

Anglican Diocese of Waiapu

Agenda for the First Session of the 61st Synod to be held on Saturday 20th September and Sunday, 21st September, 2014 at All Saints' Parish Complex, 23 Puketapu Street, Taradale commencing at 9.00am.

EUCHARIST FOLLOWED BY BIBLE STUDY

WELCOME & INTRODUCTION

The President, the Reverend Brian Hamilton, Vicar General, to open the Synod and welcome members.

DECLARATION OF A QUORUM

The Diocesan Registrar to confirm that a quorum is present and the President to declare Synod in session.

PROCEDURAL MOTIONS

The President to move items 1-2 on the Order Paper:

- i. Establishing Hours of Business
- ii. Procedural Motions.

1. HOURS OF BUSINESS

The hours of business of this Synod shall be:-

SATURDAY 20 September 2014

Synod

Morning Session	9.00 am to 12.30 pm
Morning Tea	10.30 am
Lunch	12.30 pm
Afternoon Session	1.15 pm to 4.30 pm
Social – Drinks	6.30pm
Social - Dinner	7.00pm

SUNDAY 21 September 2014

Synod to resume

Morning Session	8.30 am to 9.30 am
Synod Service	10.00 am to 11.00 am
Morning Tea	11.00 am to 11.30 pm
Lunch	12.35 pm
Afternoon Session	1.15 pm to 4.00 pm.
Afternoon Tea	3.00 pm

except that when in the opinion of the President the discussion on any particular item on the Order Paper is almost completed, an extension of time may be allowed for its completion, provided that the sitting finish not later than half an hour after the stated time. Unfinished business will be referred to the Standing Committee.

2. **SYNOD ARRANGEMENTS**

- a) That the Minutes of the proceedings of the Second Session of the 60th Synod as printed in the 2013 Year Book on pages 10-38 be taken as read and confirmed in accordance with Diocesan Standing Order 8(d).
- b) That the following persons be granted a seat in this Synod with the right to speak:

Archbishop Phillip Richardson
Archbishop Brown Turei
Bishop Ngarahu Katene
Bishop Elect Andrew Hedge

Youth Synod members

- c) That the following Officers be appointed for the Second Session of the 60th Synod of this Diocese:

Committee Chairperson	Mr Hugh McBain
Committee Deputy Chairperson	Mr Brian Watkins
Clerical Secretary	Rev Margaret Thompson
Lay Secretary	Mrs Elaine Wood
Publicity Officer	Rev Noel Hendery
Timekeeper	

3. **GREETINGS**

The President to announce greetings from:-

Bishop Victoria and
The Diocese of Christchurch

4. **APOLOGIES**

Clergy:

Rev'd Dermot Buchanan	Hodgson House Chaplain
Rev'd Andrea Bussell	Havelock North Parish
Rev'd Joan Edmundson	Waipaoa Parish
Rev'd Nigel Kynoch	Westshore Parish
Rev'd Rosalie McCullough	Waipawa Parish
Rev'd Maureen Martin	Gisborne Hospital Chaplain
Rev'd Joan Minchin	Te Puke Parish
Rev'd Graeme Pilgrim	Cathedral Parish
Rev'd Barbara Walker	HB Regional Hospital Chaplain

Laity:

Mr Mark Hames (resigned)	Hastings Parish (vacant)
David Gordon	Eastland Youth
Mr Garth Laing	Holy Trinity Parish, Tauranga
Mrs Gloria Lewis	Opotiki Parish
Mr Peter Minchin (Alt Mrs Fiona Hansen)	Te Puke Parish
Mrs Mary Ovenden	East Coast Parish
Ms Susanna Shelton (Alt MrsCherie Crawshawe)	Otumoetai Parish
Cherie Crawshawe (Alt)	Otumoetai Parish
Mrs Felicity Street (Alt Tess Le Guern)	Mount Maunganui Parish

The President to move:

5. **PRESIDENTIAL ADDRESS**

6. **ELECTION OF MEMBERS TO STANDING COMMITTEE**

The President directed the election of:

5 Clergy members

5 Lay members

to represent the Synod on the Standing Committee for a two year term.

The Board of Nomination for Standing Committee membership will present to Synod their recommendations to comprise Standing Committee for the next two years.

Members of the Board of Nomination are:

CLERGY

Rev'd Robert Bruere	Bay of Plenty
Rev'd Joan Edmundson	Eastland
Rev'd Dorothy Brooker	Hawke's Bay

LAY

Mrs Gloria Lewis	Bay of Plenty
Mr Paul Sparks	Eastland
Ms Christine Kerr	Hawke's Bay

The names of those nominated by the Regional Conferences for election to Standing Committee are as follows:

	<u>CLERGY</u>	<u>LAY</u>
Bay of Plenty	Rev'd Arthur Bruce Rev'd Alex Czerwonka Rev'd Paul Williamson	Mr John Binns Mr Peter Minchin
Eastland	Rev'd Petra Barber Rev'd Ron Elder	Mrs Frances White

Hawke's Bay

Rev'd Jo Crosse
Rev'd Heather Flavell
Rev'd Dr Howard Pilgrim

Miss Alison Thomson
Mr Brian Watkins

7.

CONFIRMATION OF STATUTES *(Pink)*

The President to move confirmation of the following Statutes passed by General Synod:

That pursuant to Part B, Clause 6 (a) of the Te Pouhere/the Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia, this Synod assents to the following Statutes and is to inform the General Secretary accordingly:-

Statute 711 – amending the Constitution by the addition of a definition for ‘Authorised Services’, as the first step in a series of changes to bring liturgical authorisation into alignment between the Church of England Empowering Act, the Constitution, and the Canons.

If confirmed in 2016, following your assents, it will lead to a repeal of G/VI and an amendment to G/XIV as explained in the attached documents from GSTHW 2014 (‘Bill 4’ with Notes, and ‘Bill 4a Chancellors Advice’)

Note that the Statute being sent to you differs slightly, but not materially, from the Bill at GSTHW 2014, with ‘the 1928 Act’ being spelled out in full as ‘the Church of England Empowering Act 1928’ on the advice of the Statutes and Canons Committee.

Statute 712 – amending the Liturgy of Baptism and the Laying on of Hands for Confirmation and Renewal, with clarified *rubrics* about the placement of this liturgy in a Liturgy of the Eucharist.

Statute 713 – making the references to Sunday Titles consistent in our liturgies and documents.

Bill No 4 - A Bill to Amend the Constitution/Te Pouhere (Authorised Services), 2014 and rationale

Motion 18 – People Matter/He Taura Tangata.

8.

INTRODUCTION OF BILLS

The President to declare the following Bills to be read for the first time:-

- 1) A Bill intituled “**A Bill to Amalgamate Te Hapara Parish & Holy Trinity Parish, Gisborne**”.

Moved: Rev'd Stephen Donald
stephen.donald@xtra.co.nz

Seconded: Rev'd Sheryl McGrory
greigandsheryl@slingshot.co.nz

9.

REPORT ON ACTIONS TAKEN PURSUANT TO 2013 SYNOD RESOLUTIONS

Reports will be received from the floor on actions taken on resolutions.

- a. Diocesan Enterprises – Rev'd Alex Czerwonka

- b. Papamoa Mission – Rev'd Adrienne Bruce
- c. Living Wage – Rev'd Ron Elder
- d. Fossil Fuel – Colleen Kaye, Diocesan Registrar.

DIOCESAN ENTERPRISES

Rev'd Alex Czerwonka to report
Motion:

'That Standing Committee be asked to establish a working group to report to Synod 2014 on the concept of establishing Diocesan enterprises to intentionally engage in trading to raise funds for the mission of the church

Interim Report on Diocesan Enterprises - to Waiapu Synod 2014

Introduction: At Waiapu Synod 2013 I presented a proposal that a small group explore the concept of developing Diocesan Enterprises whose purpose will be to engage in trading activities designed to give expression to the values of the church and to raise funds for the life and mission of the church and that this group is to report to Synod 2014. Please receive the interim report below.

