

Laws and Regulations

of the

**Methodist Church
of New Zealand**

**Te Hāhi Weteriana
o Aotearoa**

Updated to Conference 2021



The Methodist Church of New Zealand
Te Hāhi Weteriana o Aotearoa

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Introductory Documents

Methodism in Aotearoa New Zealand

Historical Note

In the year 1743, John Wesley and Charles Wesley issued a document known as “The Nature, Design, and the General Rules of the United Societies.” These “Rules” are on the following pages.

They declare (inter alia) that “There is only one condition previously required in those who desire admission into these societies, ‘a desire to flee from the wrath to come, to be saved from their sins’. This desire is to be evidenced, ‘First, By doing no harm, by avoiding all evil in every kind, especially that which is most generally practised.’ ‘Secondly, By doing good, by being in every kind merciful after their power, as they have opportunity doing good of every possible sort, and as far as possible, to all men.’ ‘Thirdly, by attending upon all the ordinances of God’. Upon these principles underlying “The General Rules”, Church Membership, as embodied in the Laws and Regulations of the Methodist Church of New Zealand, is based.

The beginning of Methodism in Aotearoa New Zealand dates back to 1822, when the Rev. Samuel Leigh who had also been the pioneer Methodist Minister to New South Wales, came to open the Wesleyan Methodist Mission. In 1823, he established the first Wesleyan Mission at Whangaroa. By 1840, the year in which the Treaty of Waitangi was signed, there were Mission Stations from one end of the country to the other. When European settlers arrived the missionaries included them in their pastoral oversight, and starting in Auckland organised them into Societies in conformity with British Methodist practice. In 1844 the Primitive Methodist Connexion began its work in New Zealand under the direction of the Rev. Robert Ward. The United Methodist Free Churches were first represented in New Zealand in 1860, and the Bible Christians in 1887.

In 1854 the Wesleyan Methodist Missions in Australia, Van Diemen’s Land, New Zealand, the Friendly Islands, and Fiji, were formed into the Australasian Wesleyan Methodist Church, and the first Conference was held in Sydney in January, 1855. In 1874 the British Conference

agreed to a New Constitution, providing for a triennial General Conference, and for four Annual Conferences having largely only administrative powers. One of these comprised the European and Native work in New Zealand. The other branches of Methodism in New Zealand retained their connection with their respective Conferences in England.

In 1896 the United Methodist Free Churches and the Bible Christian Church joined the Wesleyan Methodists, as a part of the General Conference of the Methodist Church of Australasia. In June 1910, when the General Conference met in Adelaide, a request was presented by the New Zealand Conference for independent and self-governing powers. After lengthy discussion this was agreed to by a unanimous vote, subject to the approval of each Annual Conference, and by the passing of an empowering Act of Parliament in each State of the Commonwealth, and in New Zealand. These conditions were in due course complied with, and the independence of the New Zealand Church took effect on 1st January, 1913.

Meanwhile, a united Committee representing the Wesleyan and Primitive Methodist Churches prepared a “Basis of Union”, which subsequently received the approval of the Conferences and Quarterly Meetings of both Churches. With this endorsement, the first united Conference of the Methodist Church of New Zealand was opened on Thursday, 6th February 1913.

The Methodist Church of New Zealand, Te Hāhi Weteriana o Aotearoa, has experienced major changes since the 1950’s. The Cooperative Ventures with partner Churches has significantly altered the ‘presence’ of the Methodist Church in both urban and country areas. From 1973, Māori Methodism has become largely autonomous, and as *tāngata whenua* is one of the parties in the covenant relationship based on the Treaty of Waitangi to which the whole Church committed itself by resolution of the 1983 Conference. The multi-cultural goal of the Church’s bicultural journey continues to find new expression in the changing nature of *tauivivi* Methodism. The growth of Samoan, Tongan and Fijian congregations and fellowships alongside Pakeha Methodism has been a feature of recent decades.



The Nature of New Zealand Methodism

Te Hāhi Weteriana claims and cherishes its place in the Holy Catholic Church which is the Body of Christ. It rejoices in the inheritance of the apostolic faith and accepts the fundamental principles of the historic creeds and of the Protestant Reformation. Its doctrines are based on God's self-revelation as recorded in the Old and New Testaments, and focus on Jesus Christ as Lord and Saviour. While these doctrines are shared with other Christians, Methodism particularly emphasises both personal spirituality and a concern for social action as responses to the gospel. Tradition, stemming from the ongoing life of the Church, contributes to the understanding of faith and practice, but this needs continual reconsideration in the light of Scripture. The doctrines on which the preachers and teachers of the Methodist Church, both ordained and lay, are pledged to base their teaching, are contained in Wesley's *Notes on the New Testament* and in the first four volumes of his *Sermons*. Under its constitution the Conference has no power 'to revoke, alter or change in any doctrines of the Church' as contained in these documents. Conference, however, is the final authority within the Methodist Church on all questions concerning the interpretation of its doctrines.

The Methodist Church welcomes into membership all who sincerely express their faith in Jesus Christ, who give evidence of that in their daily living, who seek to have fellowship with Christ and his people, and who are prepared to take up the duties and privileges of the Methodist Church under its discipline. The Methodist Church holds the doctrine of the priesthood of all believers, giving it new expression in the phrase 'every member a minister.'

In the exercise of its corporate life and worship, the church authorises some persons to carry out specific tasks of leadership, proclamation, and caring, and examines, tests, and approves these persons before authorising them. For the sake of church order, presbyters are set apart by ordination to the ministry of the word and sacraments, and deacons to special ministries shaped by the communities they serve. The Methodist Church holds that the ministries of presbyter and deacon depend upon the call of God, are vocations accepted from God, who bestows the gifts, graces, and fruits of the Spirit. Those whom the Church recognises as called of God are received into the presbyterate or diaconate by ordination and by the laying-on of hands, thus expressing the Church's seal on that call.

The governing body of the Methodist Church is the Annual Conference. Its decisions are final and binding upon both the ordained and lay members of the Church. Within the Methodist Church, its Conference and its subsidiary courts, presbyters, deacons, and laypersons together possess certain powers and privileges, as set out in the Laws and Regulations, including the exercise of discipline. These powers and privileges are exercised at every stage under the judgement of God. Presbyters, deacons are responsible to God as they seek to interpret the mind and will of God in every situation.



The Nature, Design, and General Rules of the United Societies

1. In the latter end of the year 1739 eight or ten persons came to me in London who appeared to be deeply convinced of sin, and earnestly groaning for redemption. They desired (as did two or three more the next day) that I would spend some time with them in prayer, and advise them how to flee from the wrath to come, which they saw continually hanging over their heads. That we might have more time for this great work I appointed a day when they might all come together, which from thenceforward they did every week, namely, on Thursday, in the evening. To these, and as many more as desired to join with them (for their number increased daily), I gave those advices from time to time which I judged most needful for them; and we always concluded our meeting with prayer suited to their several necessities.
2. This was the rise of the United Society, first at London, and then in other places. Such a Society is no other than ‘a company of men “having the form, and seeking the power to godliness”, united in order to pray together, to receive the word of exhortation, and to watch over one another in love, that they may help each other to work out their salvation.’
3. That it may the more easily be discerned whether they are indeed working out their own salvation, each Society is divided into smaller companies, called Classes, according to their respective places of abode. There are about twelve persons in every Class, one of whom is styled the Leader. It is his business:
 - (1) To see each person in his Class once a week at the least; in order:
 - To receive what they are willing to give toward the relief of the poor;
 - To inquire how their souls prosper;
 - To advise, reprove, comfort or exhort, as occasion may require.
 - (2) To meet the Minister and the stewards of the Society once a week, in order:
 - To pay to the Stewards what they have received of their several Classes in the week preceding;
 - To show their account of what each person has contributed; and
4. To inform the Minister of any that are sick, or of any that walk disorderly and will not be reproved.
- There is only one condition previously required in those who desire admission into these Societies, ‘a desire to flee from the wrath to come, to be saved from their sins’. But wherever this is really fixed in the soul it will be shown by its fruits. It is therefore expected of all who continue therein, that they should continue to evidence their desire of salvation,
 - First, By doing no harm, by avoiding evil in every kind — especially that which is most generally practised. Such is:
 - The taking the name of God in vain.
 - The profaning of the day of the Lord, either by doing ordinary work thereon, or by buying or selling.
 - Drunkenness, buying or selling spirituous liquors; or drinking them (unless in cases of extreme necessity).
 - Fighting, quarrelling, brawling; brother ‘going to law’ with brother; returning evil for evil, or railing for railing; the ‘using many words’ in buying or selling.
 - The buying or selling uncustomed goods.
 - The giving or taking things on usury.
 - Uncharitable or unprofitable conversation, especially speaking evil of ministers or those in authority.
 - Doing to others as we would not they should do unto us.
 - Doing what we know is not for the glory of God, as,
 - The ‘putting on of gold or costly apparel’, particularly the wearing of calashes, high-heads, or enormous bonnets;
 - The taking such diversions as cannot be used in the name of the Lord Jesus,
 - The singing those songs or reading those books, which do not tend to the knowledge or love of God;
 - Softness, and needless self-indulgence;
 - Laying up treasurers upon earth;

Borrowing without a probability of paying: or taking up goods without a probability of paying for them.

5. It is expected of all who continue in these societies that they should continue to evidence their desire of salvation,

Secondly, By doing good, by being in every kind merciful after their power, as they have opportunity doing good of every possible sort, and as far as is possible, to all men.

To their bodies, of the ability which God giveth, by giving food to the hungry, by clothing the naked, by visiting or helping them that are sick, or in prison.

To their souls, by instructing, reproving, or exhorting all they have any intercourse with; trampling under foot that enthusiastic doctrine of devils, that 'we are not to do good unless our heart be free to it.'

By doing good especially to them that are of the household of faith, or groaning so to be; employing them preferably to others, buying one of another, helping each other in business – and that so much the more because the world will love its own, and them only.

By all possible diligence and frugality, that the gospel be not blamed.

By running with patience the race that is set before them; 'denying themselves, and taking up their cross daily'; submitting to bear the reproach of Christ, to be as the filth and offscouring of the world; and looking that men should 'say all manner of evil of them falsely for the Lord's sake.

6. It is expected of all who desire to continue in these societies that they should continue to evidence their of salvation,

Thirdly, By attending upon all the ordinances of God. Such are:

The public worship of God;

The ministry of the Word, either read or expounded;

The Supper of the Lord;

Family and private prayer;

Searching the Scriptures; and

Fasting or abstinence.

7. These are the General Rules of our societies; all which we are taught of God to observe, even in his written word, the only rule, and the sufficient rule, both of our faith and practice. And all these we know his Spirit writes on every truly awakened heart. If there be any among us who observe them not, who habitually break any of them, let it be made known unto them who watch over that soul, as they that must give and account. We will admonish him of the error of his ways. We will bear with him for a season. But if then he repent not, he hath no more place among us. We have delivered our own souls.

*John Wesley
Charles Wesley
May 1, 1743.*

Pastoral Resolutions

Our ordination

We recall that at our ordination we received, by the authority of the church, the promise of God's Spirit, and were commissioned to proclaim the gospel, maintain the faith, build up the body of Christ and equip God's people for their work of mission. In humble obedience we now renew our ordination vows. We commit ourselves again to remain open to Christ's call, to the service of Christ, and to accept the discipline of the Church.

God's world

The world we live in is one of hope and fear, love and hatred, unity and division. Yet, for all its confusion, this world is God's world, Christ is Lord and Christ's love will prevail. Therefore we pledge ourselves to the task of breaking down religious and other barriers, and of offering to all people that fullness of life which is to be found in Jesus Christ.

The living Word

At the heart of the Gospel there stands Jesus Christ, the Word made flesh. We therefore resolve in all our preaching, teaching and administering of the sacraments, to open ourselves to the Holy Spirit so that our words and actions may commend to all the risen Christ. To this end we commit ourselves to disciplined study, and accept the challenge to wrestle with contemporary thought so that we may proclaim a relevant word for our age and context.

Pastoral responsibilities and administration

Remembering Jesus' infinite love for people, we resolve to give our pastoral responsibilities a central place in our ministry. We will counsel people as need arises, and will endeavour to give adequate preparation for baptism, confirmation and marriage. We are determined to be careful in administration, sensitive in our conduct of meetings and constantly alert to the particular needs of each person.

Relationship with others

In a unique way we are brothers and sisters in Christ to all ordained ministers in the church catholic. We also share responsibility with all religious leaders to ensure that our spiritual traditions promote peace, justice and healing between the peoples of the world. We resolve to grow in our understanding of others and to develop healthy relationships within our neighborhood and nation.

Stewardship

We are determined to exercise a wise and disciplined stewardship of our time, abilities, possessions, friendships and health. We resolve to remember our responsibilities to home, family and whanau as well as to our pastorate.

Our devotional life

We remind ourselves that all our efforts are of little consequence unless they spring out of a lively relationship with Jesus Christ. We commit ourselves to nurturing our spiritual life through worship, prayer and engagement with the world. We now offer ourselves afresh to God in love and for the work of the ministry.

Response

All that we have is yours, O Lord; we give you but your own. Grant us grace to be faithful. Now to God who by the power at work within us is able to accomplish far more than all we can ask or imagine, to God be glory in the church and in Christ Jesus to all generations, forever and ever. Amen.

Use of the Pastoral Resolutions

In addition to the traditional the choral reading, the Committee suggests some new ways the Pastoral Resolutions might be included in Ministerial Synods:

1. Use seven readers; after each: pause, reflect and pray. Close with the Response (above).
2. Use seven readers; after each light a candle and recite a relevant response together. Close with the Response (above).
3. Break into small groups. Ask each group to reflect on the contemporary/ contextual relevance of each resolution. Share in plenary session, close with prayer and the Response (above).
4. In advance of meeting ask seven people to prepare a short reflection on each resolution, which could lead into plenary discussion. Close with prayer and the Response (above).

Standards for Membership and Ministry

Definitions: For the purposes of these standards:

Ministers: means Presbyters, Deacons and any Lay Person named on the Stationing Sheet.

Courts of the Church: means the formal decision making bodies such as Parish Council, Synods, Boards, Conference.

