

EXECUTIVE SUMMARY

RESPONSE OF THE PROVINCE OF AUSTRALIA TO THE COVENANT DESIGN GROUP'S ST. ANDREW'S DRAFT

The Province of Australia welcomes the Report of the Second Meeting of the Covenant Design Group, including the St. Andrew's Draft Covenant and associated materials. By this response the province offers answers to the three questions asked of provinces by Canon Kenneth Kearon and associated reflections about the St. Andrew's Draft Covenant.

The answers of the Province of Australia are as follows:

1. **Is the Province able to give an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)?**
 1. The General Synod of the Anglican Church of Australia (ACA) has committed itself to engaging in the ongoing process of discussion and development of the covenant proposal.
 2. The ACA has not yet formalised in-principle support for an Anglican Communion covenant.
 3. The ACA has not committed itself to the implementation of a final draft of an Anglican Communion covenant.
2. **Is it possible to give some indication of any synodical process which would have to be undertaken in order to adopt the Covenant in the fullness of time?**

There are three synodical processes by which the ACA could, in the fullness of time, adopt the Anglican Communion covenant.

(i) Constitutional amendment

The covenant could be adopted by amendment of the Constitution of the ACA ('the constitution'). It is anticipated, however, that any attempt to adopt the covenant through this process would be likely to fail because of the onerous requirements for constitutional amendment.

(ii) Adoption by canon

The covenant could be adopted by canon of the General Synod. However, it is anticipated that an attempt to adopt the covenant by this method would also be likely to fail because of the constitutional requirements for making certain types of canon.

(iii) Adoption by Resolution

The covenant could be adopted by resolution of the General Synod. Unlike adoption by constitutional amendment or by canon, adoption of the covenant by this means would not have the effect of incorporating the text of the covenant into the law of the ACA. However, the prospects of success by this method are greater than those for adoption by either of the methods outlined above.

3. In considering the St Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?

A. Character of the Covenant Document

Because adoption is most likely to be achieved by means of resolution, the kind of covenant in respect of which synodical adoption is most likely to be viable in Australia is one which is advisory, aspirational and relational in character.

B. The St Andrew's Draft

There are two principal areas in which the ACA considers that further work needs to be done. First, there are problems with a looseness and imprecision of language used in the draft. Secondly, the St. Andrew's draft is too juridical and insufficiently relational in character.

C. Procedures upon the Failure of Mediation

- The moral obligation felt by churches that have adopted the covenant is the best motivation for acting interdependently in relation to their co-covenantors (TWR 51).
- The most appropriate sanction for a failure to observe a commitment to self-limit provincial autonomy is a withholding of invitation to meetings of the Instruments of Unity.
- Any covenantal sanctions should be supported by provisions and measures designed to support and build relationships between signatory churches.

D. Relationship

A covenant for the Anglican Communion is most likely to be successful in achieving its objectives if it is expressed and structured in a relational manner and if it is additionally supported by initiatives to promote relationship between signatory churches. Please refer to the full response for suggestions about possible initiatives.

E. Inter-Anglican Faith and Order Commission

The creation of an Inter-Anglican Faith and Order Commission could be of value.

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Canon Kenneth Kearon has asked provinces to provide answers to the following questions:

1. Is the Province able to give an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)?
2. Is it possible to give some indication of any synodical process which would have to be undertaken in order to adopt the Covenant in the fullness of time?
3. In considering the St Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?

The answers of the Province of Australia are as follows:

1. **Is the Province able to give an "in principle" commitment to the Covenant process at this time (without committing itself to the details of any text)?**
 4. The General Synod of the Anglican Church of Australia (ACA) has committed itself to engaging in the ongoing process of discussion and development of the covenant proposal.
 5. The ACA has not formalised in-principle support for an Anglican Communion covenant.
 6. The ACA has not committed itself to the implementation of a final draft of an Anglican Communion covenant.
2. **Is it possible to give some indication of any synodical process which would have to be undertaken in order to adopt the Covenant in the fullness of time?**

There are three synodical processes by which the ACA could, in the fullness of time, adopt the covenant.

(i) Constitutional amendment

The covenant could be adopted by amendment of the Constitution of the ACA ('the constitution'). By this means the text of the covenant could be incorporated into the constitution, thereby incorporating the covenant into the law of the Church. It is anticipated, however, that any attempt to adopt the covenant through this process would be likely to fail because of the onerous requirements for constitutional amendment. Changes to core provisions of the constitution require, initially, majorities in each of the Houses of Bishops, Clergy and Laity and, subsequently, the assent of three quarters of the diocesan synods, including all of the metropolitan sees (Sydney, Melbourne, Brisbane, Perth and Adelaide). It is thought to be unlikely that the assent of all metropolitan sees would be obtained.

