

## OF STANDARDS

### Interpretation

The following Interpretations apply for this Canon:

Appeal Tribunal means the Tribunal constituted by [x];

Archbishop means in relation to Tikanga Maori Te Pihopa o Aotearoa, in relation to Tikanga Pasifika the Bishop of Polynesia and in relation to Tikanga Pakeha its senior bishop or where the respondent is an Archbishop the next senior bishop of the tikanga.

Bishop means 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;

Church Lawyer means a member of this Church who has 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 who has been appointed to conduct a complaint under this Title D.

Complainant means the person who has laid the original complaint under this Title D.

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

Licensing Bishop includes Diocesan Bishops, Hui Amorangi Pihopa and Bishops with delegated episcopal responsibility for a region, and as necessary their successors in office; and includes the Vicar-General of an Episcopal Unit where the Bishop / Pihopa 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;

Informant means this Church acting as the party bringing any proceedings under this Title D.

Minister means, 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 / Pihopa, except for the purposes of Canon III of Maintenance of Standards of Trustees where "Minister" includes any Trustee for this Church;

Ministry means 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 / Pihopa in this Church;

Misconduct means any of the following:

Conviction in a Court of Law of any act which is a crime punishable by imprisonment of more than 12 months which shall be conclusive proof that the person has committed the crime therein specified;

Any act of adultery;

Any act or habit of corruption or immorality;

Any culpable disregard of the obligations recognised by law in reference to family relationships;

Any unethical act including acts of dishonesty for personal gain.

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;

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;

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.

Habitual negligence by an Ordained Minister in the performance of duties as required by Ordination vows;

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;

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;

Significant or continuing failure, neglect or refusal to carry out the Obligations set out in Title D, Canon I.

Office Bearer includes 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 means persons who are ordained in the order of Priest or Deacon in this Church;

Registrar means the Registrar of the Ministry Standards Commission appointed under Canon II clause 4;

Religious means a member of a Religious Order;

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

Singular terms, where appropriate, include the plural.

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

**RETAIN EXISTING PROVISIONS OF PART A**

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**CANON II**  
**THE MINISTRY STANDARDS COMMISSION AND ITS REGISTRAR**

*Ministry Standards Commission*

1. There will be a body, called the Ministry Standards Commission, consisting of not more than six people appointed by the General Synod Standing Committee including:
  - a. at least one person from each Tikanga; and
  - b. 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.
2. The Ministry Standards Commission shall appoint a member of the Commission appointed under 1b above to be the chair of the Commission and also a member to be the deputy chair.
3. The Ministry Standards Commission will have the functions conferred on it by this Title D as well as the following
  - a. to give general advice to Bishops and the Primates as to matters of discipline;
  - b. power to issue codes of practice and general policy guidance to persons exercising functions in connection with ministry standards;
  - c. power to issue regulations relating to the conduct of disciplinary proceedings;
  - d. to maintain a list of those qualified to act as Church Lawyers and make arrangements for the provision of funding to recompense those appointed as such;
  - e. to maintain a list of those qualified to serve on tribunals;
  - f. to appoint a Registrar and agree the terms of appointment with him or her;
  - g. to give advice to the Registrar on matters of tikanga and doctrine when the Registrar is carrying out functions under this Title D; and
  - h. to report at each session of the General Synod/Te Hinota Whānui on its work.

*Registrar of the Ministry Standards Commission*

4. There shall be appointed by the Ministry Standards Commission a Registrar of the Ministry Standards Commission on terms to be agreed between them.
5. The Registrar may resign office by written notice provided to the Chair of the Ministry Standards Commission.
6. The Registrar will have the functions conferred on him or her by this Title D as well as the general duty to direct and supervise the general administration of discipline within this Church.
7. The Registrar may, with the agreement of the Ministry Standards Commission, employ any staff considered necessary to fulfilling the functions given to the Registrar and the Ministry Standards Commission by this Title D.

## **CANON III**

### **OF THE MAINTENANCE OF MINISTRY STANDARDS**

#### *Part A - Introduction & Principles*

1. Duty to have regard to bishop's role

Any body or person on whom functions in connection with the discipline of Ordained Ministers are conferred by this Title D must, when exercising those functions, have due regard to the role of the bishop who, by virtue of office and consecration, has pastoral and disciplinary responsibility.

