

TITLE D

2000

OF STANDARDS**Interpretations**

The following Interpretations apply for the whole of this Title D – *Definitions*

INTERPRETATIONS:

“Appeal Tribunal “ shall mean the Tribunal constituted by Canon I Part E Clause 1;

“Bishop” shall mean persons who are ordained according to the Ordination Liturgy of Bishops in ‘A New Zealand Prayer Book - He Karakia Mihinare o Aotearoa’ or consecrated according to the Form and Manner of Consecrating Bishops in the Book of Common Prayer 1662, or the 1980 Ordinal, or persons who have been ordained or consecrated Bishop in other Provinces of the Anglican Communion and who are exercising episcopal ministry within this Church;

“Episcopal Unit” shall include Diocese and Hui Amorangi and shall extend to mean the area or region for which a Bishop / Pīhopa has primary episcopal responsibility and within which that Bishop's episcopal Ministry is exercised;

“Licensing Bishop” shall include Diocesan Bishops, Hui Amorangi Pīhopa and Bishops with delegated episcopal responsibility for a region, and as necessary their successors in office; **“Licensing Bishop”** shall include the Vicar-General of an Episcopal Unit where the Bishop / Pīhopa is absent from the Bishop's jurisdiction or ministry or when not absent is unable to act or is prevented by conflict of interest or by illness or other cause from acting personally;

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“Minister” shall mean where not inconsistent with the context persons in holy orders of deacon or priest in this Church, or a lay person who holds a licence from a Bishop / Pīhopa, except for the purposes of Canon III of Maintenance of Standards of Trustees where **“Minister”** shall include any Trustee for this Church;

“Ministry ” shall mean for the purposes of this Canon the exercise of the role of an ordained person or Office Bearer who holds a licence from a Bishop / Pīhopa in this Church;

“Office Bearer” shall include all members of the Laity who have assented to the authority of General Synod / te Hīnota Whānui and have accepted any charge, office or trust under the authority of the General Synod / te Hīnota Whānui or any Diocesan Synod, te Runanganui and / or Hui Amorangi;

“Ordained Minister” shall mean persons who are ordained in the order of Priest or Deacon in this Church;

“Party” shall mean a complainant, and a respondent to any complaint, and this Church dealing with any complaint by a Tribunal;

“Primate / te Pīhopa Mātāmua” shall mean the Primate / te Pīhopa Mātāmua or the Acting Primate / te Pīhopa Aporei,

“Religious” shall mean a member of a Religious Order;

“Senior Bishop” shall mean a Bishop designated within a Tikanga to hold that position in that Tikanga;

“Tribunal” where not inconsistent with the context shall mean a Tribunal established pursuant to Canon I Part D;

“Trustee” where not inconsistent with the context shall mean a trustee of a trust related to this Church who has assented to the authority of General Synod / te Hīnota Whānui;

Singular terms shall where appropriate include the plural.

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CANON I
OF MAINTENANCE OF STANDARDS
OF MINISTRY
FOR BISHOPS, MINISTERS AND OFFICE BEARERS

PART A- OF OBLIGATIONS OF OFFICE :

GENERAL PRINCIPLES

1. Men and women accepting the distinctive calling of ordained Ministry, and Office Bearers in this Church must recognise they are not simply exercising a function or role. They also exercise a representative Ministry and are expected to lead an exemplary way of life. *Representative Ministry*
2. Ministry in an Office in this Church requires observance of appropriate standards of behaviour in the exercising of the role of Minister, in relationships and in personal life. *Observance of Standards*
3. DUTIES OF CLERICAL OFFICE:
 All who receive the authority of Orders in this Church have a duty of care and guidance to the people they serve. They owe a duty of obedience to their Bishop and those to whom authority is given by the Bishop or by the Constitution / te Pouhere, of collaboration with their colleagues in this Church and the Churches with which this Church is in a covenant relationship, and of consultation and co-operation with the laity. In delegating responsibilities they have a duty of care and continuing supervision. In all they do they have a duty of ensuring the regulations and Canons of this Church are complied with. They exercise their authority as men and women who are themselves under authority. *Duty of Ordained Office*
4. LITURGY:
 It is the responsibility of Ordained Ministers to lead God's people in praise and thanksgiving to God, to ensure reverent, regular and carefully prepared divine service using the forms authorised by this Church. *Liturgy*
5. PREACHING, TEACHING AND EVANGELISM:
 It is the duty of Ordained Ministers to preach the Gospel and to instruct people in the faith as this Church understands it. They are to lead people to a deeper exploration and fuller understanding of the Gospel and its challenges to contemporary life within the tradition of faith, bringing new insight and knowledge to interpretation and application, that the Gospel may be proclaimed as good news to their own times. *Preaching Teaching and Evangelism*

6. SEEKING TO TRANSFORM UNJUST STRUCTURES AND CARING FOR CREATION.
- It is the responsibility of Ministers to proclaim the Mission of the Church which includes seeking to transform unjust structures of society, caring for God's creation, and establishing the values of the Kingdom.
- Unjust Structures and Caring for Creation*
7. PASTORAL CARE:
- It is the tradition of this Church and the duty of Ministers to offer pastoral Ministry and care to all who desire it whether members of a congregation of this Church or not.
- Pastoral Care*
8. PASTORAL OVERSIGHT:
- In exercising their pastoral care Ordained Ministers enter into relationships which may involve exceptional and extended dependency and vulnerability. Ordained Ministers have a special duty of confidentiality of information received by virtue of their role as Ordained Ministers; and improper disclosure of that information is a breach of duty. The protection of children from harm is a primary obligation. Emotional detachment appropriate to calling and to the exercise of pastoral relationships must be maintained. All persons of whatever age, sex, race, creed or ability must be treated with the care and respect that lie at the heart of the Christian vision of all human community and with the wisdom and love that are at the heart of all Christian Ministry.
- Pastoral Oversight*
9. PASTORAL RELATIONSHIPS:
- Ministers of God's grace can themselves become vulnerable. Ministers must guard against the possibility of misunderstanding and over-dependence. Ministers must preserve appropriate inter-personal disciplines and boundaries. Aware of the power of the Minister's position Ministers must avoid abuse of that power, and any manipulation of a person in the guise of giving counsel. It is a serious abuse of power to use a calling or a pastoral position to further a personal relationship of an emotional or sexual nature, and it is a breach of duty.
- Pastoral Relationships*
10. STANDARDS OF PERSONAL BEHAVIOUR:
- Ministry by any Minister is as much a function of what a Minister is as of what a Minister says or does.
- Standards of Personal Behaviour*
- 10.1 HOLINESS:
- Ministers and especially the ordained are called to be witnesses to holiness in their daily lives. As well as acknowledging there are offences which are offences against civil law there are also other kinds of behaviour which though not criminal fall short of the standards expected of a Minister especially an Ordained Minister.
- Holiness*

