

THE DIOCESAN PASTORS APPOINTMENT AND TERMINATION ACT 1996

WHEREAS in 1992 the General Synod of the Anglican Church in Aotearoa, New Zealand and Polynesia revised the Constitution and as a result amended Title A, Canon II of Pastors, deleting the sections that set out in detail the manner in which clergy would be appointed to various offices in the Church and the termination of the same, but provided under section 5 provision that "Each tikanga shall make regulations to provide for the appointment and termination of the appointment of any ordained minister".

"PROVIDED THAT where such appointment involves stipend or remuneration, such termination procedure shall be consistent with the law applicable in that particular jurisdiction and

"FURTHER PROVIDED under section 6 "No change in the regulations governing appointment or authorisation shall have the effect of depriving any ordained minister of the appointment or authorisation that person currently holds, without the appropriate procedure for resignation or termination of appointment being observed".

AND WHEREAS the Standing Committee of the Diocese of Nelson at a meeting on 13 February 1996 adopted regulations for the appointment of pastors in the Diocese of Nelson which were modelled on the previous clause 7 of Canon II, Title A, Canon on Pastors of the Anglican Church in Aotearoa, New Zealand and Polynesia

AND WHEREAS the Inter Diocesan Conference representing tikanga Pakeha recognised that inconsistencies were developing between the several dioceses within that tikanga resolved at the 1996 Session of the Inter Diocesan Conference to approve regulations for the resignation and termination of appointments of ordained ministers and recommended that each of the several dioceses approve and adopt those regulations for the Diocese without amendment to the form in which they were agreed to by the Inter Diocesan Conference

BE IT ENACTED by the Bishop, Clergy and Laity of the Diocese of Nelson, in Synod assembled and by authority of the same as follows: -

1. THE short title of this Act shall be "The Diocesan Pastors Appointment and Termination Act 1996".

APPOINTMENT PROCEDURES

- 2006 2. 2.1 WHENEVER a Vicar, Pastor or Missioner is to be
2010 nominated for a Parochial Unit that does not receive financial assistance from the Diocese, a Board of Nomination shall be constituted consisting of the Bishop of the Diocese, the Parochial Nominators for that Parochial Unit and four Diocesan Nominators two being Clerical Representatives and two being Lay Representatives.
- 2010 2.2 WHENEVER a Vicar is to be nominated for a Parochial Unit receiving Financial Assistance from the Diocese, a Board of Nomination may at the Bishops absolute discretion be constituted consisting of the Bishop of the Diocese, the Parochial Nominators for that Parochial Unit and four Diocesan Nominators two being Clerical Representatives and two being Lay Representatives. Where no such board is constituted the selection and appointment shall be by the Bishop of the Diocese.
3. 3.1 THE two Clerical Representatives shall be Priests holding the Bishop's Licence and the two Lay Representatives shall be Communicants resident in the Diocese, and all four shall be elected at the first annual session after each general election for the Diocesan Synod, by the Clerical and Lay members of the Synod, the Clerical Members electing the Clerical Representatives and the Lay Members electing the Lay Representatives, each Order acting as an electoral body and not a Diocesan Synod.
- 3.2 THE Diocesan Nominators shall hold office until the election of their successors at the first annual session of the next Synod except that a Diocesan Nominator may resign by letter addressed to the Bishop and shall vacate office on removal from the Diocese, or if absent from the Diocese for the space of two months without leave of the Bishop, or if made a protected patient under the Mental Health Act 1969, or a protected person under the Aged and Infirm Persons Act 1912, or if convicted of an indictable offence.
- 3.3. IN THE event of the members of the Diocesan Synod failing to elect one or more Diocesan Nominators or if any Diocesan Nominator shall resign or die or other wise vacate office, the members of the Standing Committee of the Diocese shall elect an eligible person to fill the vacancy. The Clerical Members of the Standing Committee shall elect Clerical Representatives and the lay Members, Lay Representatives, each Order acting as an electoral body and not as the Standing Committee.

