

## Future Form of Synod Meetings

(A report from the Standing Committee.)

### Introduction

1. In May 1994 the Standing Committee set up a Committee to advise the Archbishop as to the form of future Synod meetings. The Committee provided an interim report in 1995. Its final report was presented to the Standing Committee in July 1997.

2. The Committee's final report is printed immediately after this report for the information of Synod members. In the Committee's report Synod members will find details of the membership of the Committee, its proceedings, its findings and its recommendations.

3. This report summarises the principal findings and recommendations of the Committee, and the Standing Committee's response, under the following headings -

- amendment of the Standing Orders
- redrafting of the Standing Orders
- missionary hour
- delegation of powers
- review of Ordinance Promotion Procedures
- Proposals for weekend Synod meetings
- Proposals for Regional Synods and regionalisation of the Diocesan Synod
- Discharge of the Committee.

### Amendment of the Standing Orders

4. The Committee considers that reforms should be made to the Standing Orders of Synod, particularly in the areas of questions and motions. Standing Committee has agreed to promote a bill to amend the Standing Orders Ordinance 1968 in accordance with most of the Committee's recommendations. The explanatory statement for the Standing Orders Ordinance 1968 Amendment Ordinance 1997 sets out the details of the amendments proposed to be made.

### Redrafting of the Standing Orders

5. The Committee considers that the legal jargon contained in many of the Standing Orders makes it difficult for the average Synod member to fully understand their meaning or purpose. The Committee recommends that the Standing Committee seek the Synod's in principle support for the rewriting of the Standing Orders, paying particular attention to the use of modern, plain English. Standing Committee has requested that this rewrite take place: there is no need for the Synod's in principle agreement.

### Missionary Hour

6. The Committee has recommended that the Missionary "Hour" be reduced to 30 minutes in order that additional time is available for the business of the Synod. The Standing Committee has recommended to the Archbishop that the Missionary Hour be discontinued. This recommendation reflects that the Synod has had great difficulty in recent years in dealing with all its business within the allocated meeting times and that the Synod's limited time is best utilised in dealing with that business.

### Delegation of Powers

7. The Committee considers that if the new Provincial constitution is approved by the General Synod in February 1998, the Synod should consider delegating more of its ordinance making powers to the Standing Committee. This will enable the Standing Committee to deal with routine legislation rather than it being required to be dealt with by the Synod. The Standing Committee has agreed to consider, as soon as possible after the 1998 General Synod session, promoting to the Synod a bill to provide for a greater delegation of powers.

### Review of Ordinance Promotion Procedures

8. The Committee considers that the present ordinance procedures are complex and legalistic and that consideration should be given to simplifying them. The Standing Committee has appointed a task force, comprising Messrs Neil Cameron, Robert Tong and Justice PETER YOUNG (subject to their consents) to determine if a simpler procedure for dealing with ordinances is feasible.

### Proposals for Weekend Synod Meetings

9. The Committee thinks that there would be a number of benefits in holding weekend meetings of the Synod (see item 62 of the Committee's report). The Standing Committee has appointed a task force comprising Mr Justice Ken Handley, Mr Geoff Kyngdon, Deaconess Margaret Rodgers, the Rev Stephen

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Semenchuk and the Rev Peter Tasker (subject to their consents) to consider the proposal for weekend Synod sittings.

### **Proposal for Regional Synods and regionalisation of the Diocesan Synod**

10. The Committee has floated the idea of the creation of regional synods and a consequent reduction in the size of the Diocesan Synod whose membership would largely be determined by regional representation. The Committee considers that this reform would assist in the Synod fulfilling what the Committee considers are its aims. The Standing Committee has declined to implement the recommendation of the Committee that it appoint a task force to examine the feasibility of this proposal. The Standing Committee is conscious that regionalisation is a recent development and that it is premature for the Standing Committee to be countenancing the proposal. Nevertheless the Standing Committee is happy to print the Committee's report to enable members of the Synod to reflect upon the proposal.

### **Discharge of the Committee**

11. The Standing Committee has discharged the Committee and thanked it, and in particular its Chairman, for its work.

For and on behalf of the Committee

MARK PAYNE  
*Legal Officer*

23 September 1997

## **Future Form of Synod Meetings**

(A report to the Standing Committee.)

### **Introduction**

1. In May 1994 the Standing Committee set up a Committee to advise the Archbishop as to the form of future Synod meetings. The members of the Committee, other than the Chairman, were nominated by the Registrar and Archdeacons with territorial jurisdiction. The members of the Committee are -

- Mr Justice Peter Young (Chairman)
- Canon Gerald Beckett (nominated by the Archdeacon of Parramatta)
- The Rev Lindsay Johnstone (nominated by the Archdeacon of South Sydney)
- Canon Lawrence Bartlett (nominated by the Registrar)
- Mrs Nicola Lock (nominated by the Archdeacon of North Sydney)
- Mr Tom Muir (nominated by the Archdeacon of Georges River)
- Mr Geoff Kyngdon (nominated by the Archdeacon of Wollongong)
- Mr Mark Payne is the Secretary to the Committee.

