

## **Review of the Regions Ordinance 1995 and related matters**

(A report from the Standing Committee.)

### **Introduction**

1. At its meeting on 15 November 2004, the Standing Committee received a report from the Diocesan Secretary indicating that the explanatory statement which accompanied the bill for the Regions Ordinance 1995 (the Ordinance) proposed that a review of the effectiveness of regionalism should be undertaken in 2005, or earlier if circumstance required. Although there appeared to be no compelling need to review the concept of regionalism generally, or the terms of the Ordinance more specifically, the regional bishops and regional councils were asked, as a first step, to indicate whether they considered a review of regionalism to be necessary and, if so, the nature of the review that should take place.

2. The Standing Committee then asked for a report on –

- (a) the practice followed by each regional council in filling casual vacancies to the Standing Committee, and
- (b) the practicality of filling casual Standing Committee vacancies by postal ballot of Synod members in the region.

3. The responses from each regional were summarised in a report to Standing Committee received at its meeting on 27 March 2006. An extract from that report setting out those responses concerning the need for a review of regionalism is included as Attachment 'A'.

4. At its meeting on 1 May 2006 the Standing Committee appointed a committee –

- (a) to review the responses received from regional councils in relation to a review of the Regions Ordinance 1995, and
- (b) to bring a report to the Standing Committee about changes to facilitate the better functioning and practical working of the Regions Ordinance 1995 and related matters,

such committee to comprise the regional bishops (or their nominees), Mr Robert Tong, Mr Robert Wicks, Canon Jim Ramsay and Mr John Pascoe.

5. The Committee met on 21 June 2006. Present were Archdeacon Ken Allen, Archdeacon Deryck Howell, Mr Glenn Murray, Bishop Tasker, Mr Robert Tong (chairman) and Mr Robert Wicks. Bishop Glenn Davies declined to nominate a representative and Mr John Pascoe and Canon Jim Ramsay were unavailable on the day.

6. This report outlines the matters considered by the Committee, together with its recommendations.

### **Review of regionalism**

7. Each regional council expressed its support for the continuation of the regional structure we now have, including the composition and size of each of the regional councils as presently constituted. While there were differing views about the need for a formal review of regionalism, those councils that expressed some support for a review did not express an opinion about the nature of the review.

8. In general the regions were seen to be effective in delivering pastoral oversight and had proved responsive to particular local ministry needs. In particular the regions had worked cooperatively with each other and with other partners under Policy 2 to develop effective models to deliver the maximum ministry impact for the funds allocated by Synod for this Policy.

9. The Committee formed the view that the matters raised by the regional councils were not sufficiently pressing as to justify a major review of regionalism at this time.

10. The Committee did note however that there were some differences of practice between individual regional councils, and some of these matters were worth recording for the sake of any future review of regionalism.

#### *Frequency of meetings*

11. Clause 10(5) of the Ordinance provides that a regional council must meet at least 4 times in each calendar year. In fact all councils meet more often than that, but there are differences in the way each has structured its affairs –

- Georges River Regional Council – Meets between 6 and 8 times each year, one of which is an all day conference. Council has established an Executive of 6 members, and an Ordinance Review Panel. There are also 4 taskforces focussed on Parish Ministry, Children & Youth, Cross Cultural ministry and Leadership.
- Northern Regional Council – Meets 5 times each year. Council has established 4 main subcommittees – Ordinance Review Panel, Multicultural Committee and Parish Investigation Committee.
- South Sydney Regional Council – Schedules 7 meetings each year, plus a strategy meeting some years. Council has appointed an Ordinance Review Panel as well as a Property Committee and a Grants Committee.

- Western Sydney Regional Council – Meets 5 times each year. Council has established an Executive, and Ordinance Review/Legal and Grants Review Committees as well as taskforces focussed on Youth, Cross Cultural, Children, Tertiary and NorthWest Growth Sector.
- Wollongong Regional Council – Meets 5 times each year, plus a planning day. Council has established an Executive, an Ordinance Review Panel and numerous committees who meet as required, eg University chaplains, Cross Cultural, Legal, Grants, Indigenous Ministry and parish relationships.