2. Initial assessment

Each complaint will be initially assessed by the Registrar to determine whether there is sufficient substance to the complaint to make it deserving of further investigation, and if so whether the allegations if proven would constitute misconduct or whether the matter should be referred to the Licensing Bishop for a pastoral response.

3. Due process and natural justice

Ministers and Office Bearers subject to any process under this Title D are entitled to due process and natural justice including the right to be advised of the nature of the allegations, to have time before responding to any allegations and to be heard in response to allegations.

4. This Church as the Informant

Where matters proceed to a disciplinary tribunal it is this Church that is the Informant, and which will prosecute the complaint.

5. Informing of progress

The Complainant in a matter and the respondent must be kept informed of the procedural progress of any complaint.

6. Undue delay and expense

Undue delay and expense are to be avoided wherever possible.

7. State processes

Any investigation of any complaint by this Church must not interfere with any processes of the State but notwithstanding that a process of the State is underway any complaints may be dealt with under this Title D.

8. Customs of Tikanga

The application of "Duties of Clerical Office", "Pastoral Relationships" and "Standards Required of Ministers" (Title D, Canon I, 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.

The maintenance of "Duties of Clerical Office", "Pastoral Relationships" and "Standards Required of Ministers" (Title D, Canon I, clauses 3, 9, 11 and 12) across the Tikanga will be observed by the application of Title B Canon XX principles between the Tikanga.

9. Reconciliation and redemption

In appropriate cases provision shall be made for reconciliation and also for acknowledgment of wrongdoing and redemption in return.

10. Multiple complaints

No Bishop, Minister or Office Bearer may be subject to more than one complaint about the same conduct.

11. Protection

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.

*Part B - Disciplinary process*

12. The provisions of this canon shall have effect for the purpose of regulating proceedings against any Bishop, Minister or Office Bearer against whom a complaint has been received.
13. No disciplinary proceedings under this Title D may be instituted unless the conduct in question, or the last instance of it in the case of a series of acts or omissions, occurred within the period of three years prior to the date of the complaint except for:
  - a. when the conduct complained of is conduct that the person concerned has been convicted on the basis of proceedings may be instituted within three years of the conviction becoming conclusive,
  - b. where the Registrar of the Ministry Standards Commission considers there was good reason why the complainant did not complain at an earlier date in which case the limitation period may extend from three to six years;
  - c. where the misconduct in question is conduct of a sexual nature towards a child in which case there is no time period prescribed;
  - d. where the misconduct in question is conduct of a sexual nature towards an adult if the Registrar considers that the adult was a vulnerable adult at the time of the conduct, having taken into account such representations as the complainant and respondent each make on the issue of vulnerability.
14. No disciplinary proceedings under this Title D may be instituted where a complaint deals with conduct that has previously been the subject of a complaint.
15. The Ministry Standards Commission may prescribe regulations, not inconsistent with this Title D, setting out the detailed process for the receipt of complaints, their investigation and the conduct of disciplinary proceedings covering matters such as:
  - a. the form of complaints;
  - b. where complaints may be lodged;
  - c. any filing fees to be paid for any application and scales of costs which may be imposed in relation to proceedings
  - d. what supporting information, if any, should be provided with a complaint;
  - e. the form of notification to respondents;
  - f. that disclosure of the complainant's contact details should be made to the respondent; and



- g. the steps to be taken prior to a hearing by any tribunal.