- 3.4. THE Standing Committee may direct its Clerical Members to elect an eligible person as a substitute Diocesan Nominator in the place of a Clerical Representative who is appointed Vicar-General or Deputy Vicar-General or Commissary of the Primate, such substitute Diocesan Nominator to act whenever the Vicar-General or Deputy Vicar-General or Commissary is acting in such capacity on the Board of Nomination.
4. 4.1. IT SHALL be the duty of the Vestry or the equivalent thereof of every Parochial Unit at a duly summoned meeting to be held not later than two months after the Annual Meeting of Parishioners of such Parochial Unit to elect four Communicants who are members of the Parochial Unit who shall be known as Parochial Nominators and who shall represent the Parochial Unit in all matters connected with the selection of a Vicar or Pastor or Missioner for such Parochial Unit.
- 4.2. ANY casual vacancy on the Parochial Nominators shall be filled by the Vestry or the equivalent thereof.
- 4.3. EACH Vestry or the equivalent thereof electing any Parochial Nominators shall forthwith after each election notify to the Standing Committee of the Diocese the names and addresses of those Parochial Nominators.
- 4.4. IF ANY Vestry or the equivalent thereof shall in any year fail to elect four Parochial Nominators under this Section the Standing Committee shall appoint the Parochial Nominators for that Parochial Unit for the year or so many of them as shall be required to make up the full number if less than the full number shall have been elected by the Vestry or the equivalent thereof. Until the full number shall be elected the Parochial Nominators previously duly elected shall continue in office as Parochial Nominators.
5. 5.1 THE Bishop shall be the convener of every Board of Nomination.
- 5.2 EACH meeting of the Board shall be chaired by the Bishop of the Diocese.
- 5.3 A BISHOP, two others who are not Parochial Nominators and two Parochial Nominators shall be present to constitute a quorum. No nomination shall be valid unless it be made by a majority of all the voting members constituting the Board whether present or not.

- 5.4 NOTWITHSTANDING anything hereinbefore contained it shall be competent for any Board of Nomination with the concurrence of all its members who are Parochial Nominators to delegate the nomination to any person or body of persons whom it shall think fit.
6. 6.1 THE Board of Nomination shall be satisfied by certificate from the body responsible for providing the same, that there are sufficient means available for the stipend and allowances and housing provisions and pension and insurance arrangements, for a nominee for the expected length of term of the appointment as set out in such certificate.
- 6.2 UPON the Board of Nomination being satisfied as to the matters mentioned in the immediately preceding Section, the Bishop or other person chairing the meeting shall write to the nominee a Letter of Offer which shall include the following:
- a) A description of the appointment and any special needs.
 - b) Whether Letters of Authority from Te Pihopa o Aotearoa are required.
 - c) The names of other clergy licensed to work in association with the nominee.
 - d) The earliest date from which the appointment would be available.
 - e) The expected length of term for which the appointment would be held (but subject to Sections 9 - 14 hereof).
 - f) The stipend and allowances and housing provisions and pension and insurance arrangements as certified to the Bishop.
 - g) Leave entitlements.
 - h) The text of the next succeeding Section hereof or words to the like effect.
 - i) If the office is that of Co-Vicar or Co-Pastor, a statement that the licence to be issued will terminate immediately upon the termination for whatever cause of the licence held by the other or

any of the others holding a Co-Vicar's or Co-Pastor's licence with the nominee.