In the history of the Anglican Church of Australia there has never been a successful attempt to amend a core provision of the constitution.

The probable reason for the withholding of assent would be a concern that an incorporation of the text of the covenant into the constitution would involve ceding elements of the power and authority of the Anglican Church of Australia to an international body.

(ii) Adoption by canon

The covenant could be adopted by canon of the General Synod. This is a second means by which the covenant could be incorporated into the law of the ACA. However, it is anticipated that an attempt to adopt the covenant by this method would also be likely to fail because of the constitutional requirements for making certain types of canon. A canon that can be categorised as one “affecting the ritual, ceremonial, or discipline of this Church” is deemed, by sub-s. 30 (a) of the constitution, to affect the order and good government of the church within a diocese. Such a canon requires adoption by an individual diocese before coming into force in that diocese. A strong argument could be made that a canon adopting the covenant should properly be categorised as one “affecting the ritual, ceremonial or discipline of this Church” and that it would therefore need to be adopted by a particular diocese before coming into force in that diocese. The likely result would be that the canon would be adopted by some dioceses and not others. This would lead to an unhelpful situation in which a covenant adopted by the national church would be part of the law of some of the dioceses of that church but not others.

(iii) Adoption by Resolution

The covenant could be adopted by resolution of the General Synod. Unlike adoption by constitutional amendment or by canon, adoption of the covenant by this means would not have the effect of incorporating the text of the covenant into the law of the ACA. While the covenant would bind the Anglican Church of Australia this “binding” begs two questions:

1. There is little point in referring to something as “binding” if there is no authority clearly charged with enforcing the consequence of any breach.
2. Although binding on the national Church, the covenant would not be binding on individual dioceses whose legal ability to act within the framework of the national constitution and the relevant diocesan legislation would be unaffected by a resolution adopting the covenant.

However, the prospects of successful adoption by means of a resolution are greater than those for adoption by either of the methods outlined above.

The eventual text of the covenant will be an important factor in the success of an attempt to adopt the covenant by resolution, as will the success of a province-wide campaign of education and consultation.

The General Synod of the ACA will next meet in late 2010 or early 2011. The following Synod is scheduled for late 2013 or early 2014.

Summary

The means of adoption of the covenant by the ACA would have implications for the status of the covenant within this province. If it were intended that the covenant should have legal force, then it would have to be adopted either by constitutional amendment or by canon. However, successful adoption by either method is unlikely.

Adoption by resolution of the General Synod is the option most likely to win acceptance.

3. In considering the St Andrew's Draft for an Anglican Covenant, are there any elements which would need extensive change in order to make the process of synodical adoption viable?

A. Character of the Covenant Document

The comments made in response to Question 2 have implications for the kind of covenant that could be adopted by means of Australian synodical processes. Because of the unlikelihood of success of methods of adoption that would incorporate the covenant into either the Constitution of the national church, or the legal apparatus of individual provinces or dioceses, a covenant which is juridical or legalistic in nature is unlikely to be adopted here.

Because adoption is most likely to be achieved by means of resolution, the effect of which is merely advisory, the kind of covenant in respect of which synodical adoption is most likely to be viable in Australia is one which is advisory, aspirational and relational in character. Such a covenant would be both more appropriate in the circumstances and more likely to attract the degree of popular support needed for the passing of a resolution by the General Synod.

It is difficult at this point to gauge the likely extent of support for an eventual covenant within the Houses of Bishops, Clergy and Laity at a future General Synod. However, it could probably be said with some confidence that a covenant by which this province committed itself to self-limitation of its provincial autonomy would be likely to attract greater support than one that granted authority to an external body or bodies to act as a 'brakes mechanism' upon it and its proposed actions.

B. The St. Andrew's Draft

There are many respects in which the St Andrew's draft is a welcome improvement upon earlier drafts. However, the Province of Australia agrees with the majority of bishops present at the Lambeth Conference that the St Andrew's draft is nevertheless in need of substantial re-working.

There are two principal areas in which further work needs to be done, it is suggested. First, there are problems with a looseness and imprecision of language used in the draft. Some of the language used is inherently ambiguous. Other language used is likely to be capable of being understood in different ways in different parts of the Communion. The draft would benefit from a greater use of defined terms and precise description of concepts and principles.

Attachment 1 to this report is a letter written by Garth Blake SC, Chair of the Professional Standards Commission of the ACA, to the Secretary of the Covenant Design Group, The Rev'd Canon Gregory Cameron. The letter outlines concerns

about language used in Sub-section 3.2 and the Procedural Appendix of the St Andrew's Draft. The Province of Australia supports Mr Blake's comments.

