

Review of the Nominating Committee and Related Matters

Recommendations

Preamble

These recommendations address the processes for the establishment and working of the Nominating Committee. The intention is to enable rather than tightly regulate, while maintaining commitment to good process and transparency. The intention is that the procedures for the nomination and appointment of the Nominating Committee and church committees/bodies be included in the Supplementary Provision to the Book of Order and made available on the Presbyterian Church's website.

Nominating Committee

- a. That the Nominating Committee be made up of 28 members:

- Convener and Deputy Convener (2)
- Three representatives from each of the newly constituted larger presbyteries (9)
- One representative from each of the remaining presbyteries (9)
- Two representatives appointed by Te Aka Puaho (2)
- Two representatives appointed by the Pacific Island Synod (2)
- Two representatives from the Asian communities (2)
- Two youth representatives appointed by the appropriate body (2)

- b. (i) That prior to each General Assembly the Nominating Committee will call for nominations from presbyteries for a new Deputy Convener of the Nominating Committee, providing a role description and nomination form for biographical, skills and experience data. After assessing nominees a nomination will be forwarded to the Council of Assembly who makes the final nomination to the General Assembly.
- (ii) That the usual term of appointment for the *co-conveners*

of the Nominating Committee be four years; two years as Deputy Convener followed by two years as Convener. This allows continuity and retention of institutional memory. Where a new Convener or Deputy Convener is appointed between General Assemblies (hereafter referred to as an extraordinary appointment) some adjustment in the term of appointment may need to be made.

- c. (i) That prior to each General Assembly the Nominating Committee Executive will call for nominations from presbyteries for presbytery representation on the Nominating Committee, providing a role description and nomination form for biographical, skills, and experience data. Each presbytery is asked to nominate twice the number of Nominating Committee members they are entitled to. After assessing nominees the Executive of the Nominating Committee forwards the nominations to the Council of Assembly to register the appointments.
- (ii) That knowledge/experience criteria be established to assist those proposing or appointing members to the Nominating Committee.
- d. That the Nominating Committee continues to act as an independent body of the Church charged with assessing nominations received from the Church before making final *nominations for appointment* to the General Assembly or the Council of Assembly.
- e. That the Nominating Committee is to operate in a fair, balanced, transparent and objective way, in seeking the most appropriate

people for positions in the Church;
and in recognizing the Church's
diversity endeavour to ensure
geographical, theological, cultural,
gender and lay/clergy balances are
considered.

- f. That clear processes for the work
of the Nominating Committee be
developed to be included in the
Supplementary Provision to the
Book of Order, and placed on the
Presbyterian Church's website.
- g. That where extraordinary
appointments are made to church
committees/bodies between
General Assemblies some
adjustment in the term of
appointment may be made, to
enable a future appointment at a
General Assembly.
- h. That the Nominating Committee
nominates a new Executive from
its meeting prior to the General
Assembly. The Executive to
consist of the Convener, Deputy
Convener and four other members
of the Nominating Committee.
Between General Assemblies the
Executive will deal with issues that
arise that do not immediately
require the attention of the full
Nominating Committee.
- i. That the Nominating Committee,
by preference, meet face to face at
least one month before the
General Assembly to assess
nominations for church
committees/bodies. The
Nominating Committee's
recommendations for
appointments are to be included
with the final General Assembly
papers.
- j. That where possible members of
the Nominating Committee should
attend General Assembly.

- k. That the Nominating Committee shall receive the result of the final vote for Moderator Designate, and inform the General Assembly of the result, for the Assembly's endorsement.

Council of Assembly:

- a. i) That the term of appointment for the Convener of the Council of Assembly be four years (with a possible extension of a further two years), with the expectation that the appointee will serve two years as Deputy Convener and two years as Convener.
ii) That this appointment be considered a *new* appointment. This would allow existing members of Council to be nominated and where appropriate appointed, if this is in the best interest of the Church.
- b. That in the event of an extraordinary vacancy caused by the resignation of the Convener, the Nominating Committee will make a *nomination for appointment* of an interim Deputy Convener until an appointment is made by the next General Assembly.
- c. That the term of appointment for membership of the Council of Assembly be four years with a possible extension of a further two years where this is in the best interests of the Church.
- d. That in the event of a casual vacancy on the Council of Assembly, the Nominating Committee will call for nominations for a suitable replacement, except when the next General Assembly is within six months.
- e. That where an extraordinary

appointment is made to the Council of Assembly, some adjustment in the term of appointment may be made, to enable a future appointment at a General Assembly. In this case the maximum six years may apply from the date of the next General Assembly.