- 6.3 BEFORE issuing any Licence the Bishop shall be satisfied that the nominee is worthy of the intended ministry by examination of the nominee's Letter of Orders, Letters Testimonial, and any other evidence and at that Bishop's discretion, by examination of the nominee. The Bishop shall also be satisfied that Te Pihopa o Aotearoa will issue Letters of Authority if they are requisite for the intended ministry.
- 6.4 IF THE Letter of Offer be accepted and if the Bishop be satisfied that the nominee is worthy of the intended ministry, then the Bishop shall, subject to the provisions of Clause 7.3 hereof relating to Letters of Authority, issue that appropriate licence and the Bishop, or some person duly authorised under mandate in that behalf, shall institute the nominee to the ecclesiastical office where the ministry is to be exercised.
- 6.5 IF THE Bishop be not satisfied that the nominee is worthy of the intended ministry and decline to license, the Bishop shall without delay give notice thereof to the Board of Nomination, and also communicate in writing to the nominee the reasons for declining.
- 6.6
1. A MAJORITY of the members of the Board of Nomination or the nominee may appeal against the decision of the Bishop in declining to license.
 2. SUCH appeal must be by writing lodged with the Standing Committee of the Diocese within one month after receipt of the Bishop's decision under the immediately preceding Section hereof accompanied by the Bishop's written reason for declining given to the nominee.
 3. IF IT appears to the Standing Committee exclusive of the Bishop that there are prima facie grounds for the appeal, such appeal together with the Bishop's written reasons shall be submitted by the Standing Committee to the Diocesan Bishops but otherwise the appeal shall lapse
 4. IF THE appeal shall not lapse and if the Bishop's written reasons should appear to two thirds of them, namely the Diocesan Bishops, to be insufficient, the Diocesan Bishop shall license the nominee.

6.7 IN CASE the nominee shall decline to accept the appointment or the Bishop shall decline to issue a licence, then, subject in the latter event to the right of appeal, all the proceedings for filling the vacancy shall begin again.

7. 7.1. ALL appointments to any office except that of Vicar, Co-Vicars, Pastor, Co-Pastors, or Missioner of a Parochial Unit shall be made by the Bishop in accord with any regulations made by the Diocese.

7.2. IN THE absence of any such regulations or in so far as the same shall not extend, all such appointments shall be made by the Bishop after consultation with such bodies as the Bishop shall think fit.

7.3. WHERE Letters of Authority from Te Pihopa o Aotearoa are required for any appointment to be made by the Bishop pursuant to this Clause, the Bishop shall consult with Te Pihopa o Aotearoa over the appointment.

7.4. ALL provisions relating to a Letter of Offer and to subsequent licensing contained in this Canon shall apply to each appointment made pursuant to this Section.

8. 8.1. EVERY licence to be issued to any deacon or priest shall be in one or other of the forms in Schedules Two and Three to this Bill or in any like form which shall include the same provisions.

2005 8.2. THE ecclesiastical offices for which such licences may be issued are as follows:

- a) Dean.
- b) Vicar or Co-Vicar, Pastor or Co-Pastor of a Parish, or Pastorate.
- c) Priest in Charge, Missioner or Pastor of a Mission District.
- d) Warden
of.....
- e) Chaplain of
.....
- f) Missioner of
.....
- g) Adviser to the Bishop on/for.....
- h) Deacon/Priest/Assistant to the of
..... for the time being.
- i) Deacon/Priest-in-Charge during the present/
forthcoming vacancy in the office of
.....

- 2010
- j) Staff positions of Bishopdale Theological College held by Anglican Bishops, Priests or Deacons.
 - k) Any other office defined from time to time by the Standing Committee of the Diocese as an ecclesiastical office.

8.3. IN ADDITION to all the other provisions of this Canon, the licence of a Co-Vicar or Co-Pastor shall terminate immediately upon the termination for whatever cause of the licence held by the other or any of the other holding a Co-Vicar's or Co-Pastor's licence with that Co-Vicar or Co-Pastor.

8.4 EVERY person to be granted any licence or, Permission to Officiate as set out in Schedule Four under this Canon shall before receiving the same, in addition to the Declaration prescribed by the Constitution, make and subscribe the Declarations set forth in Schedule One.

RESIGNATION AND TERMINATION PROCEDURES

(As approved by the Inter Diocesan Conference May 1996.)

