

Synod (Electronic Communications) Amendment Ordinance 2013

Explanatory Statement

Purpose

1. The purpose of the bill for the Synod (Electronic Communications) Amendment Ordinance 2013 (the “bill”) is to facilitate electronic communications to members of the Synod in response to resolution 13/12 and to address related issues concerning the collection, use and disclosure of information about Synod members by the Registrar.

Recommendation

2. The Standing Committee recommends that the Synod pass the bill for the Synod (Electronic Communications) Amendment Ordinance 2013 as an ordinance.

Background

3. Synod passed resolution 13/12 in the following terms –

“Synod, noting the action that has been taken to date in response to resolution 22/8 (Electronic distribution of Synod materials) and resolution 20/11 (Publication of Synod proceedings in electronic form), requests the Standing Committee to bring to the next ordinary session of the Synod a proposal, together with any necessary changes to our ordinances, to reduce or discontinue the distribution of materials to Synod members in printed form with effect from the 1st Ordinary Session of the 50th Synod in 2014. The proposal to take into account the needs of Synod members who do not have ready access to high volume printing and the desirability of hard copies for archives and libraries. This proposal should consider the provision of a secure website to facilitate the provision of confidential information to Synod members.”

4. At its meeting on 12 November 2012, the Standing Committee appointed a committee comprising the Rev Nigel Fortescue, Dr Robert Tong and Mr Robert Wicks (with power to co-opt) to consider Synod’s request in resolution 13/12.

Reducing the distribution of printed material to Synod members for the 50th Synod

5. The committee considered that if meaningful progress is to be made to reduce or discontinue the distribution of materials to Synod members in printed form, all members of the 50th Synod (commencing in 2014) should be required to nominate an email address to which they can be sent communications in relation to Synod business. Synod members must also be responsible for ensuring that their nominated email address is kept up to date.

6. The nominated email address need not be an address personal to the Synod member. For example, a member could nominate the email address for their church office or a friend provided there are adequate arrangements to make the member aware of communications sent to such an address.

7. The committee considered that the nomination of an email address should not be a condition of Synod membership because of difficulties that would arise if *ex officio* members of the Synod, for example rectors, declined or failed to nominate an email address. However the failure of a member to nominate and keep up to date an email address may in practice result in certain communications not being received by the member.

8. Clause 2 of the bill gives effect to these arrangements through the inclusion of proposed clauses 6A and 6B in the Synod Membership Ordinance 1995.

9. Clause 6A(1) requires that each person who holds office as a member of the Synod *ex officio* must ensure that the Registrar holds a current postal and email address for the member. This provision applies to rectors (Part 4) and the Chancellor, the Registrar, the Diocesan Secretary and the Warden of St Paul’s College (Part9). In relation to the remaining members of the Synod who are elected or appointed as members, the electing or appointing person or body is required to specify a postal and email address for the member in the relevant notice of election or appointment given to the Registrar. This is reflected in a series of amendments to clauses 8A(2), 17, 22A(2), 27, 34, 45, 50C of and the insertion of a new clause 53(3) in the Synod Membership Ordinance 1995.

10. Clause 6A(2) requires that each Synod member must ensure that each postal and email address held by the Registrar for the member remains current. This makes it clear that members are directly responsible for maintaining the currency of this information with the Registrar and notifying the Registrar of any changes to their postal or email address.

11. Clause 6B(1) provides that, subject to certain qualifications, a “Synod Communication” may be sent to a member of the Synod at any email address held by the Registrar for the member instead of the member’s postal address. Importantly this provision permits but does not require Synod Communications to be sent by email.

12. “Synod communication” is defined in the Dictionary at the end of the Synod Membership Ordinance 1995 to mean a summons, notice, document or other communication that is –

- (a) required by ordinance or resolution of the Synod or the Standing Committee to be sent or provided to one or more members of the Synod, or
- (b) sent or provided to all members of the Synod or a class of members of the Synod by the Diocesan Secretary or a Secretary of the Synod in the course of administering the Synod.

13. Clauses 6B(2) provides that if the Registrar does not hold an email address for a member of the Synod, any Synod Communication which would otherwise been sent to the member by email is taken to have been duly sent to and received by the member. Similarly, clause 6B(3) provides that if an email address held by the Registrar for a member is not current and a Synod Communication is sent to the member at that email address, the Synod Communication is taken to have been duly sent to and received by the member. These provisions avoid the considerable duplication of work that would be required in identifying those members who have not received a Synod Communication at a current email address and re-sending the communication to either a postal address or a different email address for the member.

14. Clause 6B(4) enables the Standing Committee, by regulation, to prescribe –

- (a) the manner in which Synod Communications are to be sent to the members of the Synod by email, and
- (b) any type of Synod Communication which must also be sent to members by post.

15. The Standing Committee has agreed in principle that in order to minimise the amount of data that needs to be transmitted electronically to all Synod members via email, the regulations should prescribe that no document should be attached to any Synod Communication. Instead any material should be made available to Synod members via an email hyperlink to the page of the Secretariat’s website on which the material has been posted.

