

TITLE C**OF LEGISLATION****CANON I****OF ALTERATIONS IN THE CONSTITUTION / TE POUHERE**

1992

1. When any proposal shall be made under clause 4 of Part G of the Constitution / te Pouhere for any alteration, amendment, or repeal of any non-fundamental clause of the Constitution / te Pouhere, such proposal shall be introduced and dealt with in the same manner as is provided in the Standing Orders in respect of Bills. *Proposals for alteration in Constitution / te Pouhere 1874, 1992*
- 2.1 When any such proposal shall have been adopted by the General Synod / te Hīnota Whānui, it shall be made known to Te Runanganui o Te Pīhopatanga o Aotearoa, the Synod of the Diocese of Polynesia and the several diocesan synods in New Zealand in the following manner, viz: *Proposals once adopted to be made known 1874, 1992*
- The General Secretary shall, as soon as conveniently may be after the close of the session of the General Synod / te Hīnota Whānui, cause the same to be transmitted to Te Pīhopatanga o Aotearoa, the Bishop of the Diocese of Polynesia and the respective bishops of the dioceses in New Zealand, who shall at the next meeting of their respective governing bodies, as defined in clause 4 of Part D, and clause 5 of Parts E and F of the Constitution / te Pouhere, cause the same to be laid before such governing bodies respectively, and shall expressly invite their attention thereto.
- 2.2 The respective governing bodies shall declare their assent or otherwise thereto, and may declare their opinion thereon and embody the same in the form of a memorial to the General Synod / te Hīnota Whānui. *Governing bodies may send memorial 1874, 1992*
- 2.3 Te Pīhopa o Aotearoa and the respective bishops shall transmit such resolutions and such memorials (if any) to the General Secretary, who shall cause the same to be laid before the next biennial session of the General Synod / te Hīnota Whānui. *Bishops to transmit 1874, 1964, 1992*
- 2.4 In such following session of the General Synod / te Hīnota Whānui if Te Runanganui o Te Pīhopatanga o Aotearoa, the Diocesan Synod of the Diocese of Polynesia, and a majority of the several diocesan synods in New Zealand shall have assented to the proposal, the proposal shall be proceeded with in like manner as in the case of bills introduced by leave of Synod, and according to the Standing Orders applicable to such bills. *Proposal to be dealt with in General Synod / te Hīnota Whānui 1874, 1955, 1992*

3. If the proposal is finally agreed to, with no alteration other than merely of language not involving alteration of meaning, in accordance with the provisions of this canon, it shall be deemed to have been agreed to under clause 4 of Part G of the Constitution / te Pouhere. *Final adoption 1874, 1955, 1992*
4. If however the General Synod / te Hīnota Whānui shall make in the proposal any alteration not merely of language but involving alteration of meaning, the proposal so altered shall be deemed to be a proposal adopted by the General Synod / te Hīnota Whānui for the purposes of clause 2.1 hereof, and the provisions of clauses 2 to 4 hereof shall then apply to such altered proposal as if it had been a proposal originated in the manner prescribed by clause 1 hereof. *Altered proposal to be dealt with 1955, 1992*

CANON IIOF STANDING ORDERS AND RESOLUTIONS.

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| 1. | The Standing Orders which shall from time to time be made by any Synod for the ordering of its own proceedings shall continue in force until the same or any succeeding Synod shall make other Regulations in lieu thereof. | <i>Standing Orders to continue in force 1865</i> |
| 2. | At the close of each session of the General Synod / te Hīnota Whānui the Resolutions passed thereat shall stand referred to the Judicial Committee and the Judicial Committee shall prepare and present to the next Session of the Synod a schedule of all the Resolutions which in its opinion should be maintained in force. | <i>Judicial Committee to report on Resolutions of General Synod / te Hīnota Whānui 1934, 1986, 1996</i> |
| 3. | The said schedule shall be circulated with other matter sent to members before the session; and it shall be the duty of the President of the Synod to move at some time during the session that the schedule be considered by the Synod in committee and then presented to the Synod for adoption. | <i>Schedule of past Resolutions to be considered by General Synod / te Hīnota Whānui 1934</i> |
| 4. | Every Resolution so approved shall be styled a Standing Resolution and be printed in the Proceedings of the Synod under the heading Standing Resolutions of the General Synod / te Hīnota Whānui. | <i>Standing Resolution 1934</i> |
| 5. | No annulment or amendment of a Standing Resolution shall be made unless the motion for the same shall have been considered by the Committee of the whole Synod before it is submitted to the vote of the Synod. | <i>Amendments of Standing Resolutions 1934</i> |
| 6. | It shall be competent for the Judicial Committee to review Resolutions passed at previous sessions of the General Synod / te Hīnota Whānui, with a view to the preparation of a schedule of such Resolutions as should be included among the Standing Resolutions. | <i>Review of Resolutions passed heretofore 1934, 1986</i> |
| 7. | Any Resolution not included in the Standing Resolutions of the General Synod / te Hīnota Whānui shall remain in force until the meeting of the next ensuing biennial session of the Synod. | <i>Resolution in force during the life of the Synod, 1934, 1964</i> |