9. NO ORDAINED minister licensed to an ecclesiastical office under Title A Canon II section 1 in any of the Dioceses of New Zealand shall have the appointment to that office terminated or be removed from such office except:

2001 9.1 FOR an ecclesiastical offence upon the decision of a competent Tribunal as prescribed in Title D; or

9.2 WHERE, in the case of a stipendiary appointment, the stipend in respect of the ministry unit to which the ordained minister was appointed can no longer be sustained, or the office to which the minister was appointed is disestablished; or

2001 9.3 WHERE the ordained minister fails to perform the duties of the office to which the minister was licensed in an effective manner; or

9.4 WHERE the office is that of Deacon/Priest in Charge during a vacancy; or

9.5 WHERE the office is that of Co-Vicar or Co-Pastor, and the provisions of a diocesan regulation require the concurrent termination of such licence upon the termination, for whatever cause, of the licence held by any other Co-Vicar or Co-Pastor of that ministry unit; or

- 9.6 WHERE the licence has stated a specific term of the appointment, and the term has expired and has not been extended or renewed; or
- 9.7 UPON the resignation from that office of the person holding the licence.
10. NO ORDAINED minister shall have their appointment to office terminated under clause 9.2 hereof unless:
- 10.1 THE Bishop for the time being exercising episcopal jurisdiction over the minister shall first have given the ordained minister and the ministry unit to which the ordained minister is licensed three months' notice in writing of the Bishop's intention to take such action; and
- 10.2 THE Standing Committee of the Diocese shall have authorised payment of a sum equivalent to three months' stipend of that minister payable upon the termination of the licence; and
- 10.3 THE Bishop shall have provided the ordained minister with written confirmation that the termination of the appointment is due to the inability to fund the stipend for that appointment; and
- 10.4 THE Bishop shall have notified the ordained minister that, should the minister have been unable at the end of three months after the termination of the appointment to have secured another stipendiary office or secular employment, the minister may apply to the Standing Committee of the Diocese for further financial assistance of up to but not more than three months' stipend.
11. NO ORDAINED minister shall have their appointment to office terminated under clause 9.3 hereof unless the following procedure is followed:
- 11.1 THE Bishop shall have spoken personally to the ordained minister about the issues relating to the performance of the duties of the office causing concern.

11.2 THE Bishop shall then detail to the ordained minister in writing the matters of concern giving rise to a possible termination of the appointment, and what possible action if any may be taken by the minister which may remove those concerns, and shall invite from the minister a response in writing within fourteen days.

11.2.1 IF THE Bishop advises of any action that may be taken that would remove the possibility of termination, then the Bishop shall invite the minister to signify in writing within fourteen days a willingness to undertake such course of action.

11.2.2 IF THE minister, having undertaken the suggested action, is able to perform the duties of the office in a manner satisfactory to the Bishop, no further action shall be taken.

11.3 THE minister as part of a response may request the Bishop to arrange for the appointment of a third party, who shall be appointed by a commission consisting of the Diocesan Church Advocate and an Archdeacon or another senior priest nominated by the minister.

11.3.1 THE third party shall give an opportunity for the minister, the Bishop and, where the third party considers it appropriate, the ministry unit to be heard either personally or by representation. If the ministry unit is involved, the minister shall be given an opportunity to learn and to respond to what the ministry unit has submitted.

11.3.2 THEREAFTER the third party may suggest to the Bishop any action which may be taken that might prevent the termination of the appointment.

11.4 IF THE minister, having undertaken the suggested action, is able to perform the duties of the office in a manner satisfactory to the Bishop, no further action shall be taken.

11.5 IF, HAVING considered any written response from the minister under clause 11.2 and any suggestions from the third party under section 11.3.2, the Bishop considers that no further action is possible that would justify not proceeding with the termination of appointment, the Bishop shall place all relevant information before the Standing Committee to seek their sanction of a termination of the appointment.

11.6 THE minister shall be informed in writing fourteen days prior to the Standing Committee's meeting to consider the question of a sanction, and shall have the right to make a written submission on any matter the minister wishes the Standing Committee to consider. Any such submission shall indicate whether the minister wishes to appear in person to make representations to Standing Committee at that meeting and whether the minister wishes to have an advocate to represent the minister's interests.