16. The Standing Committee has also agreed in principle that the regulations should prescribe that the following types of Synod Communication must also be sent to members of the Synod by post –

- (a) The Synod Book and other large documents exceeding, say, 25 pages, such as “Background Materials”. These would continue to be sent in hard copy format for the time being in recognition of the fact that many Synod members do not yet have the capacity to download and use such documents on electronic devices/tablets at Synod sessions. Neither should members be required to print their own hard copy of documents exceeding this size.
- (b) Daily Synod materials such as business papers and amendment sheets. Although these are posted on the Secretariat website daily, it is not practical to expect Synod members, particularly those who have not nominated personal email addresses, to download these documents either late morning or early afternoon on the day on which they are to be used at Synod.
- (c) Ballot papers for contested Synod elections. It is not practicable at this time to move to electronic ballots for contested Synod elections. This means that while most of the communications from the Secretariat to Synod members about the elections can be provided electronically (using the email address), the provision and completion of ballot papers should continue to be undertaken in paper format for the foreseeable future.
- (d) Name tags. This is the only material sent to Synod members which is specific to each member. Accordingly it is more convenient at this time to continue posting name tags to Synod members with the Synod Book rather than set up systems to provide name tags in some other way.

Secure Synod website

17. In accordance with resolution 13/12, the committee considered whether it would be helpful to put in place a secure website to facilitate the provision of confidential information to Synod members.

18. The committee observed that all material provided to Synod members is made available on the Secretariat’s website which is accessible by all members of the public. There is little if any material which needs to be treated as confidential to Synod members. This is helpful given the impracticality of maintaining confidentiality within a body which has in excess of 800 members.

19. The committee therefore considered that at this time the cost of maintaining a secure website, including maintenance of passwords for about 800 Synod members, does not justify the establishment of a secure website for Synod members.

Future action beyond the 50th Synod

20. The committee thinks it would be useful to ask Synod to endorse as an ultimate goal that by the 52nd Synod (2020) the Synod operates on an essentially paperless basis, with possible exceptions for ballot papers for contested Synod elections and the printing of a limited number of hard copies for archives and libraries. However before this goal can be achieved, there are a number of further actions that need to be taken and options explored.

21. Firstly, the committee considered that when persons become members of the 50th and 51st Synods, they should be required as an administrative step to opt-in to receiving hard copies of the Synod book and other large documents produced for Synod purposes if they have a need to continue to receive these documents in this way. The results of the opt-in requirement should be reported to the Synod so that it has some idea as to the proportion of members who are unwilling to use large Synod documents in electronic form. This information will also allow the Secretariat to undertake a cost benefit analysis to determine when it becomes appropriate to print a few hard copies of such documents in-house (to be collected by the few members who continue to require a hard copy) with the remainder of Synod members using electronic versions of these documents. In making this suggestion the committee recognised the desirability of not running parallel systems to deliver the same documents.

22. Secondly, further work must be undertaken to determine how Synod members can be encouraged to purchase or obtain the use of a tablet or laptop to enable them to download and use electronic documents in Synod sessions. This could be done, for example, by setting aside funding to subsidise the acquisition of such devices, although the committee recognised that current funding constraints makes it unlikely that priority would be given to such funding in the foreseeable future.

23. Thirdly, in order to operate during Synod sessions in a completely paperless environment, it would be necessary to confirm that the Synod venue is able to adequately support a significant number of its members accessing and downloading documents by Wi-Fi at any given time.

24. Fourthly, while it may be technically possible to replace paper ballots for contested Synod elections with an electronic ballot process, this raises a number of issues of principle beyond minimising paper usage. Such a step would warrant further and separate consideration by the Synod.

25. Fifthly, steps should also be taken to explore how best to deliver name tags to members either in electronic form or at the Synod venue upon the production of suitable identification.

26. In short, until a significant majority of Synod members have effective use of tablets or laptops and until it is confirmed that the Synod venue is able to provide adequate Wi-Fi facilities for Synod members, it will not be possible to move to an essentially paperless environment.

27. In order to enable Synod to consider endorsing as an ultimate goal that by the 52nd Synod (2020) the Synod should operate on an essentially paperless basis, the Standing Committee has requested that the following motion be moved at its request at the forthcoming session following consideration of the bill –

‘Synod, noting the initial steps towards reducing the distribution of materials to Synod members in printed form by the passing of the Synod (Electronic Communications) Amendment Ordinance 2013 (the “Electronic Communications Ordinance”), adopts the goal of operating on an essentially paperless basis by the 52nd Synod (in 2020) and to this end –

- (a) requests the Standing Committee to make regulations under clause 6B(4) of the Synod Membership Ordinance 1995 along the lines outlined in the Explanatory Statement for the Electronic Communications Ordinance and to review the scope of those regulations from time to time, and
- (b) encourages members, where possible, to download electronic forms of Synod documents on tablets or laptops for use during Synod sessions in preference to using printed forms, and
- (c) requests the Registrar to ask the members of the 50th and 51st Synods whether they opt to continue receiving printed forms of the Synod book and other large documents for use during sessions of these Synods and to report this information to the first session of each of these Synods, and
- (d) requests the Secretariat, in light of this information, to consider and report to the Standing Committee on further steps that might be taken to achieve the goal of a paperless Synod, and

- (e) requests the Standing Committee, when choosing a venue for sessions of the 52nd Synod, to take into account the capacity of the venue to support Synod members accessing and downloading Synod documents by Wi-Fi during these sessions.'

