

**ANGLICAN DIOCESE OF WELLINGTON**

**POLICY AND PROCEDURES IN RELATION TO COMPLAINTS – October 2019**

**1. INTRODUCTION**

1. This document sets out the principles, policies and procedures that underpin the approach taken in the Anglican Diocese of Wellington when a complaint is made that a minister, office holder or trustee in the Diocese has fallen short of the standards for ministry that apply in this Diocese and the Province of the Anglican Church in Aotearoa, New Zealand and Polynesia.
2. Annex A contains definitions of the terms used in this document.
3. Annex E contains flow diagrams for the processes described in this document.

**2. GENERAL MATTERS**

1. A complaint is an allegation communicated to the Bishop's Office that a minister, trustee or office holder within the diocese has acted contrary to the standards for ministry of the church.
2. These policies and procedures will apply only to complaints that are allegations of misdemeanours or misconduct.
  - 2.1. They are not applicable to any matters of theological disagreement within the Diocese. Such matters are dealt with as set out in Title D.
  - 2.2. They are not applicable to disagreements about decisions properly made by ministers, office holders and trustees in carrying out their prescribed duties (for example, vestry members acting in accordance with section 22 of the Diocesan Mission Units Canon 2016 or ministers exercising their rights as set out in Part 4 of that Canon).
3. These policies and procedures apply to all ministers, all office holders and all trustees within the Diocese.
4. All complaints and counter-allegations made to the Diocese will be dealt with in accordance with the processes set out in these policies and procedures, and in a manner consistent with the Minimum Standards of Procedures set out in Title D Canon 1 Part B Section 9.

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*No prescribed form for complaints*

5. There is no required format that a complaint must take, nor a requirement that it be initially made in writing. However, for a complaint to proceed, the complaint must be made to the Bishop and be noted in writing by or on behalf of the complainant, and all complaints must be confirmed by the signature of the complainant.
6. If a complaint is withdrawn by a complainant, the Diocese may still deal with the complaint if the Bishop is of the opinion that the substance of the complaint warrants further action.

*Complaints which are out of time*

7. No action will be taken on a complaint where the conduct which is the subject of the complaint occurred more than three (3) years before the date on which the complaint is made, except in circumstances which the Bishop decides are exceptional.

*Complaints only from those directly involved*

8. No complaint will proceed if it is received from a person who did not personally experience the behaviour which is the subject of the complaint, unless the person who personally experienced the behaviour is unable to communicate the complaint themselves and the person communicating the complaint has authority to act on the complainant's behalf.

*Complaints made initially or additionally to a civil authority*

9. Notwithstanding clause 8 above, where a complaint is made to a civil agency such as the Police, Human Rights Commission, or any other body having jurisdiction under the laws of New Zealand, any member of the Church who properly is aware of such a complaint may notify the Bishop's Office in writing that such a complaint has been made and the general nature of the complaint.
10. Where the Bishop's Office receives notification of a complaint to a civil agency, generally the Bishop will not take any further action until the outcome of the process being led by the civil agency has been determined.

*Tikanga considerations*

11. While the processes outlined in this policy and procedure document have been designed for Tikanga Pakeha, the Bishop has the discretion to adjust the process to make it culturally appropriate for people from other Tikanga who are affected, especially concerning the involvement of support persons.

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### 3. COMPLAINTS PROCESS

#### *Primary Principles*

1. All complaints will be taken seriously.
2. The first duty of the Bishop, whenever appropriate and safe to do so, is to seek reconciliation between the parties to a complaint.
3. All parties have the right to sensitive handling of complaints without undue delay.
4. Anyone subject to any complaint process is entitled to fair treatment by due process.

#### *Standards of Process*

5. All complaints must be received through the Bishop's Office.
6. Matters which come to the Bishop's knowledge may be treated as a complaint even if no formal complaint is received from any person.
7. The Bishop may delegate to the Bishop's Complaint Delegate any part of the process for responding to complaints.
8. Anyone against whom a complaint is made is entitled to know the substance of the complaint and the identity of the complainant.
9. Anyone against whom a complaint is made will be allowed to answer that complaint. Respondents will be:
  - a. given time to prepare and not be asked for an immediate response
  - b. allowed to be heard in their own defence.
10. No-one can investigate, mediate or determine their own case or a case in which they have a conflict of interest.
11. Anyone subject to any complaint process is entitled to remain silent and nothing adverse to them shall be implied out of that silence.
12. If at any point, before the conclusion of any process, the complainant and respondent are able to achieve a reconciliation with each other in regard to the complaint, the Bishop may determine that the process will cease, and their reconciliation will be recorded as the outcome.

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*Support for Complainants and Respondents*

13. Appropriate support will be offered to both complainants and respondents throughout any complaint process.
14. All complainants and respondents are entitled to appoint their own support persons.
15. Support persons appointed by the complainant or the respondent are entitled to attend all meetings attended by the party they are supporting.
16. Support persons do not have a right to speak during any processes unless invited to do so by the facilitator, mediator or person presiding, and then only with the consent of all parties.

*Initial Procedures on receipt of a complaint*

17. A complaint must be conveyed to the Bishop's office, either in writing, or by some other means which is then confirmed in writing by the complainant before any action is taken upon it.
18. The Bishop will, within 7 days of receipt, acknowledge receipt of the complaint.
19. The Bishop will first determine whether this is a matter to inquire into or not. The Bishop may seek advice from the Bishop's Complaint Delegate, the Chancellor or Legal Advisor or other persons the Bishop thinks appropriate before making that decision.
20. The Bishop may determine that a complaint is frivolous, vexatious or malicious. In that event the Bishop will disallow further processing by the Church of the complaint – that decision is final.
21. If the Bishop determines to take no further action on the grounds that the complaint is out of time or is not an issue of standards for ministry, then that decision is appealable by the complainant under the provisions of Title D Canon 1 Part C3, clause 4.4.1.
22. Upon receipt of a complaint which the Bishop determines is a case which should be inquired into, the Bishop will then decide whether this is a matter which constitutes a misdemeanour or misconduct.
23. The provisions of Part 4 below shall apply in respect of all complaints dealt with as misdemeanours.
24. The provisions of Part 5 below shall apply in respect of all complaints dealt with as misconduct.

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#### 4 MISDEMEANOURS

1. Where the Bishop is of the opinion that the complaint received by the Diocese comprises a misdemeanour, the Bishop will:
  - (a) open a complaint file;
  - (b) give a copy of the complaint to the respondent;
  - (c) advise both the respondent and the complainant in writing that the complaint will be dealt with as a misdemeanour
  - (d) advise both the respondent and the complainant in writing of the process the Bishop intends to use in seeking reconciliation between the parties: namely
    - Mediation or
    - Determination or
    - Some other process that the Bishop may choose
  - (e) notify the Bishop's Complaint Delegate in respect of those matters provided in paragraphs (b) – (d) above.
2. Within 14 days after receiving that advice, the Bishop's Complaint Delegate will, after such initial discussions with the parties as the Bishop's Complaint Delegate considers appropriate, notify the parties of the details of the process to be followed and arrange for the process to be commenced as soon as practicable.
3. The Bishop's Complaint Delegate will record on the complaint file the course of action to be followed and will set out the timeframes anticipated. The Bishop's Complaint Delegate will provide to the Bishop's office, at least monthly, a report of progress in respect of all complaints that have been referred to the Bishop's office.