11.7 THE Standing Committee when considering the Bishop's request for a sanction shall ensure that:

11.7.1 THE minister whose licence is under consideration has been informed in writing by the Bishop of the reasons for the possible termination of the appointment;

11.7.2 THE Bishop has indicated if there is any possible action which may be taken by the minister which would prevent the termination of the appointment and, if applicable, has sought in writing a response from the minister indicating a willingness to undertake such course of action;

11.7.3 IF A THIRD party has been appointed, the Bishop has placed before the Standing Committee any advice received from that third party which the Bishop cannot or has not accepted or which when agreed to is considered by the Bishop not to have been satisfactorily undertaken by the minister.

11.8 THE Standing Committee, after hearing any submissions which may be made by the minister or the minister's advocate, shall either give or withhold its sanction for the termination of the appointment.

11.9 IF THE Standing Committee considers the minister has undertaken the action suggested by the Bishop in a satisfactory manner, it shall not give its sanction to the Bishop's request.

11.10 IF THE Standing Committee sanctions the termination of the appointment, the Bishop shall advise the minister in writing forthwith of the decision in the form set out in Schedule Five hereto. The Bishop shall advise the date upon which the appointment and any related stipend terminate, which shall be three months from the date of the notice. The appointment may be

terminated forthwith on the payment of three months' stipend in lieu of notice.

- 11.11 SHOULD the minister have been unable at the end of three months after the termination of the appointment to have secured another stipendiary office or secular employment, the minister may apply to the Standing Committee of the Diocese for further financial assistance of up to but not more than three months' stipend.
12. THE Diocesan Synod may enact regulations to make further provisions for the care of clergy whose appointment to office has been terminated for whom no stipendiary office exists immediately or in the foreseeable future, in addition to or in substitution for the provisions hereof, where such provisions are deemed insufficient or inappropriate.
13. WHERE the licence of any ordained minister specifies the term of the appointment and the date of its termination, then, notwithstanding anything else contained in these regulations, that date shall be the date of the termination of the appointment, and the licence shall cease to be effective from that date unless it is extended or renewed.
14. ANY ordained minister licensed to an ecclesiastical office under Title A Canon II clause 1 may resign the same by giving not less than three months' notice in writing to the Bishop having episcopal jurisdiction over the ministry unit for which the licence is issued; provided that less than three months' notice may be accepted at the Bishop's discretion.

REPEALS AND DELETIONS

15. THE Board of Nomination Act 1938 is repealed.
16. SECTION 9 of the Parish and Mission District Act 1960 is deleted.

Schedule One

THE ANGLICAN CHURCH IN AOTEAROA,
NEW ZEALAND AND POLYNESIA

DECLARATION

In addition to the declaration of adherence and submission to the authority of the General Synod/te Hinota Whanui the following Declaration is to be made prior to the issue of any licence or permission to officiate or other authorisation to minister in this Church.

I being about to be licensed to the office of*[name of office]* given permission to officiate in*[name of diocese or area]* authorised for*[such a ministry]*

DO SOLEMNLY MAKE THE FOLLOWING DECLARATION: -

I believe in the faith, which is revealed in the Holy Scriptures and set forth in the Catholic Creeds, as this Church has received it and explained it in its Formularies and its authorised worship.

I assent to the Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia.

I affirm my allegiance to the doctrine to which clause 1 of the Fundamental Provisions and clauses 1 and 2 of Part B of that Constitution bear witness.

In public prayer and administration of the sacraments I will use only the forms of service which are authorised or allowed by lawful authority.

I will uphold the covenant and partnership expressed in the Constitution between Te Pihopatanga o Aotearoa as a whole and through its constituent parts, and the Dioceses in New Zealand together and severally and through their constituent parts, and the Diocese of Polynesia as a whole and through its constituent parts.

I will pay true and canonical obedience, in all things lawful and honest, to the Bishop of Nelson and to the successors to that Bishop, and will be obedient to the ecclesiastical laws and regulations in force in the said Diocese of Nelson.

The foregoing declaration was made and subscribed by the abovenamed on the day of in the year of our Lord two thousand and

Signed: -
in the presence of:

Schedule Two

THE ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA

LICENCE OF A PRIEST HOLDING THE OFFICE OF

.....

