

THE CLERGY APPOINTMENTS BILL 2016

1. Title

- (1) That the title of this statute will be **The Clergy Appointments Statute Repeal and Replacement Statute 2016**

2. Commencement

- (1) This Statute comes into force on passing.

3. Purpose

- (1) The purpose of this statute is to repeal and replace The Clergy Appointments Statute to ensure that the process to be followed for appointments is easily understood and follows best practice and to allow for consequential amendments.

4. Repeal

- (1) The Clergy Appointments Statute 2006 is repealed.

5. Diocesan Nominators

- (1) There will be twelve Diocesan Nominators, six clergy holding the Bishop's Licence (the "Clerical Representatives") and six Lay Representatives of the Synod (the "Lay Representatives").
- (2) Four Diocesan Nominators (two Clerical Representatives and two Lay Representatives) will be elected at each regular session of the Synod for a term of three years and may serve up to two consecutive terms after which they are not eligible for election until a period of three years has passed.
- (3) The clerical members of Synod elect the Clerical Representatives.
- (4) The lay members of Synod elect the Lay Representatives.
- (5) Any Diocesan Nominator holds office until:
 - (a) the election of his or her successors;
 - (b) the member becomes incapacitated or dies;
 - (c) the member resigns by way of letter addressed to the Bishop; or
 - (d) the member leaves the Diocese.
- (6) In the event of a vacancy arising in the membership of the Diocesan Nominators in accordance with clause 5(5) then the vacancy will be filled by the Standing Committee as follows:
 - (a) The clerical members of the Standing Committee will elect a priest or deacon holding the Bishop's Licence to fill any vacancy arising amongst the Clerical Representatives;
 - (b) The lay members of the Standing Committee will elect a Lay Representative of Synod to fill any vacancy arising amongst the Lay Representatives.

- (7) Any person appointed in accordance with clause 5(6) will hold office in accordance with clause 5(5).

6. Parish Nominators

- (1) The Parish Nominators will be four persons elected by the Vestry of each Parish in accordance with clause 3.6.10 of the "Diocesan Local Ministry and Mission Units Statute".
- (2) No employee of a Parish or family member of clergy holding the Bishop's Licence in that Parish can be a Parish Nominator of that Parish.
- (3) Any Parish Nominator holds office until:
- (a) the election of his or her successors;
 - (b) the member becomes incapacitated or dies;
 - (c) the member commences employment with the Parish of which she or she is a member of the Parish Nominators;
 - (d) the member resigns by way of letter addressed to the Chair of the Vestry; or
 - (e) the member ceases to qualify as a member of the Parish of which he or she is a Nominator.
- (4) In the event of a vacancy arising in the membership of a Parish's Parish Nominators in accordance with clause 6(3) then the vacancy will be filled by the Vestry of the Parish.
- (5) Any person appointed in accordance with clause 6(4) will hold office in accordance with clause 6(5).
- (6) In the case of a Co-operating Venture, where the next appointment is to be made by the Anglican Church, then Parish Nominators will be elected by the Parish Council with clause 6 otherwise applying in its entirety provided that:

Those elected will, as far as possible, provide congregational representation for the partner church or churches.

7. Appointments of Vicars

- (1) Whenever a Parish needs to appoint a new Vicar (including a permanent Priest-in-Charge) the Bishop will convene a "Vicar Nomination Board".
- (2) The Vicar Nomination Board will constitute:
- (a) The Bishop as chair;
 - (b) Two of the Clerical Representatives of Diocesan Nominators chosen by the Bishop;
 - (c) Two of the Lay Representatives of the Diocesan Nominators chosen by the Bishop;
 - (d) Four of the Parish Nominators of the Parish in question.
- (3) No Clerical Representative acting as Vicar-General or Deputy Vicar-General or Commissary of the Primate who is to fill the role of the Bishop

for the Vicar Nomination Board will be entitled to be a member as a Clerical Representative.