Members of the Working Group are Rev Alex Czerwonka, Peter Minchin of Te Puke, and Brian Watkins of Havelock North. We have not met as a group, however information has been shared and concepts explored. A major resource which has yet to be finalized will be the report and findings from my sabbatical research project on 'Business as Mission'. This will not be completed before the date of Synod 2014. However there are some preliminary findings that are helpful. In summary:

Sabbatical Research: some early findings on the subject of 'Business as Mission'

- Foundations of Business. A strong case can be made that the modern business environment which has led to unprecedented economic prosperity starting in the Western World and now the standard model globally is based on Judeo-Christian principles and values. Economies fail when they stray from those values so it is important the unique Christian contribution is upheld. In modern times the argument was most notably advanced by Max Weber in his 1904-05 work *The Protestant Ethic and the Spirit of Capitalism*. Study and research in this subject is being carried out at a number of institutions including three I was able to visit: the Faith in Business Project at Ridley Hall, University of Cambridge led by Rev Richard Higginson; Transforming Business which is an innovative research and development project in the University of Cambridge led by Peter Heslam; and the Ely Cathedral Business Group based at Ely Cathedral. The NZ Social Entrepreneur Fellowship is a local organisation exploring these concepts.
- Missional enterprises explored: I was especially interested in exploring enterprises that were consistent with the Five Marks of Mission and managed to visit a number of these. They were engaged in areas including hospitality (Monastery Stays/ Anglican Centre Rome/ Lee Abbey); food (charitable cafes and restaurants); environment (Eden Project); justice and transformation (Joel Nafuma Refugee Centre/ Anglican Centre Rome / Missionaries of Charity); and homelessness (Joel Nafuma Centre/ The Big Issue). Seeing the creative ways these enterprises raise funds, employ people and make a difference in their communities and environments was inspirational.

Missional enterprise opportunities in Waiapu: As already observed, Waiapu has a track record as an enterprising Diocese principally in establishing effective social services such as rest homes, early childhood centers and also with Op-shops. Many of these began as Parish-based initiatives and the social services rely on significant government contracted funding. In continuity with this experience some new possibilities could be explored in the areas of food and accommodation hospitality, and hosted tours based around our significant early Christian, cultural and environmental heritage. Another possibility is the planned expansion of our Op-shops by creating a network with a recognizable brand and new products (beyond 2nd hand clothes).

Proposed guiding principles

- Trading activity will be consistent with the values and mission of the Church
- The Diocese to be the legal owner of each Enterprise
- Enterprises must be linked to a Parish or other Diocesan body by a formal agreement
- Enterprises will value people and promote voluntary contributions and service
- Employed staff will receive a living wage or higher depending on skills and responsibilities
- Enterprises must be profitable and soundly governed and managed according to approved Diocesan standards
- Surpluses generated must be shared proportionately amongst the participating parties

Further work is required

- Research: The opportunities for missional Enterprises as above and of other possibilities using existing resources as much as possible need to be researched.
- Governance provision and structure. Work needs to be done on identifying the best structure for ensuring proper governance and management of these enterprises.
- Business planning: Promising possibilities that are identified will need to have Business plans outlined and proposed.

Recommendation: That further work be done by the Enterprise Group in the areas identified by this interim report and a progress report be prepared for Synod 2015.

PAPAMOA MISSION

Rev'd Adrienne Bruce to report

Motion:

That Synod be asked to request that the Standing Committee of the Diocese appoint an Advisory Group to:

- a) review the progress being made by the Papamoa Mission;**
- b) to identify further missional opportunities;**
- c) to identify the next steps towards its formation as a Parish;**
- d) to bring recommendations to Synod 2014 on the next steps for this Emerging Ministry Unit.**

And that Synod recommends than the Advisory Group be made up of:

- **The Wardens and Local Priest of the Papamoa Mission**
- **The Vicar General, the Rev'd Brian Hamilton**
- **A Bay of Plenty Regional Executive/Standing Committee member, the Rev'd Alex Czerwonka**
- **The Regional Dean for the Bay of Plenty, the Rev'd Adrienne Bruce.**

Report to Synod 2014 –Papamoa East Future Ministry Development

At the Diocesan Synod 2013 the following motion was passed.

That Synod requested that the Standing Committee of the Diocese appoint an Advisory Group to:

- a) review the progress being made by the Papamoa Mission;
- b) to identify further missional opportunities
- c) to consult with the wider community
- d) to bring recommendations to Synod 2014 on the next steps for this Emerging Ministry Unit.

And that Synod recommend that the Advisory Group be made up of:

- The Wardens and Local Priest of the Papamoa Mission
- The Vicar General, the Rev'd Brian Hamilton
- A Bay of Plenty Regional Executive/Standing Committee member, the Rev'd Alex Czerwonka
- The Regional Dean in the Bay of Plenty, the Rev'd Adrienne Bruce.

The following is a report on progress.

An Advisory Group of the above people met to address the points raised in the motion.

- It became very evident at the three meetings held that the future direction of ministry in the Papamoa area needed to be a diocesan initiative and part of a wider diocesan strategy for the future.
- One of these meetings was with the Wairakei Trust, an ecumenical trust which includes us as Anglicans, who are also considering securing land for the future and have been in conversation with the Tauranga City Council about possible support for land purchase.
- A conversation with St Paul's Co-operating Parish minister (from which the Anglicans withdrew in 2001) may have had merit also however this church is not situated in what will become the new area of housing and business. This parish is also part of the Wairakei Trust.
- The advantage we have as an Anglican group is that we already have services to the community operating effectively and this is acknowledged by the Wairakei Trust members.

Our challenge, which requires careful and unrushed planning, is to ensure that the widest consultation possible is undertaken, that we are clearer about the future of ministry so that we can meet future needs, that we are able to time our development to the development of the Wairakei and Te Tumu developments if at all possible, and that this is an initiative of which the new bishop must be an essential part.

However the following points are noted:

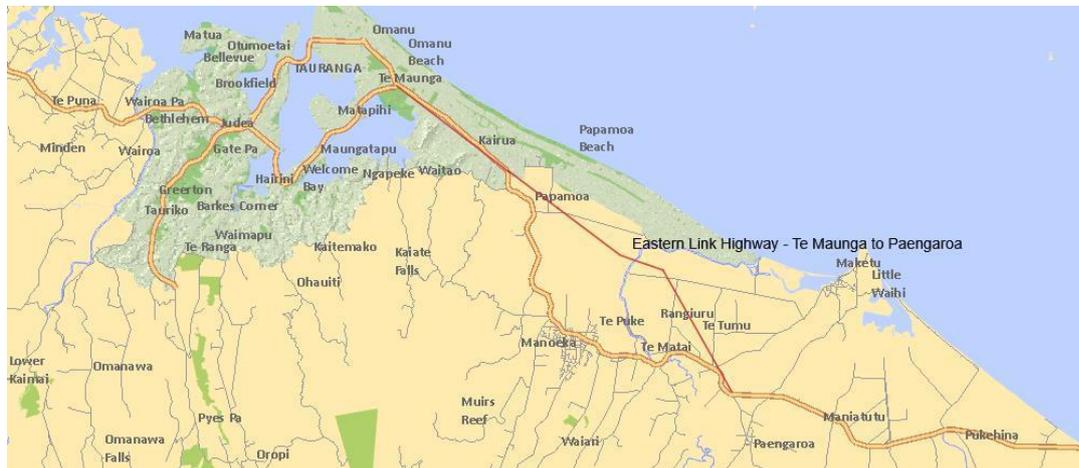
- Since 2000 several social services, namely an Op Shop (The Dovecote); Beachaven Community House and the Papamoa Support Centre have been developed and currently the only social services offered to this Papamoa community from Pacific View through to the Te Tumu block (10 kilometres of coastal strip) are provided by the Anglican Diocese of Waiapu.
- The Mission House has also been established as a worshipping congregation and offers a playgroup to the local community. Again its provision is not only a small worshipping congregation but ministry to the wider community in terms of social, emotional and spiritual need.
- A Memorandum of Understanding has been signed in August 2014 which will bring Beachaven Community House and the Mission together on the Mission House site. This will provide a stronger joint focus in the short to medium term, until further decisions about siting of future ministry can be agreed.
- The development of Papamoa East has not been as rapid as was initially anticipated in 2000 – 2004 when developers began to sell sections. The planned township of Modena has still not been started. A very small amount of building has just started mid 2014 across the Wairakei stream.