Ministry

1. Professional Conduct

1.1 Relationships:

- (a) Ministers shall respect the call and stationing of other Ministers. They shall recognise those people who are colleagues, or those with whom they are in team ministry, as equals in standing and responsibility in the fulfilment of their duties as a Minister in that appointment.
- (b) Ministers have particular authority in relation to other Ministers and lay staff shall:
 - (i) Be guided by the principles of collegiate ministry;
 - (ii) Exercise their authority justly and in a clearly accountable manner;
- (c) Ministers who are under the particular authority of other Ministers or lay staff shall accept the guidance and direction of those who have been given authority over them by the Church.
- (d) Ministers shall respect the professional expertise of members of other disciplines/professions with whom they work in the Church or other institutions.
- (e) Retired Ministers and Ministers in non-congregational appointments shall recognise the inherent power they have in the congregations in which they are members. In seeking to express the principles of collegiality they:
 - (i) shall respect the call and appointments of those in ministry;
 - (ii) may support and encourage those in ministry if asked to do so;
 - (iii) shall not encourage discontent about or seek to interfere with the ministry of a Minister (whether in their own congregation or elsewhere);

- (iv) may express leadership within the congregation of which they are a member when invited to do so by the Minister in the appointment

1.2 Competence

- (a) Ministers have a responsibility to maintain high standards of knowledge and skills in all the areas of ministry relevant to their appointment. This responsibility requires that Ministers undertake continuing education appropriate to this ministry.
- (b) Ministers shall not misrepresent their competence, qualifications, training or experience.
- (c) Ministers shall refrain from offering to undertake and / or engage in work beyond their level of competence; and shall make appropriate referrals. Referrals are appropriate when a person does not have the required:
 - (i) professional competence or expertise;
 - (ii) pastoral competence;
 - (iii) cultural competence or experience;
- (d) Where Ministers are faced with circumstances where they are asked to provide care beyond their normal level of competence they shall:
 - (i) seek guidance from a person with appropriate competence;
 - (ii) discharge the care to a suitably qualified person as soon as possible.
 - (iii) notify their supervisor;
- (e) Ministers shall end a pastoral relationship when it is not beneficial for the other person or where the help needed is outside their pastoral and professional competence.

1.3 Professionalism

- (a) Ministers shall not engage in sexual relationships with people in their pastoral care.
- (b) Ministers have a responsibility to provide unbiased pastoral care to those with whom they disagree, and to consult their supervisor in relation to the situation.
- (c) Where there is an actual or potential conflict of interest in matters affecting Ministers,

their family or their financial interests, the Ministers shall absent themselves from discussion and decision.

- (d) Ministers shall recognise the influence that is inherent in their role and shall not use this influence in a manner which is abusive or unprofessional. In particular, they shall not use their position to:
- (i) gain personal or financial advantage for themselves or family members;
 - (ii) harass or intimidate other people including other ministers;
 - (iii) exploit or abuse other people physically, mentally, emotionally, spiritually or financially.

1.4 Confidentiality

- (a) Ministers shall not breach confidentiality. In the context of a pastoral relationship, confidentiality is an assurance that Ministers will not share written, electronic or spoken information about an individual with other people, including their own family members, or use it for a purpose other than for which it was collected.
- (b) Information received in the context of a pastoral relationship shall remain confidential unless:
- (i) the person gives permission for the particular disclosure; or
 - (ii) retaining such information would result in significant physical, emotional or sexual harm to another person or persons; or
 - (iii) required by law; or
 - (iv) disclosure is necessary to prevent financial loss to some other person due to fraud or other dishonesty or where undue hardship might result. or
 - (v) disclosure is required in accordance with the terms of placement/employment applicable in a particular appointment.
- (c) In a pastoral relationship Ministers shall take care to discuss the nature and limits of their confidentiality with the other person.
- (d) Ministers should ensure the integrity of any records, particularly electronic records, by putting in place appropriate security procedures.
- (e) Confidentiality also requires that Ministers shall not seek to gain sensitive or confidential information to which they are not entitled or which would require another person to breach a confidence.

- (f) Ministers shall share with the intended audiences information from Synod and Conference (and their agencies) that is meant to be disseminated.

2. Gifts and Fees

- 2.1 Ministers shall not seek financial gain for themselves or their families from a pastoral relationship beyond recognised fees, stipends and entitlements.
- 2.2 Ministers shall not use their ministry to recruit clients for private practice or commercial interests. Ministers in fulltime ministry shall not use their ministry skills as a basis for significant commercial benefit while in fulltime ministry with the Church.

3. Relationship with the Law

- 3.1 Ministers shall inform the General Secretary of any matter which may lead to legal action against the Minister and/or the Church.
- 3.2 There may be times when the member affirms the necessity for civil disobedience for moral reasons. It shall be done openly and with a willingness to accept the consequences of the law (however in such cases, no moral justification for violence against another person or property is acceptable).
- 3.3 Ministers shall act lawfully at all times (and shall not encourage another to act unlawfully) unless to do so would clearly contravene their Christian conscience.
- 3.4 Ministers will encourage, as part of the pastoral task, participation in the shaping of social policies advocating the promotion of social justice, improved social conditions and a fair share of the community's resources. While respecting the law, ministers will act to change unjust laws.

4. Relationships with Institutions, Organisations, the Wider Church or with other Professions (For example hospital, prison or ecumenical organisations)

- 4.1 Ministers shall be aware of those Codes of Ethics or similar guidelines in institutions or ministry locations where they may work (e.g. hospitals, prisons). Ministers in such ministry locations have a responsibility to abide by those Code of Ethics also.
- 4.2 Ministers shall acknowledge situations when their ministry takes place in a particular structured work environment. Ministers shall comply with all the relevant standards, policies, procedures, practices, guidelines, governance arrangements and performance management practices that apply to employees, workers and those in ministry

within that organisation. Notwithstanding, for ministers in appointments the Regulations governing appointments will always apply.

- 4.3 Where the demands of institutions or other organisations conflict with this Code of Ethics, Ministers shall clarify the nature of the conflict between those demands and the principles of this Code. Ministers shall inform all parties of any conflict and seek to resolve it.
- 4.4 Ministers who exercise ministry in organisations with their own policies and procedures for matters also covered under the Code shall normally seek to resolve issues following the procedures of that organisation.

5. Breach of Standards for Membership, Ministry and Professional Practice

- 5.1 Breach of the Code of Ethics refers to any violation of the requirements or principles of the Code by Ministers. It includes any instance where Ministers have deliberately encouraged another to breach the terms of the Code. It also includes any breach which occurs via the internet or through other technology even in circumstances where those who have been affected cannot be identified.
- 5.2 When Ministers know of a Code violation by another Minister, and it seems appropriate, they shall informally attempt to resolve the issue by bringing the matter of concern to the attention of that Minister in a constructive manner. If this is not practical, or does not address the issue of concern, the facts shall be reported to the General Secretary.

6. Ministry and Membership

6.1 Relationships:

- (a) Members and Ministers shall work within the polity of the Methodist Church of New Zealand, respecting the rights and responsibilities of those who share leadership in the Church, both lay and ordained.
- (b) Members and Ministers shall:
- (i) accept the theological validity of the ordination of both women and men for ministry in Christ's church as a Minister;
 - (ii) be willing to work with and support women and men as colleagues in the ordained ministries; and
 - (iii) be willing to encourage, equip and support both women and men in all forms of ministry in the Church and to teach the Church's position in this regard.

6.2 Relationships with Courts of the Church

- (a) Ministers and members shall be aware of and respect the guidance and decisions of the courts of the Church, and maintain accountability within the discipline of the Church.
- (b) Ministers and members have a responsibility to participate fully in their local church courts, Synod, and in the wider work of the church.
- (c) Preachers and worship Leaders may not use their preaching role to inflame conflict within the Congregation, or between the congregation and other courts of the church. Processes and decisions of courts of the Church should be reported accurately and fairly.
- (d) Disagreements need to be conducted in a way that expresses Christian community and commitment to rational debate based on evidence and argument, not personal attacks and mere assertion of opinion.



Methodist Church of New Zealand – Te Hāhi Weteriana o Aotearoa: Professional Practice Code

In this Code, “Minister” refers to Candidates, Lay Ministers, Deacons, Presbyters, Youth Workers and Ministers from another denomination serving in the Methodist Church of New Zealand

This Code is to be applied within the faith and unity of the church and Regulations of the Church which state the Church’s requirements in relation to the conduct and accountability of its Ministers.

1. Introduction

1.1 The Christian community is called into being by God through the incarnation, life, death and resurrection of Jesus Christ and the gift of the Holy Spirit.

The church is sustained by Christ through baptism, the Eucharist and preaching of the Word. Its life and fellowship is derived from the fact that the Church is the Body of Christ, the presence of Christ in the world. We are united in a fellowship of love, service, suffering and joy through our shared faith in Christ. We worship, pray, give our witness, study Scripture and other sources of faith, offer pastoral care to each other, develop deep friendships, and seek to be mutually accountable. We are, for this reason, a deeply intimate community.

1.2 Ministers have a particular place within that community. They touch people’s lives at many points of joy, pain, celebration, grief and vulnerability. They are responsible for providing leadership in the community’s task of worshipping, proclaiming the good news of Jesus, providing pastoral care, standing with those who suffer, and working for justice and peace. They minister within a pastoral relationship in which they seek to enable other people to focus on God as the source of healing, restoration and wholeness.

As part of their responsibility to promote and maintain the Church as a missional community Ministers may occupy ministry positions in any of the Councils of the Church. This may mean that they will give more emphasis to some parts of their ministry than they would in a congregational placement. This form of ministry carries particular responsibilities in regard to other staff in the organization.

1.3 The pastoral relationship occurs within a faith community whose life and relationships are established by Jesus Christ. The pastoral relationship has its meaning, and is established and maintained, as the church enables others to meet Jesus who nourishes our lives. The pastoral relationship is part of the way the church is nourished and built up as the Body of Christ, and nurtures life in the world. As a result of this context, ministers also have relationships and responsibilities within the broader community which are based on their responsibilities within the faith community.

1.4 It is the seriousness of the pastoral relationship, and the vulnerability of people in that relationship, which make it necessary for Ministers to appreciate their unique position and the way they touch people’s lives. They exercise considerable influence and power. It is essential that each individual Minister recognises the power they have and understands the boundaries that the church requires to be observed within their ministry.

1.5 Because the pastoral relationship occurs in a deeply intimate community, friendships will develop. These will, at times, challenge the capacity of Ministers to provide the pastoral care that belongs to their role as Minister. Ministers have responsibility to distinguish times when objective pastoral care is required. They have the responsibility to discern the boundaries of the pastoral relationship, to offer professional pastoral care when it is required, and to discern when their relationships overstep the appropriate level of friendship and intimacy, or when they are exercising power inappropriately in relation to others in the pastoral relationship.

1.6 The Methodist Church of New Zealand understands that as Ministers live out God’s call to ministry, all relationships shall be characterised by the love, care and compassion that was embodied in Jesus Christ. The requirement is that Ministers will exhibit a mature Christian faith in all their relationships and in particular embody integrity, trust and compassion.

1.7 People enter ministry as a response to a call from God and the Church. It is this call that requires

that all Ministers carry out their ministry in a professional and accountable manner.

1.8 The Methodist Church of New Zealand is a multi-cultural church and as such is made up of faith communities from across many different cultural backgrounds. Each culture has its own unique expression of community and relationships. which need to be borne in mind when overseeing the behaviour of ministers. In ministry with people from diverse cultural backgrounds these unique expressions form an important part of the intimate community which is formed and inform how Ministers express their ministry.

1.9 It is recognised that rural and isolated communities present particular difficulties in term of professional/personal relationship; availability of supervision and access to support. This intensifies the responsibilities of presbyteries for care of such persons, and in assisting Ministers to fulfil the Code of Ethics.

2. **The Pastoral Relationship**

(N.B. Ministers should note the relationship between this section and Section 4: Particular relationships)

2.1 Recognising that all relationships in the Christian community are intended to nurture the church and people's relationship with Christ who is Lord of the Church, in the context of this Code of Ethics, the pastoral relationship means the relationship between a Minister and another person:

- (a) "in which the Minister is providing spiritual care for the person; or
- (b) where the person has looked to the Minister for guidance, protection or care; or
- (c) where the person has made contact with the Minister in their responsibility or function as Minister"

Ministers are in a pastoral relationship with all members and adherents of a Congregation through the commitments they make at their induction, commissioning or other service of recognition. Where Ministers are in a non-Congregational placement, they are in pastoral relationship with those persons they come in contact with by virtue of their placement. Where Ministers are not in, or are yet to commence, a placement they are in a pastoral relationship with those persons they come in contact with by virtue of their role as a Minister. Ministers may form pastoral relationships in a variety of contexts. Where Ministers form relationships through the internet and other technology any pastoral relationships they form are to be conducted in a manner consistent with the Code.

2.2 The pastoral relationship is concerned for maturity in Christian life, and for fullness of life for all people, regardless of their age, gender, ethnicity, economic circumstances or other personal characteristics. It is a relationship in which Ministers seeks to express an ethic of care, which includes nurturing the other person's power over their own life as they relate to others and to God.

2.3 The pastoral relationship is nurtured and guided through the commitments of commissioning, ordination or other service of recognition. These commitments reflect the intention of Ministers to exercise their ministry:

- (a) through faith in Jesus Christ and relying on the power of the Holy Spirit;
- (b) within the faith of the church;
- (c) by being nourished and guided by the study of Scripture;
- (d) through announcing the Good News in Christ to those outside the community of faith;
- (e) through faithful affirmation of, and celebration of sacraments;
- (f) in a mutual manner, offering pastoral care and nurturing people in faith, recognising and valuing other peoples gifts, training them for ministry and working cooperatively with their ministry;
- (g) through working for justice and peace;
- (h) by striving for peace and unity among all Christian people;
- (i) by engaging in ongoing study;
- (j) by respecting the guidance and decisions of the councils of the church;
- (k) within the discipline of the church.

2.4 Ministers shall exercise their ministry in a manner that expresses:

- (a) commitment to God;
- (b) inclusiveness of the Gospel;
- (c) accountability;
- (d) commitment to the call of the church to ministry;
- (e) the professional nature of the relationship, and ensures:
 - (i) that Ministers do not seek to meet their personal needs through the pastoral relationship;
 - (ii) that clear boundaries are recognised and observed (ie. the relationship and behaviour are appropriate to the pastoral relationship);
 - (iii) respect, sensitivity and reverence for others;

- (iv) confidentiality;
- (v) non-abusive use of power;
- (vi) commitment to justice.

3. Professionalism

- 3.1 Ministers shall exercise their ministry to the other person in the pastoral relationship in a professional manner. This includes, but is not limited to:
- (a) offering the best quality care, leadership of worship and preaching of which they are capable;
 - (b) offering appropriate Christian teaching;
 - (c) appropriately dealing with emotional and spiritual needs;
 - (d) being sensitive to people's different social contexts;
 - (e) following recognised and acknowledged modes of working in specialist areas such as bereavement, trauma and suicide;
 - (f) being sensitive to the needs and vulnerability of the children and young people with whom they work, ensuring that the professional nature of the relationship is made clear in an appropriate way;
 - (g) being sensitive to the needs of, and ways of relating to, people from any different cultures with whom they have contact including being aware of one's own inherent cultural bias.