2. In 1995 an interim report of the Committee was received by the Synod. In its interim report the Committee expressed the view that the Synod should be completely recast and its size reduced. If this was not acceptable to the Synod, the Committee indicated some procedural reforms which could assist the working of the Synod. By resolution 10/95, the Synod asked that members with comments on the interim report send them to the Committee by 28 February 1996.

3. The Committee received comments from only 1 member of the Synod, and in the absence of a clear direction as to how the Synod wished the Committee to proceed, the Committee sought the Standing Committee's direction. On 29 April 1996 the Standing Committee requested that the Committee prepare a proposal in ordinance form for further consideration.

4. In a report presented to the Synod in October 1996 the Committee informed the Synod that it was still preparing its final report.

5. In January 1997, the Standing Committee asked the Committee to consider a number of issues by way of reform of the Synod's procedures. The Standing Committee also asked the Committee to consider whether senior assistant ministers and chaplains should be members of the Synod.

6. The Committee has met on 4 occasions since its last report to the Synod. At its last 2 meetings, the Committee also considered the matters referred by the Standing Committee in January 1997.

7. The remainder of this report is divided into 6 main sections dealing with -

- (A) matters of procedural reform;
- (B) proposals for reform which require further consideration;

- (C) proposals for revised format;
- (D) proposals for reform as a consequence of regionalisation;
- (E) other matters; and
- (F) recommendations.

8. The time which has elapsed since the Committee prepared its interim report has enabled the Committee to reflect more fully on certain issues and, in some respects, the Committee has modified or refined the views expressed in its interim report.

### **(A) Matters of Procedural Reform**

9. In recent years, the Synod has been unable to complete its business in the sitting days set down. This has meant that some matters have lapsed and others deferred for periods of 2 years or more. In matters that have been considered, debate has often been curtailed to enable the completion of as much business as possible. Members who have wanted to contribute to the debate on important issues have been unable to do so or their speaking time has been reduced below that ordinarily permitted by the Standing Orders.

10. While it is inevitable that on occasions business will not be reached or debates on matters will be curtailed, the Committee is concerned that this situation has become the norm rather than the exception. It is possible that some members of the Synod, particularly the laity, will regard themselves as being disenfranchised: they are unable to raise matters which they consider to be of importance to the Church, or if they are able to speak, their speaking time is reduced. The Committee considers this situation is unsatisfactory. The contribution of all Synod members must be encouraged, particularly the contribution of the laity. As the Committee noted in its interim report, the laity have a significant role in the building up of the Church.

11. The Committee is acutely conscious that 1 hour of time wasted at a session when 500 members are present is a waste of 500 person hours. Moreover, most members of Synod are busy people with little spare time and irritation over wastage of time may mean that capable people do not stand for election to Synod.

12. One answer to the problem may be for the Synod to sit for longer periods, but the Committee suspects this may be just as unpalatable to Synod members as is the inability of the Synod to deal with its business. Accordingly, in the short term, the Committee thinks that the answer lies in reforming certain procedures of the Synod in an attempt to ensure that the Synod only deals with "important" matters and then deals with such matters expeditiously.

13. This section of the report sets out the Committee's recommendations for certain procedural reforms which the Committee thinks will facilitate the business of the Synod. The matters referred to the Committee by the Standing Committee in January 1997 are considered together with other matters of procedural reform identified by the Committee. The Committee's recommendations are encapsulated in a bill to amend the Synod's Standing Orders which the Committee has prepared. The Committee recommends that the Standing Committee promote this bill to the next session of the Synod.

14. In this section of the report the Committee also considers proposals for reform which it does not recommend.

### **Questions**

#### *Notices of Questions and Answers to Questions*

15. Standing Order 27 allows any member of the Synod to put a question upon notice in writing to the President relating to any motion or matter connected with the business of the Synod or any committee, board or commission of the Synod or established by or under an ordinance or resolution of the Synod. The time for giving notice of questions follows immediately after the time for presenting petitions on days 1, 2 and 3 of the session. Standing Order 27(2) requires that a reply to a question be in writing and read out by the President and recorded in the proceedings of the Synod.

16. In recent times, it has often taken 15 or 20 minutes to receive notices of questions and the time taken to answer those questions can be considerably more. Thus if there were no facility to ask questions up to 2 hours of the Synod's time each session could be spent on other matters.

17. The ability to ask a question is an important method by which members of the Synod can obtain information which may not be readily available to them. Accordingly, great care should be taken before that right is restricted.

18. The Committee believes that one way the time of the Synod may be saved, while preserving the right to ask questions, is to allow persons to give written notices of questions directly to the Secretaries on the first, second or third days of a session. The formal notice procedure would be abandoned. The questions would be answered as soon as possible and the answers given directly to the questioner, in writing, with a copy of the answer posted on a notice board in or near the Synod hall for inspection by other Synod members. The

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Committee believes that such a procedure will still enable those who genuinely wish to obtain information to receive it and enable Synod to spend more time on other matters of more general concern.

19. A tendency has been perceived that in some cases the person asking the question already knows the answer. The Committee considers that giving notice of a question in these circumstances is beyond the spirit of the Standing Orders. If this tendency continues the text of Standing Orders may need strengthening.

