



# **Interim Report of the Motion 29 Working Group**

**The Anglican Church in Aotearoa, New Zealand and Polynesia**

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Ehara taku toa i te toa takitahi,  
Engari he toa takitini

Mine is not the strength of an individual,  
but the strength of many

## **Preface**

There are times in our Christian lives, when God calls us to engage with things which are hard or uncertain or contentious. No one likes those times and yet so often it is then that we are confronted anew by the expansive love of Jesus Christ. That has certainly been the case with this small working group. We come from diverse backgrounds, cultures and theologies but we have felt deeply held by the grace and mercy of God and we have been strengthened by the knowledge that many within our Church are praying for us and for this work. From the beginning they, alongside our Archbishops, have encircled us with prayer. For that we are immensely grateful.

*God of peace*

*You knit us together as one family in our Three Tikanga Church.*

*We pray your blessing upon us as we continue to discern the path ahead.*

*When we are fearful, show us your compassion,*

*When we are unclear, show us your light.*

*Above all, may your grace and love abound,*

*And may we be constantly reminded that it is your mission we serve in our world.*

*May we be good and faithful servants of your will*

*May we be heralds of the kingdom in all that we seek to be and to,*

*To you we pray O God, creator, redeemer and giver of life. Amen.*

## **Background and Mandate**

In 2016 the General Synod/ Te Hinota Whanui of our Church met in Napier and received the report of the *A Way Forward – He Anga Whakamua – Na Sala ki Liu* working group. That group had worked tirelessly and with great commitment to bring to the Church a Report and Recommendations as to how the Church could proceed to allow for the blessing of same gender couples who had entered into a civil marriage.

The subsequent Synod debate was long, fraught and painful due to an inability to find a common view between the very differing theologies held by deeply spiritual Anglicans. At a critical time during the debate the late Archbishop Brown Turei proposed that space be given to have more discernment on a way forward that would not break the Three Tikanga Church. This was agreed to by the Synod and the Report, together with its recommendations, were left to lie on the table until the next General Synod in 2018.

Faithful to the Anglican tradition, another Working Group was established. Its mandate as set out in Motion 29 was tightly focused and its task was to consider possible structural arrangements within our Three Tikanga Church to safeguard both theological convictions concerning the blessing of same gender relationships.

There was a call for submissions and 26 written submissions were received from a range of groups and individuals across the theological spectrum. It rapidly became clear that there were not just two theological convictions or integrities but a widely held range of beliefs about marriage, same

gender relationships, and blessing of same gender couples who had been civilly married, about social justice, the unity of the Church, forgiveness, redemption and grace. What was equally clear is that the Christian people holding these very differing beliefs had prayerfully and diligently studied the scriptures and were invariably driven by their desire to do what was pleasing to God.

Our mandate was not to consider the differing theological positions or to interpret scripture on this point. Instead we had a very specific task of considering what arrangements and safeguards could be put in place to hold us together within the same ecclesial family so that no one was forced to compromise sincerely held beliefs. We were asked to find structural solutions which would hold our Church together in that unity which Christ expressed, and which He has gifted to us. We have tried to stay faithful to our mandate and to His example and so the solutions we bring are those which we prayerfully hope will enable us to stay together.

This desire to find ways to hold together has been an essential element of our work as we know that our unity is not something we as flawed persons can achieve on our own, but it is a gift already given to us through the work of Christ who has saved and redeemed each one of us.

We have been greatly helped by the many submissions and representations that we received. These reflected a wide range of views and assisted us with our thinking. Many submitters will recognise their work in the recommendations that we have made. For those who do not, please know that we considered deeply and prayerfully, all submissions.

Throughout our work we have been acutely aware that no matter what is proposed, there will be pastoral implications. We therefore have tried to alleviate some of those implications by creating a toolbox of recommendations which we believe will provide the structural and canonical changes needed to safeguard all theological convictions. We have tried to create places where each can stand without compromise to the beliefs they sincerely hold. The mandate talks of two integrities but it is more than that – there is a spectrum of views and so there needs to be a range of possible ways forward.

This range of tools means that if you are a clergy person who is unable to support the blessings of same gender relationships, then the canonical changes will ensure that you are not required to participate in such blessings and there will be no disciplinary nor adverse consequences for you declining to be involved.

Similarly, if you are a clergy person who is supportive of such blessings or you see this as a social justice issue, then there will be a structure by which such blessings can occur and there will be no disciplinary nor adverse consequences for you conducting a service.