#### *Mediation*

4. The Bishop's Complaints Delegate, in consultation with the Bishop, will appoint a suitable person who will provide mediation assistance to the parties.
5. The mediation will seek to reconcile the parties and to achieve an accepted settlement of the complaint and an appropriate pastoral solution to the issues.
6. The mediation process will be conducted in a manner consistent with the primary principles and standards of process set out in these policies and procedures.
7. Any mediation will be in an atmosphere supportive of both the complainant and the respondent. The mediation process continues until the complaint is resolved or the process is concluded.
8. The mediation process will be private.

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10. Both the conduct of a mediation and any resolution may take due account of any appropriate alternative resolution procedures.
11. The Bishop's Complaints Delegate will decide what length of time is appropriate for the mediation to continue to seek the resolution of the issues of the complaint.
12. If the mediation process is concluded to the satisfaction of the parties, the complainant, the respondent and the mediator will record in writing, and individually sign, the terms of the settlement and then will notify the Bishop's Complaint Delegate who will:
  - a. record the successful outcome satisfactory settlement of the process in the complaint file and provide copies of that record to all parties;
  - b. notify the Bishop that the process has been successful settled satisfactorily.
13. If the mediation produces a result accepted by the complainant and the respondent, the Bishop, at the Bishop's absolute discretion, may take any steps agreed and recommended at the mediation, and, in addition, may take such other actions as the Bishop deems appropriate.
14. The Bishop may, in addition, refer to determination any matters that arise during or after the mediation process.
15. The process for determination is set out below.
16. The Bishop's Complaint Delegate will assess when it is appropriate to conclude that a mediation has failed to achieve a satisfactory resolution of the complaint and will report that to the Bishop.
17. If the Bishop decides that the mediation has failed to achieve a satisfactory resolution of the complaint the Bishop may:
  - Refer the complaint directly for determination or
  - Determine that no further action is to be taken on the complaint or
  - Authorise some other process that the Bishop may choose.
18. In the event of a failed mediation, the Bishop's Complaint Delegate will, within 7 days of receiving the decision of the Bishop (clause 16), and after such initial discussion with the parties as they consider appropriate, notify the parties of the decision and any further course of action to be followed subsequent to the breakdown of the mediation, and arrange for the process to be commenced as soon as possible.

#### *Determination*

19. The Bishop may invite a suitable person or persons to further inquire into and determine any complaint ('the Person').

20.

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21. The Person will be entitled to take legal advice as to the procedure for the determination and in any event must follow the primary principles and standards of process set out in these policies and procedures.
22. The Person will meet personally and individually with the complainant and the respondent.
23. The complainant and the respondent may be accompanied by a support person if they wish. Neither the complainant nor the respondent may be represented by another person in the course of this determination process.
24. The Person may meet with other individuals or otherwise gather such information as the Person deems necessary for the process of determination and may take account of any evidence the Person thinks fit, whether it would be admissible in a Court of Law or not.
25. The process of determination will not be hindered if one party chooses, without good cause, not to participate in the process.
26. The determination process will be conducted in private.
27. The Person will report the Person's findings to the Bishop and the parties.
28. The Person may make recommendations to the Bishop as to the action that the Bishop might take on the complaint. Such recommendations will not be binding on the Bishop.
29. Following receipt of the Person's report, the Bishop will determine an appropriate outcome and in so doing will have regard to opportunity for restoration after repentance, as a Gospel principle. The Bishop, at the Bishop's absolute discretion, may
  - take no further action with respect to the parties to the complaint or
  - admonish the minister, trustees or office holder or
  - impose such other conditions in respect of that minister's, trustee's or office holder's ministry as the Bishop deems appropriate or
  - suspend the Minister's or Office Holder's licence for such period as the Bishop deems appropriate.
30. The Bishop, after determining the appropriate outcome, will decide if, and to what extent, the findings should be made public.

*Actions following the conclusion of a misdemeanour process*

31. The Bishop will close the complaints file and will decide at the Bishop's discretion whether any note of the complaint and its outcome will be recorded on any file relating to the minister, trustee or office holder which is held in the Bishop's Office.

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33. The Bishop's Office will retain the complaint file in a safe and secure location for a period of six (6) years from the date of its closure. Only the Bishop or a person authorised by the Bishop will be able to access the file.

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**5 MISCONDUCT**

1. If, in the opinion of the Bishop, a complaint, if upheld, may result in a finding of misconduct, the Bishop must determine that it be dealt with in accordance with the Tribunal determination processes set out in Title D Canon 1 Part D3-5 and Part E.

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## ANNEX A: TERMS USED IN THIS DOCUMENT

**Bishop:** The Bishop or Assistant Bishop of Wellington

**Bishop's Complaint Delegate:** A person (or persons) appointed by the Bishop to assist the Bishop in the handling of a complaint

**Bishop's Office:** Mail: Bishop of Wellington, PO Box 12 046, Wellington 6144; or email: Bishops@anglicanmovement.nz; or phone: 04 472 1057 (also Office of the Bishop of Wellington)

**Church:** The Anglican Church in Aotearoa, New Zealand and the Pacific

**Code of Conduct (Wellington Diocese):** See Annex C

**Code of Ethics (Wellington Diocese):** See Annex B

**Complainant:** A person who is complaining about the behaviour of a Minister, Trustee or Office Holder

**Counter-allegation:** A complaint by a respondent that a complainant has themselves breached standards for Ministry or has made a complaint that is malicious and vexatious and without merit.

**Diocesan Canons:** These can be found at <http://wn.anglican.org.nz/files/docs/handbooksmanuals/2018%20diocesan%20canons.pdf>

**Diocese:** The Diocese of Wellington which is a part of the Anglican Church in Aotearoa, New Zealand and Polynesia.

**Minister:** Person in holy orders of deacon or priest in this Church, or a lay person who holds a lay licence from a Bishop/Pīhopa

**Misconduct:** Substantial or consistent conduct of a Minister, Trustee or Office Holder that is disgraceful or dishonourable when measured against the standards for ministry. Any complaint alleging sexual abuse or sexual misconduct or sexual harassment will always be dealt with as misconduct. Any complaint made to civil agencies, of which the Diocese is notified, will be dealt with as misconduct.

**Misdemeanour:** Substantial or consistent conduct of a Minister, Trustee or Office Holder that is unacceptable, unbecoming, unprofessional or inappropriate when measured against the standards for ministry.

**Office holder:** All members of the Laity who have assented to the authority of General Synod / te Hīnota Whānui and have accepted any charge, office or trust under the authority of the General Synod / te Hīnota Whānui or any Diocesan Synod, te Runanganui and/or Hui Amorangi;

**Provincial Canons:** These can be found at <http://www.anglican.org.nz/Resources/Canons>

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**Respondent:** The minister, trustee or office holder against whom a complaint is made

**Standards for Ministry:** The standards and obligations of office set out in Title D Canon 1 Title D Parts A and C2, (see Annex D) and in the Code of Conduct in force in the Anglican Diocese of Wellington and in the Ethical Guidelines in force in the Anglican Diocese of Wellington.

**Support Person:** A person that a complainant or a respondent appoints to attend meetings with them to provide emotional and practical support and reassurance during the meetings. The support person cannot act as an advocate, or argue for the complainant or respondent, but they may give advice to the complainant or respondent or answer on their behalf if they are unable to do so.

**The Person:** A person or persons invited by the Bishop to further inquire into and determine a complaint.

**Title D:** The five Canons that comprise Title D of Te Pouhere/The Constitution of the Anglican Church in Aotearoa, New Zealand and Polynesia, entitled Of Maintenance of Standards of Ministry for Bishops, Ministers and Office Bearers.

**Tribunal:** A Tribunal established pursuant to Title D Canon 1 and to the Diocesan Professional Standards Committee Canon 2009.