- f. That at least two new general members (apart from the Moderator) shall be appointed to the Council of Assembly at each General Assembly (compared to the previous Assembly).
- g. That where members of the Council of Assembly are appointed by other bodies, the appointing body is responsible for setting the length of term for their representative(s).
- h. That the Moderator of Te Aka Puaho and the Moderator of the Pacific Island Synod shall be associate members of the Council of Assembly.
- i. That the Moderator Designate of the Presbyterian Church shall be an observer of the Council of Assembly for one year prior to appointment as Moderator.
- j. That the Council of Assembly initiate further discussion with the Asian Advisory Group to ensure continued representation on the Council of Assembly.
- k. That the Assembly Executive Secretary continues to be an associate member of the Council of Assembly.
- l. That the Nominating Committee endeavour to appoint at least one member of a Cooperating Venture to the Council of Assembly.

Election of Moderator Designate of the General Assembly:

- a. That there be no change to the process at this time.
- b. That in light of the reform of presbyteries the procedures for nomination and voting for the Moderator Designate be reviewed by the Council of Assembly in early 2012.

Follow-up and conclusions:

That the Council of Assembly and the Nominating Committee report to General Assembly 2012 on the implementation and progress of these measures.

Task Group Members

Convener: Neil Walker; Members: Cunny Atchison, Chris Elliot, Tala Fa'amausili, Ian Hyslop, Shona McDonald, Ann Owen, Zona Pearce, Fei Taule'ale'ausumai, Tukua Tuwairua.

Terms of Reference

Terms of Reference for a review of the powers, procedures and operations of the Nominating Committee and related matters:

1. To provide a basis in the Book of Order and supplementary provisions for the rules of operation, appointments to, and procedures of, the Nominating Committee.
2. Provide transparent rules. Ensure previous Assembly resolutions are observed. Regularise the election and terms of appointment of the Convener. Look at the appointment of members with a lesser number of presbyteries in the future. Develop agreed procedures for casual vacancies. Reconsider date and time of Nominating Committee meetings.
3. To consider the issues of diversity in church appointments to be sure that the widest range of capable people are used in the service of the Church.
4. To define the constitutional position of the differing roles and powers of the Nominating Committee and the Council of Assembly? When and under what conditions should the Council of Assembly reject Nominating Committee appointments? Can or should the Council of Assembly be able to overrule the Nominating Committee without their sanction? Should the appointment of the Leadership and Resource Committees be made by the Nominating Committee?
5. To review the terms of election of the Council of Assembly.

6. To review the way in which presbyteries nominate the candidates for the election of the Moderator Designate of the General Assembly under the new presbytery format.
7. To advise the Nominating Committee and the Council of Assembly of any matters related to constitutional matters or appointments that should be considered.
8. Report back before 1 May 2010

Report

The Nominating Committee is an independent body of the Church, appointed by the General Assembly, and charged with the role of assessing and recommending nominations to positions of national leadership in the Presbyterian Church of Aotearoa New Zealand. The Nominating Committee is to act in a fair, balanced and objective manner, endeavouring to choose the most appropriate people for positions in the national Church. Recognizing the Church's diversity, the Nominating Committee endeavours to ensure geographical, theological, cultural, gender and lay/clergy balances are considered. However, it is the responsibility of presbyteries to ensure suitably qualified people are nominated within the set time frames. Apart from the Conveners (Convener and Deputy Convener) who serve for a total of four years, the term of appointment for the Nominating Committee is from Assembly to Assembly. While the task of the Nominating Committee is to *nominate for appointment* it is the General Assembly or the Council of Assembly who make the appointments to church committees/bodies.

The Task Group considers it essential that the processes followed by the Nominating Committee are both transparent and fair. There is a need for clear guidelines that include recognition of General Assembly decisions along with accountability of the Nominating Committee. It was felt, however, that rigid rules may not be helpful in a process where some flexibility is needed.