3.2 Self Care

Ministers shall take responsibility to:

- (a) address their physical, spiritual, mental and emotional health needs and, where appropriate, seek assistance from a qualified professional;
- (b) participate in supervision;
- (c) give adequate priority to their relationship with their family;
- (d) nurture personal relationships which assist them in their wholeness;
- (e) take appropriate and regular leave, and time off from work for recreational activity.

3.3 Supervision

- (a) Ministers have a responsibility to recognise that they are also vulnerable, requiring them to maintain their professionalism in difficult circumstances.
- (b) Ministers shall keep appropriate pastoral records (eg. details of appointments and referrals and a journal of critical incidents).
- (c) Professional supervision means the

relationship Ministers have with another professional whereby the Minister is assisted to maintain the boundaries of the pastoral relationship and the quality of ministry (as per the definition at the commencement of the code) including competencies, time management, priorities and any difficulties arising in ministry.

- (d) Ministers have a responsibility to ensure that they receive regular professional supervision.
- (e) Ministers shall discuss with their supervisor any ongoing situations of conflict in which they are involved in the course of their work.
- (f) Where applicable, Ministers shall maintain membership requirements of any relevant professional association (e.g. psychologists or counsellors.)

4. Particular Relationships

4.1 A particular relationship refers to a close personal relationship between a Minister and another person such as:

- (a) a very close personal friendship or **relationship; or**
- (b) a close family relationship; or
- (c) a marriage; or

4.2 Some particular relationships may exist within the pastoral community. In such circumstances the Minister should not be the sole provider of pastoral care, but steps should be taken to ensure professional pastoral care is available to the other person (eg. the spouse of the Minister, a close friend).

4.3 In all circumstances it will be appropriate for a Minister to cease a pastoral relationship in order to enter a particular relationship within the pastoral community. In the event that a Minister and a person with whom they have been in a pastoral relationship identify a potential particular relationship, the Minister shall:

- (a) disengage from the pastoral relationship and arrange alternative pastoral care for the other person;
- (b) seek advice on the appropriateness of such a particular relationship, preferably through supervision;
- (c) disclose the relationship to an appropriate officer of the Church (eg. chairperson of the Parish Council, Synod Superintendent or other appropriate person within the appointing body).

5. Gifts and Fees

5.1 Where Ministers receive gifts resulting from the pastoral relationship the Minister shall

use discretion concerning the acceptance or return of gifts by considering the intent, value and affordability of the gift and whether there is a risk of the Minister being compromised or losing objectivity. Advice shall be sought from the General Secretary if the Minister is uncertain or others have expressed uncertainty about the appropriateness of a gift.

- 5.2 Ministers accepting a gift to satisfy cultural traditions should be sensitive and gracious while still considering the appropriateness of gift. Where

Ministers do accept the gift they should then look at the appropriate use of the gift to benefit the community of faith. Ministers should not seek to use “cultural traditions” as a basis for accepting an otherwise inappropriate gift.

6. **Breach of Standards for Membership, Ministry and Professional Practice**
- 6.1 It is the responsibility of the General Secretary to deal with an allegation of a breach of this Code.



General Standards for the Guidance of Members

Methodists are a people under the authority of Jesus Christ as Lord, committed to the total mission of the Church. They are called to participate in the encounter of Christ with the world, and to remember Christ’s word, “Love one another as I have loved you.” In obedience to the revealed word of God, Christians, guided and empowered by the Holy Spirit, find their true freedom.

WE BELIEVE that we are called to keep festival on the first day of the week as the Day of Resurrection. We remember that all our days belong to God; and with joy we endeavour to participate regularly in Christian worship, the observance of the Sacraments of the Church and in Christian Fellowship.

WE BELIEVE that courtship, marriage, and family life and the general relationships between men and women should involve respect for persons and must be brought under obedience to Christ.

WE BELIEVE that we are accountable to our Lord for the stewardship of our powers, our time, talents and money.

WE BELIEVE that the whole of life should be brought under the word of God in Christian citizenship. We recognise further that we have a responsibility for our brothers and sisters, and that we are called to seek right relationships and to witness against contemporary social evils.

WE BELIEVE that we are called to the exercise of integrity in daily work and to the offering of all such work as a service to god.

WE BELIEVE that Christ claims the whole world for His own, and that we are called both to active participation in civic and national affairs and to service directed towards the attainment of world peace and justice.

Conference Minutes 1964



Some Social Principles of the Methodist Church and People who are Associated with the Methodist Tradition including Ecumenical and Cooperative Ventures

(A) *John Wesley* wrote in 1743 (*An Earnest Appeal to Men of Reason and Religion*): “We see, on every side, either men of no religion at all, or men of a lifeless, formal religion. We ... should greatly rejoice if by any means we might convince some that there is a better religion to be attained, a religion worthy of God that give it. And this we conceive to be no other than love; the love of God and of all mankind, the loving God with all our heart, and soul, and strength, as having first loved us, as the fountain of all the good we have received, and of all we hope to enjoy; and the loving every soul which God hath made, every man on the earth as his own soul.” For Wesley, Christianity is essentially both a personal and a social religion.

(B) *The Methodist Movement* has held that the ethical and social ideal is that of essential Christianity. Wesley was aware of the enormous social changes brought about by the rapid industrialisation of England. Methodism’s impact on the life of the eighteenth century was due in some degree to the rediscovery of a social message. Because there was “no other holiness, but social holiness”, Methodism always combined the personal quest for holiness (promoted through worship and sacraments, Bible study, prayer, Class and Band meetings) with social holiness – work for the common good of society. Renewed individuals were empowered towards the renewal of society; personal holiness was for changing the world, not just the individual.

(C) *As a nation Aotearoa New Zealand* is made up of peoples from many parts of the world; all are bound together in covenant relationship with the original people of the land – te tāngata whenua. For all who have come to live in New Zealand since 1840, the Treaty of Waitangi guarantees the right to be here, a right which carries with it responsibilities to be a people of the Treaty – te tāngata tiriti. Thus, we are linked together by relationship, a partnership founded on mutual assurances and obligations between those signing. The people called Methodist accept the challenge this gives us to make sure that we are working in a way that honours the Treaty, and respects the rights and obligations it guarantees. This includes an acknowledgement of the status of the tāngata

whenua, and of tino rangatiratanga. We celebrate such things as the sharing of power and resources, the investigation of land-holdings, the rapid settlement of just claims and the use of Māori language.

The Methodist Church stands firm in its conviction to honour the covenantal status of Te Tiriti o Waitangi, which provides the church a guide to carrying out its mission.

(D) *As disciples, a movement and as a people, the Methodist Church* affirms that amongst others, God trusts us with the stewardship of creation, and calls us to honour that trust by recognising the interrelatedness and vulnerability of the life and resources of creation.

We recognise God’s loving presence among all peoples at all times. We rejoice in the love of God which empowers us in our struggle towards justice and unity. We believe that Christ leads us to affirm the dignity and worth of every human being.

Therefore the core values of the church include Peace, Justice and Healing as various means to end oppression, share resources with the poor and disadvantaged and offer restoration and healing where there is pain and hurt. Care for the integrity of creation is a core value and mission of the church, which is an imperative for ecological custodianship locally and globally.

Values of the church encompass love, and tikanga Māori values of aroha, manaakitanga, tapu and kaitiakitanga. Pacific indigenous concepts of ‘ofa, alofa, fa’aloalo, matangi kolo, and loloma convey ethics that encompasses responsibility, responsiveness, hospitality, reciprocity and generosity.

(E) *We affirm some social principles* as disciples of the One who came “that all may have life, and have it abundantly” (John 10:10). The Methodist Church of New Zealand – Te Hāhi Weteriana O Aotearoa stands for:

(1) Wise stewardship of God’s good creation.

(i) The wise use, sustainable management and careful conservation of the world’s physical resources for the sake of the whole creation and for future generations.

- (ii) Access to clean air and water; and healthy environments for living, working and recreation.
- (2) The sacredness of human personality and the equal value of all men and women in the sight of God.
 - (i) Standing firm for human rights, decriing the violation of human dignity based on race, class, age, sex, culture, faith, sexuality or other identities used for the purpose of creating division rather than affirming diversity.
 - (ii) Listening and responding to the needs of the most vulnerable, marginalised and disadvantaged people in our society and communities.
 - (iii) That as people of our many cultures and races we forge a multicultural society where these peoples may live in unity and diversity, maintaining different cultural traditions and languages, yet with a common destiny based on commitment to the ideals of equality, tolerance, justice and compassion.
- (3) Employment and labour relationships based on fairness and dignity.
 - (i) Adequate opportunities of employment for all those willing and able to work.
 - (ii) The right to a fair living wage for services rendered with equal pay for comparable work, dignity in employment and protection from unsafe working conditions.
 - (iii) The rights of workers to organise; and the co-operation of employers and employees for mutual benefit.
 - (iv) The condemnation of forced labour and of worker exploitation.
- (4) Communal and individual responsibility for the due care for those vulnerable in our society.
 - (i) Dignity and reasonable standards of living for those who because of age, infirmity or family needs are not able to work.
 - (ii) The care, nurture and safeguarding of children and youth.
 - (iii) The removal of the root causes which perpetuate and compound cycles of poverty, unemployment, abuse and violence.
 - (iv) Addressing the widening gap between rich and poor, to uphold economic and social values which move us towards a society of equity and compassion and a sharing of resources for the common good.
- (v) Work for systems of criminal rehabilitation based on restorative justice.
- (5) The opportunity for all to live well and with integrity.
 - (i) The rights of all people to equal quality educational opportunities, adequate accessible and universal health care, and affordable healthy housing.
 - (ii) The right to freedom of conscience, constitutional liberty, integrity of public life, secrecy of the ballot, rights of each citizen to participate in decision-making in the community, and access to the Courts.
 - (iii) Christian influence by lawful means in politics and civic affairs for the correction of injustices wherever they occur.
- (6) The just and fair use of power, technology and strength.
 - (i) Equitable and fair global trade that protects local economies, cultures and livelihoods.
 - (ii) The use of technology that preserves rather than endangers creation, and human life and dignity.
 - (iii) We decry the search for security in military and economic forces that threaten human existence; and the use of unilateral force rather than promoting peace-making.
 - (iv) Dialogue for peace and justice among the world's populations, religions and nations.
- (7) The conviction that the Gospel of our Lord Jesus Christ contains the message that will promote effectively the regeneration and reconstruction of society.
- (F) *Together* we as individual Christians and churches make the commitment to live out these Social Principles and core values, and invite members of our church, in partnership with fellow Christians and communities of faith to do the same. We make this commitment together as members of Christ's body, led by the One Spirit, trusting in the God who makes all things new.

Adopted by Conference 1952; reprinted in the Minutes of Conference 1967; reaffirmed by Conference 1976, revised by Conference 2015.



A Statement of Mission for the people of Aotearoa New Zealand who are Associated with the Methodist Tradition, both in Methodist Parishes and in Cooperative Ventures

Our Church's mission in Aotearoa New Zealand is to reflect and proclaim the transforming love of God as revealed in Jesus Christ and declared in the Scriptures.

We are empowered by the Holy Spirit to serve God in the world.

The Treaty of Waitangi is the covenant establishing our nation on the basis of a power-sharing partnership and will guide how we undertake mission.

In seeking to carry out our mission we will work according to these principles:

Christian Community

To be a worshipping, praying and growing community, sharing and developing our faith, and working through its implications in our social context.

Evangelism

To challenge people to commitment to Christ and Christ's way.

Flexibility

To be flexible, creative and open to God's spirit in a changing world and Church, so that the Church is relevant to people's needs.

To release energy for mission rather than to absorb energy for maintenance.

Church Unity

To foster networks and relationships with communities of faith having similar goals.

Inclusiveness

To operate as a Church in ways which will enable the diversity of the people (e.g. all ages, all cultures, female and male) to participate fully in the whole life of the Church, especially decision-making and worship.

Every Member a Minister

To encourage each person to develop his/her full potential by accepting and nurturing each other, developing skills and providing resources, challenging and enabling for service in the Church and community.

Cross-cultural Awareness

To become aware of, and challenged by, each other's cultures.

Justice

To work for justice for any who are oppressed in Aotearoa New Zealand, keeping in mind the implications of the Treaty of Waitangi.

To share resources with the poor and disadvantaged in Aotearoa New Zealand and beyond.

Peace

To be peacemakers between people, and in the world.

Healing

To listen for hurt and work for healing.

Ecology

To care for creation.

Adopted by Conference 1989



The Anglican Methodist Covenant 2008

‘We, The Methodist Church of New Zealand (Te Hāhi Weteriana o Aotearoa) and The Anglican Church in Aotearoa, New Zealand and Polynesia (Te Hāhi Mihinare ki Aotearoa ki Niu Tireni, Ki Nga Moutere o te Moana Nui a Kiwa), on the basis of our shared history, our agreement on the apostolic faith, our shared theological understandings of the nature and mission of the church and of its ministry and oversight, and our agreed vision of a greater practical expression of the unity in Christ of our two churches, hereby make the following covenant.’

Landmarks on the journey

At the outset we celebrate the many ways, both formal and informal in which Anglicans and Methodists already share and work together, including common engagement in twenty-nine cooperative parish ventures. In particular we acknowledge:

1. Acceptance of each other’s church as part of the one, holy, catholic and apostolic Church. (AGS 1976 / MC 1980)
2. That the ministry of each of our churches is a real ministry of Word and Sacrament. (AGS 1976 / MC 1980)
3. The apostolic content in the ordained ministry of each of our churches. (AGS 1986 / MC 2004)
4. That each church exercises a ministry of episcopate. (AGS 1986 / MC 2004)
5. The commitment of our churches to seek a unification of ministries. (AGS 1980 / MC 1980)
6. A mutual recognition of baptism and church membership. (AGS 1980 / MC 1980)
7. That baptised members of each church are free to receive the Eucharist in each other’s churches. (AGS 1980 / MC 2004)

We recognise that in the past there have been disappointments as well as hopes in the relationship between our two churches. However we are resolved to work at closer relations within the search for the visible unity of the church.

