

REPORT OF SMALL WORKING GROUP ON THE POWERS OF GENERAL SYNOD STANDING COMMITTEE

August 2025

Executive Summary

The working group reviewed the General Synod Standing Committee (GSSC) decision of 2022 that led to Motion 10 at the 2022 General Synod/ Te Hīnota Whānui (GSTHW), and the subsequent decision of 2023-24, considered the adequacy and use of the provision of the delegated powers from GSTHW to General Synod Standing Committee (GSSC) provided in Title B/ Canon I, compared these to similar provisions in other provinces, and recommend:

1. That such provision is desirable and required and should be carefully and sparingly used.
2. That the provisions of Title B Canon I Clause 3.11 should always be considered and used, if time permits, before consideration of the use of Clause 3.12.
3. That any such resulting decision from the use of these provisions should be reported to all GSTHW members within 10 working days.
4. That GSTHW ratification of any such decision is unnecessary.
5. That any such decision should not be 'interim' nor have an expiration date.

Further:

6. Consideration should be given to fixed terms and number of consecutive terms for all three Tikanga appointments where permissible, and
7. Consideration should be given to a general provision for any GSTHW communications to be permissible by digital or electronic means.

1. Background

General Synod/Te Hīnota Whānui in 2022 resolved:

Motion #10

Motion to Review the Delegated Powers of the General Synod Standing Committee

Mover: The Rt Rev'd Andrew Hedge Second: The Rt Rev'd Te Kitohi Pikaahu

That in view of events in 2022 concerning the governance of St John's Theological College and the actions of GSSC,

(a) This GSTHW establishes a small working group to consider the present adequacy of the provisions of Title B as regards the delegation of powers to GSSC and reports to GSTHW 2024 with proposals for canonical amendment if that is seen as appropriate.

- (b) That GSSC be directed to develop detailed terms of reference and populate the working group and that funds be made available from the GSSC funds to support the working group.

Agreed.

2. **A small working group** was formed comprising Mele Taliai, Jeremy Hema, Chris Harding, and the General Secretary Rev'd Canon Michael Hughes.
3. The group first met by Zoom in May 2025 and have had several zoom meetings since. We have considered the present provisions of the Canons, and other matters.

We report as follows.

4. The Canons provide a clear process for bringing matters before the GSTHW.

General Synod/ Te Hīnota Whānui meets only once every two years, and the process of placing matters before it is extended, and inherently unsuitable for matters of significant urgency.

Title B /Canon 1 /Clauses 3.11 and 3.12 are the two relevant processes to condense decision-making by the General Synod Standing Committee between General Synods/ Hīnota Whānui.

Title B /Canon I / Clause 3.11 allows for the bypassing of the formal General Synod/ Hīnota Whānui process. The clause 3.11 process requires consideration and sign-off by each Diocesan Synod and/or Standing Committee. That process does not require consultation with the Diocese before decision, or in a formal sense reporting to the General Synod/ Te Hīnota Whānui for ratification.

In a practical sense that process can potentially take months and may not be suitable or available in all cases.

Title B /Canon 1/Clause 3.11 provides:

The Standing Committee shall have power to initiate regulations for assent pursuant to Part C clause 11 of the Constitution / te Pouhere, to receive reports from commissions, boards and other bodies set up by the General Synod, to institute such inquiries as it may think necessary, and in particular, to ascertain the opinion of the synods or of the Standing Committees of the several dioceses in New Zealand and of Te Runanga or Te Runanga Whāiti o Te Pīhopatanga o Aotearoa or of any Hui Amorangi or Amorangi Whāiti or of the Synod or Standing Committee of the Diocese of Polynesia on any matter which it may propose to them. *Powers of committee*

Clause 3.12 provides:

The Standing Committee shall have power to act on behalf of the General Synod / te Hīnota Whānui in such matters not otherwise provided for, as may seem to demand prompt and united action.

5. Other provinces and Church organisations have similar provisions with a greater or lesser degree of discretion.

(a) **Melanesia** provides it's Standing Committee with wide delegated powers, including "to consider and act upon as appropriate any matter referred to it (including any urgent matters) by the Council of Bishops or any other institution, organisation or bodies of the church that cannot await the next meeting of General Synod" It is required to report to the next meeting of General Synod .

(b) **In Australia** the Standing Committee of General Synod, which acts much as our Standing Committee, is empowered to "take such action with reference to national issues and public functions as it should consider desirable...provided that any such action taken by the Standing Committee...and not previously sanctioned by the Synod shall be reported to the Synod at its next meeting.

