

Bill No 11

Mover: Archbishop Emeritus Philip Richardson / Seconder: Pihopa Susan Wallace

A Bill to Amend Title D Canons I and III, 2026

Whereas, the General Synod/te Hīnota Whānui in 2020 passed Statute 753 repealing and amending parts of Title D 'Of Maintenance of Standards of Ministry for Bishops, Ministers and Office Bearers', and

Whereas, the canons of Title D were further amended in 2022 and 2024 to improve those processes, and

Whereas, having now had the benefit of operational experience under those amendments, and having considered the decisions of the Judicial Tribunal and the Appeal Tribunal in matters arising under Title D, it is desired to make further amendments to Title D Canons I and III to:

- (a) establish, by way of a Preamble, the question of fitness to hold office or to minister as the central organising principle of the disciplinary process;
- (b) introduce a preliminary fitness-to-minister assessment that allows complaints which do not raise concerns as to fitness to be addressed pastorally rather than through the full disciplinary process;
- (c) provide a 12-month limitation period for complaints not involving misconduct, while maintaining no limitation period for complaints of misconduct;
- (d) provide a principled framework for the use of artificial intelligence tools in Title D processes;
- (e) enable the Registrar to initiate proceedings on the basis of information coming to the Registrar's attention from any source;
- (f) provide for an interim suspension power exercisable by the Licensing Bishop during the period between the Registrar's decision to seek a tribunal and the tribunal being constituted;
- (g) apply Title D to former Bishops, Ministers and Office Bearers in respect of conduct while in office;
- (h) reform the composition of tribunals and the Appeal Tribunal;
- (i) expand the definition of "Licensing Bishop" in Canon I to provide for cases where a respondent has been licensed in more than one Diocese or Hui Amorangi or is no longer in active licensed ministry; and
- (j) introduce a definition of "Standards of Ministry" in Canon I and adopt that term consistently in place of "Standards Required of Ministers."

The General Synod/Te Hīnota Whānui enacts as follows:

1. **Title.** The Title of this Statute is Title D Canons I and III Amendment Statute, 2026.
2. **Purpose.** To amend the existing Title D Canons I and III.
3. **Title D Canon I is amended by:**
 - (a) replacing the definition of “Licensing Bishop” in the Interpretation provisions with the words –

“Licensing Bishop” —

 - (i) includes Diocesan Bishops, Amorangi Pīhopa 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 / 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, illness or other cause from acting personally; and
 - (ii) where a respondent has been licensed in more than one Diocese or Hui Amorangi, or is no longer in active licensed ministry, the Provincial Chancellor, applying the principle that all matters of discipline and conduct should be resolved most reasonably proximate to those concerned, may determine who is to hold the role of the Licensing Bishop in respect of all matters relating to any part of this Title D.
 - (b) inserting in the Interpretation provisions, after the definition of “Respondent”, the following definition –

“Standards of Ministry” means the standards of ministry for Bishops, Ministers and Office Bearers set out in Canon I;
 - (c) replacing, in the definition of “Unsatisfactory conduct” in the Interpretation provisions, the words “Standards Required of Ministers” with the words “the Standards of Ministry”.
4. **Title D Canon III is amended by:**
 - (a) inserting, before Clause 1, the following words as a Preamble –

PREAMBLE

The purpose of this Title is protective: to safeguard the people of this Church, and all whom this Church serves, by upholding the standards of ministry to which its Bishops, Ministers and Office Bearers are accountable. The provisions of this Preamble and of this Title are to be read consistently with that purpose.

This Church aspires to the highest standards of ministry by its Bishops, Ministers and Office Bearers. The Standards of Ministry set out in Canon I express those aspirations and the obligations to which all who hold office or ministry in this Church are accountable.

