

Future Form of Synod Meetings

(A preliminary report to the Archbishop.)

Preamble

1. The Archbishop with the advice of 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 Committee consists of -

- Mr Justice Peter Young (Chairman)
- Canon Gerald Beckett (nominated by the Archdeacon of Parramatta)
- The Reverend 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, the legal officer of the Diocese, is secretary to the Committee and has fully participated in all meetings.

2. The Committee felt that the primary question involved in the reference, namely, what is the best time and place for Synod, is really subsidiary to the following questions -

- (a) What is the purpose of Synod?
- (b) What are the present problems with Synod? and
- (c) How best can those problems be met?

3. It is only after the aims and policies are dealt with that one can turn to the strategies for achieving them.

Historical Perspective

4. There is no doubt that the historical reason for the development of synodical government was -

- (a) the need felt by the Australian Bishops of 1850 to have a governance structure which would be suitable for the Australian colonies;
- (b) in the absence of a strong ecclesiastical structure as in England, to involve powerful laity in the temporalities of the Church;
- (c) to provide an acceptable balance in the relationship between bishop and clergy; and
- (d) in view of doubts as to the validity of the Letters Patents issued to the Australian Bishops, to provide a legally recognized forum which could make decisions as to the "temporalities of the Church".

5. Aim (d) can be shortly stated as "to pass legislation affecting the property of the Church".

6. Legally today, the function of the Synod is to pass legislation and to deal with the finances of the Church.

7. However, in practice, much of the business of the Synod is taken up with matters other than legislation. The legal effect of a resolution of the Synod is questionable and probably does not operate outside the area of being a declaration of the view of the people who are actually in the Synod hall at the time, however the moral and forensic value of such a resolution is quite considerable. Once the Synod has resolved on something, then the Standing Committee and the Diocesan Executive feel that they are at least morally and ethically bound to move in the direction of the Synod resolution.

8. It must be recognized that a lot of water has passed under the bridge since 1866 when the first Church of England Constitutions Act was passed in New South Wales. Almost 130 years later it is necessary to re-examine Church governance and to re-examine the value and role of the Synod.

Purposes of Synod

9. If one was starting from scratch, one would ask what is the role of the Synod?

10. The Committee considers the 4 aims of Synod are -

- (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;

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- (b) to be a body which acts as a conduit permitting the transmission of the Archbishop's, clergy and parish 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.

11. How best can this be done?

Representation on Synod

12. The Synod currently consists of parochial ministers (being the rector of each parish, the curate-in-charge of each provisional parish and assisted provisional parish and each acting rector whose licence expressly entitles them to be summoned to the Synod) together with 2 lay representatives of each parish and 1 lay representative of each provisional parish and assisted provisional parish. The Synod also includes qualified clergy nominated by the Archbishop, an equivalent number of lay persons elected by the Standing Committee, the Warden of St Paul's College and 2 lay members of the church elected by the College Council, up to 5 chief executive officers of nominated diocesan organisations and other officials of the Diocese such as the Chancellor and the Registrar.

13. If the Synod is to represent the parishes, there is a good argument for saying the diocesan organizations should not be represented. They, after all, represent those who are employed by the Church rather than those who formulate the policies. On the other hand, as more and more parishes are financially supported by diocesan organisations such as the Home Mission Society and the work of the Church becomes more extensive outside the parish structure, there may be increasing argument to retain them. We merely highlight the point and pass on.

Lay Representation

14. If the Synod is to remain its present size, there can be no real quarrel with the way in which the clergy are represented. The same cannot necessarily be said about the lay representation.

15. If a Synod is to meet on a week day, the odds are that the predominant representation will be by professional people and retired people. There will be some who are able to take their annual holidays at the time of Synod and there will be some who are able to arrange substitute child care, but a 5 day session between 3.00 and 10.00 will mean that many in this last category will be excluded.