- No land has been set aside by the developers for any faith-based activities so anything we decided to undertake has to be developed alongside any other group or business.
- Current advertising states: *Papamoa (population 20,100) is the largest suburb in Tauranga City. Papamoa has miles of white sandy beach stretching from Mount Maunganui in the west to the Kaituna River in the east. Papamoa is now one of the fastest growing areas in New Zealand due to the increase in popularity of coastal communities, close proximity to Tauranga and recent local shopping developments.*

The urban areas within the Eastern Corridor, including Papamoa East, Te Puke and Rangioru – see map below, are expected to grow significantly in the future, with around 60,000 new residents anticipated to move to the area. Development in the Eastern Corridor includes the Eastern Link Highway due for completion in 2015. In broad terms, future development along the Eastern Corridor is expected to contribute around \$8.5 billion to the Western Bay of Plenty sub-region economy.

This includes:

- 17,500 new homes;
- 450 hectares of industrial development;
- Up to 100,000 square metres of shops, office and commercial activity.



The Reverend Adrienne Bruce (Regional Dean in the Bay of Plenty)
 For the committee

LIVING WAGE

Rev'd Ron Elder to report

Motion:

That this Synod, recognising that the widening gap between rich and poor harms all of society and that paying a "Living Wage" lifts people out of poverty:

- (a) Affirms the Christian values inherent in the concept of a "Living Wage"; and
- (b) Declares its support for the Living Wage Campaign; and
- (c) Strongly urges all Waiapu ministry units and agencies (including WASSTB) to ensure that employees are paid at least a Living Wage as recommended by the Living Wage Campaign; and
- (d) Requires that a report from all ministry units and agencies on current wage rates be presented to the 2014 Synod in order to monitor progress toward this goal.

That this motion lay on the table.

FOSSIL FUEL

Diocesan Registrar, Colleen Kaye to report

Motion:

Original Motion: The Diocese of Waiapu (including all associated and subsidiary entities) commits to divesting itself, over the next three years, of all investments in fossil fuel companies.

Amendment: To delete 'of all investments in fossil fuel companies' and replace these words with 'in companies whose primary focus is the extraction and processing of fossil fuels.'

Amended Motion:

The Diocese of Waiapu (including all associated and subsidiary entities) commits to divesting itself, over the next three years, in companies whose primary focus is the extraction and processing of fossil fuels.

10.

EXTENSION OF VESTRY ELECTIONS TO BIENNIALY & LIMIT TO TIME ON VESTRY

Motion:

- | | | | |
|-----|---------------------------------------------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------|
| (1) | Rev'd Richard Vialoux
richard@mountanglican.org.nz | (2) | Mrs Felicity Street
streetscottage@xtra.co.nz |
|-----|---------------------------------------------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------|

1. That members of vestry including elected members, appointed wardens, regional representatives, youth representatives be elected/appointed to their respective roles for a two year period, aligned with the election of synod representatives.
2. That no member of vestry with the exception of the vicar appointed warden be on vestry for more than three two year terms. The member on reaching such time must step down for a minimum of 1 two year term before being able to be nominated for a position.

Rationale:

Currently members are elected each year. This can mean that a new vestry needs to meld and create new relationships every 12 months. Lengthening the term of appointment in align with synod terms will reduce the need for voting each year, give a vestry better time to engage as a group and improve the ability to plan long term.

Having a fixed maximum term in office will ensure members are not burnt out and hopefully encourage new members to be on vestry ensuring a changing environment within the parish leadership team.

After discussion of each part separately (including an amendment which was lost) the motion was put in two parts.

That Part 1 as follows be forwarded to the Diocesan Synod for consideration: That members of vestry including elected members, appointed wardens, regional representatives, youth representatives be elected/appointed to their respective roles for a two year period, aligned with the election of synod representatives.

11.

ELECTIONS AT AGM'S

Motion:

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|-----|--------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------|
| (1) | Rev'd Stephen Donald
stephen.donald@xtra.co.nz | (2) | Mr Ray James
rayjames@xtra.co.nz |
|-----|--------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------|

That all elected parish positions shall require the vote of at least 50% of those present at parish AGMs to be declared elected.

Rationale: to ensure that those nominated for parish positions have the full confidence of those on the parish electoral roll, especially applicable where there is only one person nominated for a position.

12.

CHILD PROVERTY

Motion:

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|-----|-------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------|
| (1) | Rev'd Ron Elder
ronelder@clear.net.nz | (2) | Mrs Kay Scragg
sg@lyttonhigh.net |
|-----|-------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------|

That this Synod:

1. Deplores the fact that 27% of New Zealand children live in households where income falls below the poverty line and that this figure has remained relatively flat since 2009 as reported by the Children's Commissioner (May 2014)
2. Deplores the injustice of a system that delivers family income support through tax credits to the exclusion of children in families that receive benefit income, student allowance, pensions or long-term ACC payments.
3. Supports the Children's Commissioner's call for reducing child poverty to be a "top-line mission" of government and for the enactment of child poverty legislation that includes income measurements and targets

4. And calls for the following courses of action:

- a. The release of a public statement on the Synod's concern to see a reduction in child poverty levels to be sent to media outlets and to the Leaders of all political parties.
- b. Letters and emails from ministry units and individual parishioners in the diocese to all MPs and relevant ministers in the incoming government to call for urgent action to reduce child poverty.
- c. Challenges to candidates in the upcoming election concerning their commitment to ensuring real reductions in child poverty levels by such means as posing questions at election meetings and emailing or writing to candidates.

References:

Office of the Children's Commissioner: Legislating to Reduce Child Poverty May 2014

<http://www.occ.org.nz/assets/Publications/OCC-Summary-Sheet-Legisating-to-Reduce-Child-Poverty.pdf>

Child Poverty Action Group: Press Release 15 May 2014

<http://www.cpag.org.nz/news/media-release-urgent-needs-of-poorest-must-1/>

Amendment from HB Regional Conference:

2. Deplores the injustice of a system that supports children of working parents through tax credits, yet provides no income support for children in families that receive benefit income, student allowance, pensions or long term ACC payments or who are raised by other family members.

13.

**POLICY FOR BUILDINGS FOR THE
WAIAPU DIOCESE**

Motion:

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|-----|------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------|
| (1) | Mrs Janette Hudson
janette.hudson@nettel.net.nz | (2) | Rev'd Howard Pilgrim
hnp@howardpilgrim.com |
|-----|------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------|

That Standing Committee revises the Policy on Buildings for the Diocese of Waiapu, approved and implemented at Synod 2013 to include more definitive criteria for closure of a building that may be deemed to be not fit for purpose.

Policy for Buildings for the Waiapu Diocese

1. The purpose of this policy:
 - 1.1. This policy provides a basis for the purpose of owning property for public worship or community use by all Waiapu Diocesan entities, including parishes.
 - 1.2. The policy provides a framework to support the purchase and maintenance of buildings used for public worship and to provide criteria to indicate reasonable limitations on maintenance expenditure or for the disposal or closure of buildings.
 - 1.3. Other property such as vicarages are excluded from this policy.
2. Missional purpose of buildings.
 - 2.1. The primary considerations in the selection, ownership and retention of

buildings by Diocesan entities shall be for the furtherance of the mission of the church as set out in the Introduction to the Anglican Diocese of Waiapu, Section A 1, 2 and 3. (Appendix 1)

- 2.2. In addition, Parishes shall be guided in their property ownership, retention and use in order to enable their local mission as defined in Canon 1 Of Parishes, Section 2. (Appendix 2)
- 2.3. Social Service entities shall be guided by the same principles of missional use and fitness for purpose as relevant to their activities.
- 2.4. Those making decisions on the purchase, maintenance or disposal of buildings at local level in parishes or at the Diocesan level shall ensure that the buildings under consideration will be fit for the purpose of the mission of the church.
 - Fitness for purpose will include the considerations set out above in 2.1 and 2.2
 - Other considerations shall include:
 - Compliance with relevant laws and bylaws relating to buildings, construction and materials, property use, health and safety, resource consents, drainage, parking, licensing and limitations or restrictions.
 - Wherever possible fitness for purpose will include consideration of the use by other organisations where there is commonality of values or purpose with that of the church. This may include but not be limited to community organisations and trusts, schools, choirs, other Christian churches or entities, iwi organisations.
 - Location. Consideration will be given to ensuring that buildings used for the mission of the church are safe and accessible to the primary community of faith that uses the building. Location and access will include consideration for safe entry and exit for both vehicles and people, access for maintenance and care, adequate parking and space for outside activity and assembly in the event of a disaster.
 - Risk and fitness for purpose assessment. A risk and fitness for purpose assessment will be made of every building owned or under consideration of acquisition. Risk and fitness for purpose shall be reviewed annually.
3. Criteria for evaluating reasons for limiting maintenance or for the closure or disposal of a building.
 - 3.1. Retention of the ownership of buildings by Diocesan entities including parishes shall be reviewed at least once per ten years.
 - 3.2. A schedule shall be drawn up to record the dates, nature of the review, the persons or group conducting the review and the results or recommendations of the review of each building.
 - The Schedule shall be kept by the Diocesan Registrar and those Parishes or other bodies with local oversight shall be advised of the need to conduct a review of the building at the beginning of the tenth year since the anniversary of the previous review.
 - In the event of there being a concern raised about the building a review may be instigated at any time.