This Church also acknowledges the humanity and fallibility of all persons. Not every failure to meet the Standards of Ministry will be of such a character that it calls into question a person’s fitness to hold office or to minister. Where a failure does not raise concerns as to fitness to minister, the Church encourages pastoral, restorative and reconciliatory responses in preference to formal disciplinary processes.

The processes under this Title are not intended to elevate minor or pastoral matters into formal disciplinary proceedings. Concerns, disagreements or failings that, even if proven, would not raise questions as to the respondent's fitness to hold office or to minister should ordinarily be addressed pastorally and within the relevant ministry unit, Diocese or Hui Amorangi, rather than through the processes of this Title.

The central question under this Title is whether the conduct complained of, considered in light of its nature, gravity, and any pattern of behaviour, raises concerns as to the respondent's fitness for ongoing ministry. This question informs every stage of the disciplinary process, from the initial assessment of a complaint through to its final determination.

Nothing in this Title diminishes this Church's commitment to the rigorous and independent investigation of all allegations of misconduct. Misconduct, as defined in Canon I, will always be treated as raising concerns as to fitness to minister and will be subject to the full disciplinary processes under this Title.

No person who has experienced harm is required to participate in any reconciliation process or to offer forgiveness. The agency for initiating reconciliation or forgiveness lies always with those who have been harmed.

(b) inserting, after clause 13, the following words as clause 13A –

13A. The Registrar, the Chair of the Ministry Standards Commission, any Church Advocate, and any tribunal or Appeal Tribunal constituted under this Title may make use of artificial intelligence tools in the discharge of their functions under this Title, subject to the following conditions:

- (a) artificial intelligence tools may be used only for administrative and preparatory purposes including the collation, organisation and summarisation of information, the preparation of preliminary drafts, and the identification and analysis of relevant material;
- (b) artificial intelligence tools must not be used to make or determine any finding, assessment, recommendation, or decision under this Title, all of which remain the sole responsibility of the person or body to whom the relevant function is conferred by this Title;
- (c) any material generated or substantially informed by artificial intelligence tools must be reviewed and approved by the person responsible for the relevant function before it is relied upon, provided to any party, or used in any proceeding;
- (d) where material generated or substantially informed by artificial intelligence tools is relied upon in any proceeding, the party relying on it must disclose that fact to the tribunal or Appeal Tribunal and to the other parties;
- (e) the use of artificial intelligence tools must comply with any applicable privacy legislation and with the confidentiality obligations under this Title, and no information subject to those obligations may be input into any artificial intelligence tool unless the person responsible is satisfied that adequate data security protections are in place; and

- (f) the use of artificial intelligence tools must comply with any guidelines issued by the Ministry Standards Commission under the regulations made pursuant to clause 17.
- (c) replacing clause 14 with the words –
 - 14. The provisions of this canon shall have effect for the purpose of regulating proceedings against any Bishop, Minister or Office Bearer or former Bishop, Minister or Office Bearer.
- (d) inserting, after clause 15, the following words as clauses 15A, 15B and 15C –
 - 15A. No complaint alleging conduct which does not fall within the definition of misconduct in Canon I may be received where the conduct complained of occurred, or the last instance of it in a course of conduct occurred, more than 12 months before the date on which the complaint is made, unless the Registrar is satisfied that the delay in making the complaint was occasioned by exceptional circumstances.
 - 15B. Clause 15A does not apply to any complaint alleging misconduct as defined in Canon I. There is no limitation period for complaints of misconduct.
 - 15C. The question of whether a complaint is within the limitation period in clause 15A may be assessed by the Registrar as part of a determination under clause 4A or as part of an assessment under clause 19.
- (e) replacing clause 18 with the words –
 - 18. Every complaint alleging a breach of the Standards of Ministry received by a Bishop, Minister or Office Bearer must be notified to the Registrar in writing.
- (f) inserting, after clause 18, the following words as clause 18A –
 - 18A. The Registrar may treat as a complaint, and refer for assessment under this Title, any information coming to the Registrar’s attention from any source which, if substantiated, would constitute a breach of the Standards of Ministry, whether or not the information has been received in the form of a complaint by an identified person. Where the Registrar acts under this clause:
 - (a) the Registrar is to be treated as the complainant for the purposes of this Title and may exercise all the rights and obligations of a complainant accordingly;
 - (b) the source of the information need not be disclosed to the respondent except to the extent necessary to allow the respondent a fair opportunity to respond to the matters alleged; and
 - (c) the assessment under clause 19, and any subsequent step under this Title, otherwise proceeds in the same manner as if the matter had been notified under clause 18.
- (g) replacing clause 37(b) with the words –
 - 37(b) the Provincial Chancellor, having consulted the Licensing Bishop and the Registrar, or in the case of a complaint against the Bishop, the Archbishop and the Registrar, shall appoint a tribunal, in accordance with clause 56, to hear the complaint, and the Provincial Chancellor shall nominate one of its members as chairperson of that tribunal.