Secondly, and following from the comments made above, it can be observed that although the St. Andrew's draft continues a gradual movement away from the kind of juridical model represented by the covenant appended to the 2004 *Windsor Report* (TWR), the St Andrew's draft is still, in places, too juridical and insufficiently relational in character. This is particularly true of Section 3 and the Procedural Appendix.

Most of the principles set out in the draft, up to and including paragraph 3.2.5 (b), would be unproblematic in Australia if further refined and expressed in more relational language. However, paragraphs 3.2.5 (c), (d) and (e), and particularly the latter two, would likely be sticking points in Australia. The concept of mediation, *per se*, is welcome, but more detail is needed about the kind of mediation process envisaged by para. (c). Para. 3.2.5 (d), as currently drafted, contains a piece of argument or commentary, which does not properly belong in the text and both paras. (d) and (e) are unhelpfully ambiguous. Again, the province supports Mr Blake's comments in relation to those paragraphs.

In general, the province is of the view that the appendix in its current form is unhelpful. The juridical procedures set out there tend to have the effect of altering the character of the entire covenant. The tone of the St. Andrew's draft, helpfully established through a consistent pattern of affirmations and commitments, is disrupted by this lengthy, complicated and prescriptive set of procedures. The province understands that it is proposed to dispense with the appendix in future drafts, instead including relevant provisions in the body of the covenant, and supports this approach.

C. Procedures upon the failure of mediation

The Province of Australia supports the use of mediation envisaged by paragraph 3.2.5 (c) of the St. Andrew's draft, although, as mentioned above, further details of the form of mediation intended are required. In addition, it recognises that there is a need for the new draft to make some form of provision for circumstances in which mediation fails and parties remain in conflict.

The Province of Australia makes three observations in this regard:

- Ideally, the covenant should effect a regulation of the interaction and relationship between signatory churches by making provision for a mutual and freely-given commitment by each signatory church to self-limit its autonomy in its dealings with other signatory churches. This 'self-limiting' principle is preferable to attempts to regulate relationships and behaviour by means of enforceable sanctions. The province takes the view that a failure in *koinonia* cannot be resolved by legal measures; rather, what is required is a greater investment in *koinonia*. The moral obligation felt by churches that have adopted the covenant is the best motivation for acting *interdependently* in relation to their co-covenantors (TWR 51).
- The most appropriate sanction for a failure to observe a commitment to self-limit provincial autonomy is a withholding of invitation to meetings of the Instruments of Unity. Invitations to attend the Lambeth Conference, Primates Meetings and meetings of the Anglican Consultative Council are issued by the instruments themselves and it is not necessary to set out principles for the issuing or withholding of invitations in a covenant document.

- In any event, a covenant document alone, no matter how prescriptive or juridical in nature, is probably incapable of bearing the weight of intra-Communion conflict and disputes. Any covenantal sanctions should be supported by provisions and measures designed to support and build relationships between signatory churches.

These three observations, or principles, are reflected in the draft covenant document prepared by the Province of Australia and circulated widely in 2006.

D. Relationship

This response has referred repeatedly to the need for a relational, rather than juridical, approach. In essence this means an approach in which face-to-face meetings and relationship-building opportunities are encouraged. The Province of Australia is of the view that it is important for the success of the proposed covenant that it be supported by moves to develop a rolling process of conversation across the Communion.

There is already precedent for a relational approach at Communion level. The Indaba Process trialled at the 2008 Lambeth Conference was directed towards allowing bishops the opportunity to engage in conversation at a deep level. The process meant that the often unduly adversarial elements associated with a Westminster-style decision-making process were avoided. A further precedent for the kind of approach envisaged was the gathering of primates endorsed by the Archbishop of Canterbury and held in Coventry prior to the 2007 Primates Meeting.

In Australia we have been trialling methods of encouraging relational processes for approximately a decade with some success. In 2004 the results of several years' work saw the amendment of Standing Orders of General Synod to introduce non-adversarial processes to synod proceedings. Attachment 2 to this report is the material circulated to Synod Representatives prior to the 2004 Synod describing these processes and the philosophy behind them.

An additional element augmenting these processes has been the development of the 'huddle'. Huddles are now used regularly at General Synods, meetings of the Standing Committee of General Synod and at National Bishops Meetings. A huddle is typically suggested by the chair at a point in the synod or meeting process in which an impasse is reached in relation to a particular matter. The chair invites a small group of people having expertise or interest in the matter to meet during a scheduled break and to report to the following session. Almost invariably the group returns with a constructive response to the impasse. The success of these huddles lies in the fact that those called on to participate have come to know each other well in the course of extensive service on these bodies and their various commissions and working groups.

These approaches were used to good effect at the National Bishops Meeting in 2008 when roughly fifty bishops met to discuss approaches to making provision for those who maintain an objection to the consecration of women. Despite the sensitive subject matter the meeting was able to reach unanimous agreement about a set of protocols for this purpose.