**Trustee:** A trustee of a trust related to the Anglican Church in the Diocese of Wellington who has assented to the authority of General Synod/te Hīnota Whānui.

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## **ANNEX B: WELLINGTON DIOCESE CODE OF ETHICS (Standing Resolution E7)**

### **(1) Purposes**

For all people who hold a Bishop's Licence, and for others who minister under the authority of the Church, in the Diocese of Wellington, this code:

- (a) provides a statement of what both church members and the general public may expect from ministers.
- (b) helps to define both personal responsibility and autonomy in relation to the wider ministry of the Church.
- (c) provides an indication of the standards on which ministry is offered under the authority of the Church.
- (d) reinforces the corporate and mutual responsibility of ministers.
- (e) offers a resource for understanding the nature of responsible ministry.

### **(2) Principles**

- (a) Every person, being created in God's image, has infinite worth and unique value, irrespective of origin, race, ethnicity, gender, age, belief, social or economic status, sexual orientation, marital status, contribution to society or present psychological, physical or spiritual state.
- (b) All ministry, regardless of its form, should seek to bring glory to God, and further the best interests of those who receive it.
- (c) Every person may expect to be supported in the development of their God-given potential, while recognising the same expectation in others.
- (d) Every person, whether or not presently a member of the Church, may expect to receive objective and disciplined knowledge and skill, to enable that person to grow in the Christian faith.

### **(3) Responsibilities to the Church**

- (a) Ministers will recognise their membership of the Body of Christ, the Church.
- (b) Ministers will offer their gifts to the development of the declared ministry and policies of the Anglican Church.
- (c) Ministers will adhere to standards of ministry as accepted by the Church, and work for their advancement.
- (d) Ministers will accept the authority of the church to regulate their conduct.
- (e) Ministers will be responsible in the amount of time that they give to the ministry of the Church, guarding against both over-commitment and avoidance of responsibility.

### **(4) Responsibilities to those receiving ministry**

- (a) Ministers will recognise the right of persons receiving ministry to privacy in respect to the collection, use, disclosure and retention of information as set out in the Privacy Act 1993. Here, 'information' means personal information, both written and oral, about an identifiable individual.

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- (b) Ministers providing the Ministry of Reconciliation will recognise the right of the person receiving the ministry to complete confidentiality, both by law, and in keeping with the rubrics on page 750 of 'A New Zealand Prayer Book, He Karakia Mihinare o Aotearoa'.
- (c) Ministers providing other forms of ministry will recognise the right of those receiving ministry to confidentiality in situations other than those referred to in clause E11(4)(b). Confidentiality must be maintained except where disclosure is necessary to prevent or lessen a serious and imminent threat to:
  - (i) the life or health of the individual concerned or another individual; or
  - (ii) the public health or public safety.Generally, in other situations, confidentiality should be breached only with the consent of the person receiving ministry, or as otherwise required by law.
- (d) Ministers will not abuse their position by taking advantage of those to whom they minister for the purposes of personal, institutional, political or financial gain.
- (e) Ministers will recognise the right of persons receiving ministry to be free from threat of sexual exploitation or sexual harassment of any kind. [refer Section E(7)].
- (f) Ministers will encourage those receiving ministry to make their own decisions and take responsibility for their own lives, under God.
- (g) Ministers will recognise the limits of their own competence and personal interest, and refer those to whom they minister to others when this is necessary or desirable.

**(5) Responsibilities to other ministers**

- (a) Ministers will treat other ministers with respect, consideration, fairness and good faith.
- (b) Ministers will recognise the abilities, expertise and views of other ministers and value the contributions they make.
- (c) Ministers will respect the confidence of other ministers.
- (d) Ministers will seek resolution of conflicts which arise with other ministers, using mediation where necessary.
- (e) Ministers will, when appropriate, cooperate with other ministers when it is in the best interests of the people to whom they minister.
- (f) Ministers will respect the time constraints of other ministers.

**(6) Responsibilities to themselves**

- (a) Ministers will recognise that there are limits to the ministry they can properly provide and that respect for their own health and well-being is necessary.
- (b) Ministers will recognise their own need, and that of their family, for recreation, refreshment and renewal for which, at times, they may need to call on the support and expertise of others.
- (c) Ministers will recognise their need for regular supervision and spiritual direction to maintain a high standard of ministry, and will make their own arrangements to secure this.
- (d) Ministers will recognise their need to update, extend and enhance their knowledge and skills regularly.

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**(7) Pastoral relationships within ministry**

- (a) Ministers, like others involved in 'helping' professions, will adhere strictly to their ethical obligations. It is always the responsibility of the minister to ensure that the pastoral relationship remains healthy and in the best interests of the person receiving ministry.
- (b) Ministers will be aware of the deep and intense feelings that can occur within a pastoral relationship. They will monitor not only the emotions of those to whom they minister, but also their own, to avoid any exploitation of the relationship.
- (c) Apart from normative relations within marriage, a sexual relationship between a minister and a person to whom a minister is offering personal or individual ministry is never in the interests of either party, and is always an abuse of trust. The term 'sexual relationship' includes any form of physical contact which has as its purpose some form of sexual gratification, or which may be reasonably construed as having that purpose.

**(8) Canon I, Title D**

- (a) The provisions of this resolution must be read subject to Canon I, Title D; and
- (b) If there is any inconsistency between the provisions of this resolution and the provisions of Canon I, Title D, the latter provisions shall prevail.

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## **ANNEX C: WELLINGTON DIOCESE CODE OF CONDUCT (Standing Resolution E8)**

### **(1) Preamble**

This code is for all people who hold a Bishop's licence, and for others who minister under the authority of the Church, in the Diocese of Wellington.

### **(2) Purpose**

- (a) This code is intended to cover the conduct of persons who are licensed to practise as priest or deacon, also those who are qualified as priest or deacon, but who are not currently licensed by the Bishop, and all lay persons who are engaged in any formal duties recognised by members of the public as pertaining to church function (eg members of vestry, pastoral workers, lay ministers, etc).
- (b) This code is intended to provide a set of boundaries to protect such ministers and also those who seek their services.
- (c) As a companion document to the Code of Ethics, it is intended to offer support and guidance, and to empower ministers in the church in the day-to-day performance of their ministry.

### **(3) The Code**

- (a) Ministers are actively involved in the community.
  - (i) Ministers who are licensed representatives of the Church must be available to the public, and must not, without good cause, refuse to respond to requests for priestly or pastoral services within the scope of competence.
  - (ii) Ministers need to be especially sensitive about confidentiality and self-monitor both public and private statements and comments.
- (b) Ministers must respect and never abuse the relationship of confidence and trust between themselves and any person seeking their services.
- (c) Ministers must not enter into a priestly or pastoral relationship where there is, or is likely to arise, any conflict between their personal interests and the best interests of the other party.
  - (i) Perception by a minister that a conflict of interest exists, or is likely to exist, is sufficient cause to act in the best interests of the party.
  - (ii) Consent should not be made an issue for the other party, and a minister should be aware that a deeply held personal conviction or principle can distort objectivity.
  - (iii) In the event of a conflict, or likely conflict of interest, a minister shall:
    - advise the other party of the conflict of interest, and that priestly or pastoral services should be sought elsewhere;
    - offer to assist with arranging alternative services.
  - (iv) Potential areas of conflict include, but are not limited to the following:
    - opportunity or invitation to exert power or control over a person's life;
    - sexual attraction towards the other person;
    - opportunity or invitation to act as a mediator/counsellor between two parties, where partiality exists for or against one of the parties.