Our Aotearoa New Zealand context

We acknowledge each other’s response to the Treaty of Waitangi – the three-tikanga partnership of the Anglican Church (Pakeha/Māori/Polynesia), and the

bicultural partnership of the Methodist Church (Māori/Tauīwi). Led by the Holy Spirit our two churches have each developed a model appropriate for themselves. Both churches have been significantly transformed and continue to evolve in response to Treaty of Waitangi and other contextual issues.

In this covenant we affirm

1. That the unity of the church is not incidental to God’s purpose. The unity of the church (which is the prayer of Jesus in John 17) demonstrates God’s ability to reconcile through Christ and supports the mission of God. The unity of the church serves the unity of creation. That visible unity of the churches involves mutual acceptance of the apostolic faith, sacramental life and ministry, and a common mission to the world.
2. Each other’s understandings of the mission of the church, including: the ministry of all the baptised; proclamation of the gospel; the nurture of all members; care of those who are new to the church; social service; transformation of unjust structures; and the care of creation.
3. That each church in its own way exercises the ministry of episcopate or oversight. The Anglican Church does this through the office of bishops and synodical government. The Methodist Church does so through the annual conference, the presidency between conferences, and by devolution of the conference synod superintendents and connexional boards and committees.
4. That episcopate is to be expressed at three levels: the personal whereby the ordained are called to service and responsibility within the church; the collegial which calls the ordained to consult with each other and act together in the exercise of the ministry of the oversight; the communal which recognises that all baptised members participate not only in the mission of the church, but also in the ministry of oversight.
5. That our two churches’ different exercise of personal, collegial and communal oversight reflects ways in which our churches are variously nurtured in the faith, pastored, guided and disciplined.
6. The ministry of oversight in both our churches is concerned with the nurturing and maintenance of the community’s fidelity to the teaching of the apostles, the preaching of the gospel, the authentic

celebration of the sacraments, and the mission of the church.

7. That efforts at convergence in the practice of episkope challenge both our traditions. We note the call in the World Council of Churches Faith and Order statement 'Baptism, Eucharist and Ministry' (1982) that all churches need to examine their practice of episkope. Churches in which episkope is exercised in a presbyteral or corporate fashion need to consider the merits of a personal episcopacy. Churches which are episcopally ordered are challenged to seek the renewal of their practice of episcopal ministry, taking into account the positive contributions which can be made by systems of presbyteral and corporate oversight. A frank acceptance by all parties of the need for renewal and mutual enrichment would do much to remove negative perceptions and to advance koinonia and the process of convergence.
8. Our vision at this time is one of visible unity. We are not sure at this time what this would look like, or what its implications might be for our two churches. ("What we will yet be has not yet been revealed." 1 John 3:2) We see this search as a journey in keeping with the model of "Unity by Stages" already affirmed by our two churches. We do not see one church absorbing another, or the extinguishing of any of the existing identities within our churches. The treasures all bring are to be preserved (e.g. spiritualities, cultural identities). We seek a visible unity for our two churches that receives and cherishes all the gifts, all the insights, and all the treasures, and holds them together in a creative way that serves God's mission in the world.

Covenant and ecumenical space

We need to develop ecumenical space as a setting in which, even in a state of division, we bear witness to our common allegiance to Jesus Christ and cooperate to advance the visible unity of the church. Ecumenical space offers us a way forward. In such a space we affirm our common Christian identity and have the possibility for a new discourse as we talk to one another in a new way.

This provides a greater opportunity to discern together Christ's will for the church in ways that are not possible in isolation from each other. In this way ecumenical space brings the churches into living encounter with one another. We consider that the concept of ecumenical space has much to offer a covenant such as the one proposed. We commend the statement on ecumenical space in "Episkope and Episcopacy and the Quest for Visible Unity" (World Council of Churches Faith and Order Paper No. 183 1999 pages 43-45)

In this covenant we commit ourselves

1. To develop a safe ecumenical space in which there is opportunity to explore together uncomfortable questions.
2. To an ongoing dialogue that seeks to:
 - Realise more deeply our common life and mission and to share the distinctive contributions of our traditions, taking steps to bring about closer collaboration in all areas of witness and service in the world.
 - To further explore together the meaning and exercise of episkope in both our churches' life and work.
 - Work towards a untied and interchangeable ministry to more fully express the visible unity of our two churches.
3. To continue to provide opportunities to welcome each other's baptised members to participate in the fellowship, worship and mission of our churches, and to encourage forms of eucharistic sharing, including eucharistic hospitality, in accordance with the rules of our respective churches.
4. To provide opportunities to listen to each other and to take account of each other's concerns, especially in areas that affect our relationship as churches.
5. To provide opportunities to celebrate together annually throughout the country in an intentional way, our common faith through a focus on the offerings to the church of John and Charles Wesley who owned both the Anglican tradition and the Methodist way, on either the date set in the Anglican calendar (the Sunday nearest 8 March), or that provided for in the Methodist calendar (the Sunday nearest 24 May).

In this covenant we seek these outcomes

1. An ongoing and intentional dialogue that will deepen the present relationship of our two churches and move us towards visible unity.
2. A greater commitment to dealing with the issues that presently prevent closer communion between our two churches.
3. An open and generous relationship that holds an awareness of the other in everything we do.
4. A focus on a common mission to the world.

Laws and Regulations

3. Preamble

From its very beginnings, Methodism has been under the authority of its Annual Conference. The first Conference was held in 1744, and for most of John Wesley's life those who attended did so at his invitation. A record of the decisions made at each Conference was maintained, and from time to time the separate Minutes were consolidated, to become known as the 'Large Minutes.' These were given to the newly appointed travelling preachers to guide their theology, their administrative duties, and their general department.

In 1784, when there was concern for the future because of Wesley's advancing years, legal validity was given to the Methodist Connexion through a Deed Poll, duly enrolled. A principal purpose, was to give a legal specification of the phrase "The Conference of the People called Methodists." In 1797 steps were taken to select and publish, in booklet form, those decisions of Conference considered essential to the existence of Methodism. Its sub-title was *The Form of Discipline established among the Preachers and People in the Methodist Societies*. When the authority of Conference was called into question during a celebrated case brought against the Connexion in 1835, the Vice Chancellor, Lord Lyndhurst, accepted this 1797 document as the Methodist 'Code of Laws.

The establishment and development of Wesleyan missionary enterprise and of the settler churches in the South Pacific was in accordance with English practice. In 1872 the first attempt at a distinctive Australasian code was made with C.W. Rigg's *Digest of the Laws and Regulations of the Australasian Wesleyan Connexion*. The Methodist Conference Act of 1876 [39 & 40 Vict.], (see Appendix D-1) passed by the United Kingdom Parliament, gave statutory recognition to the existence and authority of the various separate Conferences in Australasia under a triennial General Australasian Conference. By this Act the English Conference transferred its authority, and validated all earlier decisions made by these Conferences in respect to both ministry and property.

In 1877 J.C.Symons, published a *Handbook of the Laws and Regulations of the Australasian Wesleyan Methodist Church*. From 1884, however, the *Laws and Regulations*

of the Australasian Wesleyan Methodist Church were officially published by the General Conference, and thereafter on a regular basis - 1890, 1895, 1905, and 1908. The uniting of the Wesleyans with the United Methodist Free Church, the Bible Christian Church, and the Primitive Methodist Connexion in 1896 led to a change of name, and the new body was known as the Methodist Church of Australasia in New Zealand.

The first steps were taken in 1909/1910 that eventually led to the formation of an autonomous New Zealand Methodist Conference. At the same time, negotiations towards union between the Wesleyan and Primitive Methodist Connexions in New Zealand were revived. Having received the necessary approval from the General Conference in 1910, legislation was introduced into the New Zealand Parliament to give effect to this independence. (Appendix D-4) The Declaration of Union between the two Connexions was signed by their representatives on February 6th 1913, in the presence of the Governor General and the Prime Minister. (See Appendix D-6 and D-7) The final official step was the Methodist Union Act 1913 Pvte No.3 which dealt primarily with property matters. (Appendix D-8) A major effect of this legislation was the formal recognition by Act of Parliament of the powers of the Annual Conference of the Methodist Church of New Zealand.

Since 1913 there has been no fundamental change to the polity and government of New Zealand Methodism. The power and authority of the Annual Conference are, essentially, as they have always been. This power and authority has been challenged in the High Court, but the Court of Appeal has upheld the Conference's long established supremacy. At parish, regional, and Connexional levels, however, structures have been constantly modified.

Almost immediately after the New Zealand Conference was inaugurated in 1913, a committee was appointed to draw up a New Zealand Law Book. The *Rules and Regulations of the Methodist Church of New Zealand* were published in 1915. Since that time there have been four major revisions and/or consolidations of the Law Book - in 1928, 1951, 1969 and 1981. In the intervening periods Conference continued to change the laws as it felt necessary, and the changes made were recorded in the Conference Minutes, and pasted into current Law

Books. The 1981 revision was by far the most thorough-going, and the use of a loose-leaf format enabled holders of the Law Book to insert the amended and reprinted pages more easily.

In accordance with the Methodist Church of New Zealand Act 1911, Clause 7, this Law Book, the successor to the Book of Laws of the Australasian Church named in the Act, “shall be taken and received in all legal and other proceedings before any Court of Justice, before any person having by law or consent of parties authority to hear, receive, and examine evidence, as *prima facie* evidence of the laws of the said church, for the time being...”. In the event of translation into any other language, the English version shall be authoritative and paramount, and will therefore always prevail over any translation.

This revision seeks to illustrate New Zealand Methodism and its commitment to the Treaty of Waitangi, and is ordered somewhat differently. The section on Conference comes after those setting out the constituent parts of the Connexion, emphasising the place of Conference as the Connexion’s supreme authority. The formulation of a Code of Disciplinary Procedures is a major development, and that section, along with

others relating to property, legal and financial matters, and a variety of Appendices complete the Laws and Regulations. To this end a certain amount of editing and simplifying has taken place.

Law Revision Committee
... 2002

Extract from the Year Book, Reports and Minutes of the Conference of the Methodist Church of New Zealand, Christchurch-Ōtautahi, 2002, p.C-32:

- Decision 7 Conference adopts the new and revised law contained in the new Law Book.
- Decision 16 Except for the Disciplinary Code and Sexual Harassment/Abuse Procedures, which are in force from the date of its adoption by Conference, 5th November 2002, in order to allow time for making them available throughout the church, the new laws and regulations, adopted by decision 7 under Law Revision, shall not come into force until the commencement of the Connexional year, 1st February 2003.



4. Section 1 – Membership

Introduction

The Methodist Church is a part of the Community of Faith which believes that Jesus Christ is Saviour and Lord. Through baptism a child enters the Community of Faith. By personal decision and profession of faith, associated with either adult baptism or confirmation, a person is initiated into responsible membership in the Church Universal, such membership being made specific within the Methodist Church of New Zealand. The Methodist Church enables the continuing responsible exercise of such membership.

Membership

- 1.1 Responsible membership will normally find expression through participation in worship, including regular attendance at the Lord’s Supper, the nurturing of a personal spirituality characterised by reading the Bible and prayer, living – according

to one’s informed conscience – an ethical and just life and the giving of financial support to the Church. The standards on which membership of the Church is based are set out in the Church’s Mission Statement and its accompanying Principles, where, in particular, it is stated that ‘every member is a minister.’

- 1.2 For membership in Te Taha Māori see 6.3.4 - Mema Tūturu-āwhina.

Baptism

- 2.1 Baptism, is a response to God’s grace and signifies entry into the covenant relationship of God with God’s people, and is a basis of membership in the Church, whether that be infant, child or adult.
- 2.2 A record of all persons baptised shall be kept in a Register of Baptisms and Confirmations, and

a Certificate shall be issued to the parents or guardians of the child, or to the person baptised.

Confirmation

- 3.1 Confirmation is a response to an individual's profession of faith in Jesus Christ as Saviour and Lord. Confirmation involves commissioning a person previously baptised to responsible membership in the Methodist Church, through the laying on of hands with prayer.
- 3.2 Confirmation will be normally of persons not less than 14 years of age, and shall be preceded by appropriate preparation.
- 3.3 A record of all persons received into the Methodist Church through confirmation shall be kept in a Register of Baptisms and Confirmations, and a Certificate shall be issued to the person confirmed.

Membership Roll

- 4.1.1 A person who has been received as a Member of the Methodist Church and who exercises Christian commitment through regular participation in the worship and mission of the congregation shall be recorded in the Membership Roll of the Parish.
- 4.1.2 The Leaders' or Parish Council may, at its discretion, enter in the Membership Roll the name of a person who is a regular attender at worship and active participant in the life of the congregation or Parish.
- 4.2.1 There shall be a Membership Roll, in which are recorded on an annual basis the names of all members of the Methodist Church of New Zealand, and such other names as are authorised in accordance with 1.4.1.2.
- 4.2.2 The maintenance of the Membership Roll is the responsibility of the Leaders' Meeting or Parish Council.
- 4.2.3 The name of a Member transferring from the Membership Roll of another Methodist congregation or of a communicant member of the Presbyterian Church of New Zealand who has been in a Cooperative Venture and is transferring to a Methodist Parish shall be added together with any persons transferring from a Church with which the Methodist Church has reciprocal membership arrangements.
- 4.2.4 Persons transferring from another denomination, whose acts of Baptism, Confirmation or reception into membership are recognised, may also be received into membership, and have their names

added to the Membership Roll, by the decision of the Leaders' Meeting or Parish Council.

- 4.3 Membership cards may be issued to all who continue on the Membership Roll.
- 4.4 The Membership Roll shall be reviewed at least annually by the Leaders' Meeting or Parish Council. The names of those who cease to exercise responsible membership and/or who no longer participate actively in the local Church may be removed after adequate pastoral investigation. Notification of transfer of membership should be issued when a member moves from one Parish to another.

Pastoral Care

- 5.1 Each local Church is responsible for the nurture and care of all those associated with it, including baptised infants and their families, children and young people, and persons with peripheral contact, as well as those exercising responsible membership.
- 5.2 Continuing pastoral contact shall be overseen by the Leaders Meeting or the Parish Council.
- 5.3 All persons under the pastoral care of the Church shall be recorded in a Pastoral Roll, in which all relevant details shall be noted. Such roll shall be revised regularly.