Be it resolved that, for ascertaining and declaring such assent, a copy of such Regulation shall be forwarded to the Primate / te Pīhopa Mātāmua, or to the bishop who is Acting Primate / te Pīhopa Aporei; and when so assented to by all the diocesan synods in New Zealand and in Polynesia and Te Runanganui o Te Pīhopatanga o Aotearoa, such Regulations shall have the force of a Regulation of the General Synod / te Hīnota Whānui from a day to be fixed by the Primate / te Pīhopa Mātāmua or Acting Primate / te Pīhopa Aporei, as the case may be.

*Copy of
regulation
1996*

6. There shall be a Statutes and Canons Committee of three persons appointed by the Primate / te Pīhopa Mātāmua at least two months prior to the beginning of each biennial session of Synod to:

*Statutes and
Canons
Committee
1883, 1964,
1986*

- (a) Examine and report to the President and the mover of each bill upon its drafting prior to consideration of such bill by Synod, and for that purpose the General Secretary shall refer a copy of each bill to the committee immediately the date for lodging bills has expired.
- (b) Note any changes made to the Canons during that session of Synod, and certify such changes at the conclusion of the session to the General Secretary who shall amend the Code of Canons accordingly.

7. At the conclusion of each Session the Code of Canons, so altered or added to, shall be signed by the Primate / te Pīhopa Mātāmua or by the bishop who is Acting Primate / te Pīhopa Aporei, who shall certify them in the following form, that is to say:-

*Certification
of Code of
Canons
1892, 1916,
1986, 1996*

I certify that the following is the Code of Canons of the Anglican Church in Aotearoa, New Zealand and Polynesia, as now in force. Dated this day of 20

And such certificate shall be prefixed to the amended Code, when such amended Code is printed, which shall be done as soon as possible after the conclusion of the Session of the Synod, unless otherwise ordered by the Synod.

8. Every Statute repealing or amending any Canon in whole or in part, or making any addition to the Code of Canons, or to any part thereof, shall be printed in the Appendix to the proceedings of the Session of the Synod during which it has been passed.

*Statutes to
be printed
1888*

- 9.1 All references in the Code of Canons to the "General Synod" shall be read and construed as references to "General Synod / te Hīnota Whānui", all references to "the Primate" as references to "the Primate / te Pīhopa Mātāmua", all references to "the Constitution", as references to "the Constitution / te Pouhere", all references to "the Province" or "this Province" or "the Church of the Province" or "the Church of this Province" or "the Church of the Province of New Zealand" or "the (or "this") branch of the United Church of England and Ireland" as references to "the Anglican Church in Aotearoa, New Zealand and Polynesia", and all references to "the Provincial Secretary" as references to "the General Secretary".

*Various
references
1996*

- 9.2.1 The General Secretary on the advice of the Committee on Statutes and Canons is hereby authorised to amend the wording of any Canon to ensure that its wording is consistent with the provisions of Clause 9.1 of this Canon. *Consistent wording 1996*
- 9.2.2 The General Secretary shall report any amendment made to any Canon under the Provisions of Clause 9.2.1 of this Canon to the next ensuing ordinary Session of the General Synod / te Hīnota Whānui. *Report amendments 1996*

CANON IV**OF THE JUDICIAL COMMITTEE****§1 Establishment**

1. **WHEREAS** it is provided in the Constitution / te Pouhere of this Church that any doubt which shall arise in the interpretation of the Constitution / te Pouhere for the time being of this Church shall be submitted for final decision to the General Synod / te Hīnota Whānui or to some tribunal established by it in that behalf; *1982, 1992*

AND WHEREAS it is provided that any person or persons aggrieved by any act or decision of Te Runanganui o Te Pīhopatanga o Aotearoa or of any diocesan synod or of the Synod of the Diocese of Polynesia may appeal to the General Synod / te Hīnota Whānui or to any board or court of appeal established by the General Synod / te Hīnota Whānui established for that purpose; and the General Synod / te Hīnota Whānui or such court of appeal shall finally decide such appeals;