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- (d) Ministers should establish a work environment which, in a practical way, minimises the possibility of suspicion or misunderstanding.
- (e) Ministers must respect the ethnic and cultural background, gender, class and sexual orientation of those to whom they minister.
- (f) To evaluate, maintain and improve their work, ministers must learn how to recognise their personal and professional needs in areas of competence and emotional and spiritual well-being.
- (i) To do this, ministers should utilise ongoing self-evaluation, peer support, consultation, supervision, continuing education and/or personal counselling.
- (g) Ministers should question practices in the church community that appear to be harmful or abusive.
- (i) In exercising this tenet, they must seek advice, and safeguard the rights and dignity of the persons involved before acting.
- (h) Ministers should be productive in safeguarding their own integrity in priestly or pastoral situations, including:
  - (i) maintaining proper appointments systems:
  - (ii) suggesting the presence of support persons (eg personal friend/relative, or church contact person) during private pastoral counselling sessions:
  - (iii) keeping discussion relevant to the issue at hand:
  - (iv) honouring confidentiality:
  - (v) refraining from undue familiarity:
  - (vi) avoiding physical closeness or inappropriate touch:
  - (vii) never using sexually demeaning words or actions, or jokes in doubtful taste:
  - (viii) not involving others in their own personal problems:
  - (ix) consulting about difficult situations, within the bounds of confidentiality:
  - (x) employing strong support systems and self-monitoring.

**(4) Canon 1, Title D**

- (a) The provisions of this resolution must be read subject to Canon I, Title D; and
- (b) If there is any inconsistency between the provisions of this resolution and the provisions of Canon I, Title D, the latter provisions prevail.

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**ANNEX D: TITLE D CANON 1 PARTS A AND C2 OF MAINTENANCE OF STANDARDS OF MINISTRY FOR BISHOPS, MINISTERS AND OFFICE BEARERS**

**CANON 1**

2000

**OF MAINTENANCE OF STANDARDS**

**OF MINISTRY**

**FOR BISHOPS, MINISTERS AND OFFICE BEARERS**

**PART A- OF OBLIGATIONS OF OFFICE :**

**GENERAL PRINCIPLES**

- |    |  |                                |
|----|--|--------------------------------|
| 1. | Men and women accepting the distinctive calling of ordained Ministry, and Office Bearers in this Church must recognise they are not simply exercising a function or role. They also exercise a representative Ministry and are expected to lead an exemplary way of life.  | <i>Representative Ministry</i> |
| 2. | Ministry in an Office in this Church requires observance of appropriate standards of behaviour in the exercising of the role of Minister, in relationships and in personal life.   | <i>Observance of Standards</i> |
| 3. | <p><b>DUTIES OF CLERICAL OFFICE:</b></p> <p>All who receive the authority of Orders in this Church have a duty of care and guidance to the people they serve. They owe a duty of obedience to their Bishop and those to whom authority is given by the Bishop or by the Constitution / te Pouhere, of collaboration with their colleagues in this Church and the Churches with which this Church is in a covenant relationship, and of consultation and co-operation with the laity. In delegating responsibilities they have a duty of care and continuing supervision. In all they do they have a duty of ensuring the regulations and Canons of this Church are complied with. They exercise their authority as men and women who are themselves under authority.</p> | <i>Duty of Ordained Office</i> |
| 4. | <p><b>LITURGY:</b></p> <p>It is the responsibility of Ordained Ministers to lead God's people in praise and thanksgiving to God, to ensure reverent, regular and carefully prepared divine service using the forms authorised by this Church.</p>  | <i>Liturgy</i>                 |

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5. PREACHING, TEACHING AND EVANGELISM:

It is the duty of Ordained Ministers to preach the Gospel and to instruct people in the faith as this Church understands it. They are to lead people to a deeper exploration and fuller understanding of the Gospel and its challenges to contemporary life within the tradition of faith, bringing new insight and knowledge to interpretation and application, that the Gospel may be proclaimed as good news to their own times.

*Preaching  
Teaching and  
Evangelism*

6. SEEKING TO TRANSFORM UNJUST STRUCTURES AND CARING FOR CREATION.

It is the responsibility of Ministers to proclaim the Mission of the Church which includes seeking to transform unjust structures of society, caring for God's creation, and establishing the values of the Kingdom.

*Unjust  
Structures and  
Caring for  
Creation*

7. PASTORAL CARE:

It is the tradition of this Church and the duty of Ministers to offer pastoral Ministry and care to all who desire it whether members of a congregation of this Church or not.

*Pastoral Care*

8. PASTORAL OVERSIGHT:

In exercising their pastoral care Ordained Ministers enter into relationships which may involve exceptional and extended dependency and vulnerability. Ordained Ministers have a special duty of confidentiality of information received by virtue of their role as Ordained Ministers; and improper disclosure of that information is a breach of duty. The protection of children from harm is a primary obligation. Emotional detachment appropriate to calling and to the exercise of pastoral relationships must be maintained. All persons of whatever age, sex, race, creed or ability must be treated with the care and respect that lie at the heart of the Christian vision of all human community and with the wisdom and love that are at the heart of all Christian Ministry.

*Pastoral  
Oversight*

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9. PASTORAL RELATIONSHIPS:

Ministers of God's grace can themselves become vulnerable. Ministers must guard against the possibility of misunderstanding and over-dependence. Ministers must preserve appropriate inter-personal disciplines and boundaries. Aware of the power of the Minister's position Ministers must avoid abuse of that power, and any manipulation of a person in the guise of giving counsel. It is a serious abuse of power to use a calling or a pastoral position to

*Pastoral  
Relationships*

further a personal relationship of an emotional or sexual nature, and it is a breach of duty.

10. STANDARDS OF PERSONAL BEHAVIOUR:

Ministry by any Minister is as much a function of what a Minister is as of what a Minister says or does.

*Standards of  
Personal  
Behaviour*

10.1 HOLINESS:

Ministers and especially the ordained are called to be witnesses to holiness in their daily lives. As well as acknowledging there are offences which are offences against civil law there are also other kinds of behaviour which though not criminal fall short of the standards expected of a Minister especially an Ordained Minister.

*Holiness*

10.2 HONESTY AND INTEGRITY:

Ministers are able to influence others in the exercise of their office and must avoid any improper influence in fact or intention upon those to whom they minister in order to obtain some material benefit. Malicious gossip must be shunned as much as defamation. Ministers must beware of gifts intended as bribes or other influence, or relationships and confidences intended to implicate or manipulate.

*Honesty and  
Integrity*

10.3 SELF-CONTROL:

Ministers should be temperate, self-controlled in their behaviour, and not abusive towards others.

*Self Control*

10.4 CHASTITY:

Chastity is the right ordering of sexual relationships.

