

Access to Standing Committee Minutes

(A report from the Standing Committee.)

1. During the year the Standing Committee received a request to provide Synod members with access to the minutes of the Standing Committee.
2. Having considered this matter, the Standing Committee reached the view that there is currently an appropriate balance between the provision of information to Synod members about the decisions made by the Standing Committee and the need for confidentiality in certain circumstances as a key requisite for effective management.
3. The Standing Committee therefore considered that there is no reason to provide Synod members with further access to its minutes.
4. In reaching this view the Standing Committee had regard to –
 - the duties exercised by the Standing Committee pursuant to clause 4 of the Standing Committee Ordinance 1897 and, in particular, the significant management responsibilities exercised under clause 4(3)
 - the tabling of the minutes of the Standing Committee at the commencement of each session of the Synod pursuant to clause 7 of the Standing Committee Ordinance 1897
 - the Annual Report of the proceedings of the Standing Committee presented to the Synod pursuant to clause 8 of the Standing Committee Ordinance 1897
 - the publication of on-line monthly reports by the Diocesan Secretary about the meetings of the Standing Committee
 - the practices adopted in other dioceses concerning the availability of the minutes of diocesan council meetings.
5. A report setting out the information provided by other dioceses about the extent to which the minutes of their diocesan council meetings are made available is set out in Attachment 1. A reprint of a 1993 report to the Synod concerning the Standing Committee minute book is set out in Attachment 2.

For and on behalf of the Standing Committee.

ROBERT WICKS
Diocesan Secretary

22 August 2011

Attachment 1

Access to diocesan council minutes in other dioceses

1. At its meeting on 6 December 2010, the Standing Committee commenced its consideration as to whether it is appropriate to give members of the Synod access to the minutes of the Standing Committee and, if so, on what basis.

2. Following this meeting, I forwarded an email to all diocesan registrars in the following terms –

“We are currently considering the extent to which the minutes of meetings of our Standing Committee (ie, diocesan council) should be made available. In particular we are considering whether, in view of increased calls for transparency in governance, greater access to the minutes should be given to members of our diocesan synod and, if so, on what basis.

I note that Martin Drevikovsky has recently circulated the General Synod’s communications policy in relation to GS Standing Committee business. This is helpful however it does not seem to distinguish between members of the General Synod and members of the general public in terms of providing access to the resolutions and reports of the GS Standing Committee.

Could you let me know whether you have any policy or practice on this matter in place for your diocesan council, and in particular how this would be applied for the purposes of giving members of your diocesan synod access to the minutes of your diocesan council.”

3. Responses were received from 15 (out of a potential 22) diocesan registrars. Twelve of these responses were given by email and are set out in full in the following table (in no particular order). Three responses (Melbourne, Adelaide, Perth) were provided by the Diocesan Registrar by telephone.

Name of diocese	Response given
Bathurst	Bathurst’s Bishop-in-Council proceedings are summarised in a report contained in the Synod business papers; the report includes copies of legislation passed.

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	<p>Bishop-in-Council business papers are labelled confidential.</p> <p>Bishop-in-Council's minutes are tabled at Synod. I have not seen anyone thumb through them, though I did see that happen at Newcastle's Synod many years back.</p>
Riverina	In Riverina, an annual summary is prepared and presented at the Diocesan Synod, also after each council Meeting a précis of the meeting is written and distributed to each parishes.
Wangaratta	Wangaratta has the provision in its Standing Orders that the Minutes of the Bishop in Council are tabled at the Synod – along with a report from the Council of the Diocese.
Tasmania	<p>Our relevant ordinance provides that any member of Synod may attend meetings of Diocesan Council to observe (which none do, however) and therefore we regard it as appropriate that the Minutes be regarded as in the public domain.</p> <p>Accordingly, we upload them to our website, but only after the next meeting ratifies them as accurate.</p>
Ballarat	In Ballarat we circulate a copy of the minutes with certain parts deleted to all parishes.
Bunbury	Bunbury publishes a report of the proceedings of Council in the synod papers and synod members are allowed to ask questions on any matters that are in the report.
North West Australia	We distribute it to DC Members only. I do a summary in a Report to Synod.
Armidale	Armidale also does not have a policy on the matter and neither have we had a request for access in my time! It is diocesan practice for a report to be sent to parishes after each DC outlining any material relevant to parishes – not particularly appreciated by the recipients I gather!
Rockhampton	Rockhampton publishes a summary report of Bishop-in-Council deliberations in a Synod report, but that is as far as it goes.
Brisbane	Access to Diocesan Council minutes (and other committees of the Diocese) is governed by our Records and Archives Canon. Regulation 1 to that Canon provides that the minutes are "closed for 30 years".
Gippsland	Gippsland is a policy free zone on this matter.