12. In addition to the committees appointed by regional councils the Archbishop has appointed Architectural Panels that function within each region to advise on and approve renovations and new buildings on parish property.

*Administration and finance*

13. Each council has taken its own approach to arrangements for administration. The three councils that operate from St Andrew's House utilise the services of Sydney Diocesan Secretariat while Western Sydney and Wollongong Councils handle their own affairs locally with a mixture of paid and voluntary labour. The Committee saw no need to propose any change to these arrangements and considered the flexibility afforded by clause 10(1) of the Ordinance to be helpful in enabling each council to order its own affairs in the way that best suits its purposes.

*Funding of Mission initiatives*

14. The Committee was advised that the interface between the Synod/Standing Committee and the councils was working well, with the delivery of Synod funds being well focused and Mission orientated. The Committee agreed that the present system capitalised on the councils' ability to deliver ministry at the coalface and to provide 'seed funding' in support of ministry initiatives within the region.

**Proposed amendments to the Regions Ordinance**

15. As a result of this review the Committee considers that a case exists for a number of relatively minor amendments to be made to the Ordinance to clarify or improve its operation.

*Development of ministry strategies*

16. The Committee understands that while councils continue to develop ministry strategies in their region in accordance with clause 6(b) of the Ordinance, presently there is no mechanism to share information on those strategies with the wider Diocese.

17. The Committee considered it would be beneficial for regional councils to report on the ministry strategies they had developed, how they were assessed and then monitored, and the results that had been achieved. However, the Committee also recognised that councils need freedom to experiment and flexibility to fine tune their strategies.

18. While a formal report focussing just on ministry strategies may not be the most appropriate mechanism, the Committee believes it would be helpful to expand the annual reporting requirements under clause 9(2) of the Ordinance to require each council to address how it has undertaken each of the functions specified in clause 6.

*Enquiry into ministries*

19. The Committee accepted the concern expressed by a number of the Archdeacons that some difficulty could arise if a council was seen to have a stand alone function of enquiring into the detail of a particular ministry exercised within its region. This role is generally the responsibility of the Regional Bishop and Archdeacon.

20. The Committee formed the view that while it is entirely appropriate for the council to be involved in the development of ministry strategies in the region (clause 6(b)), it would be helpful to clarify that councils do not have a stand alone role of enquiring into specific ministries. Accordingly, the Committee recommends that clause 6(i) of the Ordinance be amended to delete the words "to make enquiries into aspects of ministry in the Region or any part of the Region".

*Review of boundaries*

21. To supplement the existing provision in clause 3(1) that allows for regional boundaries to be determined or altered by the Archbishop, the Committee recommends that a new subclause be added to clause 6 to enable regional councils to make recommendations to the Archbishop about alterations to regional boundaries.

*Deanery representatives on regional council*

22. Under clauses 4(1)(c), (d) and (e) of the Ordinance, the members of a regional council include 1 layperson from each area deanery plus 4 laypersons from any area deanery and 1 minister from each area deanery plus 2 ministers from any area deanery. In a contested election a person elected to represent an area deanery has in practice been distinguished from a person who, although from the same deanery, is elected from any area deanery based on the number of votes each candidate receives. However in an uncontested election there is no satisfactory way to determine which of these persons is "from an area deanery" and which is "from any area deanery".

23. When a member elected to represent an area deanery ceases to be from the area deanery for which that person was elected, clause 5(1)(e) requires that a casual vacancy be declared. The vacancy will

be triggered even if the person moves to another area deanery in the same region and there remains another member from the area deanery from which the person has moved.

24. The Committee therefore recommends that a new clause 5(1)(f) be inserted as follows –

- “(f) if that person commences being from an area deanery in the Region different to the one at the time of his or her election and as a consequence there ceases to be at least 1 layperson and 1 Minister from each area deanery in the Region elected as members of the Regional Council by the Regional Electors of the Region.”