20. *The Committee recommends that the Standing Orders be amended so that -*

- (a) *notice of a question will be taken to have been given if a written copy of the question (in duplicate) is handed to the Secretaries by 3.30 pm on days 1, 2 or 3 of a Synod session, and that the formal notice procedure be abandoned; and*
- (b) *answers to questions on notice be not read out but be posted on the notice board, and handed to the person asking the question.*

### *Validity of Questions*

21. A question is only proper if it complies with the requirements of Standing Order 27(2) and the relevant requirements of the Standing Orders of the Legislative Assembly. Thus, for example, a question is improper under Standing Order 27(2) if it contains a statement of fact, offers an opinion or argument or makes an inference or imputation. In recent years a number of questions have been ruled improper because they have sought a legal opinion, contrary to the requirements of the Legislative Assembly's Standing Orders. To make it clear that a question cannot seek a legal opinion, the Committee considers that Standing Order 27(2) should be amended to expressly refer to that restriction. At the same time, the Standing Order should be recast in plainer language.

22. The Committee recommends that Standing Order 27 be recast in plainer language and that it expressly include a prohibition on a question seeking a legal opinion.

### *Questions to movers of Ordinances*

23. The Committee observes that in recent years, there have been occasions where a series of questions have been asked of the mover of an ordinance which have the effect of bringing about a debate rather than being genuine requests for information. Bringing about such a debate is not the purpose of asking questions. In Section B of this report the Committee suggests a remedy to this problem.

## **Motions**

### *Notices of Motion*

24. Under Standing Order 39 a member of Synod cannot bring a subject under the consideration of the Synod unless notice, in writing, has been given on a previous day. By Standing Order 10 a notice of motion given in writing by 7.00pm on the first day of each session is deemed to have been properly given for the purposes of Standing Order 39. The Order of Business for the first 3 days of each session specifically provides for the giving of notices of motion. After notice is formally given the motion is printed on the business paper for the next business day.

25. The formal giving of notices of motion is intended to put members of the Synod on notice about the subject matter of the motion. Given the relative complexity of most motions, members of the Synod are usually unable to fully appreciate the text of the motion upon its reading. Accordingly, the Committee does not consider that members of the Synod would be unduly disadvantaged if the formal notice procedure was abandoned and replaced with a procedure whereby notices of motion are handed directly to the Secretaries.

26. *The Committee recommends that the Standing Orders be amended so that notice of a motion will be taken to have been given if a written copy of the motion (in duplicate) is handed to the Secretaries by 3.30 pm on days 1, 2 or 3 of a Synod session, and that the formal notice procedure be abandoned.*

### *Seconding of Motions*

27. Currently, under Standing Order 37, any motion or amendment from a member of the Synod need only be seconded by one other Synod member. Then, depending upon the nature of the motion or amendment the mover can speak for up to 10 minutes.

28. The Committee considers that the requirement for only one seconder is a very low threshold and has, on occasions, required the Synod to consider motions or amendments which do not have wide support. The Committee considers that the number of seconders which must be obtained for a motion or amendment should be increased. However in determining the size of the increase in the number of seconders there are competing factors which need to be considered. Increasing the number of seconders means that it is less likely that Synod will consider matters which do not have general support. Accordingly, the time of the Synod will be better utilised on more important matters. However increasing the number of seconders required means that it may be more difficult for some Synod members to put their point of view, particularly where the Synod member is inexperienced or where the Synod member wishes to express a view which may not be

shared by the majority of the Synod. The Committee considers that, within reason, the ability of all members to express their point of view by way of being able to move a motion or an amendment is just as important as the need for the Synod to conduct its business efficiently.

29. The Committee considers that a fair balance between these competing interests is to require that each motion or amendment be seconded by at least 10 Synod members. The Committee recognises that this number is arbitrary but thinks that it is reasonable in a Synod where generally about 500 members are present at all times during proceedings.

30. *The Committee recommends that Standing Order 37 be amended so that motions and amendments would only be entertained if they were seconded by at least 10 Synod members.*

#### *Formal Motions*

31. Following the giving of notice of a motion, the text of the motion is placed on the business paper for the next sitting day. Prior to the Orders of the Day being called on that day, Standing Order 12 requires that such motions be called and each motion is to be taken as a formal motion unless 1 or more members of the Synod objects. Where there is no objection, the motion is moved formally - the mover does not get the opportunity to make a speech.

32. From experience, members of the Committee note that on the first and second sitting days objections are taken to most motions being dealt with formally under Standing Order 12. However as the end of the Synod session approaches, no objection is taken to a motion being dealt with formally even though an objection was taken on each of the preceding sitting days. The Committee does not know why this occurs but suspects that on some occasions the objection is taken by a *supporter* of the motion to enable the mover to make a speech when the motion is reached. But as the end of Synod draws nearer and it is less likely that the motion will be reached, the objection is withdrawn to enable the motion to pass formally rather than allow the motion to lapse.

33. The Committee thinks that the making of an objection by the supporter of a motion for the purposes referred to in the previous paragraph is contrary to the spirit of the Standing Orders. While it is difficult to ensure that it does not occur the Committee considers that one way of minimising the risk is to increase the numbers of members of the Synod who must object to prevent a motion from being taken formally. However in determining the appropriate number, care must be taken that it is not so high as to prevent legitimate objection being taken to a motion being taken formally.