10.2	HONESTY AND INTEGRITY: Ministers are able to influence others in the exercise of their office and must avoid any improper influence in fact or intention upon those to whom they minister in order to obtain some material benefit. Malicious gossip must be shunned as much as defamation. Ministers must beware of gifts intended as bribes or other influence, or relationships and confidences intended to implicate or manipulate.	<i>Honesty and Integrity</i>
10.3	SELF-CONTROL: Ministers should be temperate, self-controlled in their behaviour, and not abusive towards others.	<i>Self Control</i>
10.4	CHASTITY: Chastity is the right ordering of sexual relationships.	<i>Chastity</i>
10.4.1	Ministers are to be chaste. Promiscuity is incompatible with chastity.	
10.4.2	The sexual abuse of children is an utter disregard of humanity and a complete repudiation of the teaching of Christ.	
10.5	SUBSTANCE ABUSE: Ministers shall not misuse drugs, alcohol or other substances.	<i>Substance Abuse</i>
10.6	FAMILY: Ministers must give time and care to their families appropriate to family commitments and duties. Ministers need to allot proper time to recreation and the development of their own special gifts and talents.	<i>Family</i>
11.	STANDARDS REQUIRED OF MINISTERS: Ministers shall	
11.1	Collaborate appropriately with other Ministers;	<i>Collaboration</i>
11.2	Obey lawful instructions from the Licensing Bishop;	<i>Obedience</i>
11.3	Work collaboratively with others who are licensed to share in the performance of public duties, and in particular of worship;	<i>Share public worship</i>
11.4	Use duly authorised forms of public worship;	<i>Authorised worship</i>
11.5	Preach the Gospel. Lay Ministers are only required to do so when so licensed by the Bishop;	<i>Preaching</i>
11.6	Teach only doctrine and interpretation of the Faith that are in conformity with the formularies of this Church, and not teach private or esoteric doctrine or interpretation in contradiction of those formularies;	<i>Doctrine</i>
11.7	Ensure that those in need are cared for with Christ-like compassion and humility;	<i>Care of the Needy</i>
11.8	Build up Christ's congregation, strengthen the baptised and lead them as witnesses to Christ in the world;	<i>Building up the congregation</i>

11.9	Proclaim the Mission of the Church (as stated in the third Preamble of the Constitution / te Pouhere) and not habitually to neglect such proclamation;	<i>Proclaim the Mission of the Church</i>
11.10	Keep administrative records and ensure administrative duties are carried out properly and appropriately;	<i>Keeping Records</i>
12.	Ordained Ministers shall	
12.1	Oversee worship of the congregation by ordained and / or licensed lay Ministers;	<i>Overseeing worship</i>
12.2	Be pastors who share people's joys and sorrows, encourage the faithful, recall those who fall away, heal and help the sick;	<i>Work of pastor</i>
12.3	Proclaim God's word and take their part in Christ's prophetic work, declare forgiveness through Jesus Christ, baptise, preside at the Eucharist and administer Christ's holy sacraments	<i>Priestly ministry</i>
12.4	Serve in the name of Christ and so remind the whole Church that serving others is essential to all ministry, and ensure that those in need are cared for with Christlike compassion and humility.	<i>Diaconal Ministry</i>
12.5.	Bury the dead or conduct the rites for cremation and the committal of ashes;	<i>Bury the dead</i>
12.6	Exercise the pastoral role of spiritual counsel and advice, but avoid moving improperly from that role of pastor into the role of professional counsellor or Tohunga;	<i>Spiritual counsel</i>
12.7	Keep information confidential whether imparted in confession or informally in conversation and not improperly disclose it;	<i>Confidentiality</i>
12.8	Perform the Duties of Office to which the person is licensed in an effective manner. Such performance fails where there is inability or unwillingness to perform those duties.	<i>Inability or unwillingness to perform duties</i>
12.9	Keep records required by law and by the Church, as important tools of Ministry.	<i>Records</i>
13.	MINISTRY RELATIONSHIPS: Ministers by virtue of their calling and office enter into various relationships with others. Ministry relationships are grounded in a community of common concern, depend for their successful outcome on a secure basis of integrity and trust and assume the development and practice of appropriate disciplines and skills as well as proper standards of behaviour and practice.	<i>Ministry Relationships</i>
13.1	Those whom God calls to ministerial leadership through the Church have responsibilities	<i>Responsibilities</i>
13.1.1	To exercise accountable oversight to those with whom a Minister has pastoral responsibility and shares the Ministry of the Church;	<i>Accountable oversight</i>
13.1.2	To observe all the provisions and implications for the welfare of children and young persons under civil law;	<i>Children and young persons</i>

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| 13.1.3 | To have and maintain reliable and effective means of communication at all levels of church life; | <i>Communication</i> |
| 13.1.4 | To keep confidentiality of information received in their role as ordained Ministers or lay Ministers; | <i>Confidentiality</i> |
| 13.1.5 | To comply with Privacy legislation. | <i>Privacy</i> |