Relational approaches could, it is suggested, be used more widely at a Communion level. Primates Meetings could benefit from a more relational, less adversarial, approach. The 2007 Primates Meeting was able to agree on the text of a Communiqué, but that document arguably created more problems than it solved, leading to Communion-wide concerns that the primates had exceeded their authority

and complaints from TEC that the primates had demanded that it act contrary to its polity. The issuing of the Communiqué did little to ease the problems that the primates had attempted to address, but arguably had the unintended effect of escalating the tensions. It was not until members of the Joint Standing Committee of the ACC and Primates were invited to address personally TEC's House of Bishops in Mississippi that some degree of understanding of the intentions of the primates was reached.

Perhaps the Communion could use the primates and their bi-yearly meetings in a more constructive way. Instead of asking the primates to resolve disputes perhaps they could be asked to broker conversations and relationships throughout the Communion. This function might be enhanced by dispensing with the need to produce a final Communiqué document, and focussing on nurturing relationships within and beyond the meeting. More would be needed for such a process to be successful, however. Interim meetings of regional primates, together with ordained and lay people of the region (such as ACC representatives), along the lines of the Archbishop of Canterbury's Coventry Retreat, could go a long way toward building relationships and understanding.

These suggestions would, of course, require substantial resourcing. However, the resources required to deal with the current tensions within the Communion are also considerable.

The importance of relationship was recognised by the Lambeth Commission on Communion:

Communion is, in fact, all about mutual relationships. It is expressed by community, equality, common-life, sharing, interdependence, and mutual affection and respect. ... In communion, each church acknowledges and respects the interdependence and autonomy of the other, putting the needs of the global fellowship before its own. Through such communion, each church is enabled to find completeness through its relations to the others, while fulfilling its own particular calling within its own cultural context. (TWR 49)

The relational nature of communion requires each church to learn more fully what it means to be part of that communion, so that its members may be fulfilled and strengthened in and through their relations with other churches. (TWR 51)

The Province of Australia is in many ways a microcosm of the Anglican Communion. Dioceses, representing the full spectrum of Anglican tradition, enjoy an autonomy which is regulated and measured by a constitution enacted only after decades of consultation and discussion. The Primate chairs the General Synod and its Standing Committee, but otherwise has authority only to lead by invitation and persuasion. Regular meeting to build and nurture relationship is a vital feature of the life of the Anglican Church of Australia, despite the vast distances involved. We are constantly looking at new ways of meeting as we recognise that occasional gathering for 'business' is not sufficient for the kind of relationship-building that is necessary for the national church to maintain itself as a unified body.

We believe that a covenant for the Anglican Communion is most likely to be successful in achieving its objectives if it is expressed and structured in a relational manner and if it is additionally supported by initiatives to promote relationships between signatory churches.

E. Inter-Anglican Faith and Order Commission

It is further suggested that an Inter-Anglican Faith and Order Commission could be a valuable resource for the Communion. The covenant could make provision for issues arising from disputes, such as those currently concerning human sexuality, to be referred to a Faith and Order Commission for detailed response. The Instruments, also, might find such a body helpful in their task of assisting signatory churches to discern their responsibilities pursuant to the covenant. The Communion has not, for example, had the benefit of a report from a senior, Communion-wide body about the issues raised by the current disputes about human sexuality. How might the current situation be different had such a resource been available?

ATTACHMENT 1

8 May 2008

The Revd Canon Gregory K Cameron
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Dear Gregory

St Andrew's Text for an Anglican Covenant

It was good to meet Archbishop Drexel Gomez, the Revd Dr Katherine Grieb and Dr Eileen Scully of the Covenant Design Group and yourself at the *An Anglican Covenant: Dividing or Reconciling* conference at General Theological Seminary, New York in the United States of America on 10-12 April, 2008.

I think that there are considerable problems with section 3.2 of the St Andrew's Text for an Anglican Covenant. I have highlighted these problems and made some suggestions to overcome them below (using the same Article numbers as in the St Andrew's Text):

- (3.2.1) The expression "to have regard to the common good of the Communion in the exercise of its autonomy" has no clear meaning, and is likely to be seen differently by different Churches. It would be more helpful if this commitment were limited to the affirmations and commitments of the Covenant. Each Church which adopts the Covenant should be prepared to abide by, rather than merely respect, these affirmations and commitments.
- (3.2.2) The scope of the expression "to respect the constitutional autonomy of all of the Churches of the Anglican Communion" is unclear. While one meaning of "respect" is "refrain from interfering with", there are several other meanings such as "to regard or show consideration for". If the intended scope of this expression is that a Church will not engage in activity in the territory of another Church except with consent, then an alternative expression could be "to refrain from undertaking any activity in the territory of another Church without the consent of the responsible body of that Church." If this is not the intended scope of this expression, then an alternative expression should be considered.
- (3.2.3) The grammar of the first sentence could be improved – the words "reflection to ..." are grammatically incorrect. Further, there is not a

complete correspondence between the concepts in the first and second sentences. This correspondence could be achieved by the inclusion of the word “listening” in the second sentence.