- 3.3. Criteria that lead to concern about retention of a building shall include:
- a. State of repair and age
 - b. Historical or heritage values
 - c. Cost of ongoing maintenance
 - d. Soundness of construction and suitability of materials
 - e. Identified risks or change of risk profile
 - f. Seismic risk and requirement for engineering work
 - g. Identified deficiencies in fitness for purpose
 - h. Suitability of location
 - i. Changes in zoning, building standards, roading or predominant use in the location
 - j. Cost of insurance or the insurability of the building
 - k. Financial viability of the community of faith or principal users of the building
 - l. Interest of the wider community
- 3.4. The considerations above in 3.3 shall be used to evaluate the costs as against the benefits and value of retaining any building and the consequences of limiting maintenance. (See Section 4)
- 3.5. Any proposal to consider the disposal of a building must be brought to the Board of Diocesan Trustees as the legal owner of all Diocesan property; after an evaluation and assessment process by the community of faith as the principal user of the building, following approval of the Vestry of the Parish; or by the Vestry of the Parish; or by the Bishop or the Standing Committee of the Diocese.
- 3.6. Any proposal to dispose of a property shall only be made following a carefully designed process to ensure all interested parties are consulted. The process shall be designed and led by the Bishop or the Bishop's appointee.
- 3.7. An outline of the process to dispose of a property or building follows:
- If there is a concern raised about the viability of a building the Vicar or Chairman of the vestry in a Local Shared Ministry Parish shall advise the Bishop.
 - The Bishop or the Bishop's appointee shall design and arrange a process to evaluate the building of concern.
 - The evaluation and assessment process is carried out with the community of faith with the support of the Vicar and Vestry, taking into account the factors in section 2 and 3.3 above.
 - A consultative meeting is held with all parishioners
 - Consultative meetings may be held with other interested parties
 - A proposal to dispose of a property is put to the vestry of the Parish
 - The proposal is presented to the Diocesan Faculties Committee who shall make a recommendation to the Bishop and Standing Committee.
 - A decision is made.
- 3.8. Urgent Closure: If in the judgment of the Bishop and the Standing Committee of the Diocese considerations of safety are extreme, due to physical risk, non-compliance with building standards or seismic or other risk, the Bishop and

Standing Committee may act with urgency to order the closure of a building until such time as remedial work can be done or other options are explored.

4 Maintenance

- 4.1 In the event of a decision to retain a building that is in need of significant maintenance a person or company skilled and qualified in building maintenance shall be engaged by the Parish to fully assess the costs of the required maintenance.
- 4.2 In the event that the costs shall be more than the value of the building the matter shall be referred to the Faculties Committee for consideration.
- 4.3 Factors to be taken into consideration before an agreement to proceed with maintenance shall be those set out above in 3.3 with particular attention to items b), k), and l).
- 4.4 A process similar to that outlined in 3.7 shall be engaged in with the principal focus being on the issue of the maintenance requirements and costs.

14. **CANON 15 CATHEDRAL CHAPTER**

Motion:

- | | |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| (1) Very Reverend Michael Godfrey
dean@napiercathedral.org.nz | (2) Miss Alison Thomson
a-thomson@xtra.co.nz |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|

That the revision of the Diocesan canons include a change to the current Canon 15 so that the election of the Cathedral Chapter regional representative happens every two years (to align with the other biennial elections at the Regional Conference) rather than the three year cycle currently being followed for the Chapter.

15. **APPROVAL OF BILLS IN PRINCIPAL**

- 1) A Bill intituled **“A Bill to Amalgamate the Parishes of Te Hapara & Holy Trinity, Gisborne.”**

That the Bill be confirmed the following day.

16. **WAIAPU ANGLICAN SOCIAL SERVICE TRUST BOARD**

Motion:

- | | |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| (1) Mr John Palaret
john.palaret@npe.bdospicers.com | (2) Mr Peter O'Brien.
gm@wasstb.com |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|

That the report of the Waiapu Anglican Social Services Trust Board be adopted.

SYNOD DINNER

The Synod dinner is to be held at the All Saint's Parish Complex, commencing with drinks from 6.30pm and dinner at 7.00pm.

SYNOD IN SESSION

9.30am – Travel to the Waiapu Cathedral, Browning Street, Napier for the Synod Service commencing at 10.00am.

11.00am – Morning Tea at All Saints' Parish, Taradale

11.30am - Synod resumes.

17. **OVERSEAS MISSION**

Mr Mike Hawke of the NZ Anglican Missions Board will address the Synod.

Motion:

- (1) Mr Hugh McBain langton@xtra.co.nz (2) Rev Brian Hamilton bjhamilton@maxnet.co.nz
- a) That the report of on Missions be received.
- b) That Synod set the mission giving target for 2013 at \$195,000 [*same as previous year*].

18. **WAIAPU BOARD OF DIOCESAN TRUSTEES**

Motion:

- (1) Mr Garth Laing garth@landmass.co.nz (2) Mr Hugh McBain langton@xtra.co.nz

That the report and Financial Statements of the Waiapu Board of Diocesan Trustees for the year ended 31st March 2013 be adopted.

19. **WAIAPU BISHOPRIC ENDOWMENT TRUST**

Motion:

- (1) Mr Garth Laing garth@landmass.co.nz (2) Mr Hugh McBain langton@xtra.co.nz

That the report and Financial Statements of the Waiapu Bishopric Endowment Trust for the year ended 31st March 2013 be adopted.

20. **CONFIRMATION OF BILL**

Synod to confirm the Bill:.

- 1) A Bill intituled **“A Bill to Amalgamate the Parishes of Te Hapara Parish and Holy Trinity, Gisborne Parish”**

21. **DIOCESAN MINUTES AND SCHEDULES**

Motion:

- (1) Rev Alex Czerwonka (2) Mr Brian Watkins
alexcz@xtra.co.nz brian.watkins@xtra.co.nz

That the following reports and minutes be tabled:

- Minutes of Standing Committee.
- Diocesan Property Schedule.
- Parish Statistical Returns for the year ending 31st December 2013.

22. **DIOCESAN REPORTS**

Motion:

- (1) Rev Alex Czerwonka (2) Mr Brian Watkins
alexcz@xtra.co.nz brian.watkins@xtra.co.nz

That the following reports presented to this Diocesan Synod be adopted:-

	Pages
a) Acts of the Bishop	A2-A8

23. **DIOCESAN ACCOUNTS AND BUDGET**

Motion:

- (1) Mr Hugh McBain (2) Rev Alex Czerwonka
langton@xtra.co.nz alexcz@xtra.co.nz

- That the Financial Statements for the Diocese as audited for the year ending 31st March, 2014 be adopted.
- That the Diocesan Budget for the year ending 31st December, 2015 make provision for the following expenditure \$1,515,393 subject to final confirmation and adjustment by the Standing Committee.
- That the Parish Assessment total for the year ending 31st March, 2016 be \$510,300

24. **VARIOUS REPORTS**

Motion:

- (1) Rev Brian Hamilton (2) Alison Thomson
bjhamilton66@gmail.com a-thomson@xtra.co.nz

That the following printed reports to be received:

	Pages
1) Standing Committee	A9-A10
2) Bay of Plenty Bishop's Chaplain	A11
3) Hawke's Bay Bishop's Chaplain	A12
4) Eastland Region Bishop's Chaplain	A13
5) Diocesan Ministry Educator	A14-A15
6) Bay of Plenty Regional Executive	A16
7) Eastland Regional Executive	A17
8) Hawke's Bay Regional Executive	A18
..9) Diocesan Youth & Families Committee	A19-A20
10) Waiapu Anglican Social Services Trust Board	A21
11) Waiapu Archives Report	A22
12) Association of Anglican Women Report	A23

13)	Overseas Missions Report	A24
14)	Diocesan Registrar's Report	A25-A26
15)	Diocesan Statistical Returns	A27-A28
16)	Rotorua Hospital Chaplain Report	A29
17)	Tairāwhiti District Health Chaplain's Report	A30
18)	Hawke's Bay Hospital Chaplain Report	A31-A32
19)	Tauranga Hospital Chaplain Report	A33
20)	Carter House Chaplains Report	A34
21)	Hodgson House Chaplain's Report	A35
22)	Te Wiremu Chaplain's Report	A36
23)	Waiapu House Chaplain Report	A37
24)	Hawke's Bay Regional Prison Chaplain's Report	A38
25)	Bay of Plenty District NZ Police/NZ Fire Service Chaplain's Report	A39
26)	Anglican Cursillo in Waiapu Report	A40
27)	The Mission to Seafarers Report	A41
28)	Waiapu Board of Diocesan Trustees Report	A42
29)	Waiapu Bishopric Endowment Trust Report	A43
30)	Hereworth School Chaplain's Report	A44
31)	Hereworth School Trust Board	A45
32)	St Matthew's Primary School Report	A46
33)	Woodford House Chaplain's Report	A47-A49
34)	Parish Assessment Percentages	A50

The President to move that the reports be accepted.