25. The Committee also recommends that clause 5(1)(e) be amended to provide for a vacancy if a person ceases being from an area deanery in the Region.

#### **Casual vacancies in regional representatives on the Standing Committee**

26. The Committee considered there was some support for changes to be made to 2 matters affecting the regional representatives on Standing Committee.

##### *Vacancy when a person is no longer ‘from the region’*

27. Firstly, some regional councils have requested that the position of a regional representative on Standing Committee become vacant if the person leaves the region.

28. At present under the Standing Committee Ordinance 1897 a person is eligible to be elected as a regional representative on Standing Committee if –

- (a) in the case of a qualified minister, that person was licensed to a parochial unit in that region at the time of that person’s election, or
- (b) in the case of a qualified lay person, that person was a parishioner of a church in that region at the time of that person’s election.

29. There is no provision in the Standing Committee Ordinance for a casual vacancy in relation to a person who was elected as a regional representative to occur by reason of that person either, ceasing to be licensed to a parochial unit in the region, or ceasing to be a parishioner of a parochial unit in the region.

30. To give effect to the regional councils’ request therefore, a new subclause could be introduced under clause 2(1) of the Standing Committee Ordinance to say that a casual vacancy occurs if a person who was elected as a regional representative ceases to be from that

region. In order for this provision to be effective a consequential amendment to amend clause 1(2) of the Ordinance would also be necessary.

31. The Committee noted that these proposed amendments to the qualifications of regional representatives on Standing Committee mirror the provisions in the Regions Ordinance in relation to area deanery representatives on a regional council.

32. There should be no difficulty in establishing whether a vacancy arises in the position of a qualified minister by reason of him ceasing to be from that region, because the Registrar's records would clearly indicate whether, and if so at what point, the person ceased to be licensed to a parochial unit in the region. The Committee acknowledges that the point at which a casual vacancy arises for a qualified lay person by reason of that person ceasing to be a parishioner of a church in the region, is more problematic from an administrative point of view. Nevertheless, the Committee was of the view that the principle that a vacancy occurs if the person leaves the region should be maintained for both ministers and lay persons. In practice it was felt that the matter would generally not be contentious, that it would always be open for the Regional Bishop or Archdeacon to seek the person's resignation in accordance with clause 2(1)(a), and that as a last resort the matter could be resolved by a resolution of the Standing Committee under clause 2(1)(h) of the Standing Committee Ordinance.

*Filling of casual vacancies*

33. Secondly, the Committee considered whether a casual vacancy in a regional representative on the Standing Committee should be filled by a ballot of the relevant regional electors of Synod.

34. At present the Standing Committee Ordinance provides that a casual vacancy in a regional representative of the Standing Committee may be filled by the regional council of the relevant region. The practice followed by each regional council under this provision is essentially the same. In each case, following a casual vacancy being declared, nominations are sought from members of the council with the council subsequently voting on such nominations to fill the vacancy. This practice is similar to the process that Standing Committee follows in filling casual vacancies in its Synod appointed members.

35. The Committee nonetheless formed the view that the role of regional councils in filling vacancies in regional representatives on the Standing Committee is anomalous from a governance perspective. There is no other body in the Diocese which is entitled to fill vacancies in positions elected by the Synod except the Standing Committee in exercising its role as the Synod in recess. A regional council is not the Synod in recess for the region.

36. Accordingly, the Committee considered that there were 2 logical alternatives in filling vacancies in regional representatives on the Standing Committee. Firstly, that the vacancy be filled by the 5 remaining regional representatives on the Standing Committee. The Committee discounted this alternative on the basis that the number of electing persons would be too few. Secondly, that the vacancy be filled by the relevant regional electors of the Synod. The Committee considered this alternative to be the appropriate means of ensuring the integrity of Synodical government in this area.

