

## Statute 768

### Title D Amendment Statute, 2022

**Whereas**, General Synod / te Hīnota Whānui in 2020 passed Statute 753 repealing and amending parts of Title D 'Of Maintenance of Standards of Ministry For Bishops, Ministers and Office Bearers', and

**Whereas**, it is desired to add to and improve the processes provided there,

**The General Synod / te Hīnota Whānui enacts as follows:**

1. **Title.** The Title of this Statute is *Title D Amendment Statute, 2022*.
2. **Purpose.** To amend the existing Title D Canons I, II, III and V.
3. **Commencement.** This Bill comes into effect at the close of the session of General Synod/te Hīnota Whānui at which it is passed.
4. **Title D Canon I** is amended by:

- 4.1. In "Interpretations" replacing the current definition of "Misconduct" with the following words  
—

**"Misconduct"** means:

- (1) any intentional, significant or continuing departure from the Standards of Ministry set out in Canon I;
- (2) physical abuse which means any intentional or reckless act, use of force or threat of use of force causing injury to another person;
- (3) sexual abuse which means sexual assault, sexual exploitation by the exploitation of a power imbalance or sexual harassment and in relation to a child includes the use of a child by another person for his or her own sexual stimulation or gratification or the possession of child pornography;
- (4) spiritual abuse which is an inappropriate use of Church authority by referencing God, faith or religion to control or mistreat individuals which causes, or is likely to cause, significant physical or mental harm, including self-harm. However, any decision or action by a Minister or Office Bearer in the discharge of their duties and responsibilities, if made reasonably and in good faith, does not constitute spiritual abuse;

- 4.2. Inserting a new Clause 7 “Maintenance of Standards” as follows, and consequentially renumbering the following clauses –

Ministers and Office Bearers have an obligation to assist in the upholding of ministry standards in this Church. If any Minister or Office Bearer has reasonable grounds to believe that a person has suffered harm or is at risk of harm as a result of misconduct by another Minister or Office Bearer, and has no reason to believe the Registrar is aware of those facts, then the Minister or Office Bearer must report the matter to the Registrar as soon as possible.

- 4.3. Replacing clause 26 entitled Sexual Abuse, now numbered clause 27, with the following words –

**SEXUAL MISCONDUCT**

The sexual abuse, sexual exploitation or sexual harassment of any person, especially children, is an utter disregard of humanity and a complete repudiation of the teaching of Christ and is also a significant breach of standards.

And inserting a new clause, now numbered 28, as follows, and consequentially renumbering the following clauses –

**ABUSE GENERALLY**

Abuse of any form, including physical abuse and spiritual abuse, is incompatible with the Gospel.

- 5. Title D Canon II** is amended by:

- 5.1 Replacing clause 1 with the following words, and consequentially renumbering the following clauses -
1. There will be a body, called the Ministry Standards Commission, consisting of not more than seven people appointed in accordance with clause 2.
  2. The members of the Ministry Standards Commission are to be appointed by the General Synod Standing Committee, for a term of three years with the ability to be reappointed, including:
    - (i) at least one person from each Tikanga; and
    - (ii) three persons who are members of this Church who have been enrolled as a barrister or solicitor of the High Court of New Zealand of not less than seven years standing or who holds similar qualifications and experience in any of the legal jurisdictions in the Diocese of Polynesia.
    - (iii) At least one person who is not a member of this Church.

5.2 Inserting a new clause, at the end of the Canon, as follows:

12. The Ministry Standards Commission may delegate any of the functions and powers of the Registrar under this Title D, either temporarily or permanently, to any other person.

**6. Title D Canon III** is amended by:

6.1 inserting at the end of clause 7 the words –

“This Church encourages complaints to be made as soon as they reasonably can be.”

6.2 replacing clause 14 with the following words –

The provisions of Title D Canons I-VI apply to:

- (a) any complaint received after their commencement on 25 January 2021 regardless of when the conduct complained of occurred; and
- (b) regardless of whether the conduct complained of took place in New Zealand or outside New Zealand.

6.3 deleting in clause 15 the words “resolved or”.

