

Bill No 5

Mover: The Right Rev'd Ross Bay / Seconder: Mr Fe'iloakitau Tevi

A Bill to Amend Title D Canons II and III, 2024

Whereas, the 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, the canons of Title D were amended in 2022 to improve those processes, and

Whereas, it is desired to make further amendments as part of this church's ongoing commitment to the maintenance of standards of ministry.

The General Synod/Te Hīnota Whānui enacts as follows:

1. **Title.** The Title of this Statute is *Title D Canons II and III Amendment Statute, 2024*.

2. **Purpose.** To amend the existing Title D Canons II and III.

3. **Title D Canon II** is amended by:

3.1 deleting in clause 5 the words "appointed under 1(b) above".

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

4.1 inserting at the end of clause 6 the words ", in a timely and regular manner."

4.2 replacing clause 7 with the words –

7. *Timeliness and efficiency*
The Church encourages complaints to be made as soon as they reasonably can be. The processes of consideration of the complaint should occur without undue delay or unnecessary expense.

4.3 adding to the end of clause 9 the words –

All complaints and all processes must be managed by the Ministry Standards Commission and its Registrar in a manner that honours and upholds expectations of culture and tikanga in the local community in which the conduct giving rise to the complaint occurred. Those involved in prosecuting proceedings and in Tribunals must have recognised experience with and/or have advice about that culture or tikanga.

4.4 Inserting, after clause 10, the following words as clause 10A –

10A. Survivor Focus

In the application of the provisions of this Canon, all parties involved will pay due attention to the needs of survivors so that survivors do not suffer further traumatic impact through the process of their complaint.

4.5 inserting in clause 27, following the words “the complainant”, the words “or the respondent”.

4.6 inserting at the end of clause 27, the words “; and shall be completed within 30 days.”

4.7 inserting at the end of clause 30, the words “of the fact of extension and the anticipated new timeframe for providing the written report.”

4.8 inserting at the end of clause 32, the words “and an acknowledgement of this is to be conveyed to the Registrar within one month of the date of the resolution.”

4.9 replacing clause 36(b), with the words –

(b) the Provincial Chancellor, having consulted the Licensing Bishop and the Registrar, or in the case of a complaint against the Bishop, the Archbishop and the Registrar will appoint a Tribunal to hear the complaint;

4.10 replacing clause 55, with the words –

55. A Tribunal constituted under this Part shall be of four people including:

(a) One Ordained Minister;

(b) One non-ordained person;

(c) One person who has been enrolled as a barrister or solicitor of the High Court of New Zealand of not less than 7 years standing or who hold similar qualifications and experience in any of the legal jurisdictions in the Diocese of Polynesia. This person shall be Chair of the Tribunal;

(d) In the Diocese of Polynesia or te Pīhopatanga o Aotearoa, one person who shall be a Pukenga or cultural expert.

One of the Members of the Tribunal shall not be a member of this Church.

Any member of the Tribunal may fulfil more than one of the above requirements.

4.11 inserting a new subclause in clause 57 –

(g) if the Tribunal is unable to agree on any matter being considered by it, then the Chair of the Tribunal shall have a casting vote.

4.12 inserting in clause 68, following the words “by the Commission,” the words “as soon as practicable”

4.13 inserting at the end of clause 69, the words “Consolidated and anonymised data about complaints received, their category, nature, and outcomes will be published by the Commission.”

4.14 inserting, after clause 83, the following words as clause 83A –

83A. The Appeal Tribunal may disregard any technical deficiencies or errors in the process or decision of the Tribunal where the Appeal Tribunal is satisfied that the error or deficiency did not impact on the substance of the decision or outcome.

5. Commencement. This Statute shall come into force at the conclusion of this 66th Session of the General Synod/te Hīnota Whānui.

EXPLANATORY NOTE

This Bill comes as the result of the work of a group of people including Legal Advisors, Ministry Standards Commission Representatives, Bishops and the General Secretary. There has been Tikanga consultation. The Bill seeks to address matters that have arisen in the use of the Title D Canons since their formulation in 2020. In particular, the Bill seeks to:

- Improve timeliness of processes for survivors.
- Create more Tikanga appropriate access to complaint processes.
- Improve the efficiency of the appointment of Tribunal members.
- Overcome delays caused by technical process issues not material to the outcome of a complaint.