*Part C - Assessment of complaint*

16. Every complaint received by a Bishop, Minister or Office Bearer must be notified to the Registrar.
17. On receipt of the complaint the Registrar must then conduct an assessment of the complaint and form a view as to:
  - a. whether the complainant has a proper interest in making the complaint;
  - b. whether the complaint is time-barred under clause 13 of this canon;
  - c. whether the conduct has already been complained of and is barred under clause 14 of this canon;
  - d. whether there is sufficient substance to the complaint to justify proceeding further under this Title D; and
  - e. whether the conduct complained of, if proven, could constitute unsatisfactory conduct or misconduct.
18. Where the complaint is against a bishop and the conduct complained of, if proven, would constitute unsatisfactory conduct then the Registrar must only form a view that there is insufficient substance to the complaint to justify proceeding under this Title unless the complaint proceeds from six baptised members of this Church.
19. In assessing the complaint the Registrar may make such further enquiries of the complainant as the Registrar considers fit.
20. Having assessed the complaint the Registrar shall within 30 days of receipt of a complaint, or such further period of time the Registrar considers justified in the circumstances of the case, provide a written report to the Licensing Bishop or, in the case of a complaint about a bishop the Archbishop, setting out the Registrar's assessment of the complaint and the recommended course of action.
21. In any written report under clause 20 the Registrar shall:
  - a. if it is found the complainant has no proper interest in making the complaint recommend it be dismissed;
  - b. if it is found the complaint is time-barred recommend it be dismissed;
  - c. if it is found the conduct has already been complained of recommend it be dismissed;
  - d. if there is insufficient substance to the complaint to justify proceeding further under this Title D recommend it be dismissed;
  - e. if the Registrar considers on reasonable grounds that the complaint is vexatious recommend that it be dismissed;
  - f. where the conduct complained of constitutes unsatisfactory conduct and none of clause 18 (a) to (d) apply recommend that the Licensing Bishop or Archbishop deal with the matter pastorally; or
  - g. whether the conduct complained of constitutes misconduct and none of clause 18 (a) to (d) apply recommend that disciplinary proceedings be instituted.
22. The Licensing Bishop or Archbishop must follow the course of action recommend by the Registrar in any written report under clause 20 after the process at clause 23 to 26 are completed at which point formal notice of the decision must be provided in writing to the complainant and respondent.

23. Where the Registrar recommends a complaint be dismissed the Registrar shall provide notice of that recommendation and a copy of the written report under clause 20 to the complainant and to the respondent.
24. Within 30 days of receipt of a notice of recommendation and a copy of the written report under clause 20 the complainant may ask the Chair of the Ministry Standards Committee to review the dismissal.
25. If on a review under clause 24 the Chair of the Ministry Standards Committee considers the dismissal to be plainly wrong then he or she may:
  - a. reverse the decision and direct the complaint proceed in accordance with clause 17(e) or (f) (as appropriate); or
  - b. remit the matter back to the Registrar for reconsideration.
26. Where a complaint is remitted to the Registrar for reconsideration and the Registrar recommends dismissal of the complaint following that reconsideration then clauses 24 and 25 of this canon will not apply.
27. Where the Registrar proposes to extend the 30 day period in clause 20 he or she shall, before doing so, consult the complainant and the respondent.
28. The Registrar may delegate any or all of his or her functions under this section to such person as he or she may designate.

*Part D - Further handling of complaints of unsatisfactory conduct*

29. Where the Registrar considers the complaint to be one of unsatisfactory conduct and recommends a pastoral response then the further handling of the complaint will be solely at the discretion of the Licensing Bishop or Archbishop and the outcome may not affect any future 'safe to receive' letter.
30. The courses of conduct available to the Licensing Bishop or Archbishop include:
  - a. a process of reconciliation carried out in accordance with the principles of the relevant Tikanga;
  - b. a full investigation, following inquiry principles, into the complaint by the Registrar; or
  - c. requiring the respondent to undertake further training or counselling.
31. In deciding which step to undertake under clause 30 the Licensing Bishop or Archbishop shall have regard to the principle of reconciliation and forgiveness.

*Part E - Further handling of complaints of misconduct*

32. Where the Registrar considers the complaint to be one of misconduct and recommends disciplinary proceedings be instituted then the provisions of this Part will apply.