34. Sometimes a legitimate objection is made to a motion being taken formally because the form of the motion, sometimes unwittingly, proceeds upon a mistaken assumption. It is to everyone's interest that such matters be dealt with as expeditiously as possible. This could be dealt by a person being allowed to call out "amendment" as an alternative to calling "object". A person calling "amendment" should be obliged to give the Secretaries and the mover of the motion a written copy of the proposed amendment. If the mover accepts it and notifies the Secretaries before the end of the day, the motion can then be printed in its amended form on the next day's business paper without the need for leave to move in an amended form.

35. Some objections to a motion being taken formally may arise because at the time of the call over, which is generally before 4.00 pm, members of the Synod have not had time to fully consider the terms of the motion as set out on the business paper for that day. If the earliness of the call over is contributing to objections, the call over could be deferred until 7.00 pm. However, the Committee makes no recommendation in this regard.

36. *The Committee recommends that Standing Order 12 be amended so that at least 10 objections are required to prevent a motion being taken formally under that Standing Order. However, on the first occasion that a motion appears on the business paper, a member may call "Amendment". A person calling "Amendment" must within 30 minutes of that call hand to the mover and the Secretaries a written copy of the text of the proposed amendment. If the mover, with out without consultation with the person who made the call agrees to the amendment or some version thereof, and so informs the Secretaries before the close of the day, the motion may be printed on the next day's business paper in an amended form without further leave.*

## **Ordinances**

### *Explanatory Statements*

37. The Standing Orders should require that each bill be accompanied by an explanatory statement which sets out concisely, and in plain English, the effect of each bill. The Committee does not think that the explanatory statements which are presently provided are always as helpful as they could be.

38. *The Committee recommends that the Standing Orders be amended to require that each bill be accompanied by a suitable explanatory statement.*

### **Missionary Hour**

39. By convention an hour from each Synod session is set aside to hear from missionary organisations connected with the Diocese. The Committee understands that the participants in the Missionary Hour are invited by the Archbishop. The experience of the Committee is that a good number of Synod members attend and that, especially in recent years, the presentation has been interesting and professionally presented. For some Synod members it is likely that Missionary Hour is the only opportunity they have to hear about the work of some of the missionary organisations.

40. Missionary Hour is not referred to in the Standing Orders and is not an essential part of the Synod's business. On this basis there is a good argument that if the Synod's time is short, the Missionary Hour should be omitted. However, the Committee has been advised that the Archbishop wants the Missionary Hour to be retained but that it be reduced to 30 minutes (the Missionary Half-Hour?). The Archbishop wants to give further consideration to the format of the future Missionary Hour segment.

41. *In light of the Archbishop's wishes, the Committee recommends that the Missionary Hour be reduced to 30 minutes.*

### **Other Procedural Matters**

42. There are other procedural matters which the Committee has been asked to consider and which, on balance, it does not support.

43. The first of these matters is whether amendments to the Synod Appropriations Bill involving small amounts of money of \$5,000 or less should be prohibited, except where the amendment raises a matter of principle. In theory, this suggestion has much appeal since it seeks to prevent the Synod having to consider small amendments in the context of a multi-million dollar budget. However the Committee thinks that the suggestion, if adopted, will have little practical utility. Most amendments can be cast in a manner which raises a matter of principle. For example, an amendment to the effect that the Synod's allocation to organisation X be increased by \$1,000 can be cast as an issue of principle, namely, that the Synod should support organisation X to an extent which is greater than that provided in the bill. In any event, the Committee is conscious that small amendments are often moved on behalf of causes which are not perceived as being "mainstream". The Committee considers it unwise that the rights of supporters of those causes be restricted.

44. Another suggestion is that there should be a limit on the number of motions which a person can move at a Synod session. The Committee is not in favour of such a limit, if only because it would be easy to side step. A person who has already moved the prescribed number of motions could get a friend to move another motion, with the first person giving the principal speech in the course of debate on the motion. In any event the Committee feels that if an issue is important enough, the Synod should consider the matter no matter who moves it. For this reason the Committee thinks it would be better to increase the number of persons required to second the motion. The Committee has already made a recommendation in this regard.

45. Another suggestion is that traditional (but chiefly formal) elements, such as the appointment of a committee to consider issues arising from the Presidential Address, be "pruned". In the experience of the members of the Committee, the appointment of a committee to consider issues arising from the Presidential Address is a formality. Little time of the Synod is taken up because names are thought of before hand and no ballot is required. The Committee is unsure what the Presidential Address Committee does but given that Standing Order 14A contemplates that it has a function, the Committee does not believe that much is gained by "pruning" the election of the Presidential Address Committee of the Standing Orders.

46. It should be remembered that some of the formal matters such as the tabling of reports of Diocesan organizations, entrench the Synod's right to information and, in fact, occupy little time. It would be counterproductive to remove these matters from the Standing Orders.

