

A BILL FOR THE EIGHTEENTH GENERAL SYNOD PARTICIPATION CANON 2022

EXPLANATORY MEMORANDUM

General Background

This bill has been prepared in case there are some members of Synod unable to be present in person, or are significantly impeded from being present in person, at the eighteenth session because of restrictions imposed by the laws of the Commonwealth or of a State or Territory.

At its meeting in March 2022 the Standing Committee resolved that the Provisional Business Committee should decide by 30 April 2022 whether the bill should proceed (or would be withdrawn). Following that meeting of the Standing Committee, the Provisional Business Committee decided (on 6 April 2022) that the Bill that was approved by the Standing Committee should proceed, now with additional provisions to address what should happen if after the Bill passes members of General Synod find themselves unable to participate in person on medical grounds. These additional provisions are to be found in paragraph (b) of the definition of "affected member" and in clause 3 of the Bill.

It is proposed that it be considered at the very start of the session, making consideration of the bill the only business of the Synod in which affected members would not be able to participate.

The Church Law Commission is of the view that the Constitution gives to the General Synod the right to prescribe the matters in this bill.

The Canon will be repealed at the conclusion of this session of the Synod, as it has no work to do after that time. Another bill, the General Synod Presence Bill 2022, deals with how provision might be made for participation by videoconference for the indefinite future.

NOTES ON CLAUSES

Clause 1 contains the title of the Canon.

Clause 2 defines certain terms.
"Affected member" is defined to include two categories of members. The first meaning is a person named or otherwise identified in the Schedule. (A person could be identified, for example, by reference to their Diocese.) The expectation is that the Schedule will be populated on the recommendation of the Provisional Business Committee at the commencement of the Synod. The second category is people who give notice to the General Secretary under clause 3. Notice would be given after the Canon has effect (that is, during the course of the General Synod), although there is no explicit requirement that the person could not have been included in the Schedule.

"This session of Synod" and "videoconference" are also defined.

Clause 3 allows a member of the General Synod at any time after this Canon comes into force by written notice to the General Secretary to state that they are unable on medical grounds to participate in person in the business of the meeting. While this could in theory extend to people who were not present at

the Synod venue, its primary purpose is to deal with a situation where a member may be forced into isolation (or become otherwise medically unable to participate in person) at the venue during the course of the meeting. The requirement is intentionally not onerous, and relies on the honesty and good faith of the member concerned. Given the multiplicity of circumstances that might arise, that seems the prudent approach to drafting the provision.

- Clause 4 obliges the General Synod to provide affected members with a means of participating by videoconference, but also allows them to be present in person if they so choose.
- Clause 5 sets out certain requirements relating to videoconferencing. Affected members must be able to participate in the same way as if they were present in person; the President may appoint people to assist in ensuring that participation (such as watching a screen to see whether they have asked to speak, or having someone present at a venue where a number of affected members have gathered together to ensure that they are recognized by the chair); allows an electronic system to be used to allow affected members to do those things that they could do if present in person.
- Clause 6 allows affected members to vote in elections by an electronic method that meets the requirements of Rule III and is approved by the Provisional Business Committee.
- Clause 7 provides that an affected member participating by videoconference is "present" for the purpose of the Constitution and any other General Synod legislation, including for the purposes of determining whether there is a quorum.
- Clause 8 repeals this canon at the end of the 18th session of General Synod.
- Schedule The Schedule will be amended by adding the names or means of identifying affected members of General Synod if the Bill proceeds.