As you read and consider this Report, we ask that you continue the discussions and provide feedback through your bishop or synod representatives.

**Members**

|                             |                  |                           |
|-----------------------------|------------------|---------------------------|
| The Rt Rev'd Richard Ellena | Tikanga Pākehā   | Diocese of Nelson         |
| The Rev'd Katene Eruera     | Tikanga Māori    | Te Pīhopatanga o Aotearoa |
| Mr Jeremy Johnson           | Tikanga Pākehā   | Diocese of Christchurch   |
| The Rev'd Learne McGrath    | Tikanga Pākehā   | Diocese of Auckland       |
| Mrs Jacqueline Pearse       | Tikanga Māori    | Te Pīhopatanga o Aotearoa |
| Mr Fe'iloakitau Kaho Tevi   | Tikanga Pasefika | Diocese of Polynesia      |

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## **Recommendation**

The Working Group (WG) **recommends** amorangi, the Diocese of Polynesia, and the New Zealand dioceses consider this report for comment no later than 4:30pm on Friday, 17 November 2017; before its submission to the General Synod / Te Hīnota Whanui (GSTHW) in 2018.

This report recommends:

- no alteration to the formularies of this Church
- enabling amorangi and dioceses to safeguard theological convictions within their episcopal units
- amendment of the declarations of adherence and submission to the authority of GSTHW
- allowing amorangi and diocesan bishops to authorise individual clergy within their ministry units to conduct services blessing same gender relationships
- providing immunity from complaint for bishops and clergy for exercising their discretion on whether or not to authorise or conduct services of same gender blessings
- recognising Orders of Consecrated Life to allow for those with clear theological convictions to have those convictions respected and protected.

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## **About the Report**

Motion 29 of the 62nd session of GSTHW requested a working group consider possible structural arrangements within this Church to safeguard both theological convictions concerning the blessing of same gender relationships.

The WG considered 26 written submissions and spoke with individuals and groupings across the theological spectrum. It considered principles of ecclesiology, relationality, subsidiarity and moral conscience in its deliberations.

## **What did we want to know?**

The theological debate on human sexuality remains unsettled in this Church. The WG wanted to know what structures would enable theological rationales on human sexuality to coexist peacefully in the same Church?

## What did we find?

The WG found:

- an established norm for tolerance and openness to debate on theological issues
- a range of principled positions across the theological spectrum on the subject of human sexuality
- an unresolved tension of theological rationales: there will be faithful Anglicans who will feel conflicted, whether in part or in whole, about any decision that GSTHW makes about the blessing of same gender relationships in this Church
- that established norms are weakened when debate is prematurely limited or foreclosed through GSTHW decision making on matters of human sexuality.

We have heard that members of this Church seek to remain in communion with each other, if possible. To help it achieve this the WG suggests that this Church:

- sharpens the focus on building **relationality** at the local church level as the basis for effective and ethical implementation and management of its safeguards
- **strengthens structures** in this Church to permit an environment of ongoing fair and robust debate around matters of human sexuality.

We briefly comment on these topics for further consideration.

## Relationality

The WG noted the importance of building relationships to maintain communion in those parts of the Anglican Communion experiencing similar questions on human sexuality. It also noted a desire on the part of the Bishops of this Church to engage in processes that maintained and enhanced relationships within their respective amorangi and dioceses.

By this we think the theological concept of *koinonia*, centred in the ‘local church’, namely the amorangi or diocese, is the key gathering point in this Church for Christians who are in bond with the triune God and each other. Thus, partaking of the Eucharist makes each faithful Christian bound to God; and creates bonds of mutual commitment and regard to each other. Accordingly, we think maintaining and building relationality is best exercised as *koinonia* under the leadership of the amorangi or diocesan bishop, in consultation with his or her Diocesan Synod; as the necessary basis for implementing safeguards for the peaceful co-existence of theological convictions concerning same gender blessings in this Church.



## Strengthening Church Structures

The WG notes that strengthening church structures is designed to safeguard theological convictions in order to allow ongoing debate on human sexuality to continue in a fair and robust manner irrespective of any decision GSTHW makes concerning the blessing of same gender relationships in this Church. We think the resilience of Church structures could be strengthened by:

- capturing institutional knowledge across the Anglican Communion to build a knowledge bank that all faithful Anglicans can draw on for ongoing debate (for example, what do other provinces say?)
- capturing and applying lessons from this Church and other provinces in this Communion for application in more methodical and systematic ways for maintaining relationality (for example, what happens in provinces in countries like the U.S.A., when communion is impaired but there remains a desire for fellowship?)
- implementing measures to safeguard theological convictions that will allow ongoing debate to continue.