## **(B) Proposals for Reform which require further investigation**

### **Removal of Unnecessary Jargon from the Standing Orders**

47. The Synod's Standing Orders are couched in legal jargon which the Committee does not think serves any useful purpose. The Committee considers that the language of the Standing Orders is such that the average Synod member is unable to fully understand their meaning or purpose. Some examples will illustrate -

- (a) The Committee thinks that the rules for the conduct of the business of the Synod should no longer be called "Standing Orders" but rather "Rules". This change in terminology is consistent with changes in other areas of law. For example, the Corporations Law is to be amended so that companies will have "rules" rather than memoranda and articles of association.
- (b) It is undesirable that the Standing Orders (by whatever name called) contain Latin expressions: for an example of the use of Latin expressions see Standing Order 3.

- (c) The use of terminology such as the "previous Question", "counting out", "first reading", "second reading" etc should be discouraged.

48. The Committee thinks that the Standing Orders should be rewritten, paying particular attention to the use of modern, plain English. The rewriting of the Standing Orders could be a large, time consuming exercise. Some work has been done, but the Committee considers that further resources should not be applied for that purpose at this time unless the Synod or at least the Standing Committee gives in principle support.

49. *The Committee recommends that the Standing Committee seeks the Synod's in principle support for the rewriting of the Standing Orders.*

#### **Ordinance Procedure**

50. The ordinance procedure in the Standing Orders is very complex and legalistic, notwithstanding that attempts have been made to simplify the process. Except in the cases of routine uncontroversial ordinances, a "Westminster" procedure is adopted requiring that an ordinance have a first reading, a second reading, a committee stage and then a third reading. The Committee wonders how many Synod members understand the process or its purpose.

51. Other synods have implemented procedures in recent years to simplify the legislative process and the Committee thinks that Sydney should re-examine its procedures in light of the experience of those other places. For example, in 1993 the General Synod, with Sydney's assent, amended its Constitution so that the system of first and second readings, committee stage and third reading for the making of canons was abolished. While the General Synod model may not be suitable for Sydney, the Committee considers that the example illustrates that more user friendly procedures can be adopted. One of the advantages of the General Synod model is that it does away with the need to use jargon such as "first reading", "second reading" etc.

52. During the ordinance procedure, most time is spent at the question stage of the second reading debate and the committee stage. The Committee has already commented on the former. The time spent in committee could be minimised if there was a preliminary or informal process for those with amendments to meet and thrash out their differences. The Committee notes that when this has occurred with contentious measures in recent years, the number of amendments has been substantially reduced.

53. One way forward is for the first reading to be replaced by a motion for leave to introduce an ordinance involving a short speech by the mover. If the ordinance does not pass formally, the Synod would then fix a time for a debate on whether the ordinance should be agreed to in principle. If the ordinance is agreed to in principle, the committee stage or an alternative takes place. Finally, the ordinance would pass a "review stage" before being passed and submitted to the Archbishop for assent. References to "readings" and "orders of the day" will disappear.

54. *The Committee recommends that the Standing Committee establish a task force to determine if a simpler procedure for dealing with ordinances is feasible and, if so, to prepare the appropriate amending legislation for the 1998 Synod so that the new procedure will be in force for the new Synod to commence in 1999.*

#### **Delegation of More Legislative Powers to the Standing Committee**

55. Currently, the Synod cannot delegate all of its ordinance making powers under the 1902 Constitutions. The inability of the Synod to delegate those powers means that the Synod often has to consider bills which are routine. For example, each year a Miscellaneous Amendments Ordinance is promoted to the Synod to effect minor law reforms. Rarely do any of these reforms raise a question, let alone an objection.

56. It is hoped that amended 1902 Constitutions will take effect after the General Synod passes a ratifying canon in February 1998. One effect of the amendments will be to allow the Synod to delegate more of its powers to the Standing Committee. The Committee believes that the powers of delegation should be exercised so that only bills which involve important matters of principle need be considered by the Synod. The Standing Committee will be able to deal with other bills, subject to certain safeguards.

57. The Committee has drafted a bill which would have the effect of expanding the powers in the manner it proposes. Under the bill proposed by the Committee the Synod would delegate to the Standing Committee power to make ordinances upon and in respect of all matters and things concerning the order and good government of the Church and the regulation of its affairs in the Diocese (section 2(1) of the new 1902 Constitutions) and also power to call upon any person holding property belonging to or held in trust for the Church in the Diocese or part thereof to render a full account of all such property (section 3(2) of the new 1902 Constitutions). If this bill was passed the ability of the Standing Committee to exercise those broad powers will be subject to constraints set out in the 1902 Constitutions and envisaged by the Committee in the bill. These constraints include the following -

- (a) The Standing Committee will not have power to make ordinances dealing with cases of clergy incapacity or inefficiency or circumstances in which the licence of a member of the clergy may be suspended or revoked. In addition the Standing Committee will not have power to amend ordinances providing for the membership of Synod or amend the rules for the conduct of the Synod's business.
- (b) An ordinance passed by the Standing Committee may be referred to the Synod by the Archbishop at any time prior to assent and must be referred, prior to assent, upon the request in writing of any 3 or more Standing Committee members.