*Chastity*

10.4.1 Ministers are to be chaste. Promiscuity is incompatible with chastity.

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- |        |  |   |
|--------|--|---|
| 10.4.2 | The sexual abuse of children is an utter disregard of humanity and a complete repudiation of the teaching of Christ.   |   |
| 10.5   | SUBSTANCE ABUSE:<br><br>Ministers shall not misuse drugs, alcohol or other substances.   | <i>Substance Abuse</i>                    |
| 10.6   | FAMILY:<br><br>Ministers must give time and care to their families appropriate to family commitments and duties. Ministers need to allot proper time to recreation and the development of their own special gifts and talents. | <i>Family</i>                             |
| 11.    | STANDARDS REQUIRED OF MINISTERS:<br><br>Ministers shall  |   |
| 11.1   | Collaborate appropriately with other Ministers;  | <i>Collaboration</i>                      |
| 11.2   | Obeys lawful instructions from the Licensing Bishop;   | <i>Obedience</i>                          |
| 11.3   | Work collaboratively with others who are licensed to share in the performance of public duties, and in particular of worship;  | <i>Share public worship</i>               |
| 11.4   | Use duly authorised forms of public worship;   | <i>Authorised worship</i>                 |
| 11.5   | Preach the Gospel. Lay Ministers are only required to do so when so licensed by the Bishop;  | <i>Preaching</i>                          |
| 11.6   | Teach only doctrine and interpretation of the Faith that are in conformity with the formularies of this Church, and not teach private or esoteric doctrine or interpretation in contradiction of those formularies;            | <i>Doctrine</i>                           |
| 11.7   | Ensure that those in need are cared for with Christ-like compassion and humility;  | <i>Care of the Needy</i>                  |
| 11.8   | Build up Christ's congregation, strengthen the baptised and lead them as witnesses to Christ in the world;   | <i>Building up the congregation</i>       |
| 11.9   | Proclaim the Mission of the Church (as stated in the third Preamble of the Constitution / te Pouhere) and not habitually to neglect such proclamation;   | <i>Proclaim the Mission of the Church</i> |
| 11.10  | Keep administrative records and ensure administrative duties are carried out properly and appropriately;   | <i>Keeping Records</i>                    |

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- |        |   |   |
|--------|---|---|
| 12.    | Ordained Ministers shall  |   |
| 12.1   | Oversee worship of the congregation by ordained and / or licensed lay Ministers;  | <i>Overseeing worship</i>                           |
| 12.2   | Be pastors who share people's joys and sorrows, encourage the faithful, recall those who fall away, heal and help the sick;   | <i>Work of pastor</i>                               |
| 12.3   | Proclaim God's word and take their part in Christ's prophetic work, declare forgiveness through Jesus Christ, baptise, preside at the Eucharist and administer Christ's holy sacraments   | <i>Priestly ministry</i>                            |
| 12.4   | Serve in the name of Christ and so remind the whole Church that serving others is essential to all ministry, and ensure that those in need are cared for with Christlike compassion and humility.   | <i>Diaconal Ministry</i>                            |
| 12.5.  | Bury the dead or conduct the rites for cremation and the committal of ashes;  | <i>Bury the dead</i>                                |
| 12.6   | Exercise the pastoral role of spiritual counsel and advice, but avoid moving improperly from that role of pastor into the role of professional counsellor or Tohunga;   | <i>Spiritual counsel</i>                            |
| 12.7   | Keep information confidential whether imparted in confession or informally in conversation and not improperly disclose it;  | <i>Confidentiality</i>                              |
| 12.8   | Perform the Duties of Office to which the person is licensed in an effective manner. Such performance fails where there is inability or unwillingness to perform those duties.  | <i>Inability or unwillingness to perform duties</i> |
| 12.9   | Keep records required by law and by the Church, as important tools of Ministry.   | <i>Records</i>                                      |
| 13.    | MINISTRY RELATIONSHIPS:   |   |
|        | Ministers by virtue of their calling and office enter into various relationships with others. Ministry relationships are grounded in a community of common concern, depend for their successful outcome on a secure basis of integrity and trust and assume the development and practice of appropriate disciplines and skills as well as proper standards of behaviour and practice. | <i>Ministry Relationships</i>                       |
| 13.1   | Those whom God calls to ministerial leadership through the Church have responsibilities   | <i>Responsibilities</i>                             |
| 13.1.1 | To exercise accountable oversight to those with whom a Minister has pastoral responsibility and shares the Ministry of the Church;  | <i>Accountable oversight</i>                        |
| 13.1.2 | To observe all the provisions and implications for the welfare of children and young persons under civil law;   | <i>Children and young persons</i>                   |

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- |        |   |                        |
|--------|---|------------------------|
| 13.1.3 | To have and maintain reliable and effective means of communication at all levels of church life;      | <i>Communication</i>   |
| 13.1.4 | To keep confidentiality of information received in their role as ordained Ministers or lay Ministers; | <i>Confidentiality</i> |
| 13.1.5 | To comply with Privacy legislation.   | <i>Privacy</i>         |

....

**PART C2 OF MISCONDUCT:**

- |       |  |  |
|-------|--|--|
| 3.    | All persons who are subject to episcopal jurisdiction in this Church shall be liable to discipline for any of the following acts or omissions:                                 | <i>Particular acts or omissions</i>              |
| 3.1   | Conduct inappropriate or unbecoming to the office and work of a Minister or Office Bearer, to include;   | <i>Conduct</i>                                   |
| 3.1.1 | Conviction in a Court of Law of any act which is a crime punishable by imprisonment which shall be conclusive proof that the person has committed the crime therein specified; | <i>Conviction</i>                                |
| 3.1.2 | Any act of adultery;   | <i>Adultery</i>                                  |
| 3.1.3 | Any act or habit of corruption or immorality;  | <i>Corruption or immorality</i>                  |
| 3.1.4 | Any act or habit of sexual or other harassment or disregard for responsible personal relations;  | <i>Sexual or other harassment</i>                |
| 3.1.5 | Misuse of drugs, alcohol or other substances;  | <i>Misuse of substances</i>                      |
| 3.1.6 | Any culpable disregard of the obligations recognised by law in reference to family relationships;  | <i>Family relationships</i>                      |
| 3.1.7 | Any breach of standards and any breach of ethical standards of the Tikanga of the Episcopal Unit in which they minister.   | <i>Ethical behaviour</i>                         |
| 3.2   | Any knowing and wilful contravention of Canons or regulations of General Synod / te Hīnota Whānui or of any Diocesan Synod, te Runanganui or Hui Amorangi;                     | <i>Contravention of Canons &amp; Regulations</i> |
| 3.3   | ....   | <i>Doctrine</i>                                  |

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- |       |  |  |
|-------|--|--|
| 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. | <i>Use of Prayer Books</i>                                 |
| 3.5.  | Habitual negligence by an Ordained Minister in the performance of duties as required by Ordination vows;   | <i>Ordination vows</i>                                     |
| 3.5.1 | Refusal by an Ordained Minister without good and lawful reason to perform for any member of this Church any act pertaining to the Ministry of this Church;   | <i>Refusal to minister</i>                                 |
| 3.6   | Refusal or neglect by an Ordained Minister to obey the lawful directions of the Bishop and to submit to the godly admonitions of the Bishop;   | <i>Lawful directions of Bishop</i>                         |
| 3.7   | Significant or continuing failure, neglect or refusal to carry out the Obligations set out in Part A may be determined to amount to misconduct under Title D.  | <i>Failure neglect or refusal of Obligations of Office</i> |
| 4.    | No Ordained Minister commits misconduct who:   | <i>2018</i>  |
| 4.1   | Conducts a service which he or she has been authorised to conduct pursuant to Title G Canon XIV clause 8; or   | <i>2018</i>  |
| 4.2   | Refuses to conduct a service of blessing which he or she has been authorised to conduct pursuant to Title G Canon XIV clause 8; or   | <i>2018</i>  |
| 4.3   | ...  | <i>2018</i>  |
| 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 4.3 above.   | <i>2018</i>  |

