

A BILL FOR THE GENERAL SYNOD PRESENCE CANON 2022

EXPLANATORY MEMORANDUM

GENERAL OVERVIEW

This bill is for a canon to give permanently the option of all General Synod to be conducted (wholly or partly) by videoconference in certain circumstances. The decision whether to do so would be made by the body or person that determines the place of the Synod under section 23 of the Constitution (the Standing Committee in the case of an ordinary session, the Primate in the case of a special session).

A Synod may be held wholly by videoconference by the decision of the relevant decision-maker. However, if it is only *partly* by videoconference (conveniently referred to as hybrid meeting), participation by videoconference would only be allowed for people who were unable to attend in person at all, or could only attend in person with significant and onerous impediments, due to the laws of the Commonwealth or a State or Territory. This canon does not give a general choice to members of General Synod to participate in a hybrid session according to their personal preference, or because of the other reasons that would cause them to have to be replaced as a representative from their diocese.

The bill then contains provisions regarding the minimum requirements for videoconferencing, and considering those participating by videoconference as being present.

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 bill is for a canon, rather than for (say) a rule, because section 23 of the Constitution commences, "Until the General Synod by canon otherwise prescribes".

NOTES ON CLAUSES

- Clause 1 provides for the title of the canon.
- Clause 2 defines the word "videoconference"
- Clause 3 provides that the Standing Committee in convening an ordinary session of Synod, and the Primate in convening a special session of Synod, may decide that it is to be wholly by videoconference. Where this happens, a number of members may gather in one place to participate.
- Clause 4 concerns what is to happen when a session of Synod is *not* wholly by videoconference and some members are unable to attend in person at all, or could only attend in person with significant and onerous impediments, due to the laws of the Commonwealth or a State or Territory. To qualify for participation in this way, the member would require a certificate that they had met the criteria. For most members it would be given by their Diocesan bishop. For Diocesan bishops it would be given by their Metropolitan, and for Metropolitans and non-provincial Diocesan bishops it would be given by the Primate.

Where a member does have such a certificate, the General Synod must arrange for participation by videoconference, and the member may participate in that way or (if they wish) by attending in person.

- Clause 5 sets out certain requirements relating to videoconferencing. Those attending in this way 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 members have gathered together to ensure that they are recognized by the chair); and an electronic system must be available to allow members participating in this way to do those things that they could do if present in person.
- Clause 6 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.