Standards for Membership

- 6.1 Within the life and practice of the Methodist Church responsible membership involves a creative tension between the "Standards for Members and Ministry" (see Introductory Document Standards For Membership and Ministry) and the freedom to exercise individual conscience as disciples of the Lord Jesus Christ. Within the context of the nurture of members the Church exercises pastoral care and discipline in accordance with the Code of Disciplinary Procedures. (see Section 8)

Mutuality of Membership in Cooperative Ventures

Membership in a Cooperating Venture Parish

- 7.1.1 All who have been baptised with water in the name of the Father and of the Son and of the Holy Spirit are members of Christ's body the church. Those members who have expressed their intention to live their discipleship as part of the fellowship of the Cooperative Venture are called to exercise the full responsibilities and privileges of membership. This membership may be affirmed and recognised

by the parish council (church meeting in case of churches in the Congregational Union) or

- 7.1.2 Membership at the time of inauguration of one of the local churches forming the Cooperative Venture or
- 7.1.3 A public commitment known variously as Profession of Faith, Confirmation, Admission to the Lord's Table or the production of a letter from another parish certifying membership or
- 7.1.4 The parish council (or church meeting) in special pastoral circumstances and with the concurrence of the ordained minister(s), being satisfied that a person might be considered eligible.
- 7.2 A communicant member of the Presbyterian Church in a Cooperative Venture of which the Methodist Church is a partner shall have the rights, privileges and responsibilities of members of the Methodist Church so long as such person remains a member of the Cooperative Venture. A member of the Methodist Church within a Cooperative Venture shall be under the discipline of the Methodist Church.
- 7.3 Whenever the opinion of Members of Cooperative Ventures is sought separately by the Methodist Church of New Zealand and the Presbyterian Church of New Zealand, no person who has such dual membership shall exercise a vote on the issue in both Churches.

Also see: Guide to Procedures 3.1.1 and following.

Lay Preachers

- 8.1 A person who is on the Membership Roll of a local Church and who, having passed the prescribed tests and/or having been duly accredited by the New Zealand Lay Preachers' Association, shall be recognised as a Lay Preacher.
- 8.2 A person who has been recognised as a Lay Preacher who ceases to be on the Membership Roll of any local Church shall cease to be recognised as a Lay Preacher.
- 8.3 Preachers' Meetings may be held in Parishes or Synods as may be appropriate.
- 8.4 The Parish Council shall from time to time decide which accredited Lay Preachers within its membership are to preach or conduct services in the Parish.
- 8.5 A member seeking to be a Lay Preacher shall apply to the Parish Council who shall consider their suitability for the role. A person so nominated shall thereafter

be designated as a Lay Preacher in Training.

- 8.6 A Lay Preacher in Training shall pursue such course of study as shall from time to time be determined by Trinity College in conjunction with the Methodist Lay Preachers' Network. The period of training shall be normally not less than 2 years and shall normally include the conduct and/or significant leadership in not less than 10 services. Lay Preachers trained overseas, on proof of study, will follow the Synod process in 1.8.10.
- 8.7 Following the satisfactory (a) completion of the prescribed course of study, (b) report on a trial service, and, (c) interview with the Parish Council as to his or her Christian faith and experience and commitment to the Methodist Church of New Zealand, including its Mission Statement, the Lay Preacher in Training may be recommended by the Parish Council to the Synod for accreditation by the New Zealand Lay Preachers' Association.
- 8.8 There shall be a Methodist Lay Preachers Network. The tasks of the Network shall be to:
- (a) In liaison with Trinity College periodically review all aspects of training and accreditation
 - (b) maintenance of records;
 - (c) liaison with Synods;
 - (d) liaison with New Zealand Lay Preachers' Association'
 - (e) to provide support for members of the Methodist Lay Preachers Network
 - (f) to report annually to Conference
- 8.9 The names of all those receiving initial accreditation as part of the Methodist Lay Preachers' Network shall be presented to Conference by the Methodist Lay Preachers' Network on behalf of the New Zealand Lay Preachers' Association.
- 8.10 A person who for at least the preceding five years has been conducting or taking a significant leadership role in worship services of the Methodist Church or Cooperating or Union Parishes, but who has not sat the prescribed examinations may, on the recommendation of both the Parish Council and the Synod of which that persons is a member, be accredited as a lay preacher by the New Zealand Lay Preachers' Association, after:
- (a) having declared to the Synod their willingness to accept the polity and discipline of the Church, including its Mission Statement;
 - (b) having received a satisfactory report on a service conducted by the candidate.

5. Section 2 – The Ministry

Introduction

The Methodist Church of New Zealand - Te Hāhi Weteriana o Aotearoa (hereinafter referred to as “The Church”) believes that the ministry of Jesus Christ in, to, and for the world is one ministry; that Christ continues this ministry through the Church; that all those who are ‘in Christ’ by virtue of their baptism, share in this ministry. Within this ministry of all who are baptised there are particular ministries.

The Church authorises these particular ministries through the ordained ministries of presbyter and deacon, and through stationed lay ministries.

A minister of the Church is one who has heard the call of God and whom the Church, under the guidance of the Holy Spirit, receives into one of these particular ministries.

Definition of Terms

- 1.1 Throughout this Section the term “Minister” shall be a generic term referring to a minister as commonly understood and includes Presbyters Deacons and Stationed Lay Ministers as hereafter defined.
- 1.2 A Minister is not an employee of the Church.¹ Ministers are persons in a special relationship with and appointed by the Conference of the Church, with powers, duties, rights and functions as set out in this Law Book, and entitled to such living allowance (a stipend) and other allowances as from time to time determined by the Conference.

Ministers

- 2.1 A Presbyter is one who is ordained by The Church to the particular ministry of Word, Sacrament, and Pastoral Care and to leadership within the community of faith.
- 2.2 A Deacon is one who is ordained by The Church to a ministry shaped by the community whom they are appointed to serve.

- 2.3 A stationed Lay Minister is one who has been authorised for an identified period by The Church to carry out a specific function within the Church. The specific roles and tasks of any stationed lay minister will be defined in a covenant.
- 2.4 Minita-a-iwi, Kaikarakia, and Liaison Persons within Te Taha Māori shall be appointed in accordance with guidelines set by Hui Poari. They shall minister to people in their own Takiwā/Rohe. (see 6.3.5 - Tupu Whakaritorito)

Candidates

- 3.1 A Candidate may offer for the ministry of a Presbyter or Deacon, either of which may be full or part-time ministry, and either fully, partially or non-stipended. Candidating shall be for ministry in a specified language setting.
- 3.2 Candidates for the ministry of Presbyter or Deacon in the Methodist Church shall:
 - (a) have been baptised;
 - (b) have been confirmed, and be in active membership in the Church;
 - (c) give evidence, in the case of a candidate for the presbyterate, of their acceptability and potential as a preacher;
 - (d) be persons finding general acceptance in the community and in the Church;
 - (e) be persons who live out a commitment to The Church, including its Mission Statement, and bicultural journey;
 - (f) be persons whose gifts, insight into the Gospel, and ability to relate to people indicate a potential acceptability in this vocation; and
 - (g) have a general understanding of the role of the Presbyter and Deacon in The Church.
- 3.3 A person desiring to offer for the Presbyteral or Diaconal ministry shall be referred by the Superintendent of the Parish in which membership is held to the Synod Candidates Convenor.
- 3.4 Where a Candidate has resided for less than two years in the Parish from which s/he is candidating, adequate enquiries shall be made in previous Parishes and reported to the Parish Council and the Synod Candidates Committee.

¹ This position has been upheld by the Court of Appeal, July 1998, in their judgement on Mabon v Methodist Church of New Zealand.

- 3.5 Candidates shall have read:
- (a) the “designated” sermons of John Wesley, and any other early Methodist documents, as set out by Mission Resourcing.
 - (b) the Laws and Regulations of The Church and declare willingness to accept the polity and discipline of The Church.
- 3.6 Procedures regarding the selection and acceptance of Candidates for the Presbyterate and Diaconate shall be determined from time to time by the Mission Resourcing Board. The Mission Resourcing Board shall from time to time publish regulations for the implementation of the procedures. These procedures shall include provision for:
- (a) determining the degree of support of the local Church which will be conveyed in a report prepared by the Synod Candidates Convenor to the Ministerial Synod;
 - (b) the presentation of a the Convenor’s report to a Ministerial Synod may comment on or add to the report, and the adoption of the report’s recommendations regarding the candidate. The level of support shall be recorded and reported to the Mission Resourcing Board.
 - (c) encouragement and guidance for prospective Candidates through the candidate’s support group;
 - (d) each Candidate to attend a National Assessment Event as arranged by the Mission Resourcing Board;
 - (e) a process of Appeal against the recommendation of the National Assessment Event, the appeal to be solely on the grounds of abuse of and/or incorrect use of candidating procedures.
- 3.7 Each candidate shall complete an application as prescribed by Mission Resourcing. The application shall include:
- (a) Information regarding prior learning experience including academic transcripts from all tertiary institutions in which the candidate has been enrolled.
 - (b) Evidence of Commitment to The Church and its Laws and Regulations including full and candid disclosure of all facts that may have a bearing upon ministry training and /or ordination.
 - (c) A police report on an approved form.
 - (d) A medical report.
 - (e) Proof of New Zealand residency qualification.
 - (f) Competency in English and in the language in which they will minister and a knowledge of Te Reo.
- (g) Any other information or report that the Board from time to time may require.
- 3.8 Candidates shall provide personal financial information as required by the Mission Resourcing Board in order to satisfy the Conference as to their ability to meet any necessary financial obligation.
- 3.9 At the March meeting of the Synod, and on other suitable occasions, the names of prospective Candidates shall be brought to the attention of the Synod.
- 3.10 (a) The Synod shall appoint a Synod Candidates Convenor who shall provide guidance to candidates and to the Synod about the Candidating processes, and shall make a recommendation to the Synod regarding the candidate.²
- (b) A Synod may share a Candidates Convenor with another Synod. Any costs incurred by the Convenor will be met by the Synod who has engaged the Convenor.³
- 3.11 The Synod Candidates Convenor shall ensure that the requirements of the Mission Resourcing Board with respect to candidates have been fulfilled. The Synod Candidates Convenor shall confirm to the Mission Resourcing Board that a candidate has met the requirements laid down in 2.3.5-8 above and that the Ministerial Synod has agreed to a candidate continuing their candidature.
- 3.12 Prior to the acceptance of any Candidate who offers to exercise a full or part-time ministry, which may be partially or non-stipended, in the Parish from which they have candidated, the Mission Resourcing Board shall arrange for consultation with the Parish to determine Parish strategy implications.
- 3.13 The Mission Resourcing Board will receive all reports concerning candidates, including those of the Candidates Assessment Team. The Mission Resourcing Board will present its recommendation to the Conference.
- 3.14.1 A candidate who is informed by the Candidate Assessment Team that he or she will not be recommended for acceptance may, within twenty one (21) days, lodge an appeal through his or her Synod Superintendent to the Mission Resourcing Board.

² Conference 2021

³ Conference 2021

- 3.14.2 The General Secretary in consultation with the President shall establish an Appeals Committee of three people, one of whom shall be the Legal Advisor, who shall hear the appeal before convening of the Conference in that year. The only basis for an appeal is abuse and or /incorrect use of the candidating process. The Appeals Committee shall provide its decision to Mission Resourcing Board and such decision shall be final and binding.
- 3.14.3 The appellant shall have the right to engage their own legal representation for the appeal.

Students for Ministry

- 4.1 The Trinity College Council shall from time to time adopt rules and regulations relating to Scholarship allowances and the curriculum.
- 4.2 (a) Each accepted candidate is responsible for their studies and ministry to the Trinity College Council through the Principal until ordination.
(b) Each Candidate who is accepted for training shall observe the rules of Trinity College.
- 4.3 Each accepted candidate for the ministry shall normally undergo a course of training, and serve a term of probation in a Parish prior to ordination. The normal term of training, including probation, shall be five years.
- 4.4 The Trinity College Council on the acceptance of a candidate by Conference shall, on the recommendation of the Principal and of the National Candidates' Assessment Convenor, and through the Student Review Panel, determine the nature and setting of the candidate's preparation for ordination.
- 4.5 Students shall undertake a programme of studies in preparation for ordination under the oversight of the Principal, who shall report each year to the Trinity College Council through the Student Review Panel on the results of such study and the progress of each student.
- 4.6 In light of The Church's commitment to the Bicultural Journey each student preparing for ordination shall pursue a programme of study under the direction of and to the satisfaction of the Principal and the Student Review Panel. The course of study for those preparing for:
- (a) the presbyterate will normally include study in each of biblical, theological, pastoral and Māori studies.
(b) the diaconate will include biblical and theological studies, and such other studies as will prepare them for their particular serving ministry.
- (c) All students will complete the required bicultural courses.
(d) Special courses may be devised to meet the needs of those preparing for special and specific ministries. Prior learning shall be taken into account.
- 4.7 The Student Review Panel may, in consultation with the Principal, require an oral or written examination of any student.
- 4.8 No student shall enter upon any course without the consent of and approval by the Principal and the Student Review Panel of all the subjects proposed.
- 4.9 Students may be dismissed from Trinity College for serious misconduct and their studies discontinued under section 11(C) 7.2.2.
- (a) Grounds for immediate dismissal and discontinuation of studies of the student are:
(i) Falsification of an application.
(ii) Acts of violence towards students or staff.
(iii) Dishonesty.
(iv) Bringing The Church or Trinity College into disrepute
- (b) Grounds for dismissal and discontinuation of academic studies will include:
(i) Failure to achieve satisfactory academic progress and/or ministry progress in relation to the criteria for ordination.
(c) Any dismissal and/or discontinuation of studies shall be carried out by the President on the recommendation of the Student Review Panel.
(d) The rules of natural justice will apply.

Probationers

- 5.1 A Probationer is an accepted Candidate in Training who has been appointed to a Parish, Synod or Board. The normal term of probation shall be two years unless otherwise determined by Conference, on the recommendation of the Trinity College Council.
- 5.2 When a Probationer is appointed to a Parish the Synod Superintendent shall arrange for their induction. (see 4.8.1(d))
- 5.3 When a probationer has been appointed to a parish, Conference shall appoint a presbyter in Full Connexion as Superintendent of any such parish. (see 4.8.3)

- 5.4 Every Probationer shall pursue a prescribed course of study approved by the Trinity College Council. The Trinity College Council shall arrange that in each Synod there shall be a Synod Assessor of Probationers who may be either ministerial or lay. The duties of the Synod Assessor of Probationers are to support the Probationer in undertaking the prescribed course of study and to report accordingly to the Trinity College Council and the Ministerial Synod.
- 5.5 Taiwi Stationing when stationing a Probationer may invite the Trinity College Council to give special consideration to the training of such Probationer.
- 5.6 The Superintendent of each Probationer shall exercise such oversight as will enable such Probationer to derive benefit from personal counsel, studies and practical guidance.
- 5.7 Any probationer who desires to pursue University work during probation shall obtain the consent of the Principal and the Parish Superintendent so that such studies may interfere as little as possible with Parish work.
- 5.8 The Superintendent of the Synod shall, at the August Ministerial Synod, facilitate the assessment of each Probationer stationed within the Synod. A report shall be made to Mission Resourcing prior to the Ordination Assessment Event.
- 5.9 A Probationer is a member of all official meetings of the Parish/Synod to which such Probationer is appointed. The Superintendent may invite a Probationer to preside at any local meeting including a meeting of Trustees.
- 5.10 A Probationer is a member of the Synod and Ministerial Synod and shall attend all meetings. A Probationer has no vote in the Ministerial Synod and at any time the Synod may request the Probationer to withdraw. (see 4.6.2)
- 5.11.1 Probationers may attend Conference and its Committees where they shall have the right to speak, but not vote, unless they are members of Conference by virtue of some other appointment.
- 5.11.2 Notwithstanding the provisions of 5.11.1, probationers shall be ineligible for appointment as members of Taiwi Strategy Committee and Taiwi Stationing Committee.
- 5.12 A Probationer shall be registered as a Marriage Celebrant under the Marriage Act 1955.