(h) inserting, after clause 41, the following words as clause 41A –

41A. At any time after the Registrar has determined under clause 19 that a complaint should proceed to a disciplinary tribunal, and before a tribunal is constituted and able to consider an application under clause 43, the Licensing Bishop or, in the case of a Bishop, the Archbishop may, on the recommendation of the Registrar or the Church Advocate or on his or her own initiative, suspend the respondent from office and/or ministry, 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 a risk of harm or would adversely affect the Ministry of this Church.

The following further provisions apply to a suspension under this clause:

- (c) the respondent shall be given notice and a reasonable opportunity to make submissions before any suspension is imposed, save where the Licensing Bishop or, in the case of a Bishop, the Archbishop is satisfied that the urgency of the risk requires immediate action, in which case submissions shall be invited within 48 hours and the suspension reviewed in light of them;
- (d) clause 48 (preservation of stipend and emoluments) applies to any suspension under this clause; and
- (e) a suspension under this clause continues in force until lifted by the Licensing Bishop or, in the case of a Bishop, the Archbishop, or until the tribunal, on application made under clause 43, otherwise determines.

(i) replacing in the opening words of clause 42 the words “under clause 41 then” with the words “under either clause 41 or clause 41A then”.

(j) replacing clause 56 with the words –

56. A tribunal under this Part shall be constituted as follows:

- (a) a minimum of three people including:
 - (i) one Ordained Minister;
 - (ii) one non-ordained person; and
 - (iii) one person 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. This person shall be chair of the tribunal.

(k) replacing clause 78 with the words –

78. (1) The Appeal Tribunal for appeals consists of five members including:

- (a) the Provincial Chancellor (or his or her nominee), who shall be the Chair of the Appeal Tribunal;
- (b) a Primate/te Pihopa Mātāmua or Archbishop Emeritus of this Church (or, where there is more than one, then one of them chosen by themselves);

- (c) a member of the Judicial Committee who is not of the same house as the Chair of the Appeal Tribunal, appointed by the Provincial Chancellor in consultation with the Ministry Standards Commission for the particular appeal;
 - (d) a member of the House of Clergy appointed by the Provincial Chancellor in consultation with the Ministry Standards Commission for the particular appeal; and
 - (e) a person who is not a member of this Church appointed by the Provincial Chancellor in consultation with the Ministry Standards Commission for the particular appeal.
- (2) Any member of the Appeal Tribunal may fulfil more than one of the requirements set out in subclause (1)(a) to (e).