AND WHEREAS it is desirable that all doubts which may arise in the interpretation of any canon or statute already passed, or hereafter to be passed, by the General Synod / te Hīnota Whānui or by Te Runanganui o Te Pīhopatanga o Aotearoa or by any diocesan synod or by the Synod of Diocese of Polynesia, shall be submitted for final decision by a tribunal set up in that behalf by the General Synod / te Hīnota Whānui:

NOW THEREFORE there is hereby established as such tribunal, board or court of appeal as the case may be and for all or any of the foregoing purposes of Part G clause 3, Part D, clause 7, Part E clause 7, and Part F clause 7 of the Constitution / te Pouhere to the exclusion of the General Synod / te Hīnota Whānui a body to be known as the Judicial Committee. *Committee established 1958, 1992*

§2 Membership

- 2.1 The following shall be qualified to be members of the Judicial Committee, namely; *Qualification of members, 1958, 1982, 1992*
- any bishop / pīhopa of the Church;
 - any ordained minister holding a bishop's licence or authorisation for any ministry, and
 - any lay member of the church who is enrolled as a barrister or solicitor of the High Court of New Zealand of not less than seven year's standing, or who holds similar qualifications and experience in any of the legal jurisdictions in the Diocese of Polynesia.
- 2.2 The Judicial Committee shall consist of nine members, in which number there shall be at least two members from each Tikanga; and among the nine members there shall be at least one bishop, at least one ordained minister, and at least three lay persons. *Number of members 1958, 1982, 1992*

- 2.3.1 The members of the Committee shall be elected in the manner hereinafter set out, and shall hold office until their successors are appointed. *Manner of election 1958*
- 2.3.2 At each ordinary session of the General Synod / te Hīnota Whānui, the President shall appoint a day and a time for the election of the Judicial Committee, and shall call for written nominations for membership of the Committee. *Written nominations 1958, 1992*
- 2.3.3 If at the time fixed for the closing of nominations, it shall be found that the number of nominations is insufficient to comply with the requirement of clause 2.2, the President shall thereupon call for further nominations; and Synod shall not proceed to further business until at least sufficient nominations are made as will comply with the said requirements. *Further nominations 1958, 1992*
- 2.3.4 Voting shall be by orders, and to be elected each person must obtain a majority of the votes in each order. *Voting by orders 1958*
- 2.3.5 If at the time for the election the number of persons nominated does not exceed the number required to comply with clauses 2.2, the President shall put to each order separately the question that the persons so nominated be elected. *Time of election 1958, 1992*
- 2.3.6 If a Declaration of Assent by Tikanga be called for, it shall be taken prior to the vote by orders, and shall be on the question "That the following names be included on the ballot paper for the election of the Judicial Committee"; and each Tikanga shall be asked to vote for or against each name. If any name does not receive a majority of votes in each Tikanga, that name shall be removed from the ballot paper;
- PROVIDED THAT if as a result of this vote, it shall be impossible to comply with the requirements of clause 2.2, additional nominations shall be called for; and a fresh Declaration of Assent by Tikanga may be requested on those additional names. *Additional nominations 1992*
- 2.3.7 If at the time for the election the number of persons nominated exceeds the number required to comply with clause 2.2, the Synod shall, subject to any request for a Declaration of Assent by Tikanga, proceed to the ballot. *Ballot 1958, 1992*
- 2.3.8.1 If as a result of the ballot, the number of persons receiving a majority of votes in each order is insufficient to comply with the requirements of clause 2.2, the following procedure shall be followed: *Ballot incomplete 1992*
- 2.3.8.2 The President shall declare the first two persons in each Tikanga (if any) who shall have received a majority of votes in each order to have been elected. *Majority votes 1992*
- 2.3.8.3 The President shall then declare the names of the remaining candidates, and the number of votes they received in each order. *Results to be declared*