## Recommendations

We have tried to create a toolbox of recommendations which we believe will provide the structural and canonical changes needed to safeguard all theological convictions. We have tried to create places where each can stand without compromise to the beliefs they sincerely hold. The mandate talks of two integrities but it is more than that – there is a spectrum of views and so there needs to be a range of possible ways forward.

This range of tools means that if you are a clergy person who is unable to support the blessings of same gender couples, then the canonical changes will ensure that you are not required to participate in such blessings and there will be no disciplinary nor adverse consequences for you declining to be involved.

Similarly, if you are a clergy person who is supportive of such blessings or you see this as a social justice issue, then there will be a structure by which such blessings can occur and there will be no disciplinary nor adverse consequences for you conducting a service.

### A. No Alteration to Formularies

A1 The WG **recommends** that there are no alterations made to the formularies of the Church. The WG acknowledges that as this Church is not of one mind on this issue it is important that the doctrine on marriage not change and that matters relating to the blessing of same gender relationships in this Church continue to be tested and debated across the theological spectrum. To enable ongoing debate, the WG thinks the formularies must remain as they presently are.

## **B. Enabling Amorangi and Dioceses**

- B1 The WG **recommends** GSTHW enable amorangi and dioceses to safeguard theological convictions across the theological spectrum concerning the blessing of same gender relationships.

The WG thinks that GSTHW's role is to support amorangi and the dioceses in their work; ever mindful of coordinating activities in amorangi and dioceses for the peace, unity and common good of this Church.

GSTHW actions which may be considered appropriate in this regard are:

- issuing guidelines for the implementation of safeguards for all theological convictions in amorangi and dioceses
- amendment or addition to the code of canons in support of the aim.

## **C. New Declarations**

- C1 The WG **recommends** new forms of declaration in this Church.

We think a new form of declaration is needed to align with other Provinces in the Communion and to recognise that what is required for the order and good governance of this Church is a voluntary submission to its rules rather than submission to the authority of GSTHW.

Currently, in the general declaration an 'office holder', or a person holding some other form of 'membership' is required to:

- declare submission to the authority of the General Synod/Te Hīnota Whānui
- consent to be bound by its regulations; and
- undertake to resign if lawfully called upon to do so.

A new form of declaration would ask an office holder or member to submit to other sources of authority in this Church, including but not limited to:

- assenting to Te Pouhere / The Constitution and the Code of Canons; and
- agreeing to be bound by the decisions of this Church's decision-making bodies
- undertaking to resign if lawfully called upon to do so.

Similar amendments would be proposed for other declarations in this Church. These declarations are consistent with those used in other Anglican Provinces including the Church of England and the Scottish Episcopal Church.

- C2 Suggested new forms of declaration are found in the Appendix at 1.1 - 1.3.

## **D. Service of Blessing**

- D1 The WG **recommends** that the decision to authorise a service of blessing for same gender couples in a civil marriage (**the service**) should rest with amorangi and diocesan bishops; who in turn may authorise individual clergy to conduct services only within their respective ministry units.

We note under Title G, Canon XIV a bishop may authorise a non-formulary service for use within a named Ministry Unit. We think this may, with amendment, be an appropriate provision for a service. The WG suggests that amendments would include the following:

- the couple are duly married under civil law
- the vestry or equivalent leadership body within the clergy's Ministry Unit has been consulted and its advice considered in good faith
- the service is in a form authorised by the bishop
- the service would not contravene the general laws of the jurisdiction in which it is to take place
- that bishops and clergy are not liable to complaint for exercising their discretion in this matter.

The WG thinks it important that a bishop's permission to conduct a service is granted only to clergy who wish to do so. No clergy should feel obligated to take services contrary to their theological conviction and conscience. Also, the WG thinks it important that clergy that do want to conduct services are mindful of their fellow clergy who take a contrary position; and therefore remain in the jurisdiction of their Ministry Unit rather than conducting services outside of it.

- D2 Suggested amendments to Title G Canon XIV are found in the Appendix at 2.1-2.2.

## **E. Immunity from Complaint**

- E1 The WG **recommends** immunity from any complaint that could arise from a decision bishops or clergy make concerning whether to conduct a same gender blessing or not.