PART B OF PRINCIPLES & GENERAL PROCEDURES:

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| 1. | Bishops shall consider in their absolute discretion, whether it is appropriate to endeavour to reconcile the parties involved in any complaint and achieve an outcome within their Tikanga accepted by all the parties as a first step before other process under this Title D. This clause does not apply where the Bishop is acting under Part C3 Clause 4.1.1. | <i>Discretion
whether to seek
to reconcile
2016</i> |
| 2. | Admissions and / or concessions made during the conduct of all processes other than hearing and determination by the Tribunal and any subsequent appeal shall be without prejudice. | <i>Without
prejudice</i> |
| 3. | Ministers and Office Bearers subject to any procedure under this Title D shall be entitled to fair treatment by due process. | <i>Fair treatment</i> |
| 4. | Complainants and those alleged to have been damaged shall have thorough and sensitive handling of their complaints without undue delay. | <i>No undue delay</i> |
| 5. | Church communities need to be protected from damage by Ministers and Office Bearers who fall seriously short of proper standards and from harm done by unfounded or malicious complaints. | <i>Protection</i> |
| 6. | Both Bishops and Tribunals must bear in mind obligations to advise complainants, if it is appropriate, to take their complaints to other persons, groups or agencies including the Police. | <i>Referral of
complaints</i> |
| 6.1 | Any investigation of any complaint by this Church must not interfere with the processes of the State. | <i>State
processes</i> |
| 6.2 | Whether or not State processes are involved complaints to this Church may be investigated under this Title D. | <i>Church
investigation</i> |
| 7. | The application of "Duties of Clerical Office", "Pastoral Relationships" and "Standards Required of Ministers" (Part A. clauses 3, 9, 11 and 12) will take due account of the expectations and customs of each Tikanga within this Church of Ministers within that Tikanga. | <i>Customs of
Tikanga</i> |
| 8. | The maintenance of "Duties of Clerical Office", "Pastoral Relationships" and "Standards Required of Ministers" (Part A. clauses 3, 9, 11 and 12) across the Tikanga will be observed by the application of Title B Canon XX principles between the Tikanga. | <i>Application of
Title B, Canon
XX</i> |
| 9. | MINIMUM STANDARDS OF PROCEDURE: | |
| 9.1 | Minimum Standards of Procedure shall be applied in this Church subject to the customs and ways appropriate to the Tikanga. | <i>Minimum
standards of
procedure</i> |

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| 9.2 | This Church will adhere to and conduct all processes under this Title D according to the following Minimum Standards of Procedure | <i>Adherence to standards</i> |
| 9.3 | Persons against whom allegations are made shall be told according to their Tikanga what the allegations are and know who makes the allegation; | <i>Knowledge of allegation</i> |
| 9.4 | Persons against whom allegations are made shall be allowed to answer the allegation according to their Tikanga. Persons must | <i>Application of Tikanga</i> |
| 9.4.1 | Be given time according to their Tikanga to prepare and not be asked for an immediate response; | <i>Time to respond</i> |
| 9.4.2 | Be allowed to be heard in their own defence according to their Tikanga; | <i>Heard in own defence</i> |
| 9.5 | No one shall be a Tribunal member in their own case. No one therefore shall be a Tribunal member and a complainant or a Tribunal member and a witness. | <i>Conflict of interest on Tribunal</i> |
| 9.6. | A complaint need not be set out in legal or technical terms and may be in a language in general use within that Tikanga. | <i>Use of language for complaint</i> |
| 9.7 | For a complaint to proceed to inquiry and mediation or determination the complaint must be made to the Licensing Bishop and may be in a language in general use within that Tikanga. If the complaint is not in written form, it shall be noted in writing by or on behalf of the Licensing Bishop, and all complaints confirmed by the signature of the complainant. The complainant may be assisted by others to record the complaint for the Bishop. | <i>Written complaints</i> |
| 10. | Persons against whom a complaint is made under this Title D have the right to remain silent. Nothing adverse to such persons shall be taken from the choice to remain silent. | <i>Right of silence</i> |
| 11. | A complaint having been received by, and referred on from, the Bishop the Tribunal shall inquire into it and advise the Bishop on it. | <i>Tribunal inquiry</i> |

PART C OF DISCIPLINE:

PART C1 OF EPISCOPAL JURISDICTION:

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| 1. | Bishops are the primary guardians of discipline in the Church. | <i>Bishops guardians</i> |
| 1.1 | The Licensing Bishop has by virtue of the office of Bishop, jurisdiction over standards of Ministry in that Bishop's Episcopal Unit, but may delegate aspects of that responsibility in accordance with this Canon. | <i>Licensing Bishop jurisdiction</i> |
| 1.1.1 | When a Licensing Bishop is absent from the Bishop's jurisdiction or ministry or when not absent is unable to act or is prevented by conflict of interest or by illness or other cause from acting personally the Vicar General shall exercise the office of Licensing Bishop in accordance with this Canon. | <i>Vicar General's jurisdiction 2004</i> |