- (3.2.4) The word “understood” raises the question of “understood by whom.” What is regarded as essential by one Church may be regarded differently by another Church. I doubt that the expression “the canon law of our churches” will be helpful in seeking a common mind about matters of essential concern. While I accept that some principles of canon law are common among member Churches, many would not be.
- (3.2.5) The precondition to action under this Article is proposed or enacted actions that “are deemed to threaten the unity of the Communion and the effectiveness or credibility of its mission.” This expression or abbreviations of it appear in several places in the Procedural Appendix. It is puzzling that the Lambeth Conference is responsible for “guarding the faith and unity of the Communion” (see Article (3.1.4-II)), but a threat to the faith of the Communion does not have any consequence (unless it also constitutes a threat to the unity or mission of the Communion). The expression “unity of the Communion” only appears in Article (3.1.4-II); it is unclear whether the word “unity” in Articles (3.1.3) and (3.1.4-I) has the same meaning. The expression the “mission (of the Communion)” does not otherwise appear in the Covenant. Presumably the mission undertaken by each Church in Article (2.2.2) is the mission of the Communion. In view of the serious consequences that may follow upon a threat to the unity and mission of the Communion, the content of these expressions should be made clear by reference to other provisions of the Covenant.
- (3.2.5.e) There is an ambiguity in the first sentence. Presumably it is intended that the Church is not bound to adopt the course of action specified in the request. As the choice not to adopt “(the course of action contained in) the request” can give rise to consequences, a Church will be “bound” by its decision of non-adoption. The ultimate consequence of non-adoption of such a request of “relinquishment by that Church of the force and meaning of the covenant’s purpose” is bound to create great uncertainty. Would this mean that the Church would no longer be a member of the voluntary association constituted by the member Churches of the Anglican Communion? If so, how would this relinquishment be reflected in the Constitution of Anglican Consultative Council? Would the Archbishop of Canterbury be bound to refuse to invite bishops of that Church to the Lambeth Conference and the Primate of that Church to the Primates Meeting? If not, what would be the effect of such a relinquishment?

The concept of a relinquishment of the force and meaning of the covenant’s purpose should not be used. If the intention is that there be no punitive sanction where a Church “breaches” the Covenant in such a manner as to threaten the unity and mission of the Communion, then I consider that a different mechanism should be used. Consideration should be given to the ultimate consequence being a declaration by the Anglican Consultative Council that the action of the Church is, or would be, incompatible with the

faith, unity and/or mission of the Communion. This mechanism of a declaration of incompatibility is used in the human rights legislation of the United Kingdom, New Zealand and two jurisdictions in Australia. Where such a declaration is made, the law in question is not invalid. Parliament must then determine whether it wishes to amend the law in question.

A declaration of incompatibility by the Anglican Consultative Council would not affect the Church's status as a member of the Anglican Communion. It would give the Church in question the opportunity to reconsider its position. In this way, the autonomy of the Church would be preserved.

Procedural Appendix

I have deep misgivings about the suggested process. Rather than making a detailed critique of the entire Appendix, I will make some general comments (using the same paragraph numbers as in the Procedural Appendix).

- 1.3 No time period should be specified.
3. There is a significant danger of the procedures becoming an instrument of oppression if they can be invoked by member Church X, Y or Z. The procedures should only be able to be invoked by an Instrument of Communion at the request of a Church or on its own initiative. An Instrument of Communion could seek advice such as provided by the Assessors before deciding to invoke the procedures.
4. There is a great danger in conferring a power on the Archbishop of Canterbury to make a request. If there were a successful appeal, the authority of the Archbishop of Canterbury would inevitably be diminished. Further, there are real issues of practicality. The Archbishop of Canterbury would need to observe the principles of procedural fairness and give the Church in question an opportunity to make submissions. It is not realistic to expect that the Archbishop of Canterbury would have the time to make the necessary evaluation.
5. Similar issues of practicality will arise if this power is conferred upon another Instrument of Communion. How could the Primates Meeting (with its large membership), the Lambeth Conference (with hundreds of bishops in attendance) and the Anglican Consultative Council (with a membership of over 70 persons) possibly make such an evaluation?
6. A specially appointed Commission is the only body that can realistically make an evaluation. Having a Commission appointed by the Archbishop of Canterbury would ensure that a body with appropriate expertise could be appointed. A Commission with a small membership would be able to undertake a cost effective evaluation.
7. I doubt the utility of a mediation if there has been an evaluation that there is no threat to the unity or mission of the Communion.