37. There would of course be some additional cost in arranging a ballot of the regional electors to fill a vacancy in the regional representatives on Standing Committee. Each vacancy would involve a ballot of approximately 150 regional electors, although it may be expected that there would not be a large number of such vacancies over the term of a Synod. At present the process would require a postal ballot with a number of stages –

- (a) notification of the vacancy and invitation to make nominations,
- (b) if there was more than one nomination ballot papers would need to be sent out,
- (c) the completed ballot papers would need to be returned and counted, and
- (d) the results communicated to interested parties including the regional electors themselves.

The proposal is for the ballot to be conducted in accordance with the process and timing outlined in the Synod Elections Ordinance for a ballot to be held before the first day of a session of the Synod, with the starting point in this case being the notice of election is to be sent out as soon as practicable after the casual vacancy occurs.

### **Recommendation**

38. The Committee recommended that the Standing Committee –
- (a) receives this report, and
  - (b) agrees to promote the Regions (Amendment) Ordinance 2006 to the forthcoming session of the Synod “by request of the Standing Committee” to give effect to the recommended amendments to the Regions Ordinance and the Standing Committee Ordinance set out in this report, and
  - (c) requests that a suitable form of this report be printed for Synod.

**Standing Committee's response**

39. The Standing Committee adopted the recommendations of the Committee referred to in paragraph 38 above. A bill for the Regions (Amendment) Ordinance 2006 is printed separately.

For and on behalf of the Standing Committee

MARTIN THEARLE

*Manager Diocesan and Policy Services*

4 August 2006

Attachment 'A'

## Responses of the regional councils

1. Each regional council expressed its support for the continuation of the regional structure we now have. However there were differing views about the need for a formal review of regionalism.

*Wollongong Regional Council*

2. The Wollongong Regional Council considered that the effect of regionalism has been a division of labour which has been very effective in both keeping the unity of the Diocese and in planning for ministry within the region. It also indicated that it had no desire to promote any move to establish Wollongong as a separate regional diocese and supported the concept of continuing to move forward as a unified Diocese.

3. The council did not consider there was any need for a formal review of regionalism.

*South Sydney Regional Council*

4. The South Sydney Regional Council made the following comments about regionalism –

- In the past 10 years regionalism has worked well in the South Sydney region
- There is on behalf of the council members and the 50 or so parishes in the region much more awareness of regional issues which would not have been the case had regionalisation not have occurred
- Because of regionalisation, many more lay people and clergy at the forefront of ministry are able to be involved in the diocesan decision making processes where they effect the ministry in the region
- South Sydney Regional Council has exercised leadership in the region and has experienced a remarkable level of unity and fellowship in gospel ministry which impacts not only on their relationships together but also at the parish level

5. The council concluded by suggesting there may be some technical details to do with the functioning of regional councils under the Regions Ordinance 1995 which require attention but that it overwhelmingly felt that this did not necessitate a full scale review at this time.

*Northern Regional Council*

6. The Northern Regional Council expressed the opinion that a review of regionalism is desirable. The council did not however

express an opinion about the nature of the review that should take place.

7. The council did however suggest that the Regions Ordinance be amended to ensure that a person elected as a member of a regional council from a particular area deanery does not become a casual vacancy if they leave that deanery (but remains in the region).

*Western Sydney Regional Council*

8. The Western Sydney Regional Council also indicated that a review of regionalism would be appropriate but did not express a view about the nature of the review that should take place.

*Georges River Regional Council*

9. The Georges River Regional Council responded by undertaking its own review of regionalism. As a result of this review it has made the following comments –

- In light of the Diocesan Mission itself and in order to be able to encourage parishes to understand the Mission and move forward, regional councils have become more important
- The Sydney diocese is diverse and regions are better able to facilitate ministry in the light of the Mission
- Regional councils should be able to shape ministry where it is really needed at the coalface
- Regional councils, being closer to the parishes and deaneries are able to make better informed decisions concerning property
- Regional councils are able to accept even more responsibility than they have at the moment
- Deaneries need a higher profile
- Every deanery is different but they are more able to help parishes
- Laity need to be engaged more in deaneries and across the region
- Parishes should be informed as to the role of the regional council.

10. By way of specific recommendation, the council considered that regional representatives on the Standing Committee should cease to hold their position if they leave the region.