Reception in to Full Connexion and Ordination

- 6.1.1 When the Trinity College Council, in consultation with the Principal of the College, and in the light of reports from Ministerial Synods and the Ordination Assessment Team, considers a Probationer is ready for reception into Full Connexion and ordination, it shall bring a recommendation to that effect to Conference.
- 6.1.2 In the presence of Conference, candidates shall give undertakings to accept the polity and discipline of the Church as set out in the Laws and Regulations of the Church, and to observe and maintain its discipline. Candidates shall also undertake that if, after taking full opportunity of testing their views with appropriate officers of the Church, they are unable in good faith and conscience to exercise the functions of ministry, then they will take such steps as are necessary to withdraw from the presbyteral or diaconal ministry of The Church.
- 6.1.3 Candidates who are then accepted by the decision of Conference shall be received into Full Connexion.
- 6.2.1 Reception of a Presbyter or Deacon into Full Connexion with the Conference confers membership of the Conference as of right. Through acceptance of the Church's polity and discipline the Presbyter or Deacon exercises responsible mutuality within its Laws and Regulations.
- 6.2.2 Presbyters ordained by another Church, while stationed by the Conference:
- (a) under a mutual availability of ministry agreement, shall be received into Full Connexion with the Conference;
 - (b) not under a mutual availability agreement, shall complete a supply appointment of two (2) years before being recommended by the Mission Resourcing Board to be received into Full Connexion by the Conference;
 - (c) shall early in their first year of appointment complete a Mission Resourcing Board approved course of orientation to the ministry of The Church.
- 6.2.3 Every Presbyter and Deacon admitted into Full Connexion and ordained shall have the date of their admission and ordination recorded in the Conference records.
- 6.2.4 A Presbyter or Deacon in Full Connexion shall cease to be recognised as such by the Conference upon:

- (a) Conference accepting the resignation of such Presbyter or Deacon;
- (b) Conference resolving that it ceases to so recognise such Presbyter or Deacon;
- (c) the Presbyter or Deacon transferring from the Conference;
- (d) the Presbyter or Deacon ceasing to serve with the Conference under a Mutual Recognition of Ministry.

6.2.5 Before acting in terms of 6.2.4.(b) above, the Conference Disciplinary Procedures shall be followed.

6.2.6 A Presbyter or Deacon who ceases to be in Full Connexion shall have the date of cessation recorded in the Conference Records.

6.3.1 All candidates who have been accepted by the decision of Conference shall be ordained by the Conference with prayer and the laying on of hands.

6.3.2 The basic elements of the service of ordination shall be from time to time decided by Conference.

Admission to Ministry Under Exceptional Circumstances

7.1 The Conference may, on the recommendation of the Council of Conference (who shall consult with Hui Poari or Tauwi Strategy Committee), admit as a presbyter or deacon of the Church a person who accepts the doctrines and discipline of the Church and whom it may in other respects approve.

Transfer to and From the Conference

8.1.1 Transfer to or from any other Methodist Conferences, or other national or regional Church courts recognised by the Conference of The Church may be effected with the consent of the parties concerned without loss of ministerial status.

8.1.2 Transfer is subject to satisfactory medical certificates being supplied together with an official certificate that the applicants for transfer have met all liabilities to the Supernumerary Fund with which they are members.

8.1.3 All applications shall meet the churches requirements for entry as laid out in information leaflet No. 177 Ministry Application Process. This shall include an acceptable statement of Good Standing from the minister's home church, (which shall be sought by the General Secretary), and a satisfactory Police Check, and other references

and checks as may from time to time be required by Conference. The Council of Conference shall report thereon to the Conference.

8.2.1 Presbyters, Deacons or Probationers of The Church who have been released by the Conference to exercise their ministry in Churches overseas shall have the right to return to the Conference on the completion of their service overseas if they are in good standing.

8.2.2 Presbyters, Deacons or Probationers are required to meet any liabilities to the Supernumerary Fund, Professional Development Grants Committee and any other funds.

Ministers – Travel Overseas

9.1 Ministers or Lay Persons in any Conference appointment who for any reason propose to travel overseas for more than one month, shall consult with the Synod Superintendent about the proposed travel.

Ministers and Public or Civic Office

10.1 No minister, or student for ministry, shall consent to nomination for any Parliamentary, Civic, or Public Office, or for any employment for which payment is received, or which will involve such measure of service as to interfere with ministerial duties except with the consent of:

- (a) the Parish Council, Board, or other body to whom that minister is responsible;
- (b) the President together with the President's Committee of Advice who shall be empowered to grant or to withhold permission until the ensuing Conference. For this purpose the Superintendent of the Synod in which the applicant is stationed, or the Board chairperson shall be deemed a member of the President's Committee of Advice.

10.2 In the event of either or both of these authorities withholding consent and the minister or student for ministry deciding to go forward with such nomination or employment, the President may:

- (a) require the minister or student for ministry to tender his/her resignation as a minister of the Church; and/or
- (b) consult as to the action that should be taken to ensure the continuity of ministry within the Parish or Board, and the welfare of the minister and family; and/or
- (c) refer the matter to the Hui Poari or Tauwi Strategy Committee; and/or

- (d) refer the matter to the General Secretary who may consider action under the Church's Disciplinary Procedures.

Appointments of Presbyters

11.1.1 The Church practises the itinerancy of the ministry through all Presbyters being available for stationing and by their being stationed by the Conference annually.

11.1.2 The term "stationed" shall be understood in to include those ministers:

- (a) appointed (whether full- or part-time) to parishes, Synods, Boards, and other entities under Conference Question 24
- (b) who become, or continue as, retired ministers whose names are recorded under Conference Questions 17 and 18.

11.2.1 All Presbyters shall be appointed annually by the Conference, normally with effect from the 1st day of February in each year. Conference shall have regard in making such appointments to any special term of appointment made by it in respect of any particular minister.

11.2.2 Any Presbyter, having prepared a profile for two consecutive years, and not having been appointed by the Conference, shall not prepare a third profile without the consent of the Pastoral Committee. The Committee shall ask the Presbyter to address any areas of concern raised by Tauwi Stationing. The Pastoral Committee shall appoint a "mentor" to assist the presbyter concerned.

11.3.1 Any Presbyter wishing to make themselves available for ministry in one of the Negotiating Churches first must seek permission from the Synod Superintendent.

11.3.2 No Presbyter having been given permission to be available for a call to an appointment of the Presbyterian Church of Aotearoa New Zealand shall be available for Stationing.

11.3.3 The Synod Superintendent shall inform the Director(s) of Mission Resourcing.

11.4.1 A Presbyter may be placed by the Conference in any appointment year by year or for any number of years successively.

11.4.2 In applying the Common Provisions for Cooperative Ventures, unless there are special circumstances the maximum initial period of appointment for a Methodist Minister in a Cooperative Venture shall be for 5 years.

11.5 No question concerning the pastoral tie shall be raised by either the Presbyter or by the Parish Council until the presbyter has completed three years in the appointment, except in exceptional circumstances

11.6 When a change or extension of appointment is being considered the following procedures shall apply:

- (a) The Synod Superintendent or nominee shall be present at all meetings where the appointment is to be discussed including those in Cooperative Ventures.
- (b) If a Parish Superintendent is involved the Synod Superintendent or nominee shall preside.
- (c) If the Synod Superintendent is involved, the President or nominee shall preside.
- (d) (i) It is desirable that decision-making shall be by consensus.
(ii) If necessary a secret ballot maybe used to determine if a consensus exists.
- (e) (i) In the ninth (9th) year of an appointment;
(ii) On attaining the age of sixty-five (65); the Synod Superintendent shall ask the Pastoral Committee to arrange a review.
- (f) The Synod Superintendent, not later than 31 March in each year, shall forward to the General Secretary the names of all presbyters not remaining in their present appointments and Parishes who are requesting appointment(s) for the next Connexional Year. The General Secretary in April shall issue a memorandum of these changes to all Ministers and Parishes.

11.6.1 A Presbyter seeking a change of appointment shall notify the Synod Superintendent and Parish Stewards.

11.6.2 The question of the change of appointment may be raised by:

- (a) The Synod Superintendent, or
- (b) The Parish Stewards, or
- (c) Any 5 members of the Leaders' Meeting and/or Parish Council.

11.6.3 When such question is raised, the Synod Superintendent shall advise the minister and shall convene a Parish Council to discuss the question. Not less than 14 days' notice of the meeting shall be given. Where requested a secret ballot will be held of all members present at the meeting to determine the Parish viewpoint before any decision or recommendation is made. The

outcomes resulting from any ballot will conform to 2.11.6.(d) above.

- 11.6.4 When the presbyter advises in terms of 2.11.6.1, or in the event of a decision being made to change the appointment in terms of 2.11.6.2, the procedures set out from time to time by Mission Resourcing shall be followed. (see Annual Guide to Stationing)
- 11.7 The pre-Conference Meeting of the Connexional Stationing Committee shall prepare and present to Conference the final Stationing Sheet for adoption at its first Business Session.
- 11.7.1 In special circumstances stationing may occur between Conferences. In such circumstances the following procedures shall apply:
- (a) The Synod, Board, or appointing body produces a strategic plan;
 - (b) The appropriate representatives from Taiuiwi Stationing Committee, with the Director(s) Mission Resourcing, prepare profiles as necessary.
 - (c) The Taiuiwi Stationing Committee and Hui Poari/Enabling Ministry Team is advised of the progress;
 - (d) Suitable matchings are sought;
 - (e) There is a face-to-face meeting;
 - (f) If this is satisfactory, the Director(s) Mission Resourcing/Tumuaki advises the President, who then makes the appointment, which shall be confirmed or otherwise at the following Conference.

Appointments of Deacons

- 12.1 The name of each Deacon shall appear on the Stationing Sheet under a Parish or Synod on the recommendation of the Superintendent of the Synod following consultation with Parish officials.
- 12.2 The particular serving ministry of each Deacon shall be set out in the form of a covenant, describing the specific objectives and tasks agreed to in discussion between the Parish and the Deacon, under the guidance of the Synod Superintendent. Covenants and the ministry they describe are subject to regular review as set out in the covenant.
- 12.3 A Deacon may be placed by Conference in an appointment year by year, or for any number of years successively.
- 12.4 No question concerning the pastoral tie shall be raised by either the Deacon or by the Parish

Council until the Deacon has completed three years in the appointment, except under exceptional circumstances.

- 12.5 When a Deacon offers for stipendiary service, the regulations applying to the appointment of Presbyters shall as far as possible apply to the appointment of Deacons.

Appointments – Lay Ministers

- 13.1 A Lay person may be appointed to Ministry Supply or other significant ministry within a Parish/Rohe with the approval of the Parish/Rohe where that person is to serve, the Synod Superintendent/Hui Poari and the Director(s) Mission Resourcing/Tumuaki Such person shall enter a Lay Ministry Covenant.
- 13.2 The Lay Ministry Covenant shall set out the specific objectives and tasks of ministry agreed to in discussion between the Parish or region, the Lay Person, and the Synod Superintendent.
- 13.3 Such a Covenant:
- (a) in any Connexional year shall be effective until the following 31st January;
 - (b) may be renewed on an annual basis, following discussion with the person concerned, and after the endorsement of the Parish, the Synod Superintendent and the Director(s) Mission Resourcing/ Tumuaki;
 - (c) shall be reviewed at least annually by the Parish or region;
 - (d) may be terminated at any time on three months' notice by either the Parish or the person covenanting.

- 13.4 Without the approval of the Conference, such Covenant shall not authorise any lay person to exercise a sacramental ministry.

- 13.5 The appointment of a person working under a Lay Ministry Covenant shall not preclude the right of the Conference or the President, at any time, to station a Presbyter in the Parish concerned.

Appointments – General

- 14.1 The transfer of financial responsibility for Presbyters and Deacons who have been moved by the previous Conference shall take place on 31 January.
- 14.2 A Minister shall not be re-appointed to a Parish in which that Minister was previously stationed until five years have elapsed since the termination of the former appointment there.

- 14.3 No Parish shall engage a person to undertake a ministry similar to that of a Presbyterian or Deacon without the consent of the Conference acting on the advice of the Mission Resourcing Board.
- 14.4 If, as a result of the stationing process, there is a vacancy in any Parish, or if at any time a supply appointment is being considered, such appointment shall be overseen by the Director(s) Mission Resourcing. The Director(s), after consultation with the Synod Superintendent, and other appropriate persons, shall recommend to the President, who shall confirm the appointment. Any such supply appointment must have the approval of the Parish Council, secured at a meeting called specifically for this purpose.
- 14.5 Where possible each Supply appointment shall be noted on the Station Sheet.
- 14.6 The Director(s) Mission Resourcing shall be responsible in respect of each Supply appointment to see that proper arrangements and terms are agreed and recorded. (see 2.13.2)
- 14.7 Where any Minister's appointment by the Conference ceases for any reason other than by resignation the provisions of 2.17.1.(c) – (e) inclusive shall apply.
- 14.8 Appointments under the Stationing Procedures are expressly limited by the process of matching ministerial and parish profiles. It shall not be appropriate for an appointment to be made which is seen to disregard the principle of matching.