16. Does this really matter?

17. The Committee thinks it does. Increased involvement of lay people in the decision making affairs of the Church has contributed in large measure to the adaptation of the Church to the evolving period in which we live. There are 3 dominant reasons for the interests of the laity in the affairs of the Church. The first, and probably most important, is theological. The Church is the body of Christ composed of "laos", people both ordained and lay. While clergy involvement is central to the life and witness of the Church, it is with the lay people that the great gifts and responsibilities in all areas of ministry really lies. The prime function of the clergy is to guide those gifts into the appropriate channels and to impart the theological learning which they have had imparted to them. The prime purpose of the clergy is to teach and to pastor and to celebrate the sacraments. The role of the clergy is obvious. However the laity have a crucial role in the building or building up of the Church.

18. A second reason is that those Church members with a vigorous Christian commitment take great interest and want to be involved in the decisions which affect their church life. A third reason is that the enhanced sophistication in the financial administration of the Diocese means that technical skills in areas such as law, accounting, communications and computer science are in demand so that lay people with these skills are able to take a responsible role in decision making activities on diocesan boards and councils.

19. How can the lay people be best used in Synod? How can we ensure that the representation of lay people represents life in the parishes and that such representation is not cut down by economic and other factors?

Synod is too large and too busy

20. One problem is the size and amount of business before the Synod.

21. The Synod has a nominal strength of about 800 but only between 300 and 600 would attend any particular session. Again one might ask why? Although the Chair takes pains to recognize anyone who wishes to speak, the heavy business of Synod means most debates have to be curtailed. The Chair, accordingly, has to use some discretion in who is to speak. The tendency is to pick those speakers who are likely to know what they are talking about, that is, those speakers who are on the Standing Committee or a board or committee that has some close contact with the subject being debated. Accordingly, the odds will be that if there is a debate, an "ordinary" member of Synod may not be physically able to make a contribution

although he or she wants to, and although he or she may well have something valuable to contribute to the debate.

22. This tends to mean that unless the person is so interested or disturbed about an issue that he or she makes moves to ensure that they can speak (for example, putting a motion on the business paper) the ordinary member of Synod is likely to just attend and vote.

23. In some country synods, the Bishop takes care that diocesan council members do not speak too often. This is because the Bishop is trying to find out the feeling of the lay leaders of the various parishes in his diocese. With a Synod as presently constituted, there is no hope of the Archbishop finding out the feelings of the parishes from what is said in Synod. Indeed, it is significant that in 1994 the Archbishop had regional rallies in which he invited representatives of each church to get just that sort of feedback.

Reformed Synod

24. The Committee's present thinking is that there should be a completely recast Diocesan Synod. We will explore these thoughts briefly and ask the Archbishop-in-Council for its preliminary thoughts. We will then go on to consider what piecemeal reforms can be made in the meantime.

25. The Committee has looked at the English position. There are there 4 levels of church administration. The General Synod consists of 3 Houses, the House of Bishops including all the Diocesan Bishops, 268 clergy and 263 laity. The laity are elected on a diocesan basis from a laity attending deanery synods. The function of the General Synod is to consider matters concerning the Anglican Church and other matters of religious or public interest as a legislative assembly and administrative centre with financial authority. The next level is the Diocesan Synod. It must be remembered that in England there are a large number of dioceses in a relatively small land area. The Diocesan Synod consists of the Bishop, and an equal number of elected clergy and the laity. The election is by the laity of deanery synods with a 3 year term. The next level down is the Deanery Synod. All clergy in the deanery are members and laity are elected by their parish annual general meeting every 3 years. The Deanery Synod acts as a forum for parish views to foster community and interdependence and to display joint initiatives within the locality. The fourth level is the parish administration with the parish council.

26. It seems to us that, especially with the advent of more serious emphasis on regionalisation, the English Deanery Synod idea could be adapted to a Regional Synod. This would be a forum which would allow each parish to send say 5 delegates or perhaps each church to send 2 delegates in addition to all the clergy of the region into a forum which could enable each of the parish representatives to have their say at the appropriate time and to foster joint initiatives within the region and for the Regional Bishop and through him the Archbishop to know what the parishes were thinking. The Regional Synod should be able to consider legislation and, apart from a special list which would contain, for instance, the Income and Expenditure Ordinance, amendments to the Parishes Ordinance and other special categories of legislation, no legislation should go to the Diocesan Synod unless it had first been approved in principle by at least 2 Regional Synods. Much of the business of a Regional Synod would be local to foster local evangelistic initiatives but the Regional Synod could also resolve to put matters on the agenda of the Diocesan Synod for discussion and resolution by the whole Diocese.

