

# Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014

## Explanatory Statement

*These revised versions of the explanatory statement and bill are marked to show changes to the form included in the Synod Book.*

### Purpose

1. The purpose of this statement is to provide explanatory notes for the bill for the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 (the “bill”) which is being promoted to the 1<sup>st</sup> session of the 50<sup>th</sup> Synod in 2014.

### Recommendation

2. The Synod pass the bill as an ordinance of the Synod.

### Summary of business rules to be amended

3. The main amendments proposed to be made to the *Conduct of the Business of Synod Ordinance 2000* relate to –

- Election of Synod officers and committees
- Notices of motion
- Time limits for speeches
- Amendments to motions
- End of debate on a motion
- Right of reply
- Voting by ballot or by Houses
- Motions previously voted on
- Proposed policies of the Synod
- End of question time for proposed ordinances
- Passing an ordinance after considering the text in committee
- Questions
- Application of business rules
- Election of a single Secretary of the Synod

### Explanatory notes

4. *Election of Synod officers and committees (clauses 2(a) – (d))*: It is proposed that Synod officers and the members of Synod committees be elected for a 3 year term at the first session each Synod. Casual vacancies arising during the 3 year term would be filled by the Synod or, if the Synod is not in session, by the Standing Committee. Currently the election of Synod officers and the members of Synod committees takes place at each session.

5. *Notices of motion (clauses 2(e) and (f))*: Currently rule 4.3(2) provides that motions intended to facilitate the consideration of the business of Synod “at the time” are known as “procedural motions” and that the general requirement that Synod is not to consider a motion unless notice is given on the previous day does not apply to such procedural motions. It is proposed to make clear that any motion intended to facilitate Synod’s consideration of business may be moved without notice (rather than just motions to facilitate consideration of business “at the time”). It is also proposed to make clear that motions to amend a motion can be moved without the requirement to give notice on a previous day.

6. *Time limits for speeches (clause 2(g))*: It is proposed to insert a new rule 4.6(1) to make the following changes to the time limits for speeches in relation to certain motions –

- (a) a reduction from 20 to 15 minutes in the time limit for a mover speaking to a motion that a proposed ordinance be approved in principle and a corresponding reduction from 10 to 5 minutes for other speakers to such a motion,
- (b) a time limit of up to 5 minutes for any member speaking to a procedural motion or to a motion to amend a motion ~~or to a procedural motion~~.

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7. *Amendments to motions (clause 2(h))*: It is proposed to include a new rule which prevents amendments to motions being considered if the amendment is irrelevant to the principal motion, or gives rise to an entirely different subject matter from or a direct negative of the principal motion.

8. *End of debate on a motion (clause 2(i))*: It is proposed that where there is no further member who indicates they wish to speak in the debate on a motion, the President may declare the time for debate at an end without having to ask the Synod whether sufficient time has been allowed for such debate.

9. *Right of reply (clauses 2(j) ~~and (k)~~)*: Presently rule 4.11(1)(b) provides that the only procedural motion for which the mover does not have a right of reply is a procedural motion that a motion not be voted on. It is proposed that there be no right of reply for the mover of any procedural motion. It is also proposed to make clear that there be no right of reply for the mover of a motion moved in the Synod in committee.

10. *Voting by ballot or by Houses (clauses 2(k) ~~and (l)~~)*: Presently, under rule 4.12, if a ballot is requested, the Synod, upon a motion without notice and without debate, is to determine when and how the ballot is to be conducted. It is proposed that these arrangements be modified to reflect the practice in recent years to conduct a vote by ballot in accordance with the directions of the Secretary of Synod. Similarly, it is proposed that if a vote is required to be taken by Houses, the Synod shall vote in accordance with the directions of the Secretary of the Synod provided the existing requirement that each House is to vote separately, the House of Laity voting first, is maintained.