8. If the Commission makes an evaluation that the action of a Church threatens the unity or mission of the Communion, the Anglican Consultative Council would need to observe the principles of procedure fairness and give the Church in question an opportunity to make submissions.

The procedure would be greatly simplified by adopting the following basic structure:

- (1) An Instrument of Communion at the request of a Church or its own initiative refers to a Commission to be appointed by the Archbishop of Canterbury the question of whether the action or proposed action is compatible with the faith, unity and/or mission of the Communion as expressed in the Covenant.
- (2) The Commission after allowing the Church concerned and other Churches the opportunity to make submissions, prepares a report for the Anglican Consultative Council containing a recommendation as to whether the action or proposed action is compatible with the faith, unity and/or mission of the Communion.
- (3) Where the report of the Commission contains such a recommendation, the Anglican Consultative Council, having given the Church in question an opportunity to make submissions, determines whether it should make a declaration that the action or proposed action is incompatible with the faith, unity and/or mission of the Communion. If it was thought that there should be a right of appeal, the Standing Committee could be empowered to make the initial decision with a right of appeal to the Council. The advantage of this course is that the Standing Committee could meet more expeditiously and at less expense than the Council. The disadvantage of this course is that there would inevitably be a question about the representative nature of the Standing Committee to make such a significant decision. This disadvantage can only be overcome by having the decision made by the Council.

If the Covenant Design Group wishes to recommend a structure along these lines, I am willing to draft a procedure for its consideration.

Yours sincerely

GARTH BLAKE S.C.

ATTACHMENT 2

Chapter 2: SUSTAINING THE CONVERSATION

General Synod has been through some big changes in its processes in recent times. These changes have enabled us to deal more creatively and positively with the issues that come before us.

The General Synod often has to deal with matters which are both complex and contentious. That is because at the national level we live with a lot of institutionalised diversity. Also in the General Synod we often face matters which touch on core issues of our identity as Anglicans. For example in the last fifteen years we have experienced conflict on things to do with liturgy and ministerial order.

All this has meant that our processes in the synod are challenged to facilitate candour and respect as together we seek to fulfil our Christian vocation. The last two General Synods have agreed to changes in our processes in three respects:

1. **PROTOCOLS FOR PARTICIPATION** to help us in listening to each other [First agreed to at the 1998 Adelaide Synod]
2. **GROUP DISCUSSION PROCESSES** to clarify important matters before the synod. [First introduced at the Adelaide synod in 1998 and to be incorporated into our Standing Orders at this synod]
3. **WORKING IN STAGES** at successive synods on fundamental issues. [Agreed to at the 2001 synod in Brisbane]

Now for this meeting of the General Synod in 2004 all three of these processes are in place and we include here a description of those arrangements.

1. PROTOCOLS FOR PARTICIPATION

LISTENING

Empathy is important to good listening. Empathy is about rapport and openness between people. When these are absent people are less likely to consider the ideas, commitments, understandings or faith of others. The best way to build empathy is to help other people know that they are understood. There are specific listening activities which are relevant in various situations.

Information - getting a clear picture

Speaker's aim: To get across an idea or point of view with as much clarity and as little confusion as possible.

Listener's aim: To understand an idea or point of view, to check that it has been understood accurately

In this situation listeners may assist communication by -

Asking questions -

- to clarify what is being said
- to enquire about what is being said
- to clarify anxieties, concerns or difficulties

- to explore unstated premises on which thinking is built
- Checking - that they have understood accurately what is meant

Summarising - to ensure that they have the overall picture straight

Being aware that a person's history and experience influences how they see things. Listeners may need to appreciate some of that history to understand the point of view being expressed.

Listeners may assist communication by -

- not ignoring or denying feelings
- listening to non-verbal as well as verbal communication
- checking with the speaker about feelings as well as content even though they may only speak about content
- checking that you have understood accurately

Inflammation - responding to a complaint or an attack on you

Speaker's action: to tell you that you are the problem

Listener's aim: to acknowledge that you understand what's being said and to defuse the strong emotion

This sort of situation most commonly occurs in smaller groups or in one to one conversations, but in a large conference like a synod we all engage in our minds with our own private version of a conversation with the speaker, even though we are simply listening. That initial conversation is important because it is shaping our disposition which will in turn affect later contributions.