- 2.3.8.4 A further ballot or ballots shall be held in like manner, until the required numbers be elected, first for the minimum number from each Tikanga, secondly for the minimum number from each order, and thirdly for the required number of members for the Committee. *Subsequent ballots 1958, 1992*
- 2.4 Any member of the Committee may by writing addressed to the Primate / te Pīhopa Mātāmua resign, and upon receipt of such resignation the office of such member shall be vacant. *Member may resign 1958*
- 2.5 If any member of the Committee shall resign, or shall become bankrupt or insolvent, or shall become a protected person under the Mental Health Act 1969 or any Act passed in substitution therefor or a protected person under the Protection of Personal and Property Rights Act 1988, or any equivalent laws applicable in the relevant part of the Diocese of Polynesia, or shall be convicted of an indictable offence, or shall be absent from the Territory of New Zealand or the Diocese of Polynesia without leave of absence from the Primate / te Pīhopa Mātāmua for a period exceeding six months, or shall die, the Primate / te Pīhopa Mātāmua shall declare the office of such member vacant, and the vacancy shall be filled by the Standing Committee of the General Synod / te Hīnota Whānui; *Forfeiting of office 1958, 1986, 1992*
- PROVIDED THAT if the Primate / te Pīhopa Mātāmua deems that there exists an urgent need to fill that vacancy, the Primate / te Pīhopa Mātāmua shall have the power, after consultation with the senior bishop of each Tikanga but subject to the provision of clauses 2.8 and 2.9 to appoint some person duly qualified as set out in clauses 2.1 and 2.2 to act as a replacement member. *Vacancy filled under urgency*
- 2.6 A member of the Committee shall not take part in the decision of any question or appeal to which that member or any body in which that person is a member is a party; and in every such case the Primate / te Pīhopa Mātāmua shall after consultation with the senior bishop of each Tikanga appoint some person duly qualified as set out in clauses 2.1 and 2.2 to act as a replacement member for that deliberation. *Case of member being interested 1958, 1992*
- 2.7 If all the bishops in any particular Tikanga be party to or members of the body that is party to an appeal, it shall not be incumbent upon the Primate / te Pīhopa Mātāmua to consult with the senior bishop of that Tikanga in the matter of the replacement of a member of the Committee as provided in clauses 2.5 and 2.6. *Case of Tikanga being interested 1992*
- 2.8 If the Primate / te Pīhopa Mātāmua deems that the urgency of the question or appeal precludes the consultation required by clauses 2.5 and 2.6, or if the Primate / te Pīhopa Mātāmua shall be unable through reasonable cause to consult with any particular senior bishop within reasonable time, then it shall be competent for the Primate / te Pīhopa Mātāmua to proceed to the appointment of a replacement member without the requirement of consultation with those senior bishops or that senior bishop; but shall notify those senior bishops or that senior bishop of the appointment as soon as possible. *Replacement under urgency 1992*
- 2.9 If the Primate / te Pīhopa Mātāmua be a party to or a member of any *Case of*

body which is a party to any question or appeal, then the bishop who would be the Acting Primate / te Pīhopa Aporei and who is not a party thereto or a member of a body which is party thereto shall act in the place of the Primate / te Pīhopa Mātāmua for the purposes of this Canon.

Primate / te Pīhopa Mātāmua being interested 1958, 1992

- 2.10 Each partner shall establish a procedure to determine the seniority of bishops in that Tikanga for the purposes of this Canon.

Determination of seniority of bishops

§3 Committee Procedure

- 3.1 As soon as possible after the election of the Judicial Committee a chairperson and a deputy-chairperson thereof shall be appointed by the members from amongst their number and any vacancy in either office shall as soon as possible be filled by the appointment of a member to such office. Such appointments or either of them may be made at a meeting of the Judicial Committee or if all the members thereof so agree may be made by the majority by a resolution in writing signed by such majority. Until the appointment of a chairperson or deputy-chairperson as aforesaid or during any vacancy in either office or upon any occasion upon which both the chairperson and the deputy-chairperson are parties interested in any proceedings before the Judicial Committee the Primate / te Pīhopa Mātāmua may appoint any member to act as chairperson or deputy-chairperson.

Appointment of officers 1958, 1986, 1992

- 3.2 The quorum of the Committee shall be five.

Quorum 1992

- 3.3 The concurrence of at least five members of the Committee shall be necessary for the exercise of the powers vested in the Committee.

Five members to concur 1992

- 3.4 The Judicial Committee may appoint a secretary who need not be a member and may make provision for such secretary's remuneration.

Secretary 1958

- 3.5 The Judicial Committee shall make and keep minutes of its proceedings and shall forward a certified copy of the same to the Primate / te Pīhopa Mātāmua to be laid before the General Synod / te Hīnota Whānui at its next ensuing meeting. All reports and resolutions of the Judicial Committee shall be published in the next printed proceedings of the session of General Synod / te Hīnota Whānui, and annotation shall from time to time be made by the General Secretary to the appropriate canons or clauses of the Constitution / te Pouhere affected by any decision or resolution of the Judicial Committee.