11. *Motions previously voted on (clause 2(m))*: Under clause 2(h) it is proposed to prevent an amendment to a principal motion being considered if it is a direct negative of the principal motion. If the Synod wishes to express the direct negative of the principal motion, the appropriate course of action is to vote down the principal motion and consider a further motion expressing the direct negative. In such circumstances, it is desirable to make clear that such further motion is not to be regarded as substantially the same as one which has been voted on during the same session.

4-12. *Proposed policies of the Synod (clause 2(n))*: In recent years, special procedural arrangements have been put in place to enable the Synod to consider a number of Synod policies, for example Synod's Policy on Education and Synod's Governance Policy for Diocesan Organisations. It is proposed to insert a new rule 4.18 which enables these procedural arrangements to apply to any written statement designated by the Standing Committee or the Synod as a proposed policy of the Synod. This enables a proposed policy of the Synod to be considered in a manner similar to a proposed ordinance, with suitable modifications.

4-13. *End of question time for proposed ordinances (clause 2(o))*: It is proposed that during the time for questions, where there is no further member who indicates that he or she has a question, the President may declare that the time for questions is ended without having to ask the Synod whether sufficient time has been allowed for questions.

4-14. *Passing an ordinance after considering the text in committee (clauses 3(p) and (q))*: Presently, under rule 5.6, if the text for a proposed ordinance is considered in committee then it is not possible to move immediately to a motion that the ordinance pass as an ordinance of the Synod even if no amendment was made to the text of the ordinance in committee. It is proposed that if, having considered the text of a proposed ordinance in committee with no amendment being made, the Synod may move immediately to consider a motion that the proposed ordinance pass as an ordinance of the Synod unless 8 members object.

4-15. *Questions (clauses 2(r) and (s))*: In recent years, special procedural arrangements have been put in place to streamline the asking of questions at the Synod. In particular, these arrangements require a member called on by the President to ask a question to make a brief statement informing the Synod of the subject matter of the question rather than reading the text of the question in full. The answer to such a question is to be read orally to the Synod by the President, usually on the next day, without the question being asked again. It is proposed to incorporate these streamlined arrangements for asking questions in the business rules.

16. *Application of business rules (clause 2(t))*: It is proposed to include a new rule 6.8 which enables the President to decide any question about the application of the business rules, the form of motions and ordinances and the voting on motions and ordinances during a session. ~~to waive the strict application of the business rules if he considers that the strict application would cause confusion or prevent the Synod from expressing its mind.~~ Under this proposal the President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod. In making such a decision, the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales. ~~The provision is intended to provide in the business rules a suitable basis for the exercise of discretion by the President.~~

**Secretaries of the Synod**

~~45.17.~~ Clause 3 of the bill makes a number of amendments which provide for the election of a single Secretary of the Synod in place of separate Clerical and Lay Secretaries of the Synod. Clause 3(2) enables the Diocesan Secretary to make incidental or consequential amendments to other ordinances to give effect to this change.

**Further amendments**

~~46.18.~~ Clause 4 of the bill makes a number of further amendments to the business rules which are of a minor or formal nature.

**Transitional and commencement**

~~47.19.~~ Clause 5 provides that officers and members of Synod's committees elected at the 1<sup>st</sup> ordinary session of the 50<sup>th</sup> Synod in 2014 are taken to have been elected for a 3 year term in accordance with the amendments proposed by the bill.

~~48.20.~~ Clause 6 provides that the amendments made by the bill will commence on the later of the date of assent to the bill and the day which next follows the last day of the first ordinary session of the 50<sup>th</sup> Synod.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

~~19 August 2014~~

17 September 2014

## Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014

No , 2014

### Long Title

An Ordinance to amend the business rules of the Synod and for related matters.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the *Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014*.