- 1.1.2 Having received a complaint in terms of Part C3 a Licensing Bishop may delegate to a person or persons approved by Standing Committee / Runanga Whāiti all that Bishop's responsibilities under this Canon except the responsibility for Final Outcomes under Part D4; provided that any decision which has the effect of terminating further process must be approved by the Bishop. *Delegation of responsibilities*
- 1.2 Ministers and Office Bearers in this Church, except as provided in 1.2.2, shall be subject to the jurisdiction of the Licensing Bishop by whom they are or were last licensed to minister, or if not having held a licence are granted Permission to Officiate. *Priests and deacons*
- 1.2.1 Lay Office Bearers not holding a licence shall be subject to the jurisdiction of the Licensing Bishop where they hold their office. *Lay Office Bearers*
- 1.2.2 A chaplain holding a commission in the Armed Forces of New Zealand shall be subject to the episcopal jurisdiction of the Bishop to the Forces. *Armed Forces Chaplains*
- 1.2.3 Religious shall be subject to the jurisdiction of the Bishop Protector / Episcopal Visitor of their Religious Order within this Church in matters involving this Title D; unless such Religious is licensed or holds office in an Episcopal Unit. *Religious*
2. CANONICAL DECLARATIONS:
- 2.1 Ordained Ministers give a declaration of canonical obedience to the Bishop at ordination. *Obedience*
- 2.2 Prior to appointment to or assumption of any office Ordained Ministers and other Office Bearers to be licensed make the declaration of Adherence and Submission in the Constitution / te Pouhere Part C clause 15 and the Declaration in Title A, Canon II clause 3. Other Office Bearers who are not licensed make the declaration of Adherence and Submission in the Constitution / te Pouhere Part C clause 15 or the Declaration of Acknowledgment of the Authority of the General Synod / te Hīnota Whānui in Title B, Canon XXI. *Adherence and submission*
- PART C2 OF MISCONDUCT:**
3. All persons who are subject to episcopal jurisdiction in this Church shall be liable to discipline for any of the following acts or omissions *Particular acts or omissions*
- 3.1 Conduct inappropriate or unbecoming to the office and work of a Minister or Office Bearer, to include; *Conduct*
- 3.1.1 Conviction in a Court of Law of any act which is a crime punishable by imprisonment which shall be conclusive proof that the person has committed the crime therein specified; *Conviction*
- 3.1.2 Any act of adultery; *Adultery*
- 3.1.3 Any act or habit of corruption or immorality; *Corruption or immorality*
- 3.1.4 Any act or habit of sexual or other harassment or disregard for responsible personal relations; *Sexual or other harassment*

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| 3.1.5 | Misuse of drugs, alcohol or other substances; | <i>Misuse of substances</i> |
| 3.1.6 | Any culpable disregard of the obligations recognised by law in reference to family relationships; | <i>Family relationships</i> |
| 3.1.7 | Any breach of standards and any breach of ethical standards of the Tikanga of the Episcopal Unit in which they minister. | <i>Ethical behaviour</i> |
| 3.2 | Any knowing and wilful contravention of Canons or regulations of General Synod / te Hīnota Whānui or of any Diocesan Synod, te Runanganui or Hui Amorangi; | <i>Contravention of Canons & Regulations</i> |
| 3.3 | Deliberately maintaining or teaching, publishing or otherwise promulgating by a Minister any doctrine contrary to the doctrine of this Church as defined in the Constitution / te Pouhere and the Formularies of this Church; | <i>Doctrine</i> |
| 3.4 | Refusal or neglect by an Ordained Minister to use either A New Zealand Prayer Book He Karakia Mihinare o Aotearoa or The Book of Common Prayer 1662 (as modified by the General Synod / te Hīnota Whānui under authority of the Constitution / te Pouhere) or any other services as are duly authorised by the Canons of this Church in the public services of this Church or to administer the sacraments in such order and form as are set forth in the said Books or other authorised services; or to use on any occasion in public Ministry except so far as shall be otherwise ordered by lawful authority the orders and forms of common prayer or such rites and ceremonies as are mentioned and set forth in the said Books or in other authorised services and therein directed to be used for such purpose on such occasion. | <i>Use of Prayer Books</i> |
| 3.5. | Habitual negligence by an Ordained Minister in the performance of duties as required by Ordination vows; | <i>Ordination vows</i> |
| 3.5.1 | Refusal by an Ordained Minister without good and lawful reason to perform for any member of this Church any act pertaining to the Ministry of this Church; | <i>Refusal to minister</i> |
| 3.6 | Refusal or neglect by an Ordained Minister to obey the lawful directions of the Bishop and to submit to the godly admonitions of the Bishop; | <i>Lawful directions of Bishop</i> |
| 3.7 | Significant or continuing failure, neglect or refusal to carry out the Obligations set out in Part A may be determined to amount to misconduct under Title D. | <i>Failure neglect or refusal of Obligations of Office</i> |

PART C3 OF COMPLAINTS:

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| 4.1 | Any person may complain against a Minister or Office Bearer of this Church for any misconduct under this Title D. | <i>Any person may complain</i> |
| 4.1.1 | A Bishop may treat an issue regarding misconduct under this Title, coming to the knowledge of the Bishop, as a complaint under clause 4.1. In that event, there is no complainant and the Bishop shall not be under any obligation of mediation or reconciliation in respect of that complaint. | <i>Bishop initiated Amended 2016</i> |

- 4.2 A complaint may deal with issues between the complainant and the respondent and / or between this Church and the respondent. *Complainant, Respondent & the Church*
- 4.3 Every complaint relating to a Minister or Office Bearer shall be made to the Licensing Bishop or the Bishop's successor in office, and in the case of retired Ordained Ministers to the Bishop of the Episcopal Unit within which they were last licensed or granted permission to officiate. *Complaint made to Licensing Bishop 2004*
- 4.3.1 The licensing Bishop on receipt of
 a) a complaint that involves another Episcopal Unit:
 b) several complaints arising out of matters said to have occurred in several Episcopal Units; *Complaints involving other Episcopal Unit 2004*
- shall inform the Bishops of the Episcopal Units of any complaints which involve those Units and keep those Bishops informed of the progress of those complaints including any subsequent resolution by mediation under Part D2 and any determinations made by the Licensing Bishop under Part C3 and the establishment of any Tribunal and any recommendations made by a Determination Tribunal under Part D3.
- 4.3.2 A Bishop in receipt of a complaint against a Minister not within the jurisdiction of that Bishop shall refer that complaint to the appropriate Bishop, and ensure that the complainant is supported adequately throughout the process.
- 4.3.3 Every complaint against a Trustee shall be made in terms of Canon III clause 5 or 5.1. *Against Trustees*
- 4.4 The Bishop exercising jurisdiction under this Title D shall make a determination whether there is a case to inquire into or not. The Bishop may be advised in this matter by a Chancellor or Legal Adviser or other persons the Bishop considers appropriate. *Determination of action on complaint*
- 4.4.1 The Bishop may determine to take no further action on the complaint. Such determination shall be appealable in the manner set out in Part D5 with any necessary modifications. *No further action*
- 4.5 The Bishop may determine that the complaint is frivolous or malicious and disallow any further process in this Church on the complaint. Such decision shall be final. *Disallowed Complaints*
- 4.6 The Bishop shall first in terms of Part B Clause 1 consider whether to endeavour to reconcile the several parties involved in any complaint and achieve an outcome within their Tikanga accepted by all. This clause does not apply where the Bishop is acting under Part C3 Clause 4.1.1. *Endeavour first to seek reconciliation Amended 2016*
- 4.7 The Bishop may determine that a complaint shall be referred to mediation or determination by the Tribunal. There is no obligation under this clause for the Bishop to refer to the Tribunal for mediation any complaint arising under Part C3 Clause 4.1.1. *Refer to mediation or determination Amended 2016*