Minutes 1958, 1992

- 3.6 The Judicial Committee shall have power to make such rules as may be necessary or expedient for the conduct of proceedings in matters brought before it, and any such rules shall be communicated to the bishops of this Church and reported to the General Synod / te Hīnota at the commencement of the session next following the time of their being made.

Power to make rules 1958

- 3.7 The decision of the Judicial Committee in any matter shall be communicated to the Primate / te Pihopa Mātāmua, the other bishops, and the parties interested in the proceedings. *Decisions to be made known, 1958, 1992*

§4 Determination of applications

- 4.1 Every application for the determination of any question by the Judicial Committee, and every notice of appeal to the Judicial Committee, shall be in writing, signed by the applicant or appellant, in such form as shall from time to time be prescribed by the Judicial Committee, and in particular and until so prescribed stating clearly the nature of the question to be determined or the matter of the appeal, the grounds upon which the applicant or appellant claims to be practically interested therein, the facts of the case without any admixture of comment or argument, and the Canon, Statute, Deed or Instrument (if any) of which interpretation is sought, or the act or decision of the Diocesan Synod appealed from. Every such application or notice of appeal shall be accompanied by a written statement signed by the applicant or appellant, setting forth the arguments relied upon by such applicant or appellant, and stating fully who are all the persons or bodies whom such applicant or appellant believes to be practically interested in the question for determination or the matter of the appeal. *Submitting of questions for decision, 1958*
- 4.2. The applicant or appellant shall cause such application or notice of appeal, and such written statement, together with seven copies of each, to be delivered to the Chairperson of the Judicial Committee. The applicant or appellant shall in addition supply such further copies of the application or notice of appeal and written statement as may be requested by the Chairperson of the Judicial Committee. *Copies to chairperson 1958*
- 4.3 The Judicial Committee shall then give directions as to the party or parties who are to receive notice of the proceedings, the form and manner in which such notice is to be given and the time or times after the receipt of such notice within which such party or parties may state their case or cases to the Judicial Committee. In all cases it shall be directed that notice of the proceedings shall be given to (a) all persons or bodies stated by the applicant or appellant to be practically interested; (b) the Bishops of the Anglican Church in Aotearoa, New Zealand and Polynesia; (c) any other person or body which the Judicial Committee in its discretion determines is or may be interested. *Directions as to notices 1958*
- 4.4. Within the time limited by such notice (or within such further time as the Judicial Committee may allow on application in that behalf made before or after the expiration of the time so limited) each party receiving such notice may cause to be delivered to the Chairperson of the Judicial Committee a written statement of case, signed by that party, upon the question submitted or upon the matter of the appeal and any such statement shall be accompanied by seven copies thereof (and such further copies as may be required by the Chairperson), one of which shall be sent by the Chairperson or Secretary of the Judicial Committee to the applicant or appellant. *Parties may submit written statement 1958*
- 4.5. The applicant or appellant within such time as the Judicial *Reply may*

- Committee may prescribe in that behalf may cause a written statement of reply signed by such applicant or appellant, to be delivered to such Chairperson, who shall cause a copy (to be furnished by the applicant or appellant upon request) to be sent to every other party to the proceedings. *be submitted 1958*
- 4.6. The Chairperson of the Judicial Committee shall fix the time and places at which the Judicial Committee shall from time to time meet. Such Chairperson shall also cause to be delivered to each member, as soon as conveniently may be after receiving the same, a copy of every application, notice of appeal, written statement, or other document in connection with any such proceedings. The Judicial Committee shall in all cases coming before it before proceeding to a decision give notice to each party calling upon such party to advise within 14 days of the receipt of such notice whether or not that party wishes to be heard in person or by Counsel and if a request for a hearing is made then the said Committee shall fix a time and place for the hearing and if no such request is made or if a request is made and the party making the same has been heard or has failed to appear at the time and place determined then the Judicial Committee may proceed to a decision. *Chairperson to call meetings 1958*
- 4.7. If any party to whom has been given such notice as is mentioned in Clause 4.3 hereof shall fail to deliver, within the time mentioned in Clause 4.4 hereof, a statement of case, or shall satisfy the Judicial Committee that that party ought not to be made a party to the proceedings, the Judicial Committee may decide the question for determination, or the matter of the appeal, or any part thereof, notwithstanding the absence of such statement or the non-participation of such party. *Power to determine in absence of party 1958*
- 4.8. The Judicial Committee shall have power, whenever it shall think fit, to call for evidence upon any matter before it, and in that case to make provision for the attendance or representation of the parties. *Evidence 1958*
- 4.9. Notwithstanding anything hereinbefore contained the Judicial Committee may at its discretion in circumstances which are exceptional of which it shall be the sole judge and if so requested by the Primate / te Pīhopa Mātāmua consider a matter placed before it and if upon such consideration so minded may make an interim decision where such a decision is proper to be made and is in its opinion urgently required and without following completely the procedure hereinbefore prescribed. Any such interim decision shall be binding upon all persons concerned unless and until altered or reversed by the Judicial Committee. Any person aggrieved or dissatisfied with an interim decision given as aforesaid may request that the matter be referred back to the Judicial Committee in which case the procedure hereinbefore laid down for all matters brought before it shall be followed, provided however that no action taken or thing done in reliance upon or in pursuance of such an interim decision shall be brought into question nor be affected by any subsequent or final decision of the Judicial Committee on the matter which may be at variance with the interim decision. *Power to make interim decision*

