 - (i) to declare elected the person or persons referred to in the statement required by regulation 5(e)(iii), and
 - (ii) to cause a copy of the Returning Officer's report to be sent to each Synod Member.

Application of these regulations

6. Recourse may be made to the provisions set out in rules 5.8, 5.9, Part 6 and Part 8 of the Schedule in order to settle a question about the application of these regulations.