27. The Diocesan Synod could then be reduced to about a third of its present size. Each region would elect so many clergy and so many laity by vote at the Regional Synod. We are not necessarily saying that the regions should be equally represented.

28. It may be that system could be devised whereby at least 1 representative from each parish would attend the Diocesan Synod if they chose with a weighted voting capacity.

29. The Diocesan Synod would perform as it is performing at the moment save that -

- (a) legislation on the special list could be considered as of course;
- (b) other legislation would only be considered if 2 Regional Synods had approved it going on the agenda; and
- (c) resolutions would only be entertained by request to the Archbishop or by request of at least 1 Regional Synod.

30. The value of this would be to enable everyone to have a chance of speaking at the Synod who had a contribution to make, to cut down the Synod business paper to the essentials and to provide a forum which would more truly represent the feelings of the Church as a whole.

31. If this were done, many of the problems would solve themselves. The size of Synod would be reduced, the costs of running Synod would be reduced, the time taken by Synod would be reduced and it may well be possible for the Synod to meet on a weekend perhaps twice a year and deal with all available business. If not all the clergy had to be in Synod there would still be sufficient clergy to operate church as on a normal on

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Sunday. A weekend Synod would then enable everybody (with a possible few exceptions for people who are rostered to work on weekends) to participate no matter what their age, sex or social standing.

32. There would, of course, be some losers in this arrangement. The more effective the voice of the people in the pews the less effective would be the voice of the organized bodies within the diocese.

The Diocesan Budget

33. Another matter which may require further consideration is the way in which the Diocesan Income and Expenditure Ordinance is prepared. If regionalisation is implemented perhaps each Regional Synod could elect a certain number of people with appropriate skills (for example, accountancy) to meet as a committee to determine upon applications from diocesan organisations for funding. Under this system the regions will be given a greater say at a preliminary stage in the allocation of scarce diocesan resources. This may assist in reducing the time it takes for the Synod to pass the Income and Expenditure Ordinance.

Experimental Procedural Reforms

Regional Rallies

34. If the will of the Diocese is not to go as far as we have already indicated at this stage, we would respectfully suggest that there should be some experimentation over the next 3 years. The Archbishop should request each Regional Bishop to summon a meeting of all the churchwardens and synod representatives of a region under the chairmanship of a Regional Bishop to meet on a weekend during the year. These synods could at least replace the Archbishop's Regional Rallies and the Regional Bishop should see to it that there was before the Regional Synod some of the issues that were likely to arise at the next Diocesan Synod. We think that a 3 year experiment along this nature would be valuable.

Reinvestigating Area Deanery Conferences

35. Another possibility is to reinvigorate the area deanery conferences. Although at the moment, so far as the laity are concerned, area deaneries seem to have little significance and they could be reactivated, our present feeling is that it is better to act on a regional basis.

Minor Procedural Reforms

36. If, however, none of the above suggestions are accepted, we get back to the problem as to how to make the present large body more effective.

Plain English Explanatory Notes to Legislation

37. So far as legislation is concerned, we feel that there needs to be more translation of the real purpose and effect of the legislation being put before the Synod in user friendly terms. Although the lawyers have no problems with the legislation, it sometimes confuses many members of the Synod. A more meaningful decision could be made if there was an explanatory note written in plain English showing the purpose of the legislation and how it dovetails in with existing legislation.

More Legislation to go to Standing Committee

38. The Synod might also designate certain types of legislation which should be passed to the Standing Committee. Indeed, the great bulk of legislation is in fact passed by the Standing Committee these days, but it is necessary that some come to the Synod. There could be an expansion of the categories of legislation which go to the Standing Committee with the ability of, say, 6 members of the Standing Committee to veto the measure and have it referred to the Synod.