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**ANNEX E: FLOW DIAGRAMS OF THE PROCESS SET OUT IN THIS DOCUMENT**

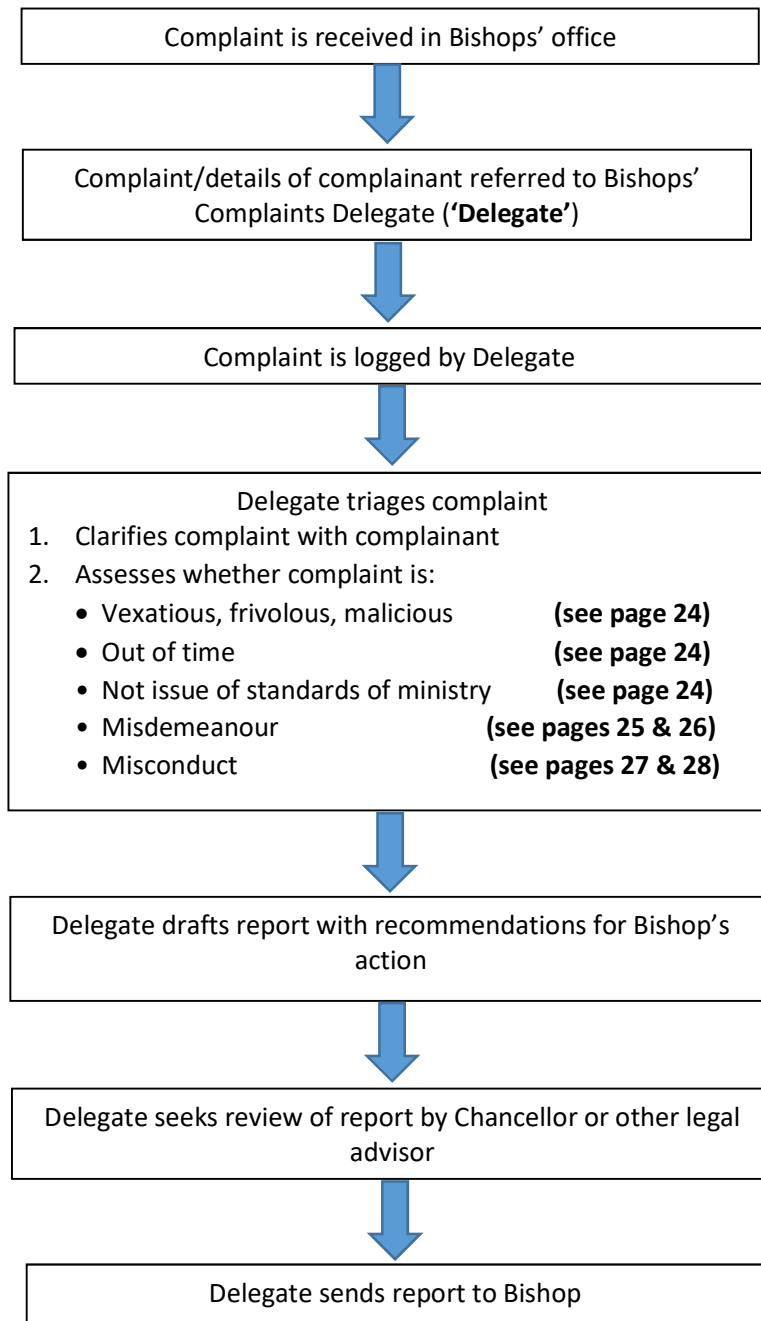
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#### HOW THE PROCESS WILL WORK IN PRACTICE



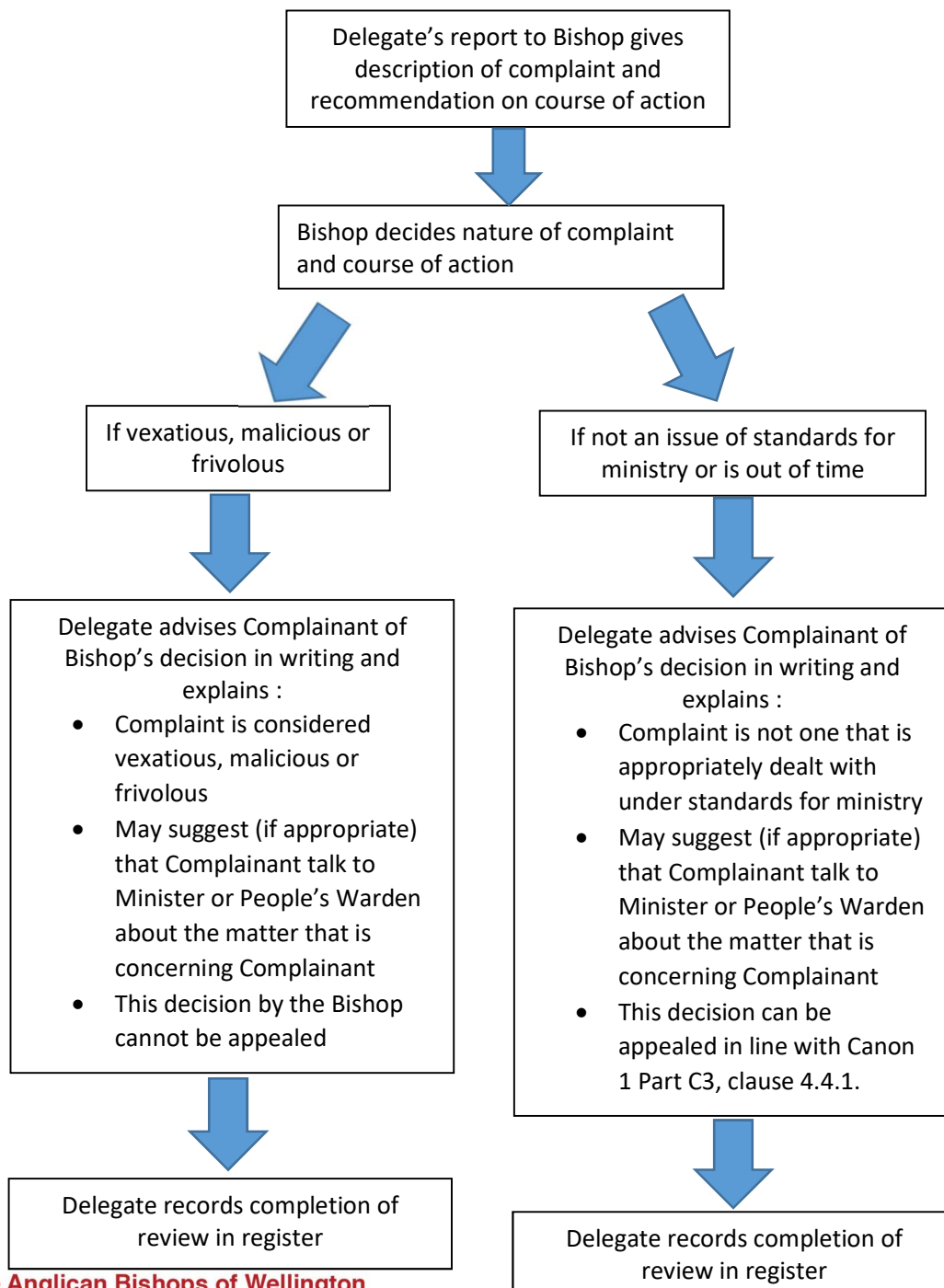
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HOW THE PROCESS WILL WORK IN PRACTICE (Page 2)

If not issue of standards of ministry or is out of time or is vexatious, malicious or frivolous