In this situation as a listener you have the opportunity to choose the most helpful response when someone is telling you that they are unhappy with you, criticising you, complaining about you or yelling at you. It will assist communication if you

- don't defend yourself at first. That will inflame the speaker further;
- deal first with the speaker's emotions. People shout because they don't think they are being heard. Make sure they know they are, that you are hearing how upset and angry they are;
- acknowledge their side. This doesn't mean you are agreeing with them, only that you are registering their viewpoint.
- draw them out further. Explore gently what more there is behind the emotion. What is at stake for the speaker that generates such strong feelings?
- explore the issue once the heat is gone from the conversation;
- don't rise to the bait and retaliate;
- don't start justifying yourself.,
- don't act defensively; and
- listen carefully until they have calmed down and conversation can occur.

SPEAKING

Good communication relies on you being able to state your case without arousing the defences of the other person. A key to such communication lies in saying how things seem to you, without saying what the other person should or shouldn't do.

Using 'I' statements can be helpful. An 'I' statement says how it is from my point of view, how I see it.

You can waste inordinate amounts of time and energy debating how the other person will or won't respond. Don't bother! You do need to be sure you haven't used language which inflames the situation and causes a negative response. 'I' statements assist you to let the other person know you are feeling strongly about an issue. Others may not perceive how hurt or angry or put out you are, so it's useful to say exactly how you are feeling and what you are thinking, without under or over-stating the case

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'I' statements are -

- not about being polite, soft or nice. Nor are they about being rude. They are about being clear;
- conversation openers, not conclusions. They help improve relationships rather than allowing deterioration;
- not the answer in a nutshell. That may be an unrealistic expectation;
- not about getting the other person to respond immediately as you want them to. That is also unrealistic;
- unlikely to do any harm;
- a step in the right direction;
- sure to change the current situation in some way; and
- likely to open up possibilities as yet unexamined.

When someone acts in an aggressive or hostile manner, resist the temptation to withdraw rapidly. Resist, too, the temptation to shout back to stop the onslaught. Instead be aware of your own rising anger, and using clear 'I' statements say what you are thinking and how you are feeling.

Affirmation - affirming, acknowledging, exploring the issue

Speaker's aim: to talk openly about the issue, indicating thoughts and feelings

Listener's aim: to acknowledge feelings and understand thoughts and ideas, to feel the persuasion of the speaker's point of view, to stand in the speaker's shoes

In this situation the listener recognises that the speaker is assisted by taking time to hear, feel and understand their point of view. The listener may not necessarily agree with the speaker but endeavours to feel the persuasion of that perspective.

2. GROUP DISCUSSION PROCESSES

The Group Discussions are designed to help individual members of the synod to clarify the issues before us. Sometimes groups may be asked to brainstorm to formulate options on the question which can be used in future work on the question. In this case the Standing Committee will make special preparations for this kind of feedback.

Small groups are **not** for the purpose of proposing amendments to the resolution before the synod. Such amendments can only be made in the normal way in plenary session.

Standing Committee will make arrangements for this process so that the following steps can be taken:

- The mover of the motion will introduce the subject and speak to the motion. They have 15 minutes.

- The seconder will formally second at this stage. They will have an opportunity to speak in the usual way in the plenary debate after the small group process.
- Another speaker from a different perspective will speak. They have 15 minutes.
- The President will invite any question of clarification to which the speakers will respond.
- The Synod breaks into small groups. The small groups will have a note agreed between the two lead speakers of the questions that are at stake in the motion.
- After time for discussion the President will announce that the plenary debate will proceed. Synod then returns to debate the motion in the usual way.

The small groups will contain members from different dioceses in order to assist mutual understanding and engagement.

In order to facilitate this process the Standing Orders have been suspended at the last two synods in the following ways. The Standing Committee will propose at this synod that the Standing Orders be amended.

A **Legislation**

That in relation to the consideration of legislation declared by the Synod to require group discussion -

1 *Standing Order 63(5) be suspended and the following sessional order be agreed to in its place:*

“(5) When a motion that a bill be approved in principle has been moved and spoken to by the mover and seconded,

(a) one member representing points of view different from those of the mover shall be invited by the President to speak;

(b) the President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such questions which may thereupon be answered by the mover or other previous speaker;

(c) further questions may be asked and answered until the President announces that the time for questions has finished;

(d) the Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.”;

2 *Standing Order 34(a) be suspended to the extent that the speakers representing different points of view may speak for up to fifteen minutes.*

That the Synod declare the following legislation to require group discussion -

[insert actual short title of the bill]

(1)

(2)

B Resolutions

That in relation to the consideration of motions (not being motions relating to legislation) declared by the Synod to require group discussion -

- 1 When the motion has been moved and spoken to by the mover and seconded, one member representing points of view different from those of the mover shall be invited by the President to speak.*
- 2 The President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the motion, and any member may then ask any such questions which may thereupon be answered by the mover or other previous speaker.*
- 3 Further questions may be asked and answered until the President announces that the time for questions has finished.*
- 4 The Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.*
- 5 Standing Order 34(a) shall be suspended to the extent that the speaker representing different points of view may speak for up to fifteen minutes.*

*That the Synod declare the following motions to require group discussion -
[insert actual reference numbers and mover]*

- (1)*
- (2)*

3. WORKING IN STAGES

A non-adversarial or problem-solving process may be conceived as involving the following main steps:

- (1) clarifying the issue(s);
- (2) generating options;
- (3) assessing the options;
- (4) deciding;
- (5) implementing; and
- (6) evaluating.