58. *The Committee recommends that a bill in the form drafted by the Committee should be promoted to the 1998 session of Synod if the 1902 Constitutions are amended at the 1998 General Synod session.*

### **(C) Proposals for a revised format**

#### **Time and Place of Synod**

59. The Committee considers that the time and place of Synod meetings affects not only its composition, but also its format. The amendments to the Standing Orders referred to in Sections A and B of this report are suggested on the basis that Synod will continue to meet for 5 or 6 days each session spread over 2 weeks.

60. An alternative format for meetings for a Synod session would be for a weekend meeting in say, November, with a further 3 day weekday meeting in, say, the following March. The weekend meeting could be set aside for the Presidential Address, conference sessions on matters of policy, resolutions and informal sessions endeavouring to minimise amendments to proposed legislation. The subsequent weekday meeting could then be solely devoted to legislation.

61. The weekend session could be held out of Sydney. Perhaps every second year it could be held in Sydney and alternate years in a regional conference centre.

62. The Committee considers that this format involving a weekend meeting would have at least 3 benefits -
- (a) there would be time to for Synod members to have fellowship together as a diocese;
  - (b) laity would not have to take so much time off work; and
  - (c) the weekend, being free of legislation, could be less legalistic and devoted to Gospel matters.

63. The proposal for a weekend Synod meeting will raise some difficulties, particularly for ministers. However the Committee does not see the fact that ministers might not be in their churches on the Sunday as a great hurdle. This occurs in most country diocese in Synod week without adverse effect on the congregations.

64. The Committee sees considerable merit in the proposal for a weekend session of the Synod but considers that the proposal needs to be further considered after full opportunity for consultation.

65. *The Committee recommends that the Standing Committee appoint a task force to report to the 1998 Synod Session about the pros and cons of the proposal for a weekend meeting of the Synod.*

### **(D) Proposals for reform as a consequence of Regionalisation**

66. In its interim report, the Committee stated that it considered the Synod has 4 aims -
- (a) to be a body to give the Archbishop and the administrators of the Church's affairs a representative view of the feelings of the Church members;
  - (b) to be a body which acts as a conduit permitting the transmission of the Archbishop's, clergy and lay visions of the Church to each other;
  - (c) thence to be a body which formulates diocesan policies; and
  - (d) to pass legislation which promotes the growth and maintenance of the Church in accordance with the vision of those involved as expressed in diocesan policies.

The Committee notes that no member of the Synod has made any adverse comment on these aims.

67. The Committee considers that the aims of the Synod could best be achieved by procedural reform along the lines referred to in this report and by substantially reducing the size of the Synod to an optimal size.

68. The optimal size for the Synod is ultimately a matter of judgement but the Committee considers that the Synod should not exceed 300 members. A Synod of 300 members or less would greater flexibility in where Synod can be held (perhaps, outside Sydney) and the times at which Synod can be held (perhaps during the day or on weekends). A smaller number of members means that it is more likely that Synod members will be encouraged to contribute to the debate of Synod and are more likely to be able to do so. The provision of meals may assist in promoting community among Synod members.



69. The Committee considers that it is not possible to substantially reduce the size of the Synod while the principle of adequate representation for all parishes prevails. However regionalisation may provide the opportunity to substantially reduce the size of the Synod.

70. The passing of the Regions Ordinances in 1995 has seen the part regionalisation of the Standing Committee and the creation of regional councils upon which representation occurs on an area deanery basis. The Committee considers that consideration should be given in due course to the creation of Regional Synods at which all parishes are adequately represented. The creation of Regional Synods will allow for the "regionalisation" of the Diocesan Synod and the consequent reduction in the membership of the Synod.

71. Since regionalisation remains in its formative stages, the Committee thinks that it is premature to recommend the creation of Regional Synods and the recasting of the membership of the Diocesan Synod. Nevertheless, the Committee believes that this is a matter which the Diocese should address in future and has developed a model to help focus future discussion.

**Regional Synods**

72. The Committee's model envisages a Regional Synod for each Region with the following membership -

The Regional Bishop
The Regional Archdeacon
Each member of the clergy licensed to a parochial unit
Each member of the clergy licensed as a chaplain in the Region
2 lay representatives for each parochial unit
5 ministers appointed by the Archbishop
Such number of lay persons elected by the Regional Council as to make the ratio of clergy:lay members of the Regional Synod 1:2

73. A Regional Synod should have the following functions -

- (a) to consider any question referred by the Archbishop, the Regional Bishop, the Synod, the Standing Committee or the Regional Council;
- (b) to pass resolutions for the peace, welfare and good government of the Church in the Region;
- (c) to suggest matters to be considered by the Synod;
- (d) to facilitate the work of the Church in the Region; and
- (e) to exercise such other functions as may be given to it by ordinance or are delegated to it by the Synod or the Standing Committee.

74. The issue of whether the Regional Synod can pass ordinances needs further consideration and, in any event, State legislation is probably required to give Regional Synods this power. Whether or not Regional Synods have legislative power, the Committee envisages that the Regional Synod would have an important part in the legislative process of the Diocesan Synod. The existence of a forum such as the Regional Synod will enable draft legislation to be considered at the "grass roots" before it is considered by the Synod, potentially saving much of Synod's time. In addition, it would be possible to amend the Synod's Standing Orders so that legislation (not being legislation referred by the Synod or the Standing Committee or legislation of special urgency) would not be considered by the Synod unless 2 Regional Synods have requested that it be so considered. This will ensure that legislation will only be considered by the Diocesan Synod if it has a measure of support within the Church and thus assist in ensuring that the Synod's time is best utilised.