25. **APPOINTMENT OF AUDITORS**

Motion:

- | | | | |
|-----|------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------|
| (1) | Mr Hugh McBain
langton@xtra.co.nz | (2) | Mr Brian Watkins
brian.watkins@xtra.co.nz |
|-----|------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------|

That for the year ending 31st March 2014, the following audit arrangements to be approved:

Hawkes Bay Audit	for the Hereworth School Trust Board
Pricewaterhouse Coopers	for St Matthew's Primary School.

Grant Thornton be appointed as auditors for the audit of:

Anglican Diocese of Waiapu
Waiapu Bishopric Endowment Trust
Waiapu Board of Diocesan Trustees
Waiapu Anglican Social Services Trust Board.

26. **MINUTES OF SYNOD**

Motion:

- | | | | |
|-----|------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------|
| (1) | Mr Hugh McBain
langton@xtra.co.nz | (2) | Rev Alex Czerwonka
alexcz@xtra.co.nz |
|-----|------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------|

That the Minutes of this Synod to be confirmed by Standing Committee.

27.

MOTION OF THANKS

Motion:

(1) Rev Ron Elder
ronelder@clear.net.nz

(2) Alison Thomson
a-thomson@xtra.co.nz

A motion that;

The thanks of Synod be conveyed to:-

The host parishes organisers and helpers.

The President of Synod.

The Synod Secretaries

The Diocesan Administration Staff

- for their part in arranging the affairs of Synod.

Next year's Synod will be in Gisborne at a venue to be determined.

**BILL TO AMALGAMATE
THE PARISHES OF TE HAPARA PARISH AND HOLY TRINITY,
GISBORNE, PARISH**

WHEREAS AS Title B, Canon V of Local Ministry and Mission Units states that ‘Dioceses in New Zealand acting in terms of Part E, Clause 5 of the Constitution shall make regulations to determine;

The Constitution and structure of Local Ministry Mission Units through which ministry can be provided by and to members of the church, and through which mission of the Church can be promoted within that Tikanga.

AND AS the Church membership of the Parishes of Te Hapara and Holy Trinity, Gisborne have agreed to amalgamate their Parishes, to create a new Parish of the Gisborne, following a General Meeting of Parishioners held at Te Hapara Parish on the 19th July, 2014.

AND WHEREAS this Synod is satisfied that the amalgamation of Parishes would be in the interests of both parties.

IT IS THEREFORE ENACTED by the Bishops, Clergy and Laity in Synod assembled as follows;

1. The Short title shall be *‘The Te Hapara and Holy Trinity, Gisborne Parishes Amalgamation statute 2014’*
2. The boundaries of the new Parish of Gisborne, shall be as listed in the Schedule.

Schedule

Starting from the point on the Taruheru River nearest to that corner of the Gisborne-Makaraka main road known as the Showgrounds Corner, thence to the Showgrounds Corner, thence due south to the coast-line, thence along the coastline to the point at which the coastline is nearest to Stanley Road, thence north-north-east by a line 50 yards eastwards of Stanley Road to the Taruheru River, thence following the said Taruheru river upstream to the starting point and including; Starting from the extremity of the headland known as Tatapouri, thence north-west to Trig 110 (Tatapouri), thence to trig 152 (Pukeakura), thence in a straight line to the south-west a distance of six miles to the Waru Stream, thence south-south-west in a straight line to the Taruheru River at the point on that river nearest to that corner on the Gisborne-Makaraka main road known as the Showgrounds Corner, thence following the said Taruheru River downstream to the point at which it is nearest to Stanley Road, thence south-south-west by a line 50 yards eastwards of Stanley Road to the coastline, and thence along the coastline to the starting point.

REFERENCE SCHEDULE

Part E

Clauses 1, & 7 of the Constitution

Part C

Clause 15

Statute 711

The Constitution/Te Pouhere (Authorised Services) Amendment Statute 2014

Whereas General Synod/te Hīnota Whānui in 2012 had been advised of a resolution asking for a review of the liturgical rules of our Church with a view to improving clarity and where necessary simplification, and

Whereas that resolution was not considered due to lack of time but was referred to the General Synod Standing Committee, which deemed it unable to be considered by them, and

Whereas the Common Life Liturgical Commission, the House of Bishops, and the Chancellors and Legal Advisors Group have considered these matters and recommend some amendments, beginning with the below Constitutional amendment and, subsequent to that being confirmed, the repeal of Title G Canon VI, and consequential amendments to Title G Canon XIV, and repeal of SRL3,

The General Synod/te Hīnota Whānui enacts as follows:

- 1. Title.** The Title of this Statute is *'The Constitution/Te Pouhere (Authorised Services) Amendment Statute, 2014.'*
- 2. Purpose.** To amend Part G of the Constitution/Te Pouhere to define *authorised services* in the Constitution and Code of Canons.
- 3. Constitutional Amendment:**

Part G, Clause 2 of the Constitution/Te Pouhere is amended by the addition, at the end of the clause, following the words 'include a Bishop.', the words,

“Authorised Services” includes (a) Formularies, (b) Experimental uses as authorised by the Church of England Empowering Act 1928, and (c) other services authorised under Title G Canon XIV.'

- 4. Process.** The passing of Clause 3 is an adoption of a specific proposal in terms of Part G Clause 4 of the Constitution/ Te Pouhere, and 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 accordance with the provisions of Title C Canon I.

We certify that this Statute was passed by the General Synod/te Hīnota Whānui on 13 May 2014.

As witnessed by our hands 14 July 2014.



W Halapua
Primate and Archbishop



P Richardson
Primate and Archbishop



WB Turei
Primate and
Archbishop

Statute 712

The Liturgy of Baptism and The Laying on of Hands for Confirmation and Renewal Amendment Statute 2014

Whereas the General Synod/te Hīnota Whānui by Statute 441 in 1988 confirmed the adoption of The Liturgy of Baptism and The Laying on of Hands for Confirmation and Renewal, and

Whereas the rubrics of said Liturgy require clarification and amendment,

This General Synod/te Hīnota Whānui enacts as follows:

1. **Title.** The title of this Statute shall be *The Liturgy of Baptism and The Laying on of Hands for Confirmation and Renewal Amendment Statute 2014*.
2. **Purpose.** To amend the rubrics of said Liturgy to clarify the preferred placement of this Liturgy in a Eucharistic Liturgy.
3. **The Liturgy of Baptism and The Laying on of Hands for Confirmation and Renewal** is amended as follows:

i) Where on page 383 of A New Zealand Prayer Book – He Karakia Mihinare o Aotearoa it now says –

*“The liturgy takes place when the Church meets for the Eucharist or another service of worship. It follows the **New Testament Lesson** or **The Gospel** or **The Sermon**. In special circumstances the bishop or priest shall provide a suitable introduction to this liturgy.”*

The above words be amended to say –

*“The liturgy takes place when the Church meets for the Eucharist or another service of worship. Baptism and/or Confirmation follows the proclamation of the Word, and in the context of a celebration of the Holy Eucharist is prior to **The Peace**,” and*

ii) Where on page 394 of A New Zealand Prayer Book – He Karakia Mihinare o Aotearoa it now says –

“Or

*The service may continue with **The Sermon** or **The Prayers of the People**, but **The Creed** is not said again.*

Or”

The above words be amended to say –

“Or

*The service continues but **The Creed** is not said again.*

Or”

4. **Clause 3 of this Statute** is the adoption of a specific proposal in terms of Part B, Clause 6(a) of the Constitution/te Pouhere, and Section 4(a) of the Church of England Empowering Act 1928, and 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.