*Institution of proceedings*

33. On the Licensing Bishop or Archbishop confirming to the Registrar that disciplinary proceedings are to be instituted:
  - a. the Registrar will appoint a Church Lawyer responsible for conducting the case on behalf of this Church and the complainant from the list maintained by the Ministry Standards Commission;
  - b. the Licensing Bishop or Archbishop will appoint a tribunal to hear the complaint from the list of tribunal members maintained by the Ministry Standards Commission;

- c. the Church Lawyer will then prepare, in accordance with any regulations prescribed by the Ministry Standards Commission, a formal document (Complaint) setting out the conduct alleged, the date and place of the conduct where that is possible, the particular breaches of canonical obligations alleged and the penalty sought;
  - d. the respondent is then to file, in accordance with any regulations prescribed by the Ministry Standards Commission, a formal document (Response) setting out the response to the Points of Complaint.
34. The costs of the Church Lawyer will be met by the Ministry Standards Commission.
35. The Church Lawyer may engage such other persons as he or she thinks fit to ensure the proper and efficient conduct of the complaint on behalf of this Church and the complainant.

*Immediate Suspension on recommendation of the Registrar*

36. If, on receipt of a complaint the Registrar considers, on reasonable grounds, that a complaint is one that, if proven, would constitute misconduct and the continuation in office of the respondent would expose others to a risk of harm then:
- a. the Registrar may, without having provided a written report under clause 20, recommend to the Licensing Bishop or Archbishop the suspension of the respondent from office and/or ministry which recommendation must be followed by the Licensing Bishop or Archbishop with immediate effect; and
  - b. the Registrar must then proceed to prepare the written report required under clause 20.
37. If a respondent is suspended from office and/or ministry under clause 36 then the respondent may immediately apply for the institution of disciplinary proceedings in which case:
- a. the provisions of this canon relating to the establishment of a tribunal shall be immediately followed; and
  - b. the respondent may make an application to the tribunal for the suspension to be lifted;
  - c. notice of any such application shall be given to the Church Lawyer; and
  - d. the Tribunal shall not recommend to the Licensing Bishop or Archbishop that the suspension should be lifted unless the tribunal is satisfied that:
    - i. there is no case to be answered by the respondent; and
    - ii. there is no appreciable risk that continuation in office and/or ministry would expose others to the risk of harm or would adversely affect the public reputation of this Church;
  - e. the Licensing Bishop or Archbishop shall follow the recommendation of the Tribunal relating to the lifting of suspension.

*Application for suspension*

38. On the institution of a disciplinary proceeding the Church Lawyer may apply to the tribunal for the respondent to be suspended from office and/or ministry pending a final determination.
39. Notice of any such application must be given to the respondent.
40. The tribunal must recommend to the Licensing Bishop or Archbishop suspension if satisfied that:

- a. there is a case to be answered by the respondent; and
  - b. there is an appreciable risk that continuation in office and/or ministry would expose others to the risk of harm or would adversely affect the public reputation of this Church.
41. The tribunal may recommend any conditions on the suspension from office and/or ministry of the respondent and may also recommend the continuation of the respondent in office and/or ministry on certain conditions.
  42. The Licensing Bishop or Archbishop must follow the recommendation of the tribunal relating to suspension.
  43. During such suspension the Minister will not be deprived of any stipend or emoluments associated with the Minister's office.
  44. Any determination and recommendation of the tribunal to suspend a Minister or Office Bearer may be appealed under Part F of this canon.

#### *The tribunal*

45. Any tribunal constituted under this Part shall be of three people including:
  - a. one Ordained Minister;
  - b. one member of this Church who resides in the Episcopal Unit of the Licensing Bishop or Archbishop and who may, at the election of the Licensing Bishop or Archbishop, be the Licensing Bishop or Archbishop; and
  - c. one person, who shall be the chair of the tribunal, who is a member of this Church who has 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.
46. In any proceeding before any tribunal constituted under this Part:
  - a. the standard of proof to be applied by the tribunal or court shall be that of proof on the balance of probabilities;
  - b. the determination of any matter before the tribunal must be according to the opinion of the majority of the members of the tribunal and must be pronounced in public with reasons for the determination;
  - c. any hearing shall be in private, except that the tribunal, if satisfied that it is in the interests of justice so to do may direct that the hearing shall be in public in which case the tribunal may, during any part of the proceeding, exclude such person or persons as it may determine; and
  - d. the tribunal may, in considering or determining any question of law before it or the what outcome should be recommended, have regard to prior decisions of any tribunal and shall follow any decision of an Appeal Tribunal on that question of law or on the question of what outcome is appropriate in light of the misconduct as found.
47. The costs of any tribunal constituted under this Part will be met by the Ministry Standards Commission subject to any regulations relating to filing fees and cost orders made by the Ministry Standards Commission.