§5 Rules

- 5.1. It shall be competent for the Judicial Committee from time to time to make such rules as may be necessary or expedient for regulating the proceedings of the Diocesan Courts or the Court of Appeal established in pursuance of Title D, Canon I and to alter or rescind the same as occasion may require provided that the rules so to be made shall not be repugnant to any of the provisions of the said Canon and further that all such rules and any decisions of the Judicial Committee altering or rescinding such rules shall be laid before the General Synod / te Hīnota Whānui at the commencement of the session next following and communicated to the Bishops of this Church.

*Committee
to make
rules for
Diocesan
Courts 1958*

§6 Fees

Deleted 2000

§7 Interpretation and Expenses

- 7.1. Any reference in any other Canon to "Standing Commission" shall be deemed to be a reference to the Judicial Committee hereby established.
- 7.2. Any reference herein to the Primate / te Pīhopa Mātāmua, shall, unless the context shall otherwise require, and if the office of Primate / te Pīhopa Mātāmua be vacant, or if the holder of that office be absent from New Zealand or Polynesia or for any other cause be unable to act, be deemed to be a reference to the Acting Primate / te Pīhopa Aporei as defined in Clause 13 of Part C of the Constitution / te Pouhere.
- 7.3. The travelling and accommodation expenses of the members of the Judicial Committee and of the General Secretary incurred in attending meetings and all other expenses incurred by the said Committee including any remuneration which it shall decide to pay to its Secretary shall be paid by the Treasurer of General Synod / te Hīnota Whānui out of a fund to be allocated biennially by the General Synod / te Hīnota Whānui for that purpose.
- 7.4. The terms "bishop" and "bishop / pīhopa" shall extend to mean any bishop / pīhopa exercising episcopal ministry within any diocese, Pīhopatanga, hui amorangi, region or area.

*Standing
Commission
1958*

*Reference to
Primate / te
Pīhopa
Mātāmua
1958, 1996*

*Expenses
1958, 1964,
1986, 1992*

*Bishop
Defined
1958, 1982,
1996*

CANON V**OF A TRIBUNAL ON DOCTRINE**

1. As provided for by Part C clause 10 of the Constitution / te Pouhere there is hereby established a Tribunal on Doctrine, for the purpose of deciding all questions of doctrine duly referred to it. *Tribunal established 1992*
2. The Members of the Tribunal shall be: *Membership*
- 2.1 (a) Three bishops (any of whom may be a resigned or retired bishop) elected by the bishops in full-time active and constant episcopal ministry in the dioceses in New Zealand. *Bishops from the dioceses*
- (b) A bishop (who may be a resigned or retired bishop) elected by the bishops in full time active and constant episcopal ministry in Te Pīhopatanga o Aotearoa. *Bishop from Te Pīhopatanga*
- (c) A bishop (who may be a resigned or retired bishop) representing the Diocese of Polynesia. *Bishop from Polynesia*
- 2.2 Persons in the orders of priest or deacon equal in number to the aggregate number of bishops. *Clergy*
- 2.3 Lay persons who have been baptised and are of the age of at least 20 years and are otherwise duly qualified to be members of the General Synod / te Hīnota Whānui equal in number to the aggregate number of bishops. *Lay persons*
- 3.1 The priests or deacons and lay persons shall be elected by the members of the General Synod / te Hīnota, the priests or deacons being elected by the clergy and the lay persons by the lay members, and such election shall be conducted otherwise in accordance with the principles of partnership as expressed in the Constitution / te Pouhere regulations and standing orders of the General Synod / te Hīnota Whānui. *Manner of election*
- 3.2 The first election shall take place following the adoption of this Canon.
- Thereafter at each ordinary session of the General Synod / te Hīnota Whānui the bishops shall retire and their places shall be filled by bishops elected as aforesaid (the retiring members being eligible for re-election); and two priests or deacons and two lay persons shall retire their places to be filled by priests or deacons and lay persons elected as aforesaid (the retiring members being eligible for re-election) with the order of retirement of those first elected being determined by lot, and of those subsequently elected by the length of their tenure of office or by lot where the number who have held office for the greatest length of time exceeds the number of those required to retire. *Elections at General Synod / te Hīnota Whānui*