5. Title D Canon III Part A (Introduction & Principles) is further amended by:

- (a) replacing clause 4 with the words –
 - 4. Each complaint will initially be assessed by the Registrar under this Part.
- (b) inserting, after clause 4, the following words as new clauses 4A, 4B, 4C, 4D, 4E, 4F and 4H –
 - 4A. On receipt of a complaint the Registrar must first consider whether the conduct complained of, if proven, raises concerns as to the respondent’s fitness to hold office or to minister.
 - 4B. Where the Registrar determines that the conduct complained of, even if proven, would not raise concerns as to the respondent’s fitness to hold office or to minister, the Registrar may decline to receive the complaint and advise the complainant of non-disciplinary avenues available to them, including pastoral resolution within the relevant ministry unit, Diocese or Hui Amorangi or refer the complaint directly to the Licensing Bishop or, in the case of a complaint about a Bishop, the Archbishop, for pastoral resolution outside the processes of this Title.
 - 4C. In making a determination under clause 4A the Registrar must have regard to:
 - (a) the nature and gravity of the conduct alleged;
 - (b) whether the conduct alleged, if proven, would constitute misconduct as defined in Canon I (in which case the complaint must always proceed under this Title);
 - (c) whether the conduct alleged forms part of a pattern of behaviour;
 - (d) whether any person has suffered or may be at risk of suffering harm; and
 - (e) any other matter the Registrar considers relevant.
 - 4D. A complaint alleging conduct which, if proven, would constitute misconduct as defined in Canon I must not be determined under clause 4B and must proceed to assessment under clause 19.

- 4E. Where the Registrar determines that the complaint raises or may raise concerns as to the respondent's fitness to hold office or to minister, the Registrar must proceed to assess the complaint under clause 19.
- 4F. Where the Registrar makes a determination under clause 4B, the Registrar must provide written notice of that determination and brief reasons to the complainant within 14 days. Within 30 days of receipt of that notice the complainant may request the Chair of the Ministry Standards Commission to review the determination. Such review shall be on the papers and shall be completed within 30 days.
- 4G. If on a review under clause 4F the reviewer considers the determination to be plainly wrong, the reviewer may direct that the complaint proceed to assessment under clause 19. A determination under clause 4B that is upheld on review is final.
- 4H. Where the Registrar makes a determination under clause 4B to decline to receive a complaint, and the Registrar must notify the Respondent and the Licensing Bishop of the Respondent of the fact of the complaint and the decision to decline to receive it.

- 6. Commencement.** This Statute shall come into force at the conclusion of this Session of the 67th General Synod/Te Hīnota Whānui.

EXPLANATORY NOTE

This Bill carries forward the next phase of reform of Title D. The amendments are the product of consultation with the Ministry Standards Commission, the Honorary Legal Adviser to the General Synod, and senior counsel, and reflect operational experience under the canon as it stands and the decisions of the Judicial Tribunal and the Appeal Tribunal in matters arising under Title D.

The principal features of the Bill are:

- a new Preamble establishing the question of fitness to hold office or to minister as the central organising principle of the disciplinary process;
- a new preliminary assessment stage (clauses 4A to 4G) under which the Registrar must first consider whether the conduct complained of, if proven, would raise concerns as to fitness, with a route to pastoral resolution where it would not;
- a 12-month limitation period for non-misconduct complaints, with no limitation period for misconduct;
- a principled framework for the use of artificial intelligence tools by the Registrar, Church Advocate and tribunals;
- an enabling provision allowing the Registrar to initiate proceedings on information coming to the Registrar's attention from any source;
- a new interim suspension power vested in the Licensing Bishop, exercisable in the gap between the Registrar's decision to seek a tribunal and the tribunal being constituted, with the Tribunal retaining the power to review on a clause 43 application;
- application of the canon to former Bishops, Ministers and Office Bearers;
- reform of the composition of tribunals and the Appeal Tribunal;
- expansion of the definition of "Licensing Bishop" in Canon I to deal with respondents licensed in more than one Diocese or Hui Amorangi, or no longer in active licensed ministry; and

- a definition of “Standards of Ministry” in Canon I, with the term “Standards Required of Ministers” replaced so that a single term is used consistently throughout Title D.

Amendments to Canon VI (Letters Testimonial / Safe to Receive) are dealt with in a separate Bill.