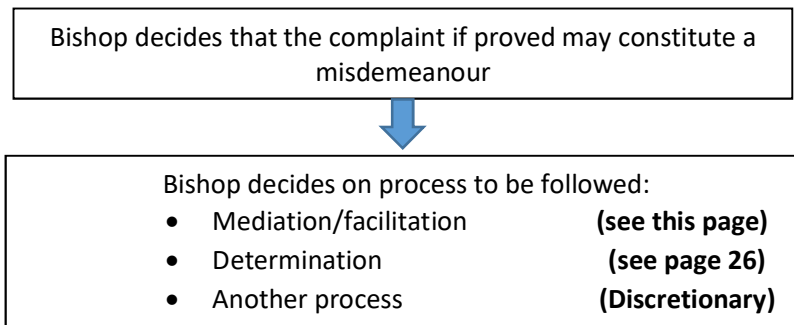
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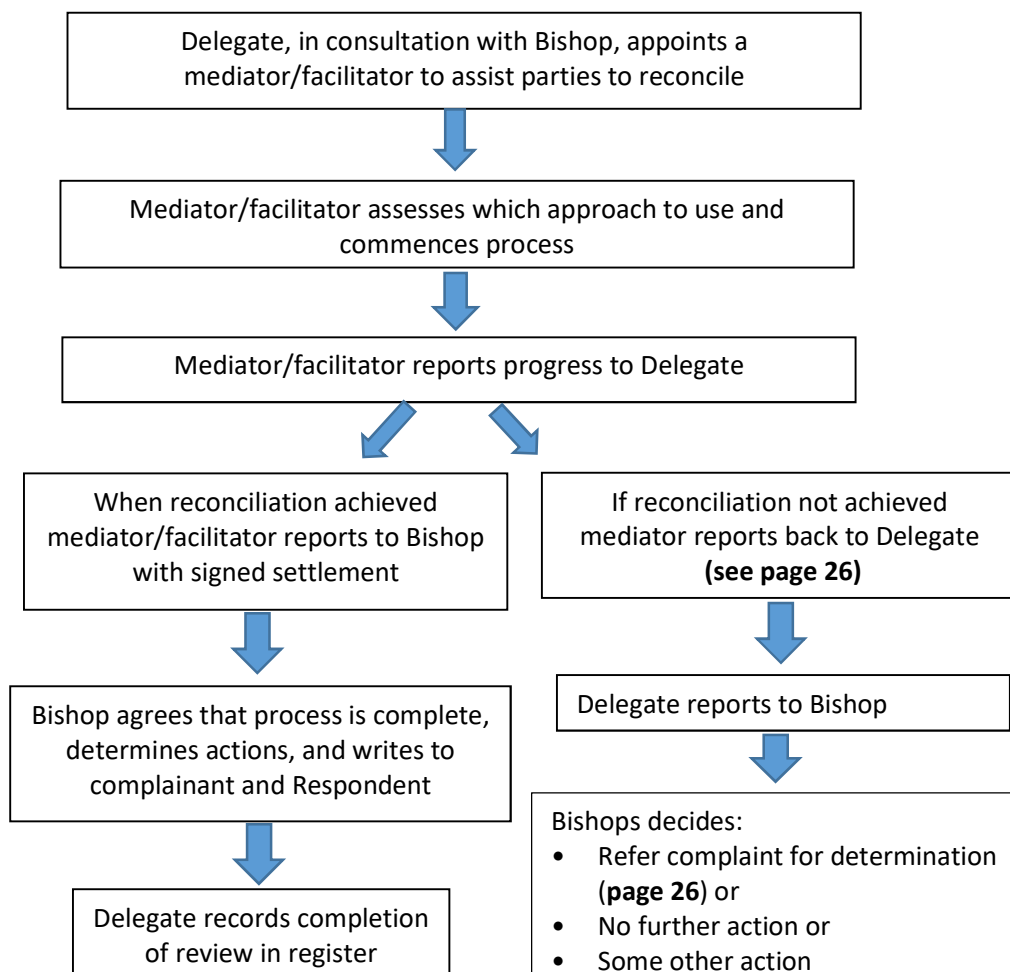
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HOW THE PROCESS WILL WORK IN PRACTICE (Page 3)

IF COMPLAINT IS MISDEMEANOUR



If selected process is mediation/facilitation



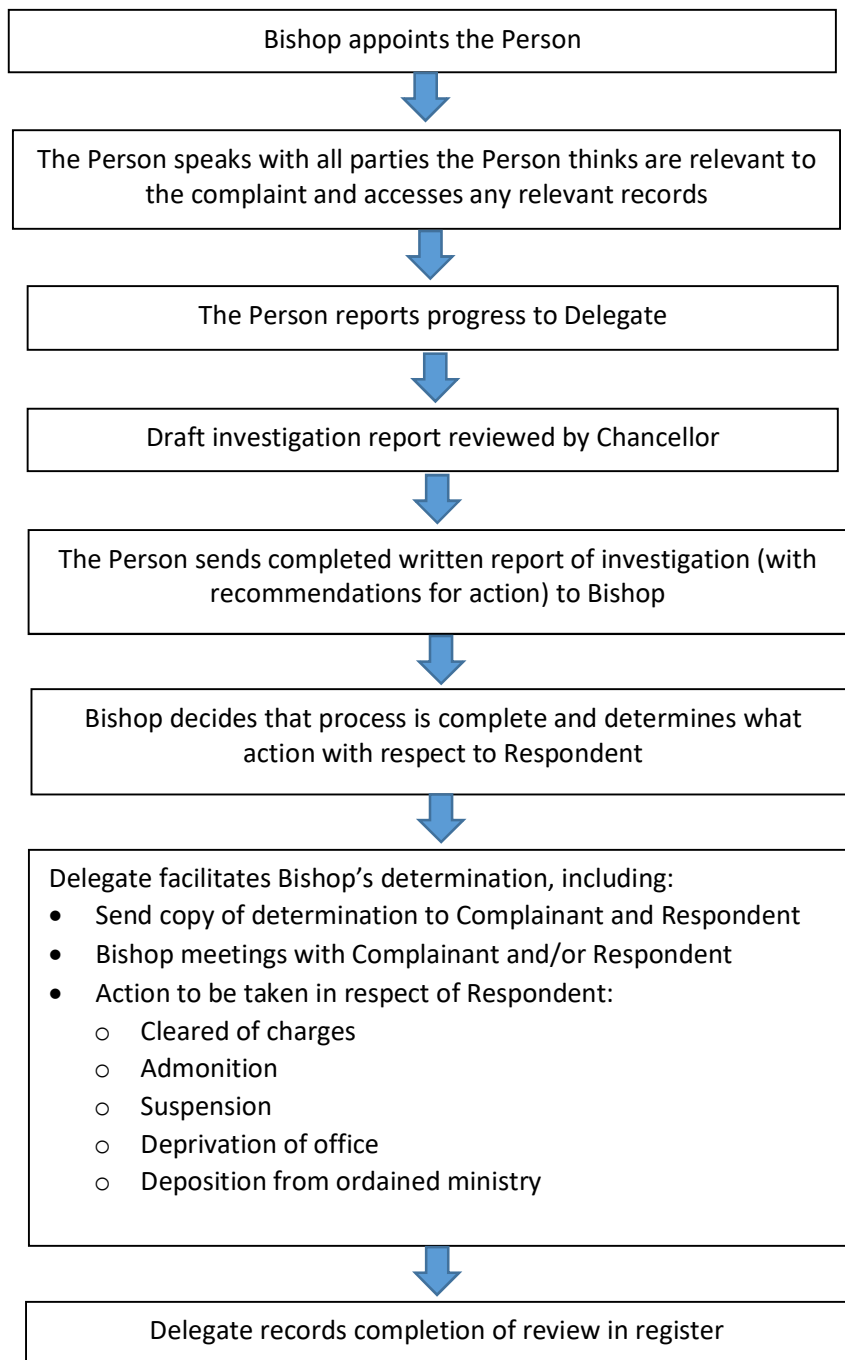
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HOW THE PROCESS WILL WORK IN PRACTICE (Page 4)