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<p>North Queensland</p>	<p>In North Queensland, we publish the resolutions of the Diocesan Council in the annual report book tabled at Synod. Synods members may query and/or ask for explanation of any of the resolutions.</p> <p>We also send out a letter to each new DC member outlining their responsibilities. The following two paragraphs contained in that letter are relevant to your query:</p> <p>3. Information Dissemination</p> <p>Where information has been provided or decisions made that relate to parishes and clergy and it is disseminated to members for general information and broadcast, it is the responsibility of the member to take this information back to their region and share and update parishes and clergy on these issues.</p> <p>Protocol for Confidential Information</p> <p>Information forwarded prior and discussed at the meeting is to be kept confidential unless advised otherwise. Confidential information could be seen as 'commercial in confidence' or of a 'personal nature' and therefore should not be disclosed to another party without prior approval from the Bishop.</p> <p>I hope this helps your policy development.</p>
<p>Melbourne</p>	<p>There is no formal policy in Melbourne on who is entitled to access Diocesan Council minutes. However the "standard operating procedure" is that the minutes are not made available to anyone except to members of the Diocesan Council in respect of minutes corresponding to the duration of their membership.</p> <p>An annual summary of the Diocesan Council business is prepared for the Synod.</p> <p>In addition the Diocesan Council minutes are tabled at the Synod. However, unlike Sydney, the minutes (including those tabled) do not include the business papers of the Diocesan Council which are kept separately (ie, they are referred to in the minutes but not as attachments).</p>
<p>Adelaide</p>	<p>In principle, the Registrar in Adelaide would like to make the minutes of their Diocesan Council publicly available on the website. However there remains some concern about potential abuse by "non-church people". Therefore the current practice is to limit access to members of the Diocesan Council. A version of the minutes (with confidential matters excluded) is made available to archdeacons (who</p>

	<p>are not members of the Diocesan Council) and also to members of the four Ministry Units of the Diocese. The Ministry Units are separate diocesan bodies, however they exercise delegated authority from the Diocesan Council.</p> <p>The Diocesan Council minutes are not tabled at Synod. Instead the Synod is provided with a list of the resolutions of the Diocesan Council made during the year.</p> <p>A report summarising the work of the Diocesan Council is also provided to the Synod.</p>
Perth	<p>As a general rule, Diocesan Council minutes are not made available to anyone other than Diocesan Council members. However the extent to which the minutes of the Diocesan Council may be accessed has not been recently tested.</p> <p>Synod members are entitled to attend Diocesan Council meetings. Further, Perth is looking to move towards a policy similar to the General Synod Standing Committee's "Communications Policy".</p> <p>Most confidential/commercial matters are dealt with by the Trustees. The minutes of the Trustees are not shown to anyone.</p>

4. I trust that this information is a useful input for the purpose of deciding whether it is appropriate to give members of the Synod access to the minutes of the Standing Committee and, if so, on what basis.

ROBERT WICKS
Diocesan Secretary

31 March 2011

Attachment 2

Standing Committee Minute Book

(A report from the Standing Committee.)

1. This report is based on advice from the Legal Committee of the Standing Committee and responds to the following notice of motion, referred to the Standing Committee by the Synod at the close of business on 16 October 1992 -

"That the minute book of the Standing Committee from time to time shall be made available by the Diocesan Secretary upon requests for inspection by any member of Synod during normal business hours upon reasonable notice."

2. It is useful to have regard to the relationship between the Synod and the Standing Committee, which was summarised by the Standing Committee in its report to the Synod in 1976 as follows -

"The Standing Committee is elected by the Synod but its function and purpose is not merely to be an extension of Synod. The relationship between the Synod and the Standing Committee is analogous to that between, say, the Archbishop and the Synod. The Archbishop is elected by the Synod but Synod fully recognises that his office and ministry touches upon many matters to be considered, and calls for many decisions to be made, in camera. So, although the Standing Committee continues the business of Synod when Synod is not in session, much of its business is of a far more detailed and confidential nature."

3. Clause 4 of the Standing Committee Ordinance 1897 sets out the functions of the Standing Committee and subclause (3) indicates that the Standing Committee has a significant management function. The law recognises that confidentiality is a key requisite for effective management and, accordingly, does not impose a general duty on management to make minutes of its proceedings available to outsiders. For example, trustees of a trust are generally not obliged to make minutes of their meetings available to beneficiaries: *In re Londonderry's Settlement* [1965] 1 Ch 191. In addition, a shareholder has no general right to inspect minutes of a meeting of the board of directors: *R v Mariquita & New Granada Mining Co* (1858) 120 ER 917. While the relationship between the Synod and the Standing Committee is not the same as the relationship which exists between trustees and beneficiaries or a board of directors and shareholders, the functions of the Standing Committee are such that the confidentiality of its proceedings would generally be protected by the law.

4. Thus, subject to one qualification, there is no legal obligation on the Standing Committee to make its minutes generally available for inspection by Synod members. The qualification arises by reason of clause 7 of the Standing Committee Ordinance 1897 which requires that the Standing Committee keep minutes of its proceedings and cause its minute book to be laid before the Synod at the commencement of each session. Under clause 9 of the Standing Orders Ordinance 1968 the laying of the minute book on the table is part of the business of the first day of each session of Synod.

5. Whether the minute book of the proceedings of the Standing Committee is made available to members of the Synod other than during sessions of the Synod is a matter of policy to be determined by the Standing Committee. There are good reasons why the minute book should not be available for inspection by Synod members generally. These include the need to keep certain deliberations of the Standing Committee confidential while the matters to which those deliberations relate are current. In addition, not all matters are decided in the course of one meeting and it may not be desirable to permit Synod members to have regard to the deliberations at one meeting which form part only of all deliberations in relation to a matter. A less significant reason, but nevertheless one which should be borne in mind, is that there is likely to be a cost to the Standing Committee (in terms of staff time etc) incurred in making the minute book available.

6. If the Standing Committee does permit Synod members to inspect the minutes during normal business hours and upon reasonable notice, the Standing Committee will have to consider whether the manner in which the minutes are presently recorded continues to be appropriate.

For and on behalf of the Standing Committee.

MARK PAYNE
Legal Officer

8 October 1993