To deliver effective outcomes from this approach we not only need to work with these stages, but we need to participate in the process at the synod in a way which will be creative. This means participating according to a set of fundamental attitudes, which may involve shifts in values and perspectives from those which have sometimes characterised Synods in the past.

From Opponents **To** Partners with common goals and diverse concerns
From Winning and losing **To** Contributing to an acceptable solution/way forward

Each step of this overall process is important.

(1) Clarifying the Issues

- Identifying what is at stake for each participant - what is being threatened?
- What gain is being sought?
- What feelings are evoked?

At root, what is at stake here?

- What is important for each participant?
- What will I be looking for in a solution?
- What criteria will I use to assess options?
- This stage is not about finding solutions or arguing against someone else's thoughts or feelings. It is about hearing and understanding what is at stake.

(2) Generating Options

- Suspending evaluation or assessment of options is important at this stage ;
- lateral thinking is to be encouraged; and
- thinking 'outside the box' is valued.

(3) Assessing the options

- Participants weigh up the various options generated against what each is seeking to gain (identified in step 1);
- each participant is invited to be clear and explicit about the criteria used to assess options;
- the implications of each option are developed and considered; and
- options may be developed, adapted, nuanced.

(4) Deciding

- Taking into account the advantages and disadvantages identified in 3, the best (adapted) option is selected; and
- the aim is for a win-win solution which achieves, as far as possible, the common goals and takes into consideration, as far as possible, the particular concerns of each participant or group.

In the past the General Synod itself has often been seen as coming together to address stage 4 of this process, that is to make decisions, particularly legislative ones. Once again the Adelaide Synod clearly wanted to move beyond that narrow conception of the role of the General Synod.

Taking a wider view of the context within which the General Synod meets, it is appropriate to see the General Synod itself tackle stages 3 and 4 and for preparatory processes leading up to the Synod to tackle stages 1 and 2.

From this perspective the meeting of General Synod itself is seen as one element in a wider process rather than as an isolated event complete in itself. Taking this view, some steps in the non-adversarial process long precede the Synod itself. The effectiveness of the Synod-event is in large part determined by the soundness of this wider process in which it is set.

The following table indicates the way in which this process view has been adapted in stages in the General Synod.

Stage	Purpose	Approach in synod
Stage 1	Clarifying	Process prior to General Synod itself
Stage 2	Generating Options	Processes prior to General Synod itself
Stage 3	Assessing Options	Using groups at General Synod

Stage 4	Deciding	Groups and formal plenary debate
Stage 5	Implementing	
Stage 6	Evaluating	

Taking a longer-term view still, this next table suggests ways in which the General Synod meeting itself could play a greater role in each of the steps in the process.

Stage	This Synod	Interim	Next Synod
Stage 1	Groups to begin clarification		
Stage 2	Groups begin to generate options	Refining options Refining criteria Wide consultation Preliminary assessment of options. One or more options prepared for presentation to the General Synod	
Stage 3			Groups to assess refined option(s)
Stage 4			Plenary debate and decision

The use of small group discussions during the meeting of the General Synod itself could be directed towards the particular purposes of the step being undertaken. Different processes would be required accordingly, eg if generating options (step 2) a report-back mechanism would be necessary and would be prepared beforehand by the Standing Committee.

The best process will depend on the nature of the issue and the maturity of gestation in the life of the Church.

This pattern requires an approach which -

- is set within the broad context of the non-adversarial problem-solving process, (the steps outlined here);
- sees consecutive General Synods as strategic moments for participation in the process, rather than as discrete events; and
- invites Standing Committee (or a sub-group) explicitly to plan a process for dealing with each major issue making best use of opportunity for systematic consultation between General Synods

and at Synods themselves maximum participation focussed on specific outcomes of stages of the process.

A kind of mapping process is envisaged specific to each issue and its maturation.

Examples of issues and stage of gestation	Appropriate outcome to seek at General Synod
New issue	<ul style="list-style-type: none"> • Awareness raising • Identifying stakes • Preliminary generation of options
Options generated	<ul style="list-style-type: none"> • Wide consultation undertaken • Legislative options and decisions • Structural outcomes • Resource allocation decisions