If selected process is determination



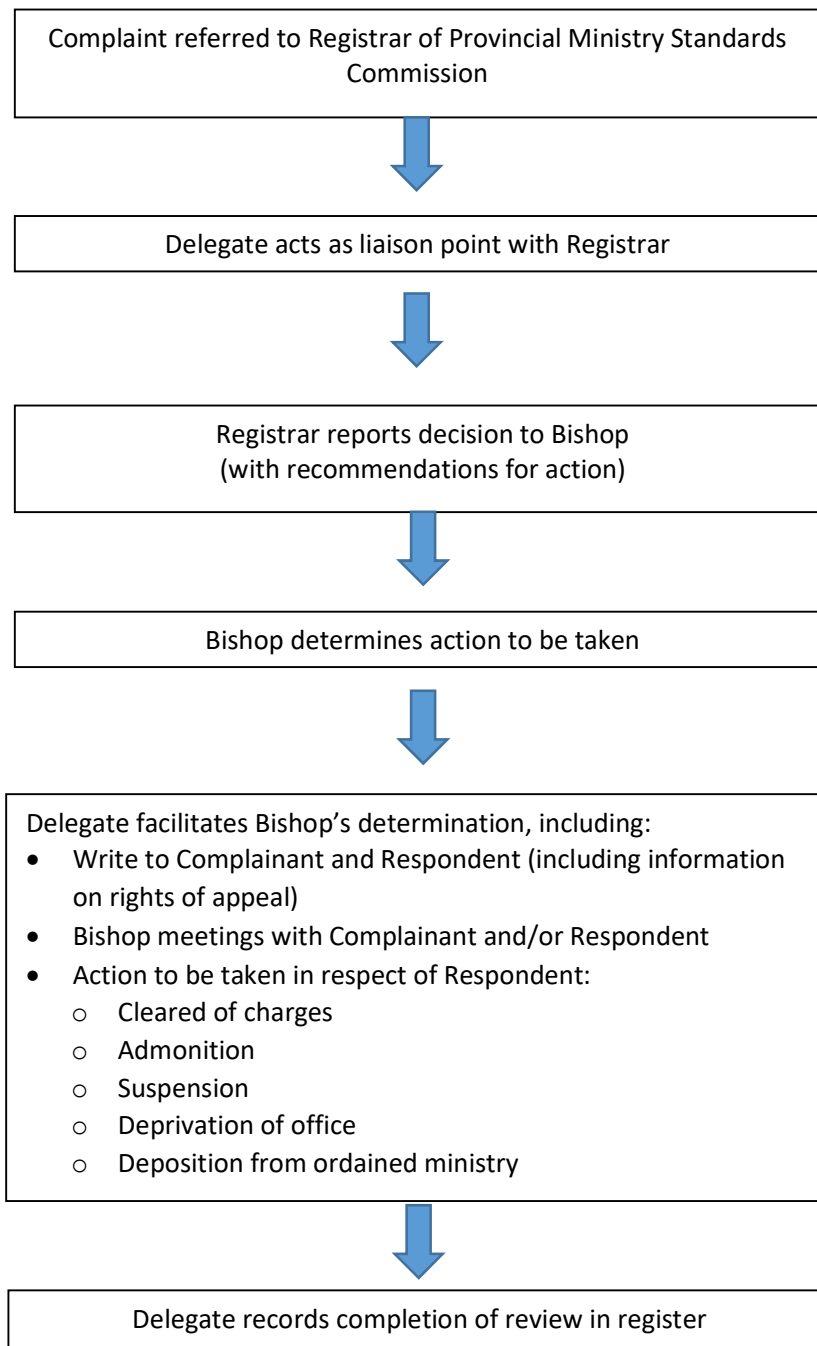
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HOW THE PROCESS WILL WORK IN PRACTICE (Page 5)

IF MISCONDUCT (*once Provincial system in place*)



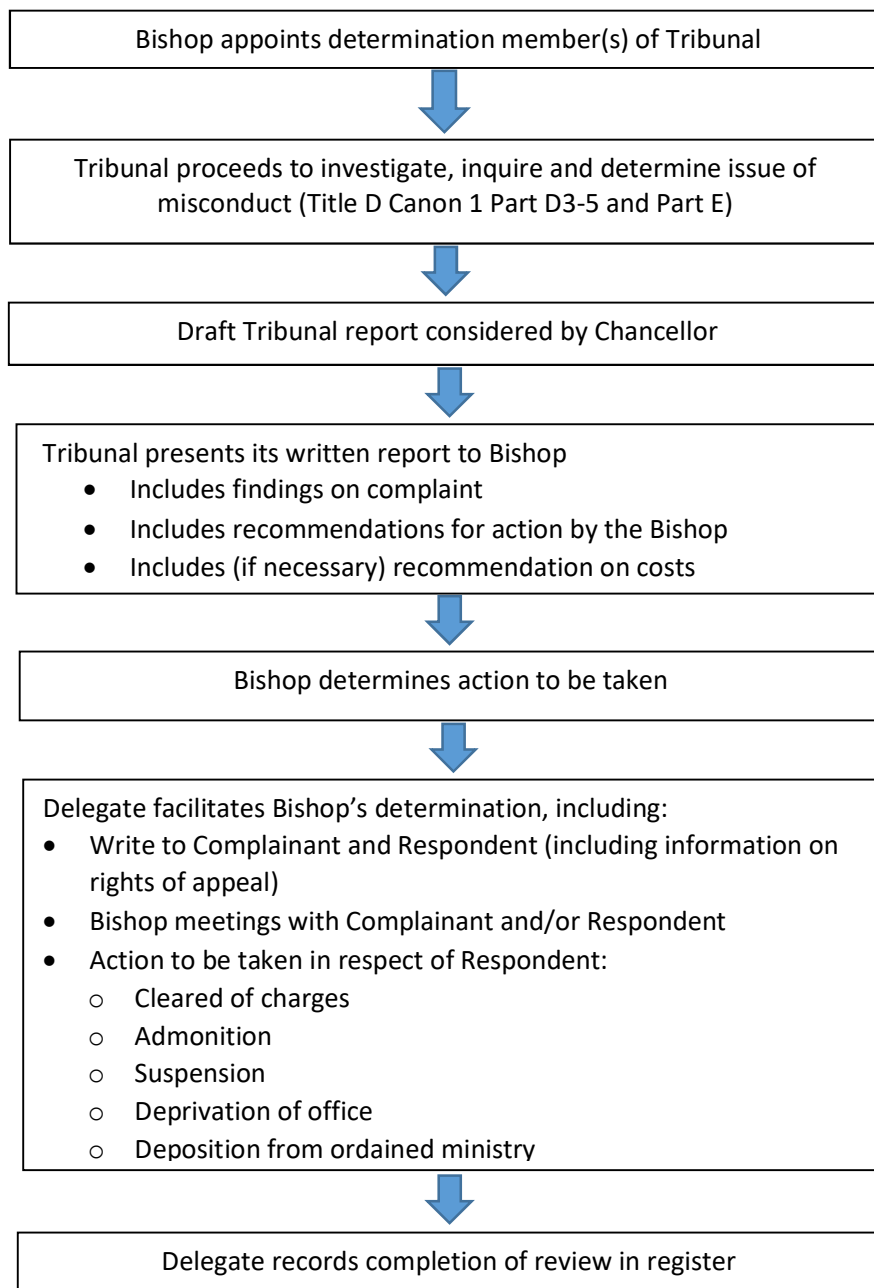
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HOW THE PROCESS WILL WORK IN PRACTICE (Page 6)

IF MISCONDUCT (*in interim*)



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