- (4) The Parish Nominators of the Parish in question in office at the time a Vicar announces his or her resignation will continue in office until the appointment process is completed except where a vacancy is deemed to arise in accordance with clauses 6(3)(b),(c), (d) or (e) in which case clause 6(4) will apply.
- (5) Any decision by the Vicar Nomination Board to appoint a Vicar must be agreed to by:
 - (a) The Bishop; and
 - (b) Two of the members from the Diocesan Board of Nomination; and
 - (c) Two of the members from the Parish Board of Nomination of the Parish in question.
- (6) Where, due to temporary unavailability, there are insufficient members Diocesan Nominators to constitute a Vicar Nomination Board then the Standing Committee will appoint as many alternate Diocesan Nominators as are required.
- (7) Any person appointed as an alternate Diocesan Nominator will serve only for the duration of the existence of the Vicar Nomination Board in question.
- (8) Where, due to temporary unavailability, there are insufficient Parish Nominators of the Parish in question to constitute a Vicar Nomination Board then the Vestry will appoint as many alternate Parish Nominators as are required.
- (9) Any person appointed as an alternate Parish Nominator of the Parish in question will serve only for the duration of the existence of the Vicar Nomination Board in question.
- (10) At the first meeting of the Vicar Nomination Board the Archdeacon who has oversight of the Parish in question may be invited to attend as a non-voting participant.
- (11) For the avoidance of doubt, this process applies to the appointments of Vicars to a Co-operating Venture where the Vicar to be appointed is to be Anglican.

8. Appointment of full-time stipendiary clergy

- (1) Whenever a full-time stipendiary clergy person, not being a Vicar, is to be appointed to a Parish the Bishop will convene a "Full-time Clergy Nomination Board".
- (2) Except as provided for in this clause the provisions of clause 8 will apply to a Full-time Clergy Nomination Board, mutatis mutandis.
- (3) The Full-time Clergy Nomination Board will constitute:
 - (a) The Bishop as chair;
 - (b) Two of the Clerical Representatives of the Diocesan Nominators chosen by the Bishop;

- (c) Two of the Lay Representatives of the Diocesan Nominators chosen by the Bishop;
 - (d) Four Parish Nominators of the Parish in question; and
 - (e) the Vicar of the Parish in question.
- (4) Decisions of the Full-time Clergy Nomination Board must be agreed to be a majority of the members of that Board which must include the Bishop and the Vicar.

9. Appointment of part-time clergy

- (1) Whenever a part-time clergy person, not being a Vicar, is to be appointed to a Parish the Bishop may make an appointment having first obtained the agreement of:
 - (a) the Vicar (if any);
 - two of the Parish Nominators of the parish in question..
- (2) The Bishop may elect to use the same process as for the appointment of full-time stipendiary clergy set out at clause 8, except that what will be constituted will be called a "Part-time Clergy Nomination Board".

10. Appointment of ordinands

- (1) For the first appointment of ordinands to a Parish the Bishop may make an appointment having first obtained the approval of the Vicar (if any) after the Vicar has consulted with the Parish.

11. Appointment of Ministry Enablers

- (1) The Bishop is authorised to make an appointment of a Ministry Enabler to a Parish following consultation with the Parish Nominators of the Parish or Parishes in question.

12. Other appointments

- (1) In the case of all other appointments and appointments to other Ministry and Mission Units, clergy will be appointed by the Bishop after consultation with representatives of the Ministry and Mission Unit provided that:
 - (a) This clause does not affect the application of any appointment process contained in another statute or constitutional document of the Ministry and Mission Unit in question; and
 - (b) The Bishop may use the same process as for the appointment of full-time stipendiary clergy set out at clause 8.

13. Provisions applying to all appointments

- (1) Before a nominee is offered an appointment the relevant appointing Board must be satisfied that the Parish concerned can meet:
 - (a) The removal costs (in accordance with Diocesan Guidelines);
 - (b) The costs, for the expected length of term for the intended appointment, of:
 - (i) Stipends and allowances;