The WG considers that a 'no discipline' policy is the best way to safeguard the consciences of clergy and bishops. In order for each viewpoint to safely co-exist within this Church each needs to acknowledge that the other must have freedom of conscience and action that aligns with their theological convictions.

- E2 Suggested amendments to Title D and Title G are found in the Appendix at 2.1- 2.2 & 3.1-3.2.

## **F. Orders of Consecrated Life**

F1 The WG **recommends** the recognition of Orders of Consecrated Life in this Church. The formal recognition of Religious Orders and Christian Communities would allow individuals, families and other groupings the option of coalescing into communities bound by common bonds of affection and theological conviction; being able to remain involved in the life of a parish, the diocese and this Church.

The WG suggests certain norms would apply for Religious Orders:

- A religious order would be part of the life and witness of this Church; and the entire Church owes a duty of care to enable the religious way of life
- Its members would fully and freely consent to assuming the religious way of life, including the profession of its vows such as chastity, poverty (or charity) and obedience
- Once recognised in accordance with canon law, governance of the order would as a minimum standard be autonomous, subject to its own discipline, prescribing how it incorporates and forms its members, and the proper aims of its profession
- While autonomy is important, members of the religious order are also part of this Church. Therefore, members of the religious order would owe canonical obedience to some form of ecclesial authority in this Church.

The same norms would apply for Christian Communities which are groupings that do not require vows as Religious Orders do. For both Christian Communities and Religious Orders there would be the ability for a ministry unit to affiliate with them. Also, those appointed to lead the ministry unit would have to either be a member of the Christian Community or be willing to adhere to its constitution.

This proposed change is similar to the approach taken by the Episcopal Church in the United States; and also the approach taken by the Roman Catholic Church.

F2 A suggested canon is found in the Appendix at 4.1.

## **G. 2016 Way Forward Recommendations**

G1 The WG **recommends** that the 2016 Way Forward Report is acknowledged and received; and its recommendations withdrawn at GSTHW 2018.

## H. Other Ecclesial Arrangements

- H1. The WG **notes** that it considered submissions which suggested ecclesial arrangements outside the Three Tikanga Church. For instance, where members of like theological conviction would establish communion with another province in the Anglican Communion or the creation of an extra-Provincial Diocese.

The WG felt that submissions which suggested other ecclesial arrangements like this were beyond the scope of what GSTHW asked it to consider. In essence, the WG's task was to find structures *within* this Three Tikanga Church to safeguard theological convictions on human sexuality. The WG owed a duty of care to 'make every effort to keep the unity of the Spirit through the bond of peace.' (Ephesians 4:3).

The WG was also mindful that some of the proposals represented a significant departure from the principles of canon law recognized as common to the churches of the Anglican Communion. Such principles were expressed in resolution number 72 of the Lambeth Conference 1988 affirming the importance of diocesan boundaries and respect for the authority of bishops within those boundaries.

In addition, some of the proposed changes would have required the involvement and agreement of a large number of disparate parties. For example, an extra-provincial Diocese requires the consent of the Anglican Communion, this Church, as well as the co-operation of ministry units, dioceses and trust boards concerning the transfer of property. The WG wanted to provide recommendations that GSTHW could act on, which would not, because of third party involvement, create potential uncertainty looking forward.

We note however, that should faithful Anglicans in this Church wish to consider other ecclesial arrangements, it would be appropriate for this Church to consider how best to embrace this challenge with the same grace and spirit as is reflected in Motion 29; seeking to find 'breathing room' for one another; to live out our commitment to each other in the light and life of the gospel.

- H2 The WG urges respectful conversations with any clergy person or Ministry Unit that wishes to leave this Church as a result of the recommendations made in this report.

## **Human Rights Act 1993**

There is significant concern among clergy regarding complaints that could be laid against them pursuant to the Human Rights Act 1993 for refusing to conduct a service.

The WG thinks the recommendations in this report provide measures that make any complaint very unlikely to succeed.

The reasons are:

- the recommendations only allow individual clergy with the necessary permission to conduct a service, and on a case by case basis. This means clergy who do not have permission cannot be the subject of a complaint as they are not authorised to conduct a service
- the recommendations recognise the principle of freedom of conscience as a central component of this Church's approach to this matter; something that the Human Rights Review Tribunal will take into consideration
- there must be a 'material disadvantage' to the complainant. There will be other clergy in this Church willing and able to conduct a service; not just the clergy complained about. Thus, this requirement will not be met.