6.4 replacing clause 18, subclause (d) with the words “whether due to the passage of time and lack of evidence the respondent would be seriously prejudiced from responding to the complaint; and”

6.5 deleting in clause 21 the words following “considers fit”.

6.6 replacing clause 23, subclause (d) with the words “if it is found that due to the passage of time and lack of evidence the respondent would be seriously prejudiced from responding to the complaint recommend it be dismissed;”

6.7 replacing in clause 25 the words “At the same time as the written decision is provided” with the words “At the same time as the complaint is received or as soon as practicable thereafter”.

6.8 inserting at the end of clause 27 the words “The review may be undertaken by one or more people delegated the power to do so by the Ministry Standards Commission”.

6.9 replacing in clause 28 the words “Chair of the Ministry Standards Commission” with the word “reviewer(s)”.

- 6.10 inserting the following words as clauses 49 to 54, and consequentially renumbering the following clauses.

*Application for a permanent stay of a disciplinary proceeding*

49. On the institution of a disciplinary proceeding the respondent may apply to a tribunal for an order that the disciplinary proceeding be determined by way of an order that it be permanently stayed.
50. Notice of such an application must be given to the Church Advocate.
51. The tribunal may only determine the application having heard from both parties.
52. The tribunal must recommend determination of the disciplinary proceeding by way of a permanent stay to the Licensing Bishop or, in the case of a Bishop, the Archbishop if satisfied that:
- (a) there was an inexcusable delay in the institution of the disciplinary proceeding; and
  - (b) such delay means that the respondent will not be assured of a fair hearing.
53. The Licensing Bishop or, in the case of a Bishop the Archbishop, must follow the recommendation of the tribunal relating to a permanent stay of the disciplinary proceeding.
54. Any determination and recommendation of the tribunal to determine a disciplinary proceeding by way of an order that it be permanently stayed may be appealed under Part F of this canon.
- 6.11. inserting into clause 49, renumbered clause 55, between the words “three people” and “including”, the words “, at least one of whom shall not be a member of this Church,” and
- In subclause (b) replacing the words “lay member of this Church” with the words “non-ordained person”, and
- In subclause (c) deleting the words “who is a member of this Church”.
- 6.12. consequentially renumbering references in clauses 55 to 57, now numbered 61 to 63, to clause “54” to read clause “60”, and the reference in clause 62, now numbered 68, to clause “68” to read clause “74”, and the reference in clause 65, now numbered 71, to clause “62” to read clause “68”, and the reference in clause 80, now numbered 86, to clause “82” to read clause “88”.
- 6.13. deleting in the clause now numbered 75 the words “s 14 and”.

6.14. replacing clause 71, now numbered 77, with the words –

The Appeal Tribunal for appeals consists of five members including:

- (a) the Provincial Chancellor (or his or her nominee) who shall be the Chair of the Appeal Tribunal;
- (b) the Primate / te Pīhopa Mātāmua of this Church (or where there is more than one then one of them chosen by themselves);
- (c) a member of the Judicial Committee who is not of the same house as the Chair of the Appeal Tribunal who is appointed by the Provincial Chancellor, in consultation with the Ministry Standards Commission, for the particular appeal;
- (d) a member of the House of Clergy appointed by the Provincial Chancellor, in consultation with the Ministry Standards Commission, for the particular appeal;
- (e) a person who is not a member of this Church appointed by the Provincial Chancellor, in consultation with the Ministry Standards Commission, for the particular appeal.

7. **Title D Canon V** is amended by:

Deleting clause 6, and subsequently renumbering the following clauses.

8. **Title A Canon II** is consequentially amended by:

Replacing in clause 1.8 the words “the General Synod / te Hīnota Whānui” with the words “the Anglican Church in Aotearoa, New Zealand and Polynesia”.

9. This Statute shall come into force at the conclusion of this 65th Session of the General Synod / te Hīnota Whānui.

*We certify that this Statute was passed by the General Synod/ te Hīnota Whānui on 28 October 2022.  
As witnessed by our hands 13 February 2023.*

*P Richardson  
Primate and Archbishop*

*D Tamihere  
Primate and Archbishop*