### 2. Amendment of the Conduct of the Business of Synod Ordinance 2000

The Schedule to the *Conduct of the Business of Synod Ordinance 2000* is amended as follows –

- 5 (a) omit the words “each session of the Synod” in rules 2.2(1), 2.3(1) and 2.4(1) and insert instead the words “the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod”, and
- 10 (b) omit the words “each session of the Synod” in rules 2.5(1), 2.6(1) and 2.7(1) and insert instead the words “the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod”, and
- (c) insert a new rule 2.8 as follows –
- “2.8 Casual vacancies**
- 15 (1) A casual vacancy in any office or in the membership of any committee elected under this Part 2 arises if the person holding the office or membership –
- (a) dies,
- (b) resigns by written notice given to the President, or
- (c) ceases to be a member of the Synod.
- (2) A casual vacancy in any office or in the membership of any committee held by a person elected under this Part 2 also arises if the Synod declares, as a result of a motion with or without notice passed by the Synod, the office or membership to be vacant.
- 20 (3) A casual vacancy arising under rule 2.8(1) or (2) may be filled by the Synod or, if the Synod is not in session, by the Standing Committee. A person who is elected by the Standing Committee to fill a casual vacancy holds office or remains a member of the committee until the next session of the Synod.”
- 25 (d) omit the word “The” in rule 3.2(g) and insert instead the matter “Where required under Part 2, the”, and
- (e) omit the matter “at the time are known as ‘procedural motions’ and can rarely be notified in advance” in rule 4.3(2) and insert instead “are known as ‘procedural motions’”, and
- 30 (f) insert a new rule 4.3(2A) as follows –
- “(2A) Rule 4.3(1) does not apply to motions to amend a motion.”, and
- (g) omit rule 4.6(1) and insert instead the following –
- “(1) The following time limits for speeches apply.
- (a) For a motion that a proposed ordinance be approved in principle –
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  - the mover may speak for up to 15 minutes, and up to 5 minutes in reply
  - other members may speak for up to 5 minutes.
- (b) For other motions, except the motions referred to in paragraphs (c) and (d) –
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  - the mover may speak for up to 10 minutes, and up to 5 minutes in reply
  - other members may speak for up to 5 minutes.