#### *Outcomes where misconduct is found*

48. Where the tribunal determines there has been misconduct then the tribunal may recommend to the Licensing Bishop or Archbishop one of the following outcomes having considered prior authorities and also tikanga considerations:

- a. admonition – which will be delivered by the Licensing Bishop or Archbishop and may be in the form of a formal written order or injunction which for an Ordained Minister must be entered in the record of that Ordained Minister and may be delivered in public or in private as the Licensing Bishop or Archbishop may determine;
  - b. suspension from the exercise of Ministry or office for the extent and duration considered appropriate by the tribunal which may include suspension of the whole or part of any stipend;
  - c. deprivation of office or ministry making the respondent incapable of holding any office or Ministry or performing any function in any Episcopal Unit of this Church for the extent and duration considered appropriate by the tribunal at the end of which period restoration shall occur;
  - d. deposition from the exercise of ordained ministry including all the consequences of deprivation and meaning 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.
49. The Licensing Bishop or Archbishop shall impose the outcome recommended by the tribunal unless the Licensing Bishop or Archbishop is satisfied on reasonable grounds that another outcome would be preferable for the good governance and order of the Church.
50. Where suspension is imposed the Licensing Bishop must give written notice to ministry units in that Episcopal Unit and advise all Licensing Bishops in this Church.
51. 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.

*Tribunal findings and publication*

52. The tribunal shall report its determination and the reasons for it in writing to:
- a. the Chair of the Ministry Standards Commission;
  - b. the Registrar;
  - c. the Licensing Bishop or Archbishop;
  - d. the complainant; and
  - e. the respondent.
53. The determinations of the tribunal shall be made public by the Commission after the expiry of the appeal period at clause 62 unless the tribunal is satisfied that such publication would:
- a. cause extreme hardship to the complainant, the respondent, or any person connected with them; or
  - b. cause undue hardship to that person; or
  - c. create a real risk of prejudice to any other civil or criminal proceeding then underway; or
  - d. endanger the safety of any person; or
  - e. lead to the identification of a person whose name is suppressed by order or by law; or
  - f. prejudice the maintenance of the law of New Zealand or internal Church

discipline, including the prevention, investigation, and detection of offences in which case the tribunal may order the suppression of the names of the complainant or respondent or any evidence or submissions put before it.

54. If there is an appeal the findings and recommendations must not be made public until the appeal is determined.
55. Subject to any suppression orders made pursuant to clause 53], and in addition to any other requirements for notification, the findings and recommendations of any tribunal shall be publicised in the following manner:
  - a. the findings and outcomes of either the tribunal will be notified in the official newsletter of the Episcopal Unit of the Licensing Bishop;
  - b. the findings and outcomes of either the tribunal will be notified in the official newsletter of this Church;
  - c. the Registrar will maintain a database containing the written record of the findings and recommendations of any tribunal which shall:
    - i. be accessible to the public on written request to the Registrar;
    - ii. be available for access by any Church tribunal under this Title D for the purposes of considering any question of law or what outcome it is appropriate to recommend in light of the misconduct found; and
    - iii. be accessible on the official website of this Church (as determined by the General Synod Standing Committee) to the effect that each written record will be available to view on a dedicated section of that website for whatever period of time is decided by the tribunal in its decision or, failing any such decision, for the period of time decided by the Registrar.
56. The findings and outcome of any tribunal shall be recorded on the respondent's file.

#### *Part F – Appeals*

57. Subject to the provisions of this part where a tribunal has provided a determination in writing then:
  - a. the respondent may appeal against any penalty recommended to be imposed, and
  - b. the respondent on a question of law or fact, and the Church Lawyer, on a question of law, may appeal against any determination of the tribunal.Nothing in this clause applies to any interlocutory decision of a tribunal, which is final.
58. Any such appeal will be heard by the Appeal Tribunal.
59. The Appeal Tribunal for appeals consists of five members including:
  - a. 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;
  - b. one lay member and one clerical member of the Judicial Committee appointed by the Chair of the Appeal Tribunal for the particular appeal.
60. In all matters referred to the Appeal Tribunal the Primate / te Pīhopa Mātāmua will 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.
61. 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 must be appointed by the Chair 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 must appoint a Bishop.