The WG notes in a similar way this Church provides a discretion to clergy to decide whom they do and do not marry. For instance, there is a particular discretion in relation to the remarriage of those who are divorced. To date no complaints have been successfully made in relation to that discretion.

## **Respectful Climate**

The WG comprised membership situated across the theological spectrum concerning same gender blessings. The WG developed a critically sympathetic approach to its work. As a consequence, the working climate was both collegial and open to discussion from all viewpoints. These were important conditions which established a climate of respect and trust in the WG; as it set about the challenging task set before it.

The WG was always mindful of the thoughts and prayers of faithful Anglicans throughout the Church; and trust their dedication to prayer may be reflected not only in the regard WG members developed for each other, but also in the contents of the report which is presented for consideration.

## Conclusion

We welcome comments on whether the structural changes proposed will allow the opportunity for faithful Anglicans to remain engaged in an ongoing fair and robust debate on human sexuality in this Church; and at the same time accomplish a balance along the theological spectrum, between those who wish to conduct blessings of same gender relationships and those who do not.

Comments can be forwarded by mail no later than **4:30pm, Friday 17 November 2017** to ‘The Motion 29 Working Group, c/- the Office of the General Synod/Te Hīnota Whānui, 200 St Johns Road, PO Box 87 188, Meadowbank, Auckland 1742, or by email c/- the General Secretary at [gensecm@anglicanchurch.org.nz](mailto:gensecm@anglicanchurch.org.nz).

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## Appendix

### 1. New Declarations

The WG **recommends** new forms of declaration be introduced in this Church.

#### 1.1 Amended General Declaration

**I, A.B. DO DECLARE** that I will give all due obedience to the Constitution/Te Pouhere and the Code of Canons of the Anglican Church in Aotearoa New Zealand and Polynesia and to the decisions and judgments of those holding authority under the Constitution/Te Pouhere and the Code of Canons including all regulations which may be made pursuant to the Constitution/Te Pouhere and the Code of Canons.

**AND** I hereby undertake in consideration of my holding any such office or membership immediately to resign that office or membership together with all the rights and emoluments appertaining thereto whenever I shall be called upon so to do by those acting under authority given to them by the Constitution/Te Pouhere or the Code of Canons or any regulations made pursuant to them.

Given under my hand this                      day of                      in the presence of:

~



## 1.2 Amended Declaration for Bishops

I, A.B., being about to be ordained to the holy order of bishop

and/or instituted to the office of

### **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 and explained it in its Formularies and its authorised worship.

I affirm my allegiance to the doctrine to which clause 1 of the Fundamental Provisions, and clauses 1 and 2 of Part B 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 / Te Pouhere 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 with the Diocese of Polynesia as a whole and through its constituent parts.

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:

~

### 1.3 Amended Declaration for Clergy

**I, A.B.**, 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 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 Te Pihopa o Aotearoa Te Pihopa o te *[name of Amorangi]*  
The Bishop of *[name of Diocese]*  
and to the successors to that Pihopa / Bishop.

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:

~

## **2. Service of Blessing**

### **2.1 Amend Title G, Canon XIV**

The WG **recommends** an amendment to clause 1 of this canon.

1. Each Tikanga is authorised to approve forms of service not inconsistent with the Constitution / Te Pouhere, or with the Formularies of this Church *except for services the use of which may be authorised pursuant to clause 8*

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## 2.2 Amend Title G, Canon XIV

The WG **recommends** the insertion of new clauses 8 to 13 of this canon.

8. Diocesan bishops and other bishops with episcopal jurisdiction in a diocese, Pihopa Amorangi, and bishops with episcopal jurisdiction in the Diocese of Polynesia may, at their discretion, authorise the use:
  - (a) by individual ministers under their episcopal jurisdiction; and
  - (b) within the ministry unit in which that minister is based, of services of blessing of couples who have entered into a civil marriage (including same gender couples).
9. No minister shall be authorised to use such a service unless:
  - (a) the vestry or equivalent leadership body in the ministry unit has been consulted in good faith; and
  - (b) the jurisdiction in which the blessing will take place allows for the civil marriage that is to be blessed.
10. No minister authorised to use a service of blessing of couples who have entered into a civil marriage is compelled to bless any particular couple and may exercise their discretion and conscience as to which couples are blessed.
11. Clauses 1.1 to 1.6 of Title G, Canon III applies *mutatis mutandis* to any service of blessing pursuant to an authorisation under clause 8.
12. Any person authorising a service pursuant to clause 8, or any person using such a service once it has been authorised, will not be subject to any process of investigation or discipline under Title D Canon I or Title D Canon II.
13. Any person who does not authorise a service pursuant to clause 8, or any person who refuses to use such a service once it has been authorised, will not be subject to any process of investigation or discipline under Title D Canon I or Title D Canon II.