75. In specifying the membership of a Regional Synod in its model the Committee has kept the following principles in mind -

- (a) Each member of the clergy licensed to a distinct official position in a parochial unit will be a member of the Regional Synod. Accordingly representation will be given to all ministers and assistant ministers.
- (b) Each member of the clergy licensed as a chaplain in the Region will be a member of the Regional Synod. This recognises that chaplains have a distinctive ministry in a Region and have a contribution to make at the Regional Synod level.
- (c) Each parochial unit (regardless of its status) would be entitled to elect 2 lay representatives. Lay representatives would be elected at annual vestry meetings but casual vacancies will be filled by the parish council. Lay representatives must be 18 years of age or older, and be communicant members of a church in the Region.

- (d) The Committee proposes that the Archbishop have power to appoint 5 ministers to the Regional Synod creating a direct link between the Archbishop and the Regional Synod.
- (e) Regional Councils will be able to appoint such number of lay persons so as to make the ratio of clergy:lay members of the Regional Synod equal 1:2. This will enable Regional Councils to appoint lay persons with special expertise.

#### **Reduction in the size of the Diocesan Synod**

76. With the creation of Regional Synods the membership of the Diocesan Synod could be recast in accordance with the following table.

<b>Present Membership of Synod</b>		<b>Proposed Membership of Synod</b>	
The Archbishop	1	The Archbishop	1
Minister of each Parochial Unit	260	The Regional Bishops	5
1 or 2 Lay Representatives of each Parochial Unit	450	The Regional Archdeacons	5
CEOs of Diocesan Organisations	5	Ministerial Representatives for each Region (16)	80
Ministers (14th Constitution)	25	Lay representatives for each Region (32)	160
Laypersons (14th Constitution)	25	Nominated Ministers	5
The Dean	1	Nominated Laypersons	10
The Registrar	1	The Dean	1
The Chancellor	1	The Registrar	1
The Warden of St Paul's College	1	The Chancellor	1
Persons elected by St Paul's Council	2	The Warden of St Paul's College	1
<b>Total Membership</b>	<b>772</b>	<b>Total Proposed Membership</b>	<b>270</b>

77. The proposal for the recasting of the membership of the Diocesan Synod has the following features -
- (a) It seeks to maintain the balance between clergy and lay membership of the Synod. About 37.7% of the total Synod membership currently comprises clergy. Under the proposal, about 36.6% of the total Synod membership will comprise clergy.
- (b) The Regional Bishops and Archdeacons will be members of the Synod, ex officio. Currently they are members of the Synod, appointed under the 14th Constitution.
- (c) Representative membership of the Synod will be determined on a regional basis rather than a parish basis. The members of each Regional Synod would elect 16 members of the clergy and 32 lay persons as members of the Synod.
- (d) Ministerial Representatives for a region have to be licensed to a distinct official position in a parochial unit in that region. Lay Representatives for a region have to attend a church in that Region.
- (e) The CEO's of diocesan organisations would not be members of the Synod, ex officio. There are good reasons both for and against a limited number of diocesan organisations being represented on the Synod. In favour is the argument that diocesan organisations, especially the larger organisations, play an important role in the life of the diocese. On the other hand is the view that diocesan organisations represent those who are employed by the Church and it is inappropriate that they be involved in determining matters of policy. On balance the Committee does not think that any diocesan organisation should be represented on the Synod.
- (f) The Archbishop will have power to appoint 5 ministers as members of the Synod. The Archbishop could use this power to appoint a CEO of a diocesan organisation, being a member of the clergy, if the Archbishop wished.
- (g) The Standing Committee will have power to elect 10 lay persons as members of the Synod. The Standing Committee could use this power to appoint a CEO of a diocesan organisation, being a lay person.
- (h) With the reduction in the size of the Synod it is inappropriate that St Paul's College be entitled to appoint 3 representatives to the Synod. The proposal provides for the warden of the College to remain a member of the Synod, ex officio, principally because of the long historical link between St Paul's and the Synod.

78. The Committee has prepared draft legislation for the creation of Regional Synods and the recasting of the Diocesan Synod in accordance with its model. Interested members of the Standing Committee may obtain copies of that draft legislation by contacting the secretary of the Committee.

79. The Committee considers that the recast membership of the Synod (together with reforms to the business of Synod referred to in this report) will enable the Synod to function better since every member of the Synod will have a better chance to speak at the Synod and the Synod business paper would be cut down to essentials. However, in considering the proposal Synod members should be aware of the following matters -

- (a) Representation at the Diocesan Synod level would no longer be on a parish basis. In the model suggested, 2/3 of all parish clergy, and a corresponding proportion of lay representatives, would cease to members of the Synod although they would become members of the Regional Synod.
- (b) The elections for members of the recast Diocesan Synod are likely to be accompanied by active lobby groups and the creation of "tickets".
- (c) A smaller Diocesan Synod may reduce the age and theological diversity among the Synod membership.
- (d) A smaller Diocesan Synod may be seen by some as an undesirable move towards centralism in the Diocese.