- (ii) Housing provision;
 - (iii) Pension and insurance arrangement.
- (2) If an appointment is to be made the Bishop will write to the nominee a letter of Offer which letter must include:
- (a) a description of the Office and any special needs;
 - (b) the names of people (lay or ordained) already licensed to work in association with that Office;
 - (c) the date on which the appointment takes effect;
 - (d) the stipend and allowances and housing provisions and pension and insurance arrangements (if any);
 - (e) leave entitlements;
 - (f) if the appointee is not entitled as of right to residence in New Zealand, a statement that any licence will be dependent upon the appointee obtaining appropriate permission from the civil authority to reside in New Zealand for the term of the appointment;
 - (g) a statement that the Office does not commence nor is the minister appointed until the minister is duly instituted and a Bishop's Licence issued;
 - (h) any other conditions or detail relevant to the appointment; and
 - (i) a request to respond to the invitation as soon as conveniently possible within a specified reasonable time.
- (3) After the Letter of Offer has been sent:
- (a) If the offer is accepted the due licensing process commences in accordance with clause 14; or
 - (b) If the office is declined the appointment process will begin again in accordance with this Statute and the appropriate guidelines.
- (4) Should any particular orientation or training be required prior to appointment who will bear the cost of such training or orientation will be discussed with the Parish.

14. Licensing Process

- (1) Any clergy person appointed to an Office pursuant to this Statute or any other Statute must be issued a Bishop's Licence in accordance with this section and no appointment is effective until that has occurred.
- (2) Before a Licence is issued the nominee must have:
 - (a) accepted supervision from a person or group approved by the Bishop;
 - (b) given written permission to the Diocese, in accordance with the Privacy Act, to collect and store personal information about them; and
 - (c) signed all Declarations required by Title A Canon II clause 3 whereby the nominee gives assent, adherence and submission to the General Synod/Te Hinota Whānui, the Bishop of the Diocese, and obedience to the ecclesiastical laws and regulations in force in the Diocese.

- (3) Before Licence is issued the nominee may, if requested to by the Bishop, be required to:
 - (a) agreed to enter into a programme of continuing education;
 - (b) completed with the Parish or relevant Mission and Ministry Unit a working agreement which will include a periodic review in a form approved by the Bishop;
- (4) Once the pre-conditions in clause 14(2), and any imposed pursuant to clause 14(3), are satisfied then a Bishop's Licence will be issued which must:
 - (a) specify the scope and limits of the responsibilities attaching to the Office to which the person is to be appointed;
 - (b) specify the basis on which the Licence may be withdrawn; and
 - (c) specify any time limit on the validity of the Licence.

15. Transitional Provisions

- (1) On the coming into force of this Statute all existing Diocesan Nominators, as that term is defined in the existing Statute, will become Diocesan Nominators and:
 - (a) the Standing Committee will appoint, in accordance with clause 5(6), any additional Diocesan Nominators required;
 - (b) the Diocesan Nominators will draw lots to determine which four of them (two Clerical Representatives and two Lay Representatives) will serve until the regular session of Synod in 2017, which four of them (two Clerical Representatives and two Lay Representatives) will serve until the regular session of Synod in 2018 and four of them (two Clerical Representatives and two Lay Representatives) will serve until the regular session of Synod in 2019.
- (2) On the coming into force of this Statute all existing Parish Nominators, as that term is defined in the existing Statute, will become Parish Nominators under this Statute and serve in accordance with this Statute.

16. Consequential Amendments

- (1) Clause 3.6.10 of The Diocesan Local Ministry and Mission Units Statute will be repealed and replaced as follows:
 - (a) The Vestry must, at a duly summoned meeting to be held within two month after the Annual Meeting of Parishioners, elect four persons qualified to be members of the Vestry who will be the Parish Nominators provided that neither an employee of the Parish nor family members of any clergy holding the Bishop's Licence in the parish can be elected.
 - (b) The Parish Nominators will represent the Parish in matters relating to the appointment of a Vicar or the appointment of a Ministry Enabler in Local Shared Ministry Parishes.
 - (c) Where the responsibilities of a Local Shared Ministry Board include the appointment of a Ministry Enabler that Board will elect the Parish Nominators instead of the Vestry.

- (d) At least one of the Parish Nominators elected in a Local Shared Ministry Unit must be a member of the Ministry Support Team. When more than one unit is represented by a Local Share Ministry Board, at least one of the Parish Nominators must be a member of the Ministry Support Teams from the units represented by the Board.