- (c) For ~~motions to amend a motion and for~~ procedural motions and for motions to amend a motion, a member may speak for up to 5 minutes ~~with no right of reply~~.
- (d) For motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes ~~with no right of reply~~.”, and
- 5 (h) insert a new rule 4.9(2A) as follows –  
 “(2A) A motion to amend is not to be irrelevant to the principal motion or give rise to an entirely different subject matter from or a direct negative of the principal motion.”, and
- 10 (i) in rule 4.10 –  
 (i) insert a new rule 4.10(1) as follows –  
 “(1) If, during the time for debate on a motion, no further member indicates a wish to speak to the motion, the President may declare that the debate has ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11.”, and
- 15 (ii) renumber existing rule 4.10(1) as 4.10(2) and convert existing rule 4.10(2) into a rider to renumbered rule 4.10(2), and  
 (iii) omit the matter “When the President thinks that sufficient time has been allowed for debate on a motion, he” in renumbered rule 4.10(2) and insert instead –  
 “If the President thinks that sufficient time has been allowed for debate on a motion but there remains one or more members indicating a wish to speak to the motion, the President”, and
- 20 (iv) insert the words “or declining to exercise” after “exercising” in the rider to renumbered rule 4.10(2), and
- 25 (j) in rule 4.11 –  
 (i) omit the matter “under rule 4.14(1) that a motion not be voted on.” in existing rule 4.11(1)(b) and insert instead the matter “, or”, and  
 (ii) reletter existing rules 4.11(1)(a) and (b) as 4.11(b) and (a) respectively, and  
 (k) insert a new rule 4.11(1)(c) as follows –  
 “(c) a motion moved in a meeting of the Synod in Committee.”, and
- 30 (iv) omit the words “a right of reply has been exercised” in rule 4.11(2) and insert instead the words “the mover has exercised or declined to exercise their right of reply”, and  
 (k) omit the matter after the word “Synod” in rule 4.12(2) and insert instead the matter “shall vote in accordance with the directions of the Secretary of the Synod”, and
- 35 (l) omit the matter “, the House of Laity voting first” in rule 4.12(4) and insert the words “in accordance with the directions of the Secretary of the Synod, provided that the House of Laity is to vote first”, and  
 (m) insert at the end of rule 4.16(2) the following –  
 “However a motion is not to be regarded as substantially the same as one which has been voted on during the same session if –  
 (a) the motion is a direct negative of the one voted on, and  
 (b) the one voted on was not passed.”, and
- 40 (n) insert a new rule 4.18 as follows –  
**“4.18 Proposed policies of the Synod**  
 (1) The Standing Committee or the Synod may designate a written statement as a proposed policy of the Synod. A statement designated by the Standing Committee as a proposed policy of the Synod must be clearly marked as such.  
 (2) The Synod may consider a proposed policy of the Synod only if a copy has been circulated to members present before consideration of the proposed policy commences in accordance with rule 4.18(3).  
 (3) For the purposes of considering a proposed policy of the Synod, the procedures for the making of ordinances under Part 5 (from and including rule 5.5 but excluding rules 5.7(3)(b), 5.9 and 5.10) apply as if the proposed policy were a proposed ordinance.”, and
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- (o) in rule 5.4 –
- (i) insert a new rule 5.4(5) as follows –
- “(5) If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.”, and
- (ii) renumber existing rule 5.4(5) as 5.4(6) and convert existing rule 5.4(6) into a rider to renumbered rule 5.4(6), and
- (iii) omit the matter “When the President thinks that sufficient time has been allowed for questions, he” in renumbered rule 5.4(6) and insert instead –
- “If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President”, and
- (p) insert the words “of an ordinance with amendments” after the word “report” in rule 5.6(4), and
- (q) insert a new rule 5.6(5) as follows –
- “(5) Upon the report of an ordinance without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1) unless 8 members object, in which case the mover is to immediately move the motion under rule 5.6(4).”, and
- (r) omit rule 6.3(2) and insert instead –
- “(2) A question may be asked by any member. A member called on by the President to do so is to make a brief statement informing the Synod of the subject matter of the question and hand the full text of the question to the Secretary of the Synod to be printed in the business paper for the next day of the session.”, and
- (s) omit rules 6.3(5) and (6) and insert instead –
- “(5) An answer to a question is to be read orally to the Synod by the President on the next day or as soon as convenient after the next day without the question being asked again. As soon as possible a written copy is to be posted on a notice board in a prominent position in or near the building in which the Synod is meeting. A written copy is also to be handed to the member asking the question upon request made to the Secretary of the Synod.
- (6) If the answer includes statistics or other detailed material, the answer may be supplemented with data projected on a screen or a document which need not be read orally.
- (7) Each question and reply is to be recorded in the minutes of the Synod.”, and
- (t) insert a new rule 6.8 as follows –
- “6.8 Application of business rules**
- (1) Any question about the application of these rules, the form of motions and ordinances and the voting on motions and ordinances during a session of the Synod is to be decided by the President. ~~If the President considers that the strict application of these rules may cause confusion or prevent the Synod from expressing its mind, he may waive the application of these rules, or so much of them as he thinks fit.~~ The President’s decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod.
- (2) In making a decision under rule 6.8(1), the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.”