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### **3. Immunity from Complaint**

#### **3.1 Amend Title D, Canon I**

The WG recommends the insertion of sub-clause 4.1 to 4.3; and clause 5 into Title D, Canon I, Part C “Of Maintenance of Standards of Ministry for Bishops, Ministers and Office Bearers”, with subsequent clauses renumbered in sequence:

4. No Ordained Minister commits misconduct who:
  - 4.1 conducts a service which has been authorised pursuant to Title G Canon XIV clause 8, or
  - 4.2 refuses to conduct a service of blessing which has been authorised pursuant to Title G Canon XIV clause.
5. No Ordained Minister may be the subject of any process of discipline or investigation under this canon as a result of the conduct at 4.1 to 4.2 above.

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### **3.2 Amend Title D, Canon II**

The WG recommends the insertion of sub-clause 4.6 to 4.7 into Title D, Canon II “Of Standards required of Bishops” with subsequent clauses renumbered in sequence:

- 4.6 No Bishop commits misconduct who:
  - 4.6.1 authorises a service pursuant to Title G Canon XIV clause 8, or
  - 4.6.2 refuses to authorise a service pursuant to Title G Canon XIV clause 8.
- 4.7 No Bishop may be the subject of any process of discipline or investigation under this canon as a result of the conduct at 4.6.1 to 4.6.2 above.

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## **4. Orders of Consecrated Life**

### **4.1 New Canon**

The WG **recommends** a new Canon XXVII ‘Of the Recognition of Orders of Consecrated Life.’

#### **CANON XXXVII** **OF THE RECONGITION OF ORDERS OF CONSECRATED LIFE**

**Purpose:** The purpose of this Canon is to provide for the recognition of Orders of Consecrated Life and for the affiliation of Ministry Units with them.

#### **PART 1: Definition of Orders of Consecrated Life.**

1. Orders of Consecrated Life that may be recognized by this Church are:
  - (a) Religious Orders which are societies of Christians who voluntarily commit themselves, for their life or a term of years, to holding their possessions in common or in trust, to a celibate life in community and obedience to their Rule and Constitution; or
  - (b) Christian Communities which are societies of Christians who voluntarily commit themselves to obedience to their Rule and Constitution.

#### **PART 2: Requirements for Recognition**

2. To be recognized a Religious Order must:
  - (a) have at least six professed members;
  - (b) be approved by the House of Bishops at the request of the Religious Order;
  - (c) have a Visitor or Protector who must be the Bishop of the Amorangi or Diocese in which the Mother House of the Religious Order is located if there is such a Mother House, or, if there is not, a licensed Bishop in this Church;
  - (d) have a constitution that provides for:
    - i. a statement of belief consistent with the beliefs of this Church;
    - ii. the Visitor or Protector to serve as the arbiter in matters which the members of the Religious Order cannot resolve through normal processes;
    - iii. the Visitor or Protector to provide, on petition, for dispensation from the vows of the Religious Order;

- iv. the establishment and disestablishment of a Mother House, with no Mother House to be established without the permission of the Bishop of the amorangi or diocese in which it is to be located;
  - v. the ability of members to participate in the governance of the Religious Order;
  - vi. the discipline of members;
  - vii. the legal ownership and administration of the temporal possessions of the Religious Order in the event of its dissolution of its assets in accordance with the law applying to the disposition of the assets of the charities in the jurisdiction in which it is based.
3. To be recognized a Christian Community must:
- (a) have at least six members;
  - (b) be approved by the House of Bishops at the request of the Christian Community;
  - (c) have a Visitor or Protector who must be a licensed Bishop in this Church;
  - (d) have a constitution that provides for:
    - i. a statement of belief consistent with the beliefs of this Church;
    - ii. the Visitor or Protector to serve as the arbiter in matters which the members of the Christian Community cannot resolve through normal processes;
    - iii. the ability for members to participate in the governance of the Christian Community;
    - iv. the discipline of members;
    - v. the ability for members to resign;
    - vi. the legal ownership and administration of the temporal possessions of the Christian Community in the event of its dissolution of its assets in accordance with the law applying to the disposition of the assets of the charities in the jurisdiction in which it is based.
4. The requirements at clauses 2(d)(i) and 3(d)(i) do not prevent the recognition of Religious Orders or Christian Communities whose rules or constitutions contain statements of belief or expectations of personal behavior that are beyond those contained in the Formularies, the Constitution/Te Pouhere and the Canons of the Church provided that they are no inconsistent with the Formularies.