The roles of the Convener and Deputy Convener of the Nominating Committee are pivotal to the procedures for appointment working efficiently and well. The people appointed need:

- good communication and people skills
- organisational and computer skills
- qualities of integrity and impartiality
- knowledge of Church processes and regulations
- an understanding of the role of the various committees
- the ability to use the Nominating Committee and presbyteries to find the best possible nominees
- knowledge of people in the Church

The Task Group considered that the new Deputy Convener would be nominated in the same manner as other nominations, i.e. by a congregation, presbytery, UDC or Synod, but not by individuals. Nominations would be supported by a completed nomination form providing biographical information, experience, knowledge and skills. After consideration of the nominees the Nominating Committee would make a recommendation to the Council of Assembly who would then make the *nomination for appointment* to the General Assembly. The term of appointment is for four years, two years as Deputy

Convener and two years as Convener. In the event of the resignation of the Convener, the Deputy Convener would become Convener and a new Deputy Convener would be nominated from the Executive, to serve until the next Assembly.

Between General Assemblies the Council of Assembly receives nominations for appointment to casual vacancies, from the Nominating Committee, and confirms these extraordinary appointments. It is usual practice for discussions to take place with the Convener of the Nominating Committee, where the Council of Assembly considers a nomination to be inappropriate or the process followed flawed, in order that further nomination for appointment may be made.

The question of casual vacancies and extraordinary appointments has been highlighted since the 2008 General Assembly. The difficulties encountered were a catalyst for this review to take place. It is important that clear procedures are established to deal with extraordinary appointments. The Task Group agreed that the *nomination for appointment* of members to committees between General Assemblies be undertaken by the Executive of the Nominating Committee. In regard to extraordinary appointments of a new Deputy Convener of the Council of Assembly, or the Conveners of the Resource or Leadership Sub-committees, nominations should be sought from the Church, with a full Nominating Committee teleconference to make the nomination(s) to be submitted to the Council of Assembly – this process is to be included in a Supplementary Provision regarding appointments to Presbyterian Church committees/bodies.

As the presbytery reform process continues, the future composition of the Nominating Committee will need to be kept under review. The Task Group is reluctant to recommend that the number of presbytery representatives be reduced as this would reduce the breadth of knowledge of people across the Church. There have been questions raised regarding the Nominating Committee not following due process. It is suggested that any complaints of this nature be laid in the first instance with the Convener of the Council of Assembly, who would discuss the matter with the Convener of the Nominating Committee, and if necessary with the Council of Assembly.

The Task Group agreed that the current policy of the Nominating Committee meeting one month before Assembly was having a positive result. In order to have members of the Nominating Committee available at General Assembly we would encourage parishes and presbyteries to work together to enable Nominating Committee members to be appointed as Commissioners. This may require some forward planning. The presence of the Nominating Committee members at General Assembly would ensure immediate response to Nominating Committee business generated by decisions of General Assembly.

The Task Group was not supportive of a provisional list of nominees being circulated prior to General Assembly. There will always be opportunity for healthy debate on the floor of the General Assembly.

The Task Group had wide ranging discussions regarding nomination for appointment of Maori, Pacific Island and Asian peoples. Te Aka Puaho and Pacific Island Synod representatives on the Task Group felt that they themselves need to be intentional in seeking nominees for consideration. There have been discussions about how this can be achieved. Better communication, the publication of vacancies and the skills needed,

along with greater contact between Moderators and the Convener of the Nominating Committee has been highlighted. A change to two representatives on the Nominating Committee will help with this and also give the Nominating Committee representatives greater confidence within the process. Ideally two people would also represent the Asian congregations of the Presbyterian Church. Discussions will continue with the Asian Advisory Group to enable this to happen. It is noted that there are Maori, Pacific Island and Asian people who belong to parishes not directly affiliated with these groups. They may be nominated in the usual manner by their congregation, presbytery or UDC for positions on Presbyterian Church committees/bodies, or by their presbytery for the Nominating Committee.

In keeping with an overall Church policy of encouraging young people to participate in decision making, the recommendation is made that two youth representatives be sought through the Youth Ministry leaders.

In general it was agreed that the current nominating/appointment process was working adequately but could operate more effectively. Nominating Committee members have a role within their own presbytery, synod and beyond, to seek nominations, to ensure that the diversity of the Church is represented. There are skilled people in the Church who have never been asked, or have never contemplated a national committee task. Presbyteries and synods are urged to educate members regarding committees, and the valuable contributions their members could make to the life of the Presbyterian Church.