- 3.3 If any casual vacancy shall occur by death, resignation in writing, or other cause, such vacancy shall be filled by a member elected by the General Synod / te Hīnota Whānui or by its Standing Committee, whichever shall next meet, and any person so elected shall retire at the time the predecessor of such member in office would have retired. *Filling of casual vacancy*
- 3.4 The members of the Tribunal holding office at the commencement of any hearing or inquiry into any question shall continue to hold office until the same has been disposed of. *Tenure of office during hearing*
- 3.5 No person shall sit as a member of the Tribunal when it is hearing or considering any matter in which that person is an applicant or party. *Member interested*
- 3.6 A quorum of the Tribunal shall be a majority of members entitled to sit in each order PROVIDED at least one person from each Tikanga shall be present. *Quorum*
- 3.7 No application to the said Tribunal shall be determined except with the concurrence in writing of at least two-thirds of the persons hearing the matter. *Concurrence of members*
- 4.0 No application shall be made to the Tribunal except by at least seven persons, one of whom must be a bishop of this Church, one of whom must be a priest or deacon holding the licence of a bishop of this Church, and one of whom must be a lay person who has been baptised and is of the age of at least 20 years and is otherwise duly qualified to be a member of the General Synod / te Hīnota Whānui and all the rest of whom must be either bishops, ordained ministers or lay persons as described aforesaid. *Seven persons required to make application*
- 5.0 The regulations set out in the schedule hereto shall govern the proceedings of the Tribunal, and subject thereto the Tribunal shall have full power to conduct its proceedings as it sees fit. *Powers of Tribunal*

SCHEDULE

Regulations for the Conduct of the Proceedings of the Tribunal on Doctrine

1. Every application under this canon shall be instituted by a notice of application, which shall be signed by each of the applicants and shall set forth the following matters: *Notice of application*
 - (1) The full name, address and occupation of each of the applicants;
 - (2) The qualification of each applicant under clause 4 of this Canon, including, in the case of a licensed priest or deacon, a statement as to the office to which that priest or deacon is licensed, and, in the case of a lay person a statement as to the parish or other ministry or mission unit or worshipping community in which the name of that person is registered.
 - (3) An address to which notices intended for the applicants in connection with their application may be sent.
 - (4) The names, addresses, and occupation of the persons (if any) not being more than three, appointed by the applicants to represent them in all proceedings connected with their application; no such person need be one of the applicants or have any qualifications under the Canon.
 - (5) A concise statement as to the question or matter of doctrine which the applicants allege to involve a departure from the doctrine and sacraments of Christ referred to in the Constitution / te Pouhere or upon which the applicants wish an opinion or advice to be given and as to the nature of any alleged departure from doctrine.

2. Such notice of application shall be delivered at the office of the General Secretary, who shall forthwith send a copy thereof to each member of the Tribunal. *Delivery of notice*

3.
 - 1) The Tribunal may appoint three members of the Church, one being a bishop, the second a priest or deacon, and the third a layperson, to form a committee to be charged with the duty of presenting to the Tribunal perspectives and opinions in answer to the doctrinal propositions being advanced by the applicants. This said committee may appoint three persons to represent it in all proceedings connected with the application and to advocate its case before the said Tribunal. No such person need be a member of the said committee or of the General Synod / te Hīnota Whānui, or have a qualification under the Canon. If any member of the said committee shall die, or become incapable of acting or unwilling to act, the place of that person on the said committee shall become vacant, and shall be filled by another member of that person's own order appointed by the Tribunal. Provided that the said committee may act*Committee may prepare material in answer*

notwithstanding any casual vacancy in their number.