5. Recognition of a Religious Order or Christian Community under this canon does not make that Religious Order or Christian Community a Ministry Unit.
6. The House of Bishops may withdraw the recognition of a Religious Order or a Christian Community.
7. Any minister who is a member of a Religious Order or Christian Community is still subject to the jurisdiction of this Church and the minister's licensing Bishop.

**PART 3: Affiliation with Ministry Units**

8. Ministry Units within this Church may affiliate with a Religious Order or Christian Community recognized under this canon.
9. The Constitution of a recognised Religious Order or Christian Community may, but need not, provide for the consequences of the affiliation of a Ministry Unit to the life of that Religious Order or Christian Community.
10. Affiliation occurs when a majority of those present and entitled to vote at a general meeting (or equivalent) of the Ministry Unit, convened and conducted in accordance with the rules governing the procedure of such meeting, vote to affiliate.
11. Ministry Units may disaffiliate using the procedure required for affiliation by clause 10.
12. If a Ministry Unit affiliates with a Religious Order or Christian Community then no person may be appointed as Dean, Vicar or Co-Vicar of a Local Ministry and Mission Unit / Minita-a-Rohe, Chaplain / Taiparani, Warden / Kaihautu, Missioner, Deacon / Priest-in-Charge; Local Priest / Deacon / Minita-a-Iwi of that Ministry Unit unless he or she is a member, or otherwise subscribes to the beliefs and discipline, of the Religious Order or Christian Community that the Ministry Unit is affiliated to.
13. Clause 12 does not and will not operate to deprive any Ordained Minister of Ecclesiastical Office.

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## **Motion 29**

1. That this GSTHW receives with thanksgiving the report of the “*A Way Forward – He Anga Whakamua – Ni Sala Ki Liu*” Working Group.
2. Resolves that the Report and its recommendations do lie on the table until GSTHW, with a firm expectation that a decision to move forward will be made.
3. Establishes and commits to pray for a working group to be appointed by the Primates to consider possible structural arrangements within our Three Tikanga Church to safeguard both theological convictions concerning the blessing of same gender relationships.
4. That this working group report by 1 July 2017.

Mover: Bishop Andrew Hedge

Seconder: Rev Dr Andrew Burgess

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## Working Group Procedure

The WG was appointed at the invitation of the Primates in October 2016. It met on the following dates:

### Date and Venues of Meetings

|           |                  |          |
|-----------|------------------|----------|
| Wednesday | 21 December 2016 | Auckland |
| Wednesday | 26 January 2017  | Auckland |
| Wednesday | 23 February 2017 | Auckland |
| Wednesday | 22 March 2017    | Auckland |
| Wednesday | 19 April 2017    | Auckland |
| Thursday  | 11 May 2017      | Auckland |
| Wednesday | 31 May 2017      | Auckland |
| Thursday  | 15 June 2017     | Auckland |

The General Secretary, Rev'd Michael Hughes, acted as secretary for the WG, and Archbishop Philip Richardson attended all but two of the meetings in support of the group in an ex-officio capacity. An agenda was created for each meeting, with input from all members. All submissions and documents were managed through the WG secretary and the General Synod/Te Hīnota Whānui office. Communiques were drafted after the meeting for approval by members, and dissemination of each communique was made according to a communications plan, put in place on the advice of the church's communication team.

Our grateful thanks are extended to The Right Reverend Te Kītohi Pikaahu and his administration staff for providing the facilities and hospitality at Rangihoua, Māngere.