62. Any appeal must be filed with the Appeal Tribunal within 20 working days of the determination of the Tribunal appealed from.
63. Every notice of appeal must 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.
64. The Ministry Standards Committee will prescribe regulations for the rules of giving notice of appeal and every appeal must conform to those rules.
65. On any appeal to the Appeal Tribunal against findings of a tribunal the Appeal Tribunal has all the powers of a tribunal and may confirm, modify or reverse the findings appealed against.
66. The Appeal Tribunal may only 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.
67. The Tribunal may, in considering or determining any question of law before it or what outcome should be recommended in light of the misconduct found, have regard to prior decisions of any Tribunal or Appeal Tribunal on that question of law.
68. The Appeal Tribunal in hearing any appeal may regulate its own procedures consistent with this Title D and any regulations prescribed by the Ministry Standards Committee.
69. The Appeal Tribunal must report its determination and the reasons for it in writing to:
  - a. the Chair of the Ministry Standards Commission;
  - b. the Registrar;
  - c. the Licensing Bishop or Archbishop;
  - d. the complainant; and
  - e. the respondent.
70. The determinations of the Appeal Tribunal must be made public in accordance with clause 53 unless the Appeal Tribunal is satisfied that such publication would:
  - a. cause extreme hardship to the complainant, the respondent, or any person connected with them; or
  - b. c cause undue hardship to another person; or
  - c. create a real risk of prejudice to any other civil or criminal proceeding then underway; or
  - d. endanger the safety of any person; or
  - e. lead to the identification of a person whose name

is suppressed by order or by law; or

- f. prejudice the maintenance of the law of New Zealand or internal Church discipline, including the prevention, investigation, and detection of offences

in which case the Appeal Tribunal may order the suppression of the names of the complainant or respondent or any evidence or submissions put before it.

- 71. Subject to any suppression orders made pursuant to clause 70, and in addition to any other requirements for notification, the findings and recommendations of the Appeal Tribunal shall be publicised in the following manner:
  - a. the findings and outcomes of the Appeal Tribunal will be notified in the official newsletter of the Episcopal Unit of the Licensing Bishop;
  - b. the findings and outcomes of the Appeal Tribunal will be notified in the official newsletter of this Church;
  - c. the Registrar will maintain a database containing the written record of the findings and recommendations of the Appeal Tribunal which must:
    - i. be accessible to the public on written request to the Registrar;
    - ii. be available for access by any tribunal for the purposes of considering any question of law or what outcome it is appropriate to recommend in light of the misconduct found; and
    - iii. be accessible on the official website of this Church (as determined by the General Synod Standing Committee) to the effect that each written record will be available to view on a dedicated section of that website.
- 72. The costs of the Church Lawyer for any appeal will be met by the Ministry Standards Commission.
- 73. The Church Lawyer may engage such other persons as he or she thinks fit to ensure the proper and efficient conduct of the appeal on behalf of this Church and the complainant.
- 74. The costs of the Appeal Tribunal will be met by the Ministry Standards Commission.

#### *Part G - Later removal of record*

- 75. Where a respondent has been found to have committed misconduct then the respondent may, no earlier than seven years' after the date of the tribunal decision, apply to the Registrar for the removal of the finding and outcome from his or her record.
- 76. On receipt of any such application the Registrar may:
  - a. order the removal of the finding and outcome from the respondent's record; and/or
  - b. order the removal of the tribunal and/or appeal tribunal decision from the website of this Church; and/or
  - c. order the publication of a notice in the official newsletter of the Episcopal Unit of the Licensing Bishop and the official newsletter of this Church advising of the removal of the record of the finding and outcome.



77. The Registrar may only make an order under clause 76 where satisfied on reasonable grounds that, having regard to the principle of reconciliation and redemption, it is appropriate in the circumstances for an order to be made having particular regard to:
- a. whether the respondent acknowledges and accepts the conduct as found;
  - b. whether the respondent has demonstrated remorse; and
  - c. the impact on the victim.

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