We certify that this Statute was passed by the General Synod/te Hīnota Whānui on 13 May 2014.

As witnessed by our hands 14 July 2014.

Winston Halapua

*W Halapua
Primate and Archbishop*

P Richardson

*P Richardson
Primate and Archbishop*

WB Turei

*WB Turei
Primate and
Archbishop*

Statute 713

The Reference to Sunday Titles in all Formularies, Canons, and Publications of this Church Statute 2014

Whereas, various provisions exist for naming the Sundays in The Calendar – Te Maramataka, and these differ between the A New Zealand Prayer Book – He Karakia Mihinare o Aotearoa on pages 4-6 and pages 692-723, the Revised Common Lectionary, the Notes on the Calendar, and Celebrating Common Prayer, and

Whereas, consistency is desirable,

This General Synod/te Hīnota Whānui enacts as follows:

- 1. Title.** The title of this Statute shall be *The Reference to Sunday Titles in all Formularies, Canons, and Publications of this Church Statute 2014*.
- 2. Purpose.** To amend the Reference to Sunday Titles in all Formularies, Canons, and Publications of this Church.
- 3. The Sunday Titles** should be described as being '**of Advent, Christmas, Epiphany, and Easter**' and '**in Lent and Ordinary Time**' in all references in Formularies/Canons/Publications of this Church, noting especially in A New Zealand Prayer Book – He Karakia Mihinare o Aotearoa pages 4-6, 525-536, and 550-602.
- 4. Clause 3 of this Statute** is the adoption of a specific proposal in terms of Part B, Clause 6(a) of the Constitution/te Pouhere, and Section 4(a) of the Church of England Empowering Act 1928, and shall be made known to Te Runanganui o Te Pihopatanga o Aotearoa, the Synod of the Diocese of Polynesia, and the several Diocesan Synods in New Zealand

We certify that this Statute was passed by the General Synod/te Hīnota Whānui on 13 May 2014.

As witnessed by our hands 14 July 2014.



W Halapua
Primate and Archbishop



P Richardson
Primate and Archbishop



WB Turei
Primate and
Archbishop

Bill No 4

Rt Rev'd V Matthews/Rt Rev'd T Pikaahu

A Bill to Amend The Constitution/Te Pouhere (Authorised Services), 2014

Whereas General Synod/te Hinota Whanui in 2012 had been advised of a resolution asking for a review of the liturgical rules of our Church with a view to improving clarity and where necessary simplification, and

Whereas that resolution was not considered due to lack of time but was referred to the General Synod Standing Committee, which deemed it unable to be considered by them, and

Whereas the Common Life Liturgical Commission, the House of Bishops, and the Chancellors and Legal Advisors Group have considered these matters and recommend some amendments, beginning with the below Constitutional amendment and, subsequent to that being confirmed, the repeal of Title G Canon VI, and consequential amendments to Title G Canon XIV, and repeal of SRL3,

The General Synod/te Hīnota Whānui enacts as follows:

5. Title. The Title of this Statute is *'The Constitution/Te Pouhere (Authorised Services) Amendment Statute, 2014.'*

6. Purpose. To amend Part G of the Constitution/Te Pouhere to define *authorised services* in the Constitution and Code of Canons.

7. Constitutional Amendment:

Part G, Clause 2 of the Constitution/Te Pouhere is amended by the addition, at the end of the clause, following the words 'include a Bishop.', the words,

"Authorised Services" includes (a) Formularies, (b) Experimental uses as authorised by the 1928 Act, and (c) other services authorised under Title G Canon XIV.'

8. Process. The passing of Clause 3 is an adoption of a specific proposal in terms of Part G Clause 4 of the Constitution/ Te Pouhere, and shall be made known to Te Runanganui o Te Pihopatanga o Aotearoa, the Synod of the Diocese of Polynesia, and the several Diocesan Synods in New Zealand in accordance with the provisions of Title C Canon I.

Notes to support the Bill:

The issues with Title G Canon XIV and SLR3 are two –fold – (1) inconsistency with the 1928 Act and

(2) lack of fundamental authorisation in the first place.

The first issue is easily resolved, as there was no need for those liturgies to be experimental and so no need to try and invoke the 1928 Act. The Act is only relevant to intended new Formularies, and has no other use.

The second issue can be resolved by an amendment to clause 2 of Part G of the Constitution (which is not Fundamental, so can be easily amended) to define “Authorised Services” as being (a) Formularies, (b) experimental uses as authorised by the 1928 Act, and (c) other services authorised under Title G Canon XIV”.

This Constitutional provision would then provide the proper basis, which is at present lacking, for Title G Canon XIV and SLR3.

Title G Canon XIV could then be repealed and replaced with a new Canon which effectively authorises the kinds of activities referred to in the current Canon and SLR3. Services could be authorised by Bishops or whole Tikanga, but would have to be:

- (a) Based on ‘A Form for Ordering a Service of the Word’ and/or ‘An Alternative Form for Ordering The Eucharist’ *[being our existing framework for liturgical development]*
- (b) Not inconsistent with the teachings of the Formularies
- (c) Are not themselves Formularies, unless expressly made so on using the 1928 Act procedure, and therefore do not form part of the Doctrine of the Church
- (d) Will generally be suitable for occasional and non-controversial services in the life of the Church *[the point is that this process is a liturgical process re the form of expression not a process for theological innovation as to content of that expression]*

Aspects of these requirements are already found in Title G Canon XIV and SLR3. The 1928 Act has no relevance to such services (unless a formal proposal is adopted to make them a Formulary, which is a separate process).

Title G Canon XIV could then empower Bishops and whole Tikanga to authorise such liturgies, on that appropriately limited basis. They would then be Authorised Services for the purposes of Title D, but without confusion as to the Formularies, Doctrine and the 1928 Act.

THE ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA
Te Hahi Mihinare ki Aotearoa ki Niu Tirenī, ki Nga Moutere o te Moana Nui a Kiwa

TO Archbishops and General Secretary
FROM Chancellors and Legal Advisors¹
DATE January 2014
SUBJECT Common Life Liturgical Commission query regarding liturgies for experimental use

INTRODUCTION AND SUMMARY OF VIEWS

- 1 At the recent meeting in Wellington of Bishops and Chancellors/Legal Advisors, you conveyed a request from the Common Life Liturgical Commission for guidance, in the context of “experimental liturgies”, as to:

Does Part B Section 5 of the Constitution/Te Pouhere, in conjunction with Section 4(A) of the C of E Empowering Act, allow for Title G Canon VI, Title G Canon XIV, and SRL3 to stand and be consistent, and if not, what amendment is required for it to be so?

- 2 We discussed this issue at our meeting and agreed to provide our views in writing.
- 3 Our view, for the reasons set out below, is that:
- (a) The proper interpretation of the Constitution / te Pouhere, the Canons and the Church of England Empowering Act 1928 (“CEAA”) is that:
- (i) The only process by which liturgies can be authorised for “experimental use” is under s 4A of the CEAA, as a temporary measure during the latter stages of the process for changing the Formularies. There is no separate experimental process;
- (ii) General Synod / te Hīnota Whānui (“GS/THW”) has no power to “authorise” liturgies outside the Formularies process or s 4A of the CEAA; and
- (iii) “authorised” forms of service in terms of Title D can therefore only be the Formularies and any experimental uses authorised under s 4A of the CEAA.
- (b) Therefore, in relation to the specific legislative provisions referred to us:
- (i) Title G Canon VI clause 2 is inconsistent with s 4A of the CEAA. The issues are fundamental and cannot be cured by amendment. That provision, which does not appear to have been used since 2002, should simply be repealed;

¹ Being those in attendance at the meeting in Wellington on 21 December 2013: John Fitchett (Chancellor, Nelson); Judge Chris Harding (Chancellor, Waikato & Taranaki); Tony Hill (Chancellor, Wellington); Jeremy Johnson (Vice Chancellor, Christchurch); Matthew Ockleston (Deputy Chancellor, Auckland and Pou Ture/Chancellor, Te Pīhopatanga o Te Tai Tokerau); Moka Ritchie (Legal Advisor, Christchurch); David Stone (Chancellor, Te Pīhopatanga o Aotearoa); and Evan Turbott (Chancellor, Waiapu).