~

## **Working Group Members**

### **Ex-Officio**

The Primate

### **Members**

|                             |                  |                           |
|-----------------------------|------------------|---------------------------|
| The Rt Rev'd Richard Ellena | Tikanga Pākehā   | Diocese of Nelson         |
| The Rev'd Katene Eruera     | Tikanga Māori    | Te Pihopatanga o Aotearoa |
| Mr Jeremy Johnson           | Tikanga Pākehā   | Diocese of Christchurch   |
| The Rev'd Learne McGrath    | Tikanga Pākehā   | Diocese of Auckland       |
| Mrs Jacqueline Pearse       | Tikanga Māori    | Te Pihopatanga o Aotearoa |
| Mr Fe'iloakitau Kaho Tevi   | Tikanga Pasefika | Diocese of Polynesia      |

### **Secretary**

The Rev'd Michael Hughes

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## **Submissions Received**

### **Group or Joint Submissions**

Anglicans for Faith, Intercession, Renewal and Mission (AFFIRM)

Clergy, Wardens and Vestry of St. Saviours and St. Nicholas Anglican Church, Parish of South Christchurch, Diocese of Christchurch.

Diocese of Auckland letter dated 05 October 2016 to WG entitled “Auckland Diocesan Motion 2016.”

Fellowship of Confessing Anglicans New Zealand (FCANZ)

Group submission from Rt Rev'ds Justin Duckworth, Richard Ellena, Victoria Matthews; Rev'd Jay Behan, Rev'd Dr Andrew Burgess, Anthony Hill, Jeremy Johnson, Moka Ritchie.

Group submission from members of the St Stephens Vestry, Shirley, Diocese of Christchurch. Rev'd Jay Behan, Margaret Butterfield, Peter Farr, Shyrell Friedberg, Karen Hayward, Andrew Irwin, Steve Jukes, Roger O'Callaghan, Rev'd Jimmy Pattison, Lynley Preston, Stephen Webley.

Group submission from individual clergy and/or members of various ecclesial bodies in the Dioceses of Auckland, Waiapu and Wellington: the Rev'ds Claire Barrie and Brenda Rockell and the Vestry St Lukes, Mt Albert, The Very Rev'd Jo Kelley-Moore, Rev'd Petra Zaleski St Peter's, Onehunga, Rev'd Anna Lindsey St John's, Campbell Bay, Members of St Albans, Balmoral (Ron Wilson, Rev'd Nancy Starr, Richard Warren, Mark Hangartner), Rev'd Sarah Park, Rev'd Jenny Chalmers St Andrews, Taupo (Diocese of Waiapu), William Edginton St Mark's Carteron (Diocese of Wellington), Rev'd Helen Jacobi and the Vestry of St Matthews in the City, Auckland, Rev'd Richard Bonifant and members of St Andrews, Epsom, Tony and Glenda Randerson, Julian Morris, Andrew Cardy, Emily Colgan, Graeme MacCormick, Gordon Attwood, Rod and Lynn Oram, Celeste Oram, Anne Mitchell (Diocese of Auckland), Rev'd Dianne Rattray, Malolm McGoun and the Vestry of All Saints Ponsonby (Diocese of Auckland), Bishop Richard Randerson and the Vestry of St Peter's, Willis Street (Diocese of Wellington), Rev'd Andrew Coyle and Rev'd Jemma Allen All Saints, Howick (Diocese of Auckland), Rev'd Bob Hornburg and 15 signatories from St Barnabas, Mt Eden (Diocese of Auckland).

Lloyd, Rev'd Tim on behalf of the vestry of Holy Trinity Forest Lake, Hamilton, Diocese of Waikato and Taranaki.

Marshall, Paul & Harland, Ruth, parishioners of Upper Hutt Parish, Diocese of Wellington.

## **Individual Submissions**

Allan-Johns, Andrew

Bailey, Carol

Booth, Rev'd Dr. Ken

Boyd, Bridie

Carell, Ven. Dr. Peter

Coleman, Rev'd James

Copp, Lorraine

Edginton, Bill

Franklin, Paula

Greville, Rev'd Paul

Jong, Fr. Jonathan

McNeill, Brendan

Mitchell, Mark

Peters, Rev'd Bosco

Ross, Jean & Rev'd Keith Ross

Smith, Fr. Ron

Wood, Jonathan

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## References

“*The Anglican-Roman Catholic Theological Consultation in the U.S.A: Ecclesiology and Moral Discernment.*” April 2014. <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/anglican/upload/arcusa-2014-statement.pdf> > (20 June 2017).

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Locke, K.A. *The Church in Anglican Theology: A Historical, Theological and Ecumenical Exploration*. Surrey: Ashgate, 2009.

Pally, M. *Commonwealth and Covenant: Economics, Politics and Theologies of Relationality*. Grand Rapids, Michigan: William B. Eerdmanns, 2016.

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