5. SUSPENSION OF LICENCE:

- 5.1 The Bishop may determine that the complaint is of such gravity that it is appropriate to suspend the Minister or Office Bearer from the exercise of Ministry or office pending the determination of the Tribunal. *Suspension of Licence*
- 5.2 If it appears to the Bishop that it is inappropriate for a Minister to continue to perform the duties of office while a complaint is before the Tribunal for mediation or determination and the person's Ministry will be seriously impaired while the complaint is before the Tribunal the Bishop may suspend the Minister from performing any of the duties of office within this Church pending the conclusion of the mediation or the determination or until the Bishop withdraws the suspension. *Suspension during inquiry*
- 5.3 During such suspension the Minister shall not be deprived of any stipend or emoluments associated with the Minister's office. *Stipend continues*

PART D OF TRIBUNAL JURISDICTION:**PART D I OF THE TRIBUNAL:**

1. Each Episcopal Unit shall have a Tribunal for that Episcopal Unit, to mediate or to otherwise inquire into complaints or any matters that are referred to it by the Licensing Bishop under this Title D. *The Tribunal*
- 1.1 This Church has an interest in all Tribunal outcomes and shall be entitled to join in Tribunal proceedings as a party. *Church a party*
- 1.1.1 Any findings of fact made by the Tribunal shall be binding on and conclusive for all parties unless subject to an appeal. *Finding of fact binding*
- 1.1.2 Because the Bishop is the guardian of standards in this Church, the Bishop shall not be bound by any Tribunal recommendations. *Recommendation not bind Bishop*
- 1.1.3 The Bishop shall have access to all records of the Tribunal. *Access to records*
- 1.2 The governing body of each Episcopal Unit or its Standing Committee or its equivalent in each of the Hui Amorangi shall appoint a sufficient standing Panel of ordained and lay persons with appropriate qualifications to be available to be appointed by the Bishop to a particular Tribunal hearing a particular complaint or matter referred to it. *Panels appointment in each Episcopal Unit 2004*
- 1.2.1 When a complaint involving more than one Episcopal Unit or Tikanga is made, and an Episcopal Unit is informed of that complaint under Clause 4.3.1, the governing body of each Episcopal Unit or its Standing Committee or its equivalent in each of the Hui Amorangi may appoint for each such complaint received a particular Panel of available ordained and lay persons with appropriate qualifications to be appointed by the Bishop to a particular Tribunal hearing that particular complaint or matter referred to it. *Appointment of particular Panel 2004*
- 1.3 A Panel may be drawn from both lay and ordained persons within or outside the Episcopal Unit or its Tikanga, or this Church. *Qualifications for panel 2004*
- 1.4 A member of the panel with appropriate qualifications may be both a mediation and determination member. *Types of members*

- 1.5 For the purposes of a matter in which the Tribunal is providing mediation the Tribunal's functions shall be performed by a mediation member or by a member who is both a mediation member and a determination member. *Mediation tribunal members*
- 1.6 For the purposes of a matter in which a Tribunal is called upon to hear and determine, the Tribunal's functions shall be performed by determination members or by members who are both mediation and determination members. *Determination tribunal members*
- 1.7 Where a Tribunal is called upon in relation to any particular matter both to provide mediation and to hear and determine the same member of the Tribunal shall not perform both mediation and determination. *Members not sit as both*
- 1.8 Any complainant to a matter before the Tribunal whether for mediation or determination may at any time withdraw from the proceedings. *Withdrawal from proceedings*
2. MEMBERS OF TRIBUNALS:
- 2.1 There shall be as appropriate *Types of Members*
- 2.1.1 Mediation members of Tribunals;
- 2.1.2 Determination members of Tribunals; and there may be
- 2.1.3 Mediation and determination members of Tribunals.
- 2.1.4 The Bishop may take part in the Tribunal only if it is the custom of that Tikanga.
3. FUNCTION OF TRIBUNAL
- 3.1 The Tribunal shall
If required provide mediation assistance in order to facilitate agreed settlements of complaints referred by the Bishop; *Mediation assistance*
- 3.2 If required hear and determine differences between complainants and respondents on behalf of the Bishop; *Determine complaints*
- 3.3 Hear and determine any issue arising out of this Title D referred to it by the Bishop. *Determine issues*
- 3.4 The Tribunal, after any mediation or determination of a complaint or any matter that has been referred to it by the Bishop, shall advise the Bishop of its facilitated resolution or its determination and any recommendations on the complaint or the matter referred to it and any action that it considers the Bishop may take upon the facilitated resolution or the determination. *Advice of resolution or determination*
- 3.5 Unless otherwise provided in this Title D the Tribunal shall determine its own procedure subject to Part B clauses 9, 10 and 11. *Tribunal procedures*
- PART D2 OF MEDIATION:**
4. TRIBUNAL MEDIATION:
- 4.1 Where the Bishop having determined that it is proper to refer a complaint or an issue to the Tribunal the Bishop may require the Tribunal to provide mediation assistance. *Mediation assistance*