- (ii) Title G Canon VI clause 3 appears to reflect an apparent misunderstanding as to the process by which Formularies are created. It is simply a record of decisions made by GS/THW under the authority of s 4A of the CEAA, rather than having any authority of its own. The issues can be cured by appropriate amendment and change in practice;
- (iii) Title G Canon XIV purports to give each Tikanga an authority which GS/THW itself does not have, and must therefore be of no legal effect. The issues are fundamental and cannot be cured by amendment. That provision, which does not appear to be used, should simply be repealed;
- (iv) GS/THW Standing Resolution SRL3 similarly purports to give individual Bishops an authority which GS/THW itself does not have, and must therefore be of no legal effect. It also misconstrues the experimental use provisions of s 4A of the CEAA. The issues are fundamental and cannot be cured by amendment. That provision, which does not appear to be used, should simply be repealed.

DETAILED DISCUSSION

Section 4A

- 4 The starting point is s 4A of the CEAA, which is a statute of the Parliament of New Zealand. That provision reads:

4A Power to permit experimental use of new or amended form of service

Where a proposal to add or alter the Formularies has been approved by the General Synod with a view to its being made known to the several Diocesan Synods, the General Synod may by resolution determine that, after the proposal has received the assent of the majority of the Diocesan Synods², the experimental use of the new or amended form of service be permitted under such conditions and for such period (terminating not later than the last day of the next ensuing ordinary session of the General Synod) as the General Synod shall determine.

- 5 This section builds on the authority of GS/THW in s 3 of the CEAA to enact or amend Formularies, and the process set out in s 4 by which this is done which sets out the “twice round” process for enacting or amending the Formularies.
- 6 Part B Section 5 of the Constitution/Te Pouhere of this Church repeats the *authority* of GS/THW to enact or amend Formularies (mirroring s 3 of the CEAA), and then provides in section 6 for the same *process* as s 4 of the CEAA. Sections 3 and 4 and clauses 5 and 6 are essentially mirror-image provisions.
- 7 The “twice-round” process is of course:
- (a) First, resolution of GS/THW that the proposed Formulary be **approved** as such and made known to Te Runanganui and the Dioceses;
 - (b) Second, approval of that proposed Formulary by Te Runanganui and a majority of the Dioceses;
 - (c) Third, **confirmation** of the proposed Formulary by a freshly-constituted GS/THW (but within 5 years of the first approval);
 - (d) Fourth, either no appeal is made within a year to the Tribunal under the CEAA or any such appeal is dismissed.

² Which in our view must now be taken as including Te Runanganui o Te Pihopatanga o Aotearoa and the Synod of the Diocese of Polynesia. That interpretation accords with the equivalent provision in the Constitution / te Pouhere (clause 6(b) in Part B).

- 8 It is clear that section 4A is intended to apply to proposed alterations to the Formularies once they have been approved by GS/THW for the first time and are half-way through the process of being approved by Te Runanganui and Dioceses, but before the proposal has been approved by GS/THW for the second time. That is, the proposal must have reached the “one and a half times round” point of the “twice round” process.
- 9 Section 4A recognises that the process for adding to or amending the Formularies can be a very long one, and that once it has reached “half way” it may be beneficial for the proposal to be used on an interim or experimental basis.
- 10 There are two fundamental parts to s 4A:
- (a) Firstly, any experimental use must start with a resolution by GS/THW that the proposal become a new or amended Formulary, and is not automatic but requires a specific resolution of GS/THW to that effect (this could either occur as part of the first approval (provided that it is conditional on the proposal being approved by a majority of Dioceses, and only takes effect from that time) or at a subsequent stage (once that majority approval has been reached)).
 - (b) Secondly, the experimental use is only a temporary measure, which runs “for such period (terminating not later than the last day of the next ensuing ordinary session of the [GS/THW]) as the [GS/THW] shall determine.” Therefore the experimental use is only for a 2 year period. There can be no deemed or implied extensions, nor any indefinite duration, of this experimental use.
- 11 Section 4A does not authorise the experimental use of liturgies outside the Formulary process, nor for an extended period of time.

Title G, Canon VI, clause 2

- 12 The issue with Title G, Canon VI, clause 2 is that it purports to:
- (a) deem certain liturgies as experimental for the purposes of s 4A, when there is no such deeming provision in that section, and without those liturgies becoming Formularies; and
 - (b) continue such purported experimental use indefinitely (as no time limit is specified in the clauses), when s 4A is clear that any use is for a 2 year period and requires express resolution by GS/THW.
- 13 Section 4A only applies to intended Formularies, in the latter stages of that process, and for a limited period of time. Title G, Canon VI, clause 2 is therefore inconsistent with s 4A of the CEEA, and must be of no legal effect to the extent of that inconsistency.
- 14 As the marginal note to clause 2 – “Authority for experimental use” – makes clear, this clause purports to *authorise* experimental uses. Experimental uses are only authorised by s 4A of the CEEA, and no further authority is necessary or possible.

- 15 Title G, Canon VI, clause 2 refers to the Second Schedule to that Canon, which lists a number of alternative services.
- 16 However, a review of the proceedings of GS/THW shows that all of these alternative services have in fact become Formularies, and so have full force and effect. There is no need for their continued use to be experimental (nor, indeed, is there any concept of an experimental Formulary). The fact that these services are alternative to existing Formularies does not require their use to be experimental.
- 17 Title G, Canon VI, clause 2 should therefore be repealed, as its deficiencies are fundamental and are not capable of being addressed by mere amendment. The Second Schedule is unnecessary and confusing – the content is already incorporated into the Appendix to Title G (pages G21 to G25). That is a preferable concept to using the Canon itself as a record of decisions made by GS/THW, as the Second Schedule seems to do.

Title G, Canon VI, clause 3

- 18 This Canonical provision appears to reflect a misunderstanding of the Formulary processes.
- 19 Reviewing the proceedings of GS/THW since 2004 has been instructive in terms of the understanding behind this clause and how it has been used.
- 20 It appears that proposed new Formularies have, upon confirmation (ie second approval) by GS/THW, been expressly added to the Third Schedule of Title G, Canon VI to allow experimental use. That approval means that the proposals may be used on an experimental basis while the 1 year appeal period expires (and any appeals are resolved).
- 21 However, proposals have remained in the Third Schedule even after the expiry of the appeal period, at which point the proposals have actually taken full effect as Formularies, and so no experimental use is necessary. There is no process by which a Formulary can, once finally approved as such, continue to be used experimentally.
- 22 It is not clear why this has been thought necessary, and suggests some possible confusion between alternative and experimental liturgies. If it is desired to create an *alternative* form of service, rather than to change the Prayer Book or an existing Formulary, that can be achieved by the wording of the proposal that is approved by GS/THW. It is not necessary to authorise an experimental use to create an alternative form of service. Several Formularies are alternatives to (rather than replacements of) existing Formularies.
- 23 The wording of clause 3, and the GS/THW statutes which refer to it, suggest that it is an empowering provision, a source of authority for experimental use of liturgies. That is not the case. The only such authority is s 4A of the CEAA.
- 24 As such, clause 3 does not seem to serve any real purpose except as a *record* of those proposed Formularies that GS/THW has approved as experimental in terms of s 4A of the CEAA, until they become Formularies and are included in the list of Formularies in the Appendix to Title G (pages G21 to G25).

25 There seems little value in maintaining a list of experimental uses under s 4A of the CEAA if such uses are, on the current practice, only valid for the one year between the confirmation by GS/THW and the conclusion of the appeal period. The current practice can be confusing, because no end date is listed against each experimental liturgy, and the printed Canon will become out of date before it is next reprinted. It requires manual updating to move experimental uses to the list of Formularies once they acquire that status. Clause 3 and the Third Schedule should therefore be repealed.

26 However, if it is desirable to maintain the current practice, then that can be facilitated by amendment to:

The Third Schedule to this Canon lists proposals to amend the Formularies, which have been approved by General Synod for use on an experimental basis until they actually become Formularies. Their use is subject to such conditions, if any, as General Synod may by resolution adopt and is a temporary experimental use in terms of Section 4A of the Church of England Empowering Act 1928 until the conclusion of the next ordinary session of General Synod after that approval is given (following which that use will expire unless expressly renewed by General Synod). During such temporary experimental use, such services shall be alternative or additional to the existing Formularies.