- 2) All notices and other documents in connection with the application may be served upon the said committee by being delivered at the office of the General Secretary, who shall immediately forward a copy of the same to each member of such committee, as well as to the members of the Tribunal. *Notification to committee*
4. Within a period of two calendar months after service of a notice of application, the said committee shall cause to be served upon the applicants at their address for service a concise statement of their case in reply to the matters contained in the notice of application, and shall deliver a copy of such statement at the office of the General Secretary. *Statement of case in reply*
5. The Chancellor or Legal Adviser of the Diocese / Te Pīhopatanga in which the Primate / te Pīhopa Mātāmua is Bishop may upon application in that behalf made by the said committee within one calendar month after the service of the statement referred to in clause 4 hereof, and after giving the applicants an opportunity of being heard, order the applicants to give security to that Chancellor's or Legal Adviser's satisfaction, within two calendar months after the making of such order, in a sum not exceeding \$5,000 for the payment of such costs and expenses of the application as the Tribunal may order the applicants to pay to the said committee or for and towards the costs of the Tribunal. Until such order for security shall have been complied with, all proceedings by the applicants upon the said application shall be deemed to be stayed, and if such security shall not be given within three calendar months after the making of such order, or such extended time (if any) as the said Chancellor or Legal Adviser may grant in that behalf, the said applications shall stand dismissed, and the Chancellor or Legal Adviser may order the applicants to pay to the said committee such sum as is appropriate for the costs and expenses of the application. *Security may be required*
6. The Primate / te Pīhopa Mātāmua shall then fix such time and place as shall be thought to be convenient for the hearing of the application and the General Secretary shall forthwith give notice thereof to every member of the Tribunal and to each of the applicants and to each member of the said committee. The time fixed for the hearing of the application shall be not less than two or more than six calendar months after the delivery by the said committee of its statement of its case. *Time and place for hearing*
7. If at the time and place fixed for the hearing of the application a quorum of the said Tribunal shall not be present, the hearing shall be adjourned for a period of not less than fourteen days or more than two calendar months, and so on from time to time until the application can be heard. *Adjournment if quorum not present*

8. The Tribunal may inquire into the qualification of all or any of the applicants under this canon and if any shall, after being given an opportunity of being heard in support of their qualification, be found by the Tribunal not to be so qualified, that name shall be struck out from the applicants. If as the result of such striking out less than seven applicants shall remain, the remaining applicants shall be given an opportunity of adding sufficient qualified persons to make up at least seven applicants within one calendar month after the number of applicants shall have been reduced below seven and if they shall fail to do so the application shall stand dismissed. If the application shall be dismissed under this clause, the Chancellor may order the applicants to pay to the said Tribunal a sum for the costs and expenses of the application in the same manner as if the appeal had been dismissed after hearing under clause 10 hereof.
- Qualification of applicants*
9. Upon the hearing of the application the Primate / te Pīhopa Mātāmua shall preside, and the Tribunal shall hear first the case presented by or on behalf of the applicants, then the case presented by or on behalf of the said committee, and then the reply of the applicants. The Tribunal may thereupon deliver its judgment, or it may adjourn to consider the application. If there shall be more than one application, the President of the Tribunal may, as a matter of discretion, direct that any two or more applications be heard together.
- Tribunal hearing procedure*
10. At the hearing of the appeal the case on either side may be presented by any one or more of the applicants or of the said committee, or of the persons appointed to represent the applicants or the committee. If there shall be no appearance either by or on behalf of the applicant or by or on behalf of the committee, or no appearance on each side, the Tribunal may decide the appeal notwithstanding any such non-appearance.
- Case of non-appearance*
11. The Tribunal shall specify in its judgment, advice or opinion, the matters in respect of which it finds that there is involved a departure from the said doctrine and sacraments, or a matter of doctrine requiring its advice and opinion.
- Tribunal to be specific*
12. The Tribunal may award such sums as it shall think fit towards its costs and expenses of the application, and such sums shall constitute a debt due. The General Synod / te Hīnota Whānui, or, if it be not in session, the Standing Committee thereof, may make provision for the payment of such sums out of any funds under its control available for the general purposes of the Church.
- Awarding of costs and expenses*
13. If the Primate / te Pīhopa Mātāmua shall be an applicant, or from any cause be absent or be unable to act, every reference to the Primate / te Pīhopa Mātāmua, or to the Chancellor / Legal Adviser of the Diocese in which the Primate / te Pīhopa Mātāmua is Bishop, in these regulations shall be deemed to be reference to the person who would be Acting Primate / te Pīhopa Aporei or to the next senior bishop who is not an applicant, and to the appropriate respective Chancellor or Legal Adviser.
- Case of Primate / te Pīhopa Mātāmua being absent*