

Reviewing the procedures for voting by Houses

(A report from the Standing Committee.)

Purpose

1. The purpose of this report is to consider the biblical basis for voting by houses at the Synod and to outline the means by which the current constitutional requirement for voting by houses can be changed.

Recommendation

2. It is recommended that the Synod receive this report.

Background

3. At the conclusion of its 2012 session, the Synod referred to the Standing Committee for its consideration the following motion which remained on its business paper –

'Review of the procedures for a vote by Houses

Synod asks the Standing Committee –

- (a) to consider the matter of a biblical basis for voting by orders,
 - (b) to consult with the other dioceses within the province of NSW in order to seek amendment to the Schedule to the Anglican Church of Australia Constitutions Act 1902 to the effect of –
“In clause 6 of the schedule, omit the words “any eight members of one order” and substitute instead “any eight members of the order of clergy and any eight members of the order of lay persons”,” and
 - (c) to report on this matter to the Synod during the session of 2013.’
4. The Standing Committee requested that Bishop Glenn Davies prepare a brief report for its consideration about the matters raised in the motion referred by the Synod.
 5. The Standing Committee subsequently received a report from Bishop Davies and approved the printing of a suitable form of Bishop Davies’ report for the Synod. The Standing Committee makes no recommendation in relation to the motion or the matters raised in Bishop Davies’ report.
 6. The remainder of this report sets out the key matters addressed in Bishop Davies’ report.

Discussion

7. The normal procedure for voting on ordinances, rules or resolutions at Synod is by way of a majority of the clergy and other members present [the laity] voting collectively. This procedure follows the NSW Constitutions Act 1902. However, there is also a provision for voting by houses, where, under clause 5(b) of the Schedule to the Act –

If any eight members of one order shall so desire, votes on any ordinance, rule or resolution shall be taken by orders and on such vote a majority of members of each order present and voting shall be required.

8. The motion referred to the Standing Committee assumes knowledge of the legislation governing the rules for conduct of business at Synod but asks for a consideration of the biblical basis for voting by houses.
9. The Bible has little to say about the governance of the church of God, other than references to the foundational authority of the apostles and prophets (Eph 2:20), the delegated authority given to Timothy and Titus by the apostle Paul (1 Tim 3:1-13; Tit 1:5), and the spiritual authority of leaders in the congregation (1 Thess 5:12; Heb 13:17). The distinction between clergy and laity is not explicitly evident in the New Testament, but may be inferred from such passages as Philippians 1:1, where the saints are distinguished from (while also including) the bishops and deacons. The same inference may be drawn from the obligation laid upon those who are taught the word to share all good things with those who teach (Gal 6:6; cf 1 Tim 5:17).
10. Examples of collective decision making include the casting of lots (Acts 1:21-26), election by consensus (Acts 6:1-6; 15:22) and collective policy decisions (Acts 15:6-21). In each of these occasions there appears to be a desire of the apostles to include other disciples in their circle of decision-making. Thus in Acts, Peter includes the 120 believers in the process of choosing nominees for the replacement of Judas (1:15, 23); the ‘whole group’ of the disciples choose the seven ‘deacons’ (6:2-5); and the whole church is involved with the apostles and elders in sending a letter to Antioch via Paul and Barnabas (15:22).

11. If one can discern any principle at work in these examples, it is that the leaders of the church sought to persuade, encourage and engage all believers in their decision making, without depreciating the authority of the leaders to lead (1 Peter 5:1-7). That the shepherd ought not to lord it over the sheep is a longstanding biblical principle, which, however imperfectly, is retained in the provision of voting by houses when contentious issues arise.

12. It is difficult to discern whether or not the early legislators for NSW considered the biblical basis for voting by houses, although it is likely that the growing sense of clericalism in the colonial diocese of the 19th century was a catalyst for adopting this procedure in order to gain equality between the clergy and the laity in terms of synodical governance. In 1853 a petition was sent to the House of Lords, signed by many thousands of Sydney Anglicans, including several members of the Legislative Council, magistrates, and many other persons of respectable position and property. They stated –

That the constitution and form of Church Government suggested in the minute of proceedings of the Bishops of the province of Australasia, held in November, 1850, and by the Lord Bishop of Sydney, before his clergy, assembled on the 14th day of April, 1852; and in the petition to Her Majesty, subsequently adopted by the Bishop and a majority of the clergy of the diocese at that meeting, are not in accordance with the opinions or wishes of the lay Members of the United Church of England and Ireland in this diocese generally; and your petitioners most firmly protest against the establishment by law of any system of Church Government in which the bishop, clergy, and laity shall not meet and vote in one council, with equal and concurrent authority and jurisdiction, reserving to Her Majesty all the authority vested in Her Majesty as the head [sic] of the Church. The petitioners concluded by praying their Lordships not to assent to any law at variance with the sentiments of the petitioners. ... [HL Deb 18 March 1853 vol 125 cc419-29]

13. The motion that was referred to the Standing Committee does not appear to object to the procedure of voting by houses but suggests that the ability of only eight persons of one house to require a vote by houses to be too low a threshold, and suggests that consideration be given to increasing this threshold to sixteen persons, of whom eight are from each house. The suggestion of the mover of the motion, at first glance, appears very sensible and hardly revolutionary. It preserves the principle of consensus evident in the biblical material and may better reflect the concerns of the laity of the Diocese of Sydney as reflected in their petition of 1853.

14. In light of the request to consult with the other dioceses, the Archbishop asked the Bishops of the Province at their November 2012 meeting if they had any objection to such a change. The response from the bishops was varied, in that the majority were unaware of the procedure and could not recall a time when the procedure had been used in their synod. One bishop informed the meeting that it was likely his synod had unintentionally been in breach of the Act, since the custom of his Synod was to require 30 persons to request a vote by houses. For some dioceses, such as Riverina, where there are only 15 incumbents, the threshold of eight persons is proportionally far higher than it is for the Diocese of Sydney. In the light of this feedback, it would be fair to say that there was no appetite among the bishops for changing the constitutions of their dioceses.

15. Yet, the motion seems to imply that the only way in which such a change can be achieved is by a change in the 1902 Constitutions Act. However, a Diocese has power to change its own constitution under the General Synod - Constitution of the Diocese Alteration Canon 1995 Adopting Ordinance 2003.

Alteration of Constitution of a diocese

2. Subject to the Constitution, the constitution of a diocese may be altered by an ordinance of the synod of that diocese provided that such ordinance -

- (a) is passed by –
 - (i) a majority of two-thirds of the members of the House of Laity of the Synod present and voting; and
 - (ii) a majority of two-thirds of the members of the House of Clergy of the Synod present and voting –

at the same sitting of the Synod; and
- (b) is confirmed by resolution passed in like manner within 3 years at a subsequent sitting of the same Synod or at a sitting of a later Synod; and
- (c) is assented to in writing by the bishop.

16. Should the Synod choose to change the constitution of the Diocese of Sydney by way of the General Synod Canon, then there would be no need to change the NSW Act, nor would there be need to gain unanimous agreement from all the other dioceses in the Province of NSW.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

3 July 2013