27 That wording makes it clear that the list is purely a record of previous decisions made by GS/THW under separate authority, and refers to the temporary duration of the experimental use. That will achieve the effect desired by GS/THW while not misleading readers of the Canons as to the duration of the experimental use.

28 The Third Schedule could therefore read:

THIRD SCHEDULE

<i>Nature of Proposal (refer Statute)</i>	<i>Temporary experimental use authorised as from ...</i>	<i>Temporary experimental use expires at end of General Synod session in the year ...</i>
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29 Such wording would:

- (a) allow the current practice, where experimental use is only authorised once the proposal has been confirmed by GS/THW (ie second approval), in which case the date in the middle column of the table in the Third Schedule will be the date of that GS/THW session; and
- (b) facilitate experimental use being authorised by GS/THW as part of the first approval of the proposal, but conditional on a majority of episcopal units approving the proposal. That point could well occur prior to confirmation at the next GS/THW. If that approach is adopted, then the original approval statute needs to include a conditional authorisation for experimental use, and the middle column of the table in the Third Schedule will need to reflect the actual date on which the experimental use started (ie when the last of the required approvals was made).

- 30 Care will need to be taken to update the Third Schedule to remove proposals once they have completed the Formulary process and taken full effect, or to pass a further resolution if that has not occurred by the following ordinary session of GS/THW, to enable the experimental use to continue pending the outcome of that process.

Title G, Canon XIV

- 31 This Canon purports to empower individual Tikanga within this Church to authorise forms of service for use within that Tikanga, but expressly without making them Formularies.
- 32 The question then arises what authority GS/THW has to authorise forms of service outside the Formulary process, so that it could empower Tikanga to do so. If there is no such power, then the purported delegation and Canon must be of no legal effect.
- 33 We consider that GS/THW does not have a general power of competence in matters of liturgy, and so any powers in this regard must be expressly conferred on GS/THW by the Constitution / te Pouhere or the CEAA, as superior regulations, rather than implied or conferred on GS/THW by itself. There is no such *express* authority conferred on GS/THW and we would have expected there to be express authority for such a power, especially given the heavily regulated procedure for creating and changing the Formularies.
- 34 Title D obliges Ordained Ministers to use only “authorised” forms of service. For example:
- (a) Canon I, Part A, clause 4 – “to ensure reverent, regular and carefully prepared divine service **using the forms authorised by this Church**”
 - (b) Canon I, Part A, clause 11.4 – “Use **duly authorised forms** of public worship”
 - (c) Canon I, Part C2, clause 3.4:
*refusal or neglect by an Ordained Minister to use either A New Zealand Prayer Book He Karakia Mihinare o Aotearoa or The Book of Common Prayer 1662 (as modified by the General Synod / te Hīnota Whānui under authority of the Constitution / te Pouhere) **or any other services as are duly authorised by the Canons of this Church in the public services of this Church** or to administer the sacraments in such order and form as are set forth in the said Books **or other authorised services**; or to use on any occasion in public Ministry except so far as shall be otherwise ordered by lawful authority the orders and forms of common prayer or such rites and ceremonies as are mentioned and set forth in the said Books **or in other authorised services** and therein directed to be used for such purpose on such occasion*
 - (d) Canon II, clause 4.2 – “Refusal or neglect to use one of the authorised Prayer Books of this Church **or other authorised services** or to administer the sacraments and the rites and ceremonies, as are referred to in Canon I Part C2 clause 3.4,”.
- 35 The situation is a little complicated by the language used in the Canons, which tends to refer to “authorised” forms of service, rather than just to the Formularies.

- 36 Clearly, therefore this contemplates *something other than just* the Formularies being *authorised*. The question is whether the additional element is restricted to experimental uses authorised under s 4A of the CEAA, or also includes other liturgies approved by GS/THW under some other process. If the latter is the case, this could be something to which Title G, Canon XIV could apply.
- 37 We can find no basis for an implied power other than these references to “authorised” services. Rather than these suggesting an implied power of approval, we consider that they are consistent with the Formulary process as the only means of authorising liturgies.
- 38 We do not consider that, s 4A aside, it was intended that GS/THW could authorise any other form of service than a Formulary. If that were the case, we would have expected that power to be in the Constitution / te Pouhere or the CEAA, and to be expressly stated. However, there is no such provision.
- 39 It is far more likely that GS/THW’s only power to authorise a form of service is through the heavily regulated Formulary process. The protections afforded to the Formularies in the Constitution / te Pouhere and the CEAA would be meaningless if GS/THW were able, by an unregulated procedure, to authorise other forms of service which could be used within the Church in substantially the same manner as Formularies.
- 40 We note for completeness that Title G Canon VI clause 1 is not such an authorisation. While the wording must suggest that it is, and the dates in the margin indicate that it pre-dates the Constitution / te Pouhere (but not the CEAA), the notation next to the First Schedule indicates that services referred to in clause 1 have become Formularies. Therefore clause 1 is not a separate source of authorisation outside the Formularies or s 4A processes.
- 41 We therefore conclude that:
- (a) GS/THW has no authority to authorise forms of service outside the Formulary process;
 - (b) “Authorised” forms of service can only refer to Formularies (whether Prayer Book or otherwise, eg the recent “Ashes to Fire” liturgy) and experimental uses authorised under s 4A of the CEAA. These are the only kinds of liturgies which the Constitution / te Pouhere or the CEAA refer to as being “authorised” in any way;
 - (c) Title G, Canon XIV must therefore have no legal basis and be of no legal effect. The issues are fundamental and cannot be cured by amendment. It is not clear whether this provision is currently being used in any event, and so its repeal may not have any practical effect.

GS/THW Standing Resolution SRL3

- 42 This Standing Resolution purports to authorise individual Bishops “*to allow experimental forms of service to be produced and used in different situations*” upon such conditions as that Bishop thinks fit, “*provided that such experimental forms shall not contradict in principle the teaching in the Formularies*”.

43 This provision is similar in nature to Title G, Canon XIV, and raises the same legal issues, but on a greater scale. It assumes not only that there is some authority for services to be authorised outside the Formularies, but also that this can be done by individual Bishops, at a local level, and on an entirely experimental basis.

44 Clause (d) of SRL3 records that:

when any experimental form of service appears to be receiving some general acceptance in a settled form, the Bishop concerned with it will be expected to cause it to be brought to [GS/THW] with a view to its being given wider experimental use pursuant to the provisions of Section 4A of the Church of England Empowering Act 1928.

45 That final statement assumes that s 4A of the CEAA provides for experimental use of liturgies generally. However, as discussed above, s 4A only provides for the *temporary* experimental use of a proposed alteration to the Formularies, *during* the later stages of that process. That is, the experimental use is an *incidental* part of the Formulary process, and not a substantive process in its own right. If no new Formulary being proposed, there cannot be any experimental use.

46 The assumption underlying SRL3 is therefore incorrect and inconsistent with s 4 of the CEAA. Accordingly, GS/THW Standing Resolution SRL3 has no legal basis and must be of no legal effect. The issues are fundamental and cannot be cured by amendment. It is not clear whether this provision is currently being used in any event, and so its repeal may not have any practical effect.

Motion 18 Final

Amended Motion

Motion 18

People Matter/He Taura Tangata

Whereas, 'People Matter/ He Taura Tangata' was presented to General Synod/te Hīnota Whānui 2012 but not addressed, due to lack of time, and

Noting that the General Synod Standing Committee, in November of 2012, agreed the following:

That this General Synod/te Hīnota Whānui resolves

- *To receive the work of the small working group on Paihere Tangata/People Management in the form of the draft resource package People Matter/He Taura Tangata; and commend its final form to all Dioceses/Hui Amorangi and Ministry Units as a resource to help achieve best practice in all areas where staff are employed. Carried.*

That this General Synod/te Hīnota Whānui 2014:

1. Commits itself to best practice in all areas where staff are employed;
2. Strongly encourages Episcopal units to make the same commitment;
3. Commends 'People Matter/He Taura Tangata', in its latest updated version available online on the General Synod website, to all Dioceses/Hui Amorangi and Ministry Units as a resource to help achieve best practice, and
4. Recommends part 1 of this resolution to the Judicial Committee for consideration as a Standing Resolution of the General Synod/te Hīnota Whānui.

Agreed.