There is no express decision for emergency powers exercisable at speed.

(c) **The Episcopal Church of the United States of America** has a General Convention not a General Synod. That has an Executive Council roughly similar to our General Synod Standing Committee which has powers between sessions of the General Convention to initiate and develop such new work as it may deem necessary. There is no express power to move swiftly, but in view of the breadth of the authority the Council has, such a provision may be unnecessary.

(d) **The Church of Canada's Constitution of the General Synod** likewise empowers its Council which is the equivalent of the GSSC to be responsible for the overall strategic planning visioning within the mandate of the General Synod. Again, there is no express power to move swiftly.

6. Advice from the Provincial Chancellor, Bruce Gray KC (then QC), to the General Synod Standing Committee in relation to its earlier exercise of powers under Canon 3.12 included that it would be prudent for the General Synod Standing Committee to recognise that they are acting on behalf of the General Synod/Te Hīnota Whānui and that it would be appropriate for any exercise or power to be submitted to the next meeting of General Synod/Te Hīnota Whānui for ratification. That process was in fact followed in relation to the decisions relating to the restructure of St John's Theological College in 2022 and The Anglican Insurance Board in 2024.

7 The use of Clause 3.12 twice in the last five years is strongly suggestive of the utility of such provisions.

8 Is such a provision required?

We conclude that in principle a “short-cut” process is desirable and required for urgent matters. We further recommend that such a process should only be used when ‘emergency powers’ are required and should not be resorted to regularly.

We note that in each of the above cases in 2022 and 2024 the decision of the General Synod Standing Committee was put to the next General Synod/Te Hīnota Whānui for ratification and was affirmed.

9 Should such decisions require reporting/ratification?

After some consideration we have concluded that there is little utility in requiring ratification by the next General Synod/Te Hīnota Whānui of decisions made under urgency using clauses 3.11 and 3.12. It is easy to conceive of matters which are done and cannot be undone, and equally easy to conceive of the situations in which it would be highly undesirable if the General Synod/ Te Hīnota Whānui purported to disallow decisions which had been made because of the undesirable consequences.

In our view the appropriate course is to require decisions made under such provisions to be reported promptly to the wider church, and to the next General Synod/Te Hīnota Whānui. Given access to, and regular use of, digital communications by GSTHW and GSSC, we recommend this promptness should require reporting to all GSTHW members within 10 working days. Prompt reporting would enable any person or church body disaffected by the decision to place the matter before the next General Synod/ Hīnota Whānui and it is proper to allow time for that to happen.

General Synod/ Hīnota Whānui can in any event reconsider its decisions and decisions made on its behalf. There is no need for further process to enable that.

10 Expiration of Interim Decision

We considered whether a decision made by the General Synod Standing Committee should expire unless ratified by General Synod/ Hīnota Whānui. For reasons set out earlier in relation to ratification, we do not consider that to be a useful process because of the potential difficulties expiring and setting aside previous decisions could raise.

11 Availability of clause 3.12

We consider that the clause 3.12 process ought not to be available unless the alternatively clause 3.11 process will not provide an answer within the necessary time – i.e. if there is an urgent matter 3.11 if available ought to be considered and used or discarded, before 3.12 is turned to. Such a provision would limit the circumstances in which 3.12 could be used.

12 Canonical amendments

We attach possible amendments to the Canons to reflect our recommendations

Other matters

13 Term of Three Tikanga Appointments

We observe in passing although recognising that it is outside our remit, that amongst the issues raised with regard to the St John's College decision was the question of the term of appointments.

We raise the prospect of there being fixed terms for all provincial appointments subject to any particular special provisions being necessary, possibly of four years with one possible renewal and then a standdown period. If such a process was applied to all provincial appointments, there would be greater clarity about term of office and rights to stand again.

Digital Means for Communications

Noting the provisions made in Title A/ Canon I/ Clause 10 in 2012 to expressly permit any requirement in that Canon for communication to be by electronic means, and the later provision in Standing Order 99 in 2014 for any GSTHW papers and communications to be by electronic means, and noting the above recommendation for prompt communication of any decision taken under Canon I / Title B /Clause 3.11 or 3.12, we recommend consideration of an express provision applying to all Canons and Regulations of the GSTHW to allow any communication to be by electronic or digital means.

Small Working Group

Ms Mele Taliai, Mr Jeremy Hema, Judge Chris Harding, Rev'd Canon Michael Hughes.