The Retirement of Presbyters and Deacons

- 15.1 A Minister who desires to retire shall:
- (a) advise the Parish Council /Rohe and the Synod /Hui Poari by 31 March;
 - (b) make application on the prescribed form and forward the same to the Synod Superintendent /Rohe Liaison Person for presentation to the August Synod which shall report on the same to the Conference through Conference question 17. Under special circumstances Conference may dispense with this requirement.
- 15.2 A Minister may elect to retire not sooner than the end of the Connexional Year in which such Minister attains 55 years of age. (see Appendix B-1 5.1.1)
- 15.3 (a) The Pastoral Committee shall arrange annually for appropriate consultation, which may include certification of medical and

psychological fitness, with any Presbyterian, Deacon or Lay Minister who, having attained 65 years of age, seeks to continue in a stationed appointment. (see 5:7.7.2.3)

- (b) The Pastoral Committee will communicate annually with those of 65 who continue to be stationed.

- 15.4 All retired Ministers shall be recorded in the list of Stations under Te Taha Māori, the Synod where they reside or a National Synod.
- 15.5 Those Ministers in good standing who retire or who transfer to another Conference or Church shall be appropriately acknowledged.

Ministers Without Appointment

- 16.1 A minister who wishes to be unavailable for stationing by the Conference may apply to be listed under Conference Question 16 (see 7.11.16)
- 16.2 Such application shall be made to the Synod Superintendent, who shall report the Synod's response to the Pastoral Committee. The Pastoral Committee shall make its recommendation to the President or to Conference, who shall give final approval.
- 16.3 A minister granted permission to be unavailable for stationing by the Conference shall continue under the discipline and in accordance with the polity of the Conference. Such minister shall continue to have membership of Synod and of Conference and be listed under the Synod where they reside or the National Synod of which they are a member.
- 16.4 Permission for a minister to be unavailable for stationing shall be granted for one year only. A Presbyterian desiring to continue in this relationship to Conference shall make application as provided in 2.16.2 above each year.
- 16.5 A minister granted permission to be unavailable for Stationing shall, not later than the third year in that category, enter into such ministry covenant as Conference requires. The covenant shall define the mutual relationships and functions of such Presbyterian within and to the Church, and shall be administered by Director(s) Mission Resourcing
- 16.6 A minister who has been without appointment for any period may choose to be available for stationing.

Presbyters for Whom no Appointment is Available

- 17.1 Where Tauwi Stationing Committee at its first meeting considers that there is no appointment available for any minister seeking an appointment, it shall adopt the following procedures:
- (a) Such minister shall be immediately notified by the General Secretary that no appointment is available for the next Connexional Year and that his/her present appointment by the Conference (if any) shall cease at the end of the then current Connexional Year;
 - (b) The Stationing Committee shall ensure that consultation and pastoral care through appropriate support persons shall be provided for the Minister while consideration is being given to this matter;
 - (c) Such minister may request a consultation with the President to discuss the matter.
 - (d) If such minister is currently in an appointment and fully available for Stationing, but there is no appointment available for such minister in the next Connexional Year, unless Conference shall otherwise decides, such Minister shall be entitled to a payment from the Connexional Expenses Fund equal to three months stipend without allowances on the cessation of the appointment.
 - (e) Such Minister shall vacate any housing provided by the Church on cessation of the appointment.
 - (f) Such Minister shall continue to be under the Pastoral care and discipline of the Church.
- 17.2 Conference contracts no liability in respect to presbyters or students for ministry for whom no appointment is available beyond what is set out above. They are at liberty to choose their own place of residence and to pursue other occupations, provided always that the President may, after consultation, appoint them to a Parish or to other Connexional work.

Cessation of Ministry During Connexional Year

- 18.1 Except in the case of resignation, if it is the opinion of the President, acting on the advice of the President's Committee of Advice and appropriate Synod Superintendent, that a Minister should cease exercising the ministry to which the Minister has been appointed, the procedures to be followed in bringing the matter to a decision shall

be those set out in the Disciplinary Regulations. (see Section 8)

Ministers Engaging in Business, or Other Profession

- 19.1 A Minister appointed to a full-time stipended position in The Church who, without the consent of the Conference, carries on any business or other profession shall, on proof thereof be required to relinquish it or retire from the ministry except as herein provided.
- 19.2 Conference shall determine in each case what constitutes "engaging in any business or other profession."
- 19.3 Should the matter not be resolved, it shall be referred for adjudication under the Disciplinary Procedures.

Organisations Bringing the Name of the Church into Disrepute

- 20.1 A Minister shall not serve with any organisation which may bring the name of The Church into disrepute. All decisions on this matter shall be made by Conference.
- 20.2 The provisions relating to Ministers carrying on or engaging in any trade, business or profession shall not apply to Retired Ministers provided always that such business or other profession, or association with another organisation is not one which may bring the name of The Church into disrepute.
- 20.3 Should the matter not be resolved, it shall be referred for adjudication under the Disciplinary Procedures.

Stipends and Allowances

- 21.1 Conference shall from time to time determine the Standard Stipend as a living allowance for its Ministers.
- 21.2 No payment shall be made nor any agreement entered into to pay more or less than the Standard Stipend, without the consent of Conference.
- 21.3 Conference shall from time to time determine any travelling, housing, or other allowances.
- 21.4 Probationers, Presbyters and Deacons may only be appointed to a non-stipendary ministry if they have an identifiable means of financial support, and may not be supported by an unemployment or sickness benefit.

Supervision

- 22.1 Each person in a stipendiary or covenanted Ministry shall have appropriate supervision.
- 22.2 Conference shall from time to time approve guidelines for supervision.

Housing

- 23.1 Accommodation shall be provided by the Parish/ Division or other Body for stationed Ministers appointed by the Conference on such basis as shall be determined from time to time by the Conference.
- 23.2 The standard requirements of this accommodation shall be decided from time to time by the Conference. However, the Board of Administration on the recommendation of a Synod,/Hui Poari may approve different accommodation for a particular ministry.
- 23.3 Where a Minister dies, the spouse/partner shall be entitled to continue rent free occupancy of the house applicable to the appointment for three months after the death of the minister. Any other arrangements applying prior to the death shall continue during the three month period.
- 23.4.1 Where a Minister does not wish to live in accommodation provided by the Church, such Minister shall apply to the Synod Superintendent/Tumuaki for permission to live in other accommodation. Before granting such permission the Superintendent must be satisfied that availability for stationing and ministerial effectiveness will not be diminished by such Minister residing in other accommodation.
- 23.4.2 Where permission is granted and the Minister is living in accommodation at the Minister's expense a housing allowance as from time to time determined by Conference shall be paid to such Minister.
- 23.5 Where the appointed Minister and the Parish/ Board have made arrangements for a ministerial supply to occupy the accommodation provided by the Church during the appointed Minister's absence, no housing allowance shall be paid to the appointed Minister.
- 23.6 The Synod Property Advisory Committee shall review, at least every three years, the adequacy of all accommodation provided, whether occupied by a Minister or not, and initiate appropriate action as required.

Annual, Study, Long Service, Parental and Illness/Disability Leave

- 24.1 Conference shall from time to time make provision for annual leave, study leave, long service leave, parental leave, and illness/disability leave. (see Information Leaflet No 7)
- 24.2.1 Parental leave provisions as legislated under New Zealand Law apply to Ministers.
- 24.2.2 Arrangements for this leave shall be made with the Parish Stewards or appropriate officers and the Synod Superintendent.
- 24.2.3 During such parental leave, the Minister shall:
- (a) receive a top up to parental leave payments to the level of the stipend to which she/he was entitled prior to the commencement of the leave;
 - (b) receive allowances other than travelling allowances;
 - (c) pay Supernumerary Fund and Kiwi Saver contributions.
- 24.2.4 Responsibility for meeting stipend top up and allowances are as follows:
- (a) first month Parish/Board
 - (b) second & subsequent months Connexional Expenses Fund
 - (c) Stipend top up does not extend past the paid parental leave period.
- 24.2.5 Parental leave shall be additional to any other leave or holiday entitlement of the Minister.
- 24.3 When a minister suffers illness or disability the Parish or Board or other responsible body is expected to take all reasonable steps to ensure that the minister (and family) is adequately provided for. Decisions made will depend upon the seriousness, length and extent of the illness/ disability involved.

Miscellaneous Provisions

- 25.1 No Minister shall permit anything to be done in any Church under the responsibility of such Minister which is not in accordance with the laws and regulations of The Church.
- 25.2 A Minister shall be entitled to have their degree, diploma, fellowship or other academic qualifications, and their public honours printed in the Minutes of Conference. This shall be a responsibility of the General Secretary, in consultation with the Trinity College Council

where appropriate. In the case of an academic award granted by other than a New Zealand University the place of origin shall be printed.

- 25.3 A Directory of ministers of the Church shall be maintained and from time to time published on the following basis:
- (a) Normally the names of Presbyters, Deacons, Minita-a-iwi and Liaison Persons are listed as from the date of first appointment by the Conference.
 - (b) The names of Presbyters/Deacons received from other Conferences appear under the year of their first appointment by their previous Conference.
 - (c) The names of Presbyters/Deacons received from other Churches into Full Connexion are listed from the year of their appointment by the Conference.

Membership of Supernumerary Fund

Note: The Supernumerary Fund was closed to new members on 31st January 2010. Provisions 27.1 – 27.4 apply to all Presbyters whose first appointment commenced prior to this date.

- 26.1 Each Presbyter shall be a Member of the Supernumerary Fund of the Church.
- 26.2 Such Membership shall be in accordance with and subject to the provisions of the Trust Deed from time to time in force. (see Appendix B-1)
- 26.3 Membership shall be either (a) Full, or (b) fifty percentum, or (c) nominal in accordance with the provisions of the Deed.
- 26.4 In very exceptional circumstances Conference may decide that a Minister be granted exemption from Membership.

Kiwi Saver

- 27.1 All Presbyters commencing their first appointment after 1st February 2010 will be enrolled in Kiwi saver and will have a life insurance policy providing equivalent death in service cover to that provided by the Superannuation Fund.
- 27.2 Parishes/Boards making payments to Kiwi Saver and Life Insurance under clause 27.1 will not be required to also make payment to the Superannuation Fund.

Mutual Recognition of Ministry

- 28.1 The Church recognises and accepts the ordination of all Ministers ordained to the Ministry of Word and Sacrament by the Presbyterian Church of Aotearoa New Zealand and Christian Churches of New Zealand.
- 28.2.1 All Presbyterian and Christian Churches of New Zealand Ministers stationed by the Methodist Church of New Zealand – Te Hāhi Weteriana o Aotearoa shall be received into Full Connexion with the Conference for the duration of their appointment.

Pastoral Discipline and Trial of Ministers

At Ordination each Minister receives, under the hand of the Church, the promise of God's Spirit and is commissioned to proclaim the Gospel, maintain the Faith, build up the Body of Christ and equip God's people for their work of mission. Each Minister is placed at the disposal of Christ and accepts the discipline of His Church. (see Section 8 - Disciplinary Regulations)

- 29.1 When the processes and procedures of the Code of Disciplinary Regulations have been completed, and a decision has been made to suspend or expel a Minister, the following conditions shall apply to that Minister:
 - (a) A Minister suspended by Conference shall not take part in the business of any Church Court without the permission of Conference, and shall have no claim upon the Conference for financial support during the period of suspension unless Conference shall otherwise determine.
 - (b) A Minister who is expelled shall immediately cease to be recognised as a Minister of the Methodist Church, and the Minister's name shall appear in the Minutes of Conference under Question 9 (see 7.11.2.10.b)
 - (c) No person being a suspended or expelled Minister shall, without the prior consent in each case of the Superintendent, Hui Poari and Tumuaki hold any leadership position in the Church, or be authorised to preach or participate in the leadership of any Worship Service of the Church.
 - (d) For the purpose of the restoration of relationship the President after seeking advice from the President's Committee of Advice may give leave for a person against whom a charge is proved to seek forgiveness of the Conference.

Police Vetting Checks

- 30.1 Ministers are required to have a Police Vetting Check prior to their first appointment and then updated every five years.
- 30.2 If there is an adverse outcome to a Police Vetting Check then this shall be referred to the Pastoral Committee for consideration.
- 30.3 If a Minister refuses to have a Police Vetting Check then the President may remove such Minister from ministry.



6. Section 3 – Parishes

Introduction

The Parish is a visible expression of the body of Christ in a particular place. It may consist of one or more congregations of members who worship and witness as the people called Methodist. A Parish may be in cooperation with another Church or Churches.

- 1.1 A Parish comprises one or more congregations situated in an area and in a relationship with each other as from time to time determined by the Conference.
- 1.2 A Rohe shall consist of members residing within its boundary who maintain an active commitment to Te Taha Māori and the Methodist Church of Aotearoa New Zealand and who, together, represent a visible expression of the Body of Christ there. (see 6.3.7.1)
- 1.3 For the purpose of maintaining historical links, receiving information, and benefiting from the nurture of and relationship with the Connexion, a congregation or group not within a Methodist Parish but including a significant number of members with a Methodist heritage may with the consent of its local Parish Council and of the Synod Superintendent have representation on the Synod and relate to the Synod Superintendent.
- 1.4 A Parish shall not have any administrative responsibility for any Connexional Division, Incorporated Board or Trust directly responsible to the Conference, or any Mission being part of The

Methodist Alliance, unless otherwise determined by the Conference.⁴

Public Worship

- 2.1 Divine worship shall be held regularly in all Churches and preaching places on the Lord's Day, or as may be otherwise arranged and shall be conducted according to the established forms and usages of Methodism.
- 2.2 Parishes and congregations are encouraged to engage in appropriate forms of evangelical outreach which present the Christian faith in an attractive and coherent way to the wider community.
- 2.3 The Festivals of the Christian Year, such as the season of Lent and Easter, Ascension Day, Pentecost, Trinity Sunday, the season of Advent, and Christmas Day shall be observed.

The Lord's Supper

- 3.1 The bread and the wine of the Lord's Table are perpetual reminders of Christ's atoning death, and emblems of the life he imparts. Through these tokens Christ's presence, through his Spirit, is discerned by his faithful people, who, partaking of them together, realise and express the communion with Christ and with each other which all his members share.