..... by the GRACE OF GOD BISHOP OF
to our well-beloved in CHRIST PRIEST

GREETINGS:

YOU having made the Declarations required by the Constitution and Canons of the Anglican Church in Aotearoa, New Zealand and Polynesia, *and being the holder of Letters of Authority from Te Pihopa o Aotearoa*, WE GRANT you our Licence and authority to exercise the office of in the of within our Diocese and Jurisdiction.

WE AUTHORISE you to build up the Body of Christ by preaching and teaching the Word of God from the Scriptures, by celebrating the Sacraments, and by guiding this life of the community committed to your care under this licence in its worship and mission, in accordance with the Doctrine of the Anglican Church in Aotearoa, New Zealand and Polynesia, using only the forms of service which are authorised or allowed by lawful authority.

HOWEVER WE RESERVE to ourselves and to our successors, Bishops of the exercise of our Episcopal office in the of and our Episcopal authority as set out in the Canons and regulations in force in the Anglican Church in Aotearoa, New Zealand and Polynesia and the Diocese of Nelson.

GIVEN under our hand and seal this day of in the year of our Lord two thousand and and of our consecration the

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Diocesan Register

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Schedule Three

ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA

LICENCE OF A DEACON HOLDING THE OFFICE OF

.....

..... by the GRACE OF GOD BISHOP OF
to our well-beloved in CHRIST DEACON

GREETINGS:

YOU having made the Declarations required by the Constitution and Canons of the Anglican Church in Aotearoa, New Zealand and Polynesia, *and being the holder of Letters of Authority from Te Pihopa o Aotearoa*, WE GRANT you our Licence and authority to exercise the office of within our Diocese and Jurisdiction.

WE AUTHORISE you to exercise a ministry of caring service within the Church and the wider community, and with the consent of to read and preach the Word of God from the Scriptures, to distribute the Sacraments, and to share in leading Public Worship, in accordance with the doctrine of the Anglican Church in Aotearoa, New Zealand and Polynesia, using only the forms of service which are authorised or allowed by lawful authority.

HOWEVER WE RESERVE to ourselves and to our successors, Bishops of the exercise of our Episcopal office in the of and our Episcopal authority as set out in the Canons and regulations in force in the Anglican Church in Aotearoa, New Zealand and Polynesia and the Diocese of Nelson.

GIVEN under our hand and seal this day of in the year of our Lord two thousand and and of our consecration the

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Schedule Four

ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA

PERMISSION TO OFFICIATE IN A DIOCESE

..... by the GRACE OF GOD, BISHOP OF
to our well-beloved in CHRIST

BISHOP/PRIEST/DEACON. GREETINGS:

YOU having made the Declarations required by the Constitution and Canons of the Anglican Church in Aotearoa, New Zealand and Polynesia, we grant you our permission to officiate in any Parish, Pastorate or Mission District, within our Diocese and Jurisdiction, with the consent of the Minister in charge thereof, in reading and preaching the Word of God from the Scriptures, *in celebrating the Sacraments* and in leading public worship, in accordance with the Doctrine of the Anglican Church in Aotearoa, New Zealand and Polynesia, using only the forms of service which are authorised or allowed by lawful authority.

This Permission shall remain in force until the day of 20....., and may be renewed, provided however that it may be revoked by us at any time.

GIVEN under our hand and seal this day of
in the year of our Lord two thousand and and of our consecration the

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Schedule Five

DIOCESE OF NELSON

NOTICE OF TERMINATION OF APPOINTMENT TO THE OFFICE OF

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To, Clerk in Holy Orders

(Address)

WHEREAS I,, Bishop of, having caused due inquiry to be made pursuant to the provisions of the Regulations in force in this Diocese governing the termination of appointment to the office of

AND having conferred with and advised you, as required by the Regulations, of matters of concern

AND having obtained the sanction of the Standing Committee of the Diocese pursuant to the Regulations

HEREBY GIVE YOU NOTICE that your appointment to the office of

is terminated with effect from

You are entitled to stipend and allowances in accordance with the Regulation, a copy of which are attached.

GIVEN under my hand and seal this day of

.....
Bishop of Nelson