Synod to Concentrate on Matters of Principle

39. Our enquiries would suggest that Australian synods are far more legalistic than overseas synods. In some Canadian synods the amount of legislation can be dealt with in quarter to half an hour of synod time merely by the bills being put into proper form by the Standing Committee or its equivalent, someone explaining what they were all about, having questions and then if there is no veto, all the legislation is deemed to have been passed by the synod. In view of our Australian penchant for discussing everything it is unlikely to work here, but at least some more matters could be given to the Standing Committee and the Synod's legislation restricted more to matters of principle. We have some doubts as to whether this would actually work because, for instance, the lay presidency legislation in fact involved a series of many decisions of principle having to be made in the Committee stage.

Motions

40. So far as motions are concerned, the last couple of sessions of Synod despite going for 6 or 7 days, have not reached a considerable number of motions. Either there should be some filter for the number of motions coming through, or there must be a better procedure to deal with them. Although some motions are deleted during the call-over, apart from the occasional motion that slips through unnoticed, all contentious issues seem to be objected to. The process of the call-over is a rather haphazard one, prone to error. Unless the members of Synod have assiduously studied the multiplicity of motions on the business paper which we

suspect the majority have not, then there is not the time to quickly peruse each motion as it is called and people tend to rely on someone else to object.

41. One way of filtering the number of motions would be to increase the number of people who need to support a motion before it goes onto the business paper. Perhaps 6 or 10 persons should need to support a motion before taking the time of 500 members of Synod. It may be that alternative filtering processes can be devised. Even if no filtering system is introduced, there may be a benefit in the motions being called over at the end of each night after a couple of archiepiscopal suggestions to members of Synod that they should study them and to be ready for the call-over. In this way the motions for the next day could be shorn of the ones which at the end of the previous night had been passed formally after everyone had an opportunity of considering them and their implications.

42. It seems that most motions that are actually debated are passed in some form or other. Often with an amendment which completely eviscerates the motion or makes it mean something completely different to what the original mover had intended. There should be a facility available in Synod during the tea break where movers of motions and people who wish to debate the motions or move amendments should be able to meet and talk. The Standing Orders should be amended to require people who wish to amend motions on the business paper to give both the secretary and the mover notices of the amendment. A conference between the mover and the proposed amenders may mean that the motion can be passed formally in due course instead of debated.

Questions

43. Another problem is with questions. Possibly because questions have been used by the politically able to make a speech twice or to cross examine their opponents, the tendency in recent years has been for questions not to be answered or alternatively to be answered in a way which really gives no information. The Committee considers that while it is impossible to exclude it, questions should not be asked to advantage a speaker in debate but there should be full encouragement to ask questions from the parishes for information which is genuinely required for the parishes.

44. The present Standing Order 27 limits questions to matters relating to any motion or matter connected with the business of the Synod or any committee, board or commission of the Synod. We suggest that questions relating to any motion or matter connected with the business of the Synod should be required to be put in writing within the 3 months preceding the Synod. This would both allow the information to be provided earlier so that the questioner could incorporate the information into his or her speech, but would also prevent question time being exploited for political purposes. The ambit of questions should be expanded so that they cover any question as to the work and witness of the Diocese with a power for the Archbishop to decline to answer if he considers that disclosure of the information publicly would not be for the benefit of the Diocese as a whole or any particular parish.

45. If Standing Order 27 is not amended, the restrictions on answering questions should be set out in the papers convening Synod in plain English so that no embarrassment is caused to members of Synod who genuinely wish to know information but are embarrassed when their question is ruled out as improper.

Parliament of the Church?

46. Although Synod is said to be the Parliament of the Church, the analogy breaks down in various ways. First, there is no Government or Opposition, there is no Cabinet, there is no Prime Minister and the Speaker is also the presiding Bishop. Moreover we have moved away considerably from the 19th Century Westminster system of 3 readings of bills. Whilst it may very well be that in contentious matters the strict procedure should be adhered to, it is significant that it is with these very measures, such as the lay presidency measure, that more streamlined procedures have to be adopted. We think that there is a greater room for matters at Synod to be dealt with by presentations from the movers of proposals rather than necessarily by formal speeches and more room for conferences and small group discussions before decisions are made, rather than in formal debate. However, we await reaction generally before we explore this further.

47. Accordingly the Committee submits this interim report and asks permission to sit again.

For and on behalf of the Committee

MARK PAYNE
Legal Officer

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