Selecting candidates, for committees and other bodies in a Church with such diversity inevitably gives rise to concerns of fairness. One option is to appoint people by an election at General Assembly. However, this would introduce open and often divisive politics onto the floor of the Assembly with the largest or most vocal group dominating. Historically the Church has opted for a Nominating Committee system with representatives from every presbytery and synod. The Nominating Committee is called to operate with fairness and integrity in seeking the most appropriate people for each task. While paying attention to the desirability of diversity and balance, Nominating Committee members need to consider the bigger picture of the national Church.

The 2006 General Assembly decision to restructure the Council of Assembly has resulted in a smaller Council. However, there needs to be both a regular refreshing of the Council membership and some retention of experience and institutional knowledge to ensure continuity. To achieve this, the recommendation is made that at least two new members be appointed at each General Assembly.

We acknowledge the importance of our bicultural partnership with Te Aka Puaho as *tangata whenua* and have appreciated the input of the Moderator as an associate of the Council of Assembly. It is our recommendation that the Moderator of the Pacific Island Synod be granted associate membership to the Council. Appointees to the Council of Assembly from Te Aka Puaho, Pacific Island Synod and the Asian Advisory Group are direct representatives of their people. Their appointment is tied to their role in the parent body. The request has been made for these appointments to not have a term, to enable replacements to be made as office-bearers change. The Task Group agreed to recommend this. However, when the General Assembly receives the Nominating Committee report at General Assembly the current appointees from Te Aka Puaho, Pacific Island Synod and Asian Advisory Group will be named and acknowledged as the appointments.

The Moderator Designate of the General Assembly is elected using a preferential system enabling presbyteries and parishes to vote. The Nominating Committee facilitates the electoral process, along with the Assembly Executive Secretary and a Justice of the Peace, and informs the General Assembly of the result of the final round of voting. No change is recommended at present. It will be necessary to monitor this during the presbytery reform process.

In investigating the recommendations from GA08, the Task Group does not recommend the addition of a representative from UCANZ to the Council of Assembly (NB: UCANZ did not make a request for this). However the link and relationship with UCANZ is important. There is a need for rejuvenation of the process of appointment and involvement of our Presbyterian Church representative on the Standing Committee of UCANZ. It is suggested that a Council of Assembly member be asked to take this responsibility, alongside the Assembly Executive Secretary. We do, however, recommend that the Nominating Committee endeavour to appoint at least one member of a Cooperating Venture to the Council of Assembly.

The Synod of Otago and Southland currently has associate membership on the Council of Assembly and a request has been made for them to have full membership. It is agreed that while the Synod of Otago and Southland has historical links to the Presbyterian Church as we know it, and gives major support to the Church providing generous funding, we would not recommend full membership. To do so would set a precedent whereby consideration would need to be given to other bodies, e.g. The Church Property Trustees.

Submissions received when the initial draft was circulated support the view that direct representation on the Nominating Committee from the Association of Presbyterian Women should be discontinued. Women are now an integral part of decision-making at all levels of the Church.

The Task Group was unanimous in the view that the Nominating Committee should retain its historical independence, always operating within set guidelines and parameters in recommending *nominations for appointment*. If the Nominating Committee is found to have not followed proper procedure, or a nominee is unsuitable for good reason, then the General Assembly/Council of Assembly should decline to ratify a nomination. The Nominating Committee would then be asked to seek further nominations. It is considered inappropriate for the General Assembly or the Council of Assembly to simply make and confirm a replacement nomination.

If requested by the General Assembly, the Nominating Committee (in response to the agreed recommendations of this report) will draw up a Supplementary Provision regarding the Nominating Committee and the process of appointment to Presbyterian Church committees/bodies.

Conclusion

The Task Group expresses its thanks to the presbyteries, parishes and individuals who made submissions on the draft report. The Task Group has endeavoured to respond to suggestions and comments.

The successful operation of church committees/bodies, not least the Nominating Committee, relies on trust and grace exercised between the Church as a whole and the work of the Committee. Committees need to be trusted to carry out their tasks.

"Fairness cannot be legislated. It is rooted in honesty, integrity and a clear sense of what Church is, and what one's role is, within the governance structures of its need for organisation" (quote from a submission received).

Neil Walker

Convener