



The Anglican Church in Aotearoa, New Zealand and Polynesia

Te Hāhi Mihinare ki Aotearoa ki Niu Tirenī,
ki Ngā Moutere o te Moana Nui a Kiwa

JUDICIAL COMMITTEE

Minutes of a Meeting held via Zoom on 10 July 2024 from 7.30pm

Members:

House of Bishops	<i>Vacant</i>
House of Clergy	The Rev'd Joel Rowse
Tikanga Māori	The Rev'd Pania Houkamau-Ngaheu
Tikanga Pākehā	Judge Chris Harding (Chair) Judge Alex Twaddle (Deputy Chair)
Tikanga Pasefika	Mr Walton Morgan Ms Shelyn Kiran
Secretary	The Rev'd Canon Michael Hughes

1 APOLOGIES

Mr Walton Morgan.

The meeting began inquorate, so decisions were subject to later ratification (as below).

2 NOMINATIONS

This being the first meeting of a newly elected Judicial Committee, nominations were taken for Chair.

Judge Chris Harding was nominated by Judge Alex Twaddle/seconded by Rev'd Joel Rowse, and there being no other nominations was duly **agreed as Chair**.

Nominations were sought for Deputy Chair.

Judge Alex Twaddle was nominated by Judge Chris Harding/seconded by Rev'd Pania Houkamau-Ngaheu, and there being no other nominations was duly **agreed as Deputy Chair**.

3 MATTERS FOR CONSIDERATION

The question of consolidation of the two appeals was considered.

Noting:

- No interested party had elected to respond to the question of consolidation,
- The respondent had no objection to consolidation,
- There being substantial crossover in the two appeals, especially in the factual matters, and there being no obvious disadvantage to any party in consolidation, other than a potential increase in hearing time

It was agreed that both matters be heard together, and the appeals combined.

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The question was raised as to whether mediation should be attempted before any hearing being called.

Issues considered were:

Does the JC have the power to direct or invite mediation first?

If so, who would mediate? And by what process?

At 7.46 pm, Ms Shelyn Kiran joined making the meeting quorate.

The Chair welcomed Ms Kiran and reported the above three decisions about Chair/ Deputy Chair/ Consolidation, seeking endorsement and **ratification which was given.**

It was agreed that in light of the positions of the parties as set out in the papers filed, the JC invites them to consider agreeing to a mediation, with the mediator to be either agreed between them, or otherwise appointed by the JC.

Judge Harding will approach Archbishop Emeritus David Moxon as to his willingness to act as mediator if called upon.

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The three questions raised by the respondent were noted as:

- (i) Will it be necessary to call witnesses, or will the Judicial Committee simply rely upon the respective statements by the parties?
- (ii) If witnesses are required, what process will the Judicial Committee follow for hearing from those witnesses? For example, will we be required to file written briefs of evidence or affidavits? Will the witnesses be required to be available for cross examination and questioning by the Judicial Committee?
- (iii) Does the Judicial Committee wish to receive written submissions from the parties prior to the hearing?

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The Committee considered the three questions raised by the respondent above:

- (i) Noting that almost all factual matters are not in dispute, the JC sees no need to call witnesses but asks parties to indicate if they wish to call witnesses, and if so on what matters.
- (ii) On the matter of witness process, any answer can be given later, and only if witnesses are requested.
- (iii) Regarding written submissions prior to any hearing.

It was agreed that both matters be heard together, and the appeals combined.

...

It was agreed that in light of the positions of the parties as set out in the papers filed, the JC invites them to consider agreeing to a mediation, with the mediator to be either agreed between them, or otherwise appointed by the JC.

...

It was agreed that if there was a hearing, then

- (i) Written submissions would be required, 14 days prior with 7 days for reply.
- (ii) Submissions should seek to define any issues, by agreement if possible, and address only these identified issues.
- (iii) The JC would request parties to produce an agreed timeline and statement of agreed facts not in dispute, to be provided 14 days prior to hearing.

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Length and timing of a hearing

This cannot yet be determined, as is dependent on whether any witnesses are requested, and on if mediation is agreed and progresses.

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Nex steps

Draft minutes to be circulated and agreed by JC, then confirmed and circulated to parties.

4 CLOSING PRAYER

The meeting concluded with the grace said at 8.15pm.



C J Harding
Chair