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| 4.1.1 | The Bishop may refer the matter to the Tribunal and the Tribunal may provide mediation assistance even though no request has been made for mediation by the complainant. | <i>Request for mediation not required</i> |
| 4.2 | The Bishop shall appoint an appropriate mediation member as the Tribunal from the Panel of Tribunal members. | <i>Appointment of tribunal</i> |
| 4.3 | The Bishop shall be kept informed of the progress of the mediation by the Tribunal. | <i>Bishop informed</i> |
| 4.3.1 | In a matter affecting more than one Episcopal Unit the Licensing Bishop shall keep informed the Bishop in each Episcopal Unit referred to in a complaint being mediated about the progress of that mediation by the Tribunal. | <i>Several Bishops to be informed 2004</i> |
| 4.4 | The mediation shall seek to reconcile the parties to achieve an accepted settlement of the complaint and an appropriate pastoral solution to the issues. | <i>Seek reconciliation</i> |
| 4.5 | The mediation process shall follow the Minimum Standards of Procedure in its inquiry and all actions seeking to resolve the issues of the complaint. | <i>Minimum standards of procedure</i> |
| 4.6 | The Bishop shall determine according to the Tikanga of the Episcopal Unit, what length of time is appropriate for a mediation to continue to seek the resolution of the issues of the complaint, and when it is appropriate to determine that the mediation has failed to succeed in resolving the complaint. | <i>Time allowed for mediation</i> |
| 4.7 | Any mediation shall be in an atmosphere supportive of both the complainant and of the respondent while the mediation process continues until it is resolved or concluded. | <i>Supportive of parties</i> |
| 4.8 | The mediation may be public or private according to the Tikanga of the Licensing Bishop. | <i>Public or private according to Tikanga</i> |
| 4.9 | Both the conduct of a mediation and any resolutions under a mediation may take due account of a variety of alternative resolution procedures appropriate to the Tikanga of the Licensing Bishop. | <i>Variety of resolutions</i> |
| 4.10 | If the Bishop shall determine that the mediation has failed to achieve an accepted resolution of the complaint or be advised by the Tribunal of such failure the Bishop may refer the complaint for determination by the Tribunal or determine that no further action be taken by this Church. | <i>Options on failed mediation</i> |
| 4.11 | If the complaint is deemed by the Bishop to be serious or of significance, the Bishop may refer the complaint directly for determination by the Tribunal. | <i>Referred directly to determination</i> |
| 4.12 | The Tribunal is not required to have provided mediation assistance in any matter as a prerequisite to any determination asked for by the Bishop on any complaint or on any issue. | <i>No prerequisite mediation required</i> |

- 4.13 If a mediation produces a result accepted by the complainant and the respondent the Bishop may, in addition to taking any steps agreed at the mediation, suspend the Minister's licence for such period as the Bishop deems appropriate or impose such other conditions in respect of that Minister's Ministry as the Bishop deems appropriate. The Bishop may in addition refer any matter arising to determination. *Power to suspend licences*
- 4.14 A complaint leading to an outcome accepted by the complainant and respondent shall be noted in brief detail on the Bishop's records for that Minister. *Report of outcomes*
- 4.15 Where a member of the Tribunal provides mediation services and as a result the complainant and respondent conclude a settlement or agree with the Tribunal member making a decision those parties shall sign the terms of the settlement witnessed by the Tribunal member and in such case those terms of settlement shall be final and binding on those parties. *Terms of settlement*

PART D3 OF DETERMINATION:

5. TRIBUNAL DETERMINATION:
- Where the Bishop has determined that it is proper to refer a complaint or an issue to the Tribunal for determination the Bishop may require the Tribunal to inquire into and determine the matter. *Tribunal determination*
- 5.1 Every Tribunal to determine any complaint or issue shall consist of not less than three determination members, or members who are both determination and mediation members, of whom at least one shall be a clerical and one a lay person. *Determination tribunal three members*
- 5.1.1 The Bishop shall appoint the appropriate determination members to the Tribunal from the Panel of Tribunal members. The Tribunal shall appoint its own Chairperson. *Appointment*
- 5.1.2 In a matter affecting more than one Episcopal Unit where there are several complaints arising from matters said to have occurred in several Episcopal Units the Bishop may appoint the required number of determination members to the Tribunal from the Panels of the Dioceses / Hui Amorangi referred to in the complaint. *Appointment across Episcopal Units 2004*
- 5.2 Every Tribunal where possible shall have on it one person who is 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. *Legal member of tribunal*
- 5.3 Every Tribunal to determine shall be entitled to take legal advice as to its procedure. *Legal advice*
6. PROCEEDINGS OF THE TRIBUNAL:
- 6.1 Parties to any proceedings before the Tribunal
- 6.1.1 May appear personally; *Appear personally*
- 6.1.2 May be allowed to be accompanied by a supporter if they wish; *Supporter*

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| 6.1.3 | May be represented by another person chosen by them to represent that person; | <i>Representation</i> |
| 6.1.4 | May be represented by a barrister or solicitor; and | <i>Legal representation</i> |
| 6.1.5 | May produce before the Tribunal witnesses documents books and other evidence; | <i>Witnesses & documents</i> |
| 6.1.6 | Shall be given opportunity to cross examine any witnesses. | <i>Cross examination</i> |
| 6.2 | A Tribunal shall regulate its own procedures consistent with the Minimum Standards of Procedure in this Title D. | <i>Determination tribunal procedures</i> |
| 6.3 | A Tribunal may receive any evidence it thinks fit whether it would otherwise be admissible in a Court of Law or not. | <i>Evidence</i> |
| 6.4 | If without good cause shown a party to determination proceedings fails to attend or be represented, the Tribunal may act as fully in the matter before it as if the party had duly attended or been represented. | <i>Non appearance of a party</i> |
| 6.4.1 | In the case of a complaint against an Ordained Minister the Tribunal shall determine the matter the Bishop refers to it even though the Ordained Minister has tendered a resignation to the Bishop before the Tribunal has made inquiry into the matter or during the process of the determination. | <i>Resignation during proceedings</i> |
| 6.5 | Sittings of the Tribunal shall be held at such times and places as are from time to time fixed by the Tribunal and may be adjourned from time to time. | <i>Sittings</i> |
| 6.6 | A record shall be kept by a secretary to the Tribunal (appointed by the Tribunal) of all sittings of the Tribunal held other than for the purposes of providing mediation services. | <i>Record of sittings</i> |
| 7. | REFERRAL OF QUESTIONS OF ORTHODOXY:

The Tribunal may refer any question of Doctrine or orthodoxy of theology to the Bishop for a ruling and may for that purpose defer determination or adjourn the proceedings subject to receiving that ruling. | <i>Questions of orthodoxy</i> |
| 8. | TRIBUNAL FINDINGS:

The Tribunal shall report its findings in writing to the Bishop and the parties. | <i>Tribunal findings report</i> |
| 8.1 | The Tribunal may make recommendations to the Bishop, as to action that the Bishop might take on the complaint, and the findings of the Tribunal. Such recommendations shall not be binding on the Bishop, and shall also be in writing to the Bishop and the parties. | <i>Recommendation non-binding</i> |

- 8.1.1 The Tribunal may make recommendations on the payment of costs of establishing and running the Tribunal hearing; and in the event of a matter that affects more than one Episcopal Unit may recommend the portion of such costs to be met by each or any of the Episcopal Units involved; provided that no final recommendation as to costs shall be made without giving opportunity to the Episcopal Units involved to make submissions to the Tribunal. *Recommendations on costs of establishing and running Tribunal hearing 2004*
- 8.2 The Tribunal may proceed in private or in public having regard in each case to the competing needs for openness and the protection of the parties where appropriate. *Public or private hearings*
- 8.2.1 The Bishop, on receipt of the findings and any recommendations of the Tribunal shall determine if and / or to what extent the findings and / or the recommendations should be made public after the expiry of the appeal period. *Findings publication*
- 8.2.2 If there is an appeal the findings and recommendations shall not be made public until the appeal is determined. *Where there is appeal*

PART D4 OF OUTCOMES:

9. The Bishop shall reduce the Bishop's determination to writing and shall give a copy of it to the complainant and the respondent. In determining the appropriate outcome the Bishop shall have due regard to opportunity for restoration after repentance, as a Gospel principle. *Restoration and repentance principle*
- 9.1 Where a Tribunal determines and reports to the Bishop that there has been misconduct under Part C2 or misconduct has been formally admitted in writing, the Bishop may decide to take no further action, or to impose one or more of the following outcomes *Outcome imposed 2006*
- Admonition;
- Suspension from the exercise of Ministry or office;
- Deprivation of office or Ministry;
- Deposition from the exercise of ordained Ministry.
- 9.2 **ADMONITION:** *Admonition*
- Admonition shall be delivered by the Bishop and may be in the form of a formal written order or injunction which for an Ordained Minister shall be entered in the record of that Ordained Minister and may be delivered in public or in private as the Bishop may determine.
- 9.3 **SUSPENSION:**
- 9.3.1 When suspension is imposed the Bishop shall fix the extent and duration of the suspension and may impose such other conditions as are considered appropriate. *Suspension*
- 9.3.2 During the term of a suspension the person suspended from the exercise of Ministry or office shall not exercise the suspended Ministry or office anywhere in this Church. *Not exercise Office*

- 9.3.3 Suspension may include deprivation of the whole or part of any stipend associated with the Ministry or office as the Bishop may determine. *Stipend*
- 9.4 DEPRIVATION:
- 9.4.1 Persons deprived of office or Ministry shall be incapable of holding any office or performing any function in any Episcopal Unit of this Church until restored under clause 9.4.2. *Deprivation*
- 9.4.2 Persons deprived shall remain deprived until restored by the Bishop of the Episcopal Unit in which the office from which the person was deprived is located. *Duration*
- 9.5 DEPOSITION:
- 9.5.1 Deposition shall include all the consequences of deprivation and shall mean the permanent taking away of the right to perform the duties of every office for which Holy Orders are required, and ineligibility for re-election or re-appointment to that office, or any other office in this Church. *Deposition*
10. NOTICES:
- 10.1 Where suspension is imposed the Bishop shall give written notice to ministry units in that Episcopal Unit and advise all Licensing Bishops in this Church. *Notices to this Church*
- 10.2 Where deprivation or deposition of office or Ministry is imposed the Bishop shall give written notice to ministry units in that Episcopal Unit and advise all Licensing Bishops in this Church and all Primates of the Anglican Communion. *Notice to the Anglican Communion*
- 10.3 When a suspension is lifted or a deprivation is revoked the Bishops and Primates notified under clauses 10.1 and 10.2 shall be notified of such lifting or revocation. *Further Notice*
- 10.4 Persons who have imposed upon them an outcome under clause 9.2 may at any time while the outcome is operative apply to the Bishop who imposed the outcome or the successor of that Bishop for removal of the outcome on the grounds that since the commission of the misconduct they have given evidence to satisfy the Bishop of such complete reformation, and fitness for restoration to their former status, as to make it just, having regard to the welfare and interests of this Church, that the further continuance of the outcome should be dispensed with, and the Bishop may thereupon declare that the misconduct has been completely expiated, and may determine that, from a date to be specified, every ineligibility arising from such outcome shall be removed. *Restoration Application*
- PART D5 OF RIGHTS OF APPEAL:**
11. Any party to any proceedings before the Tribunal who is dissatisfied with the final decision of the Tribunal in the proceedings or the consequent determination of the Bishop may appeal to the Appeal Tribunal against the findings or determination. Nothing in this clause applies to any interlocutory decision of a Tribunal, which shall be final. *Appeal against final decision/ determination 2016*