**3. Amendment in relation to the Secretaries of Synod**

- (1) The Schedule to the *Conduct of the Business of Synod Ordinance 2000* is amended as follows –
- (a) omit each reference to “Secretaries” in rules 2.1(a), 2.6(1)(a), 3.2(g), and in the heading to rule 2.2 and insert instead “Secretary”, and
- (b) omit the words “clerical and one lay member are to be elected as Secretaries” in rule 2.2(1) and insert instead “member is to be elected as Secretary”, and

- (c) omit each reference to “Secretaries of the Synod are” in rules 2.2(2), 5.4(8) and 5.7(3) and insert instead “Secretary of the Synod is”, and
- (d) omit each reference to “a Secretary” in rules 2.2(3), ~~and 4.5 and 6.3(2)~~ and insert instead the words “the Secretary”, and
- (e) omit the words “Secretaries of the Synod have” in rule 5.4(8) and insert instead the words “Secretary of the Synod has”.

(2) The Diocesan Secretary may, in reprinting any ordinance under clause 8 of the *Interpretation Ordinance 1985*, make such amendments to the ordinance as are incidental or consequential to the amendments in subclause (1).

**4. Further amendment of the Conduct of the Business of Synod Ordinance 2000**

The Schedule to the *Conduct of the Business of Synod Ordinance 2000* is amended as follows –

- (a) omit the words “is unable or is” in rule 2.4(4) and insert instead the words “are unable or are”, and
- (b) omit the words “a member to give” in rule 3.2(k) and insert instead the words “members to move or give notice of”, and
- (c) omit rule 3.3(e) with consequential relettering, and
- (d) omit the first occurrence of the word “give” in relettered rule 3.3(~~g~~)(f) and insert instead the words “move or give notice of”, and
- (e) omit the words “motion with or without notice” in rule 3.5 and insert instead the words “procedural motion”, and
- (f) insert the matter “, or if directed by the President, to stand near a microphone” after the word “place” in rule 4.2(1A), and
- (g) insert the words “or those motions to be considered at a time fixed by the Synod” after the words “proposed ordinance” in rule 4.5(1), and
- (h) insert the words “formally moved and” before both occurrences of the word “seconded” in rule 4.5(2), and
- (i) insert the words “in a suitably marked form” after the word “printed” in rule 4.5(4), and
- (j) insert the matter “, without making a speech,” after the word “may” in rule 4.6(2), and
- (k) omit the words “may ask the Synod to be allowed to” in rule 4.9(3) and insert instead the matter “may, with the permission of the Synod,” and
- ~~(l) omit the words “a right of reply has been exercised” in rule 4.11(2) and insert instead the words “the mover has exercised or declined to exercise their right of reply”, and~~
- ~~(m)~~(l) omit the words “present members” in rule 4.12(1) and insert instead “members present”, and
- ~~(n)~~(m) omit the words “with or without notice” in rule 4.17(1), and
- ~~(o)~~(n) omit the words “motion with or without notice” in rule 4.17(3) and insert instead “procedural motion”, and
- ~~(p)~~(o) insert the words “the title and” after the word “leaving” in rule 5.6(2), and
- ~~(q)~~(p) insert the words “who is” after the second occurrence of the word “member” in rule 6.1(4), and
- ~~(r)~~(q) omit the matter “rules 3.2(i) and 3.3(e)” in rule 6.2(1) and insert instead “rule 3.2(i)”, and
- ~~(s)~~(r) omit the matter “rules 3.2(j) and 3.3(f)” in rule 6.3(1) and insert instead “rule 3.3(e)”, and
- ~~(t) insert the words “data projected on a screen or” before the words “a document” in rule 6.3(5).~~

**5. Transitional**

Any person elected to an office or committee by the Synod under Part 2 of the Schedule to the *Conduct of the Business of Synod Ordinance 2000* at the 1<sup>st</sup> ordinary session of the 50<sup>th</sup> Synod is taken to be elected under the provisions of Part 2 as amended by this Ordinance.

**6. Commencement**

Clauses 2, 3, 4 and 5 commence on the later of the day of assent to this Ordinance and the day which next follows the last day of the 1<sup>st</sup> ordinary session of the 50<sup>th</sup> Synod.

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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney  
on 2014.

Secretaries of Synod

I Assent to this Ordinance.

Archbishop of Sydney

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