28. The Standing Committee has also passed the following resolution in relation to its own goal in moving to paperless Standing Committee meetings –

“Standing Committee –

- (a) encourages its members, where possible, to opt-out of receiving printed agenda papers for meetings of the Standing Committee, and
- (b) requests the Diocesan Secretary to report to the Standing Committee on an annual basis the number of members who have opted-out.”

Notifying information to the Registrar via secure on-line database

29. Although not directly addressed in Synod resolution 13/12, the opportunity has been taken in the bill to recognise the establishment of a secure on-line database by the Registrar for the purposes of streamlining the collection of information about members of the Synod. The on-line functionality associated with the database enables members to directly update their details, including postal and email addresses, on the database.

30. Clause 2 of the bill addresses this matter through the inclusion of a new clause 6C in the Synod Membership Ordinance 1995.

31. Clause 6C(2) enables any notice required by ordinance to be given to the Registrar about a member of the Synod and any other information which is or may be held by the Registrar about a member of the Synod to be directly provided to or updated on a secure on-line database held by the Registrar. If information is provided to the Registrar in this way, it is deemed to have been given or provided in accordance with the ordinance.

32. Clause 6C(3) requires the Registrar to take reasonable steps to ensure that the information held by the Registrar on the database is secure and that person who provides a notice to or updates information on the secure on-line database is a person entitled to do so.

Providing consent to use of personal information by the Registrar

33. Similarly, although not raised by Synod resolution 13/12, in view of developments in privacy law and community expectation in this area generally, it is considered timely to address in the bill the way in which personal information about Synod members can be collected, used and disclosed by the Registrar.

34. Clause 2 of the bill addresses this matter through the inclusion of a new clause 5A in the Synod Membership Ordinance 1995.

35. Clause 5A(1) provides that each lay person elected or appointed as a member of the Synod must consent to their name, contact details and another other personal information that is reasonably necessary for the proper administration of the Synod of the Diocese being collected, used and disclosed by the Registrar for these purposes.

36. Clause 5A(2) requires that the person or body which is required to give the Registrar notice of an election or appointment of such a lay person must retain, or cause to be retained, a written record of this consent.

37. Clause 5A(3) provides that for these purposes, the proper administration of the Diocese includes any act or practice which is –

- (a) performed pursuant to or under an ordinance or resolution of the Synod or the Standing Committee, or
- (b) reasonably necessary to give affect to an ordinance or resolution of the Synod or the Standing Committee, or
- (c) a discharge of the duties or exercise of the powers and authorities of the Archbishop however arising.

The proper administration of the Synod includes any act or practice which is undertaken by the Diocesan Secretary or a Secretary of the Synod in the course of administering the Synod.

38. Consequential amendments to clauses 17, 22A(2), 45, 50C of and the insertion of a new clause 53(3) in the Synod Membership Ordinance 1995 provide the person or body who is required to give the Registrar notice of the election or appointment must certify that the person elected or appointed has given the consent required by clause 5A and that a written record of consent has been retained. This requirement does not extend to Synod members who are clergy or persons who hold office as a Synod

member by virtue of a diocesan office. While information collected, used and disclosed for such members may be personal, it will also relate to their office in the diocese and accordingly can reasonably be collected, used and disclosed for the purposes of the Diocese and Synod without further consent being obtained.

Synod Elections Ordinance

39. Clause 3 of the bill provides for corresponding amendments to be made to the Synod Elections Ordinance 2000.

40. The amendments enable certain “Synod Communications” for the Synod elections process to be sent to members at their email address. They also enable certain notices to be sent to nominees by email.

41. The amendments further provide that any nomination of a lay person for a Synod election must contain a certification from at least one of the nominators that the nominee has consented to his or her name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes. A similar certification must be provided to the Standing Committee by any member of the Standing Committee who nominates a lay person to fill a casual vacancy when the Synod is not in session. However unlike the process for electing or appointing Synod members themselves, there is no obligation for a nominator during a Synod election (or the filling of a casual vacancy when the Synod is not in session) to certify that a copy of such consent has been retained.

Archbishop of Sydney Election Ordinance

42. Clause 4 of the bill provides for corresponding amendments to be made to the Archbishop of Sydney Election Ordinance 1982.

43. The amendments enable certain “Synod Communications” to be sent to members by email for the purpose of electing a new Archbishop. They also enable certain notices to be sent to nominees by email.

44. Further, the amendments clarify the deadline for the close of nominations for the office of Archbishop by reference to 5:00pm on the relevant day. This is consistent with more recently drafted provisions in the Synod Elections Ordinance 2000.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

20 May 2013