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| 11.1 | Every appeal shall be made within 28 days of the delivery of the determination of the Bishop consequent upon the findings of the Tribunal. | <i>Time for appeal</i> |
| 11.2 | Every notice of appeal shall specify the findings or determination or part of the findings or determination appealed from and the grounds of the appeal which grounds shall be specified with such reasonable particularity as to give full advice both to the Appeal Tribunal and the other parties of the issues involved. | <i>Grounds of appeal</i> |
| 11.2.1 | Every appeal shall conform to the rules of giving notice of appeal in Title C, Canon IV part 4 except the provision of Clause 4.3 sub-clause b. | <i>Rules of Judicial Committee</i> |
| 11.3 | In hearing an appeal the Appeal Tribunal shall hear and determine every appeal against a determination of a Bishop as if the determination had been made in the exercise of a discretion. | <i>Appeal the exercise of a discretion</i> |
| 11.3.1 | On any appeal to the Appeal Tribunal against findings of a Tribunal the Appeal Tribunal shall have all the powers of a Tribunal and may confirm, modify or reverse the findings appealed against. | <i>Powers of a Tribunal</i> |
| 11.3.2 | The Appeal Tribunal shall consider issues explanations and facts other than those placed before the Tribunal only if it is satisfied that they may be relevant to the determination made by the Tribunal and is satisfied by the party seeking to introduce them that party could not by exercise of reasonable diligence have placed them before the Tribunal, and that because of exceptional circumstances it is fair to consider them. | <i>Limitation of appeal</i> |
| 11.4 | Subject to 11.3.1 and 11.3.2 where the Appeal Tribunal hears any appeal it may determine the appeal by confirming modifying or reversing the findings of the Tribunal or determination of the Bishop or any part of that findings or determination by setting aside the findings of the Tribunal or determination of the Bishop and making such other findings or determination as the Appeal Tribunal thinks ought to have been made in the first instance. | <i>Appeal findings</i> |
| 11.5 | In determining the appropriate outcome the Appeal Tribunal shall have due regard to opportunity for restoration after the acknowledgment and demonstration of repentance, as a Gospel principle. | <i>Restoration and repentance principle</i> |
| 11.6 | The Appeal Tribunal in hearing any appeal shall regulate its own procedures consistent with the Minimum Standards of Procedure in this Title D. | <i>Procedure</i> |
| 11.7 | The findings or determination of the Appeal Tribunal shall be communicated to the Bishop and the parties and shall be final in determining the issues of the complaint. | <i>Findings final</i> |

OTHER MATTERS:

12. Nothing in this Canon shall affect the power of any Bishop with such consent, if any, as may be required by any Statute or Canon of the General Synod / te Hīnota Whānui, to terminate or revoke any Licence or Permission to Officiate. Any person whose Licence or Permission to Officiate has been terminated or revoked shall be entitled to receive a certificate from the Bishop that such termination or revocation has not been by reason of any misconduct.
- Revocation of licences*

TIKANGA REGULATIONS:

13. Each Tikanga in this Church may regulate its own Code of Ethics and Harassment Regulations and procedures not inconsistent with this Title D as to
- Tikanga regulations*
- 13.1.1 The time frame for dealing with any complaint;
- 13.1.2 The process of forwarding a complaint to resolution;
- 13.1.3 The point of commencing a mediation;
- 13.1.4 The length of time to be taken in any mediation;
- 13.1.5 When a matter will be referred to a Tribunal for determination;
- 13.1.6 When a Tribunal will sit on a complaint; and
- 13.1.7 Any other matter of procedure.
14. Until such time as each Tikanga shall make regulations for Code of Ethics and Harassment Regulations under clause 13 each Hui Amorangi and each Diocese of the several Dioceses in New Zealand and in the Diocese of Polynesia shall be entitled to make such regulations as it deems appropriate for that Hui Amorangi / Diocese in respect of Ethics and Harassment.
- Transition*

PART E OF THE APPEAL TRIBUNAL

1. The Appeal Tribunal for appeals under Title D shall be five members consisting of the Primate / te Pīhopa Mātāmua, and the Co-Presiding Bishops / nga Pīhopa Aporei of this Church, and if there is a vacancy in any Tikanga in these offices then the Senior Bishop of that Tikanga, together with one lay member and one clerical member of the Judicial Committee appointed by the Chairperson of the Appeal Tribunal for the particular appeal.
- Appeal Tribunal Members*
2. In all matters referred to the Appeal Tribunal the Primate / te Pīhopa Mātāmua shall be the Chairperson of the Appeal Tribunal, unless that Bishop is a party to the appeal in which case the Co-Presiding Bishops / nga Pīhopa Aporei shall choose which of them shall be the Chairperson.
- Chairperson*
3. The provisions of Title C, Canon IV clauses 4.1 to 4.7 shall apply with all necessary modifications as the procedural provisions for the Appeal Tribunal and the Primate / te Pīhopa Mātāmua shall be the person to whom any of the provisions for Chairperson in clauses 4.1 to 4.7 shall apply for any matter before the Appeal Tribunal.
- Procedure*

4. If one of the Primate / te Pīhopa Mātāmua or the Co-Presiding Bishops / nga Pīhopa Aporei of the Appeal Tribunal be a party to any matter on appeal the Bishop member of the Judicial Committee or one of them shall be appointed by the Chairperson as the replacement Bishop member on the Appeal Tribunal. If there be no Bishop available in the Judicial Committee as the replacement Bishop member the Standing Committee of the General Synod / te Hīnota Whānui shall appoint a Bishop. *Alternate Bishop*
5. The Appeal Tribunal may prescribe the fees and costs in any Mediation Tribunal and Determination Tribunal or any Appeal Tribunal, by whom and to whom they are payable *Costs and Fees*