80. The Committee is strongly committed to the idea of Regional Synods but realises that regionalism is still in its first infant steps. The Committee thus considers that it would be better if the question of Regional Synods was referred to a task force for further consideration and report to the 1998 session of Synod.

81. *The Committee recommends that the Standing Committee immediately form a task force to examine the feasibility of the proposal for Regional Synods and the regionalisation of the Diocesan Synod with a request that the task force report to the 1998 session of Synod.*

## **(E) Other Matters**

### **Whether Chaplains and Senior Assistant Ministers should be members of the Synod**

82. The Standing Committee has asked that the Committee consider whether chaplains and senior assistant ministers should be members of the Diocesan Synod.

83. The Committee can see that there are good reasons why chaplains and senior assistant ministers should be members of the Synod. Such persons are usually members of the clergy with wide experience which may be useful in the Synod's deliberations. Further, membership of the Synod will be recognition of the significant ministry which such persons exercise in the Diocese.

84. However the Committee considers that there are reasons which mitigate against chaplains and senior assistant ministers having Synod membership. The arguments set out in the preceding paragraph in favour of their membership apply equally to other person who exercise ministry in the Diocese. For example, if chaplains and senior assistant ministers are to have Synod membership should not persons such as the heads of all diocesan organisations also have membership?

85. If chaplains and senior assistant ministers were to be members of the Synod, the size of the Synod would necessarily increase. Given that the laity are usually anxious to ensure that the lay:clergy ratio of Synod membership is preserved, it is to be presumed that an increase in the number of clergy members will mean an increase in the number of lay members of the Synod. Among other things, this may require that a larger venue for holding the Synod.

86. Given the number of members of the Synod and the fact that the Synod's business usually requires that debates are limited, it is doubtful that chaplains and senior assistant ministers will be able to participate much in Synod debates. However, if they do participate, the Committee thinks it will necessarily be at the expense of other members of the Synod, usually parish representatives. The Committee does not believe this is desirable: the ability of parish representatives to contribute to debate should not be further diminished.

87. The case for membership of the Synod for chaplains is possibly stronger than the case for senior assistant ministers. Often a chaplain has responsibility for the souls of people at a school, hospital or defence base that might be larger than a parish. Further the functions of a chaplain can be very different to those of a minister or senior assistant minister and the Synod may benefit from their experience and insight. However, the Synod's present base is parochial with a limited number of appointees under the 14th of the 1902 Constitutions. The Committee considers that the problems of upsetting this balance outweigh the advantages of having chaplains as members of Synod. However the Archbishop could be requested to appoint a specified number of chaplains, say 2, under the 14th of the 1902 Constitutions.

88. The Committee has thought about whether there is a way in which bigger parishes might, say, pay greater assessments and have 2 clergy represent it. However the Committee has not been happy with any of these ideas.

89. Accordingly, on balance, the Committee does not think that chaplains and senior assistant ministers should be members of the Synod. If Regional Synods are adopted both chaplains and senior assistants will be entitled to be called to the Regional Synod.

90. The Committee does not object to the concept of a senior assistant minister being an alternate for the minister of the parish should the minister be unable to attend the Synod. Currently, a minister cannot appoint an alternate but the Committee thinks that an ordinance could be drafted quite easily to give that power. But the Committee makes no specific recommendation in this regard.

**(F) Recommendations**

91. That this report be received.

92. That a bill to amend Standing Orders in the manner proposed by the Committee be promoted to the next session of the Synod by request of the Standing Committee.

93. That the Standing Committee recommends to the Archbishop that the Missionary Hour be reduced to 30 minutes.

94. That the Standing Committee request that a motion be moved at the next ordinary session of the Synod seeking the Synod's in principle agreement to the redrafting of the Standing Orders using simpler, plain English language.

95. That the Standing Committee consider, as soon as possible after the 1998 General Synod session, promoting a bill to the Synod providing for the delegation of more of the Synod's powers to the Standing Committee.

96. That the Standing Committee appoint a task force to review the ordinance promotion procedures to determine if a simpler procedure for dealing with ordinances is feasible. The task force to present its report together with suggested legislation to the 1998 session of Synod.

97. That the Standing Committee appoint a task force to consider the proposals of the committee for weekend Synod sittings to report to the 1998 session of Synod.

98. That Standing Committee immediately form a task force to examine the feasibility of the proposal for Regional Synods and the regionalisation of the Diocesan Synod with a request that the task force report to the 1998 session of Synod.

99. That this Report be printed for Synod.

**Final Comments**

100. The Committee has made specific recommendations including dates for implementation between 1997-9. Experience has shown that, unless this program is implemented, the report will represent just so much wasted time and effort.

101. The Committee considers that it has now completed its task and asks the Standing Committee to discharge it, subject to any matters of clarification that might be sought.

102. Only 1 member of the Committee is a member of the Standing Committee. Should the Standing Committee so wish, the Chairman could be available for questions or clarification at the meeting at which this report is considered.

For and on behalf of the Committee

MARK PAYNE  
*Legal Officer*

11 June 1997