⁴ Conference 2018

- 3.2 The Lord's Supper shall be administered according to the form or forms authorised by the Conference, or by other appropriate liturgical expression, by a Presbyter or other duly authorised person, at Divine Worship or at such other time as may be arranged.
- 3.3 Where there are congregations which, for imperative pastoral considerations, others than Presbyters should have authority to administer the Sacraments, Conference may annually authorise a person of good character and standing to administer the Sacraments within such congregation(s). The authorization may at any time be withdrawn. (see 7.11.2.21)

Conduct of Meetings

- 4.1 The meeting shall be conducted in accordance with the decision-making procedures adopted from time to time by the Conference unless the meeting shall otherwise decide.
- 4.2 The Chairperson of any official meeting shall decline to put a motion which the Chairperson considers unconstitutional or contrary to any Law of the Church or to any direction or resolution of the Conference. The meeting however may by resolution appeal against any such ruling to the President.
- 4.3 Except as elsewhere in these Laws and Regulations provided, no meeting shall be competent to:
- (a) suspend the operation of any Laws and Regulations of the Church, or any resolution of the Conference, or
 - (b) pass any resolution to take any action contrary to the polity of the Methodist Church.
- 4.4 At any official meeting of the Parish or congregations, or at any meetings of Committees, Boards and other Church organisations, the attendance of at least one-third of the members eligible to attend and vote shall constitute the quorum of such meeting.
- 4.5 On all occasions, except when a vote by ballot is specified, the method of open voting shall be used, unless the meeting shall otherwise decide.
- 4.6 At any official meeting of the local Church Courts, on a request being preferred to that effect, a record shall be made of the numbers voting for and against any resolution and the number of those remaining neutral provided always that where a vote requiring a certain specified majority of those present and voting is taken, "neutrals" shall

be ignored in determining the majority, although they may, and when required must be recorded for information.

Congregational Meeting

- 5.1 Each congregation shall hold an annual Congregational Meeting. If required an additional meeting may be held at the request of the Leaders Meeting.
- 5.2 All persons recorded on the Membership Roll shall be eligible to attend and vote at the Congregational Meeting. All persons on the Pastoral Roll of that congregation shall be eligible to attend. (see 1.4.1.1; 1.5.2)
- 5.3 The Chairperson of the Leaders' Meeting shall preside and the Secretary of the Leaders' Meeting shall be responsible to keep adequate records.
- 5.4 The Congregational Meeting:
- (a) shall consider the life and mission of the congregation;
 - (b) may raise matters of concern with the Leaders' Meeting and/or Parish Council;
 - (c) receive and consider reports from each group within the life of the congregation and recommend on or initiate to the Leaders' Meeting and/or Parish Council any matters concerning the congregation's life and mission.
 - (d) may be consulted by the Leaders' Meeting on matters of significant policy affecting the life of the congregation.
 - (e) may receive and consider any report of the representatives to the Leaders' Meeting.
 - (f) shall appoint representatives to the Leaders' Meeting (see 3.6.6(f)).
 - (g) shall appoint the conveners of the Leaders' Meeting committees or person to carry out the function. The Leaders' Meeting may bring nominations. (see 3.6.8.2).

Leaders' Meeting

- 6.1 Each congregation shall form a Leaders' Meeting. If the Parish shall comprise only one congregation the Leaders' Meeting shall constitute the Parish Council. Where it is impracticable to form a Leaders' Meeting the functions of such Meeting shall be the responsibility of the Parish Council. (see Information Leaflet No 154)
- 6.2 Each member of the Leaders' Meeting shall be appointed from the Membership Roll of that

congregation, and be a person who evidences Christian commitment through regular participation in the worship and mission of the congregation.

- 6.3 Meetings shall be held with sufficient frequency to effectively carry out its leadership function, normally monthly but not less than quarterly.
- 6.4 The function of the Leaders' Meeting is to give leadership to and in the congregation. It shall as appropriate to the local situation:
- (a) shape the mission of the local Church;
 - (b) enable and encourage each member to discover and exercise effective ministry;
 - (c) share responsibility with the minister(s) appointed to the Parish serving that congregation for worship, pastoral care and nurture, finance and stewardship, leadership training, and all other aspects of local Church life including property where there has been delegation of this function from the Parish Council; (see 3.14.3)
 - (d) initiate, research and promote dialogue and action on matters of community concerns and social justice, whether local, synod, Connexional or of wider concern;
 - (e) ensure that the whole congregation in terms of age, sex and ethnic heritage is adequately represented and encouraged to participate in the leadership, decision making, and mission of the congregation, Parish, and wider Church;
 - (f) initiate, implement or respond to Connexional decisions
 - (g) approve persons nominated for baptism and/or confirmation, and provide for adequate instruction;
 - (h) appoint the leaders of the Christian Education programme who shall, where practicable, be members of the Methodist Church, but if not, be persons who accept and follow the Christian faith and are sympathetic with the doctrines, polity and discipline of the Methodist Church, and decide upon the Christian Education material to be used;
 - (i) foster participation and partnership with other Churches within the area;
 - (j) appoint annually up to four representatives to the Parish Council;(see 3.7.5.1(e)).
 - (k) appoint annually all other officers serving the congregation, define their respective functions and ensure that such functions are fulfilled. These shall include: the Organist, Choir Leader, Church Stewards, Sacramental

Stewards, Minister's Stewards, Stewardship Recorder, Mission Secretaries, Lay Pastors. The Congregational Meeting may make nominations;

- (l) consult, inform and liaise with the congregation on matters of policy and concerns relating to the congregation and Parish;
 - (m) make recommendations to the Parish Council;
 - (n) ensure that adequate and up-to-date records are kept of all matters pertaining to the Congregation, including minutes of all Leaders' Meetings, Parish Schedule Book, Pastoral Roll(s), Baptismal and Confirmation Register(s) and Membership Roll(s), which shall be reviewed at least annually; (see 3.7.3(r))
- 6.5 The officers of the Leaders' Meeting shall be a Chairperson and Secretary, each appointed annually by the Meeting, normally from among its membership.
- 6.6 The membership of the Leaders' Meeting shall be:
- (a) all Presbyters and Deacons within the Parish having responsibility for the congregation.
 - (b) any full-time or stipended Lay Minister with responsibility to the congregation for Ministry, Christian Education or Pastoral Care.
 - (c) any Parish Steward who is a member of the Congregation.
 - (d) all active accredited Lay Preachers who are members of the Congregation.
 - (e) one Leader or representative from each of the Children's, Youth, Young Adults' group(s) and Adult Christian Education groups.
 - (f) Up to four representatives of Membership Roll members (to be appointed by the annual Congregational Meeting)
 - (g) the Convener, and one representative from each Committee of the Leaders' Meeting appointed by such Committee.
 - (h) the Convener of Church Stewards.
 - (i) The President and one other representative of the Methodist Women's Fellowship in the congregation.
 - (j) such additional representative(s), to be appointed by any groups, as shall in the opinion of the Leaders' Meeting be needed to adequately represent the life and mission of the congregation.
 - (k) The Parish Superintendent and the Parish Stewards are ex officio members of each Leaders' Meeting within the Parish.

- 6.7.1 The Presbyter having responsibility for the congregation or the Chairperson of the meeting may convene a Special Leaders' Meeting.
- 6.7.2 The Chairperson of the meeting shall, upon a requisition in writing by not less than three members of the Meeting specifying the business to be considered, call a special Meeting. Normally seven days' notice of such Meeting shall be given to each member of the Meeting.
- 6.8.1 The Leaders' Meeting shall appoint such committees as may be required or a person to adequately carry out each of its functions and these shall normally include:
- (a) Worship
 - (b) Evangelism, Education and Discipleship
 - (c) Pastoral Care
 - (d) Community Concerns and Social Justice
 - (e) Stewardship
 - (f) Property
- 6.8.2 The Convener of each committee or appointed person may be nominated by the Leaders' Meeting for appointment by the Congregational Meeting and shall be on the Membership Roll of the congregation and shall be a member of the Leaders' Meeting, and normally be a lay person.
- 6.8.3 Members of these committees need not necessarily be on the Membership Roll of the congregation and/or members of the Leaders' Meeting, but shall be persons who accept and follow the Christian faith and are sympathetic with the doctrines, polity and discipline of the Methodist Church.

Parish Council

- 7.1 Each Parish shall form a Parish Council which shall be the governance body of the Parish.
- 7.2 Each member other than ex officio members of the Parish Council shall be appointed by the Leaders' Meetings from the Membership Rolls of the congregations of the Parish.
- 7.3 The function of the Parish Council is to co-ordinate congregational life within its area and give oversight to the life and work of the congregations. In particular it shall:
- (a) Shape the Mission of the Parish
 - (b) receive reports from each Leaders' Meeting, and review the life and work of each congregation, and initiate any matter relating to a particular congregation;
 - (c) assist and enable Ministers appointed to the Parish to carry out their task effectively;

- (d) facilitate communication between the Connexion and the local Church;
- (e) be responsible for the implementation of Conference and Synod decisions affecting the life and work of the Parish and congregations;
- (f) ensure that the Parish exercises sensitivity to each ethnic and other group in the life of the congregations including appropriate membership in the decision making meetings of the congregations and Parish;
- (g) when there is to be a change of appointment carry through the provisions of Section 2.11.6 and advise the Synod Superintendent of any relevant considerations relating to the appointment;
- (h) appoint Parish Stewards and parish Treasurer
- (i) appoint lay persons to designated positions of service on an agreed basis approved and supervised by the Synod; (see 2.13.1)
- (j) be responsible for the receipt of all Parish income and for the payment of all Parish expenditure including Connexional financial obligations. The Parish may delegate either or both of these responsibilities to any Leaders' Meeting within the Parish;
- (k) authorise any financial appeal apart from those which have received Connexional endorsement;
- (l) keep for the Parish proper books of account which shall be audited annually and receive full audited annual accounts from all groups in the Parish;
- (m) provide for the remuneration and expenses of all stipendiary staff within the Parish;
- (n) provide and maintain adequate housing and furnishing as required by the Conference for all Ministers appointed by the Conference to the Parish;
- (o) appoint and fix of any remuneration of any organist or choir director after consultation with any appropriate Leaders' Meeting.
- (p) provide adequate transport for the efficient working of the Parish;
- (q) ensure that adequate provision is made within the Parish to encourage adequate planned giving;
- (r) ensure that adequate and up-to-date records are kept and maintained in a safe manner of all matters pertaining to the Parish, including minutes of all Parish Council, Parish Schedule Book, Pastoral Roll(s), Baptismal and Confirmation Register(s) and Membership Roll(s); (see 3.6.4(n)), including all employee and volunteer records.

- (s) where there is no Leaders' Meeting functioning, carry out all the functions of that Meeting, in which case the Parish Council shall comprise the same persons as the Leaders' Meeting; (see 3.6.1 and 3.6.6)
 - (t) be responsible for worship services in the Parish and ensure that the preaching life of the parish is consistent with what is contained in the Standard Sermons of John Wesley and his Notes on the New Testament;
 - (u) carry out all such functions as are elsewhere in this Law Book the appointed function of the Parish Council.
- 7.4.1 The Parish Council shall be held with sufficient frequency to effectively carry out its functions, normally quarterly.
- 7.4.2 One Meeting of the Parish Council in each year shall be the Annual Parish Meeting.
- 7.5.1 The membership of the Parish Council shall be:
- (a) all ministers with responsibility in the Parish;
 - (b) any person engaged in Lay Ministry within the Parish and subject to a Lay Ministry Covenant;
 - (c) each Parish Steward;
 - (d) the Chairperson, Secretary and Treasurer of the Parish Council;
 - (e) Each Leaders' Meetings within the Parish can appoint up to four members. (see 3.6.4.(j)). Substitutes may be appointed.
 - (f) persons appointed by each Meeting within the Parish responsible direct to the Parish Council.
- 7.5.2 No person shall be eligible for appointment to the Parish Council unless that person shall be on the Membership Roll of a congregation in the Parish.
- 7.6.1 The officers of the Parish Council shall be:
- (a) the Chairperson, Secretary and Treasurer, appointed annually by the Parish Council;
 - (b) the Parish Stewards;
 - (c) The Parish Superintendent if not acting as Chairperson.
- 7.6.2 The Parish Stewards shall act as the Executive Officers of the Parish Council. They may be appointed in either of the following ways:
- (a) Two Stewards may be appointed annually, one of whom shall be nominated by the Parish Superintendent and one by a member of the Parish Council. If the Superintendent fails or declines to nominate, any member of the Meeting may nominate. Such Stewards shall be elected at the annual Parish Meeting by an absolute majority of the votes of those present. Parish Stewards will not normally serve for more than five year consecutively.
 - (b) Three Stewards may be appointed, and shall normally serve for three years. They shall retire by rotation, one each year. Each Steward shall be elected at the annual Parish Meeting by an absolute majority of the votes of those present. The incoming Parish Steward, to be nominated in alternate years by the Parish Meeting and the Superintendent Minister.
- 7.6.3 The functions of the Parish Stewards, as the Executive Officers of the Parish Council, shall be to:
- (a) maintain regular discussion on Parish life with the Ministers of the Parish;
 - (b) exercise a pastoral role in relation to each Minister stationed to serve in the Parish and to such Minister's family;
 - (c) facilitate communication within the Parish, to hear and act upon concerns arising within the Parish;
 - (d) carry out the functions relating to the appointment or change of ministry, including arrangements for the reception of each newly appointed Minister to the Parish (see 2.11.6);
 - (e) ensure that the decisions of the Conference with respect to annual leave, study leave, maternity and long service leave applicable to any minister stationed in the Parish are duly observed, and to consult with each minister regarding arrangement for such leave, including provision for a supply ministry as necessary;
 - (f) have the right to invite the Synod Superintendent to visit the Parish.
- 7.7 A Parish Council meeting may be adjourned to a time and place to be specified in the resolution for such adjournment for the conduct of any uncompleted business which shall be recorded in the resolution for the adjournment.
- 7.8 The Synod Superintendent if present at a Parish Council may preside if requested to do so by the Superintendent of the Parish. The Synod Superintendent should be invited to be present on important occasions.
- 7.9 In circumstances of extraordinary emergency the Superintendent Minister or Chairperson may, if deemed necessary and shall upon a requisition in writing by not fewer than six (6) members

of the Parish Council, convene a Special Parish Council. Seven day's written notice of such Meeting, specifying the time and place thereof and the business to be considered, shall be given to each person entitled to attend the Meeting. The Meeting shall not transact any business other than that specified in the requisition. A record of the business transacted shall be kept and presented to the next ordinary Parish Council.

- 7.10 (a) Local Shared Ministry (LSM) is a model of parish ministry where:
- The congregation is the ministering community
- The Parish Council is the governance body of the Parish.
- The Ministry Support Team is responsible for the ministry of the Parish
- An enabler shall be appointed by Synod
- The Parish Superintendent is appointed by Conference
- (b) The Parish Council shall shape the Mission of the Parish (See 3.7.3(a))
- (c) The Ministry Support Team shall take responsibility for pastoral care, worship, Christian education, community concerns and Social Justice on behalf of the Parish Council.
- (d) Members of the Ministry Support Team are "called" by the congregation and confirmed by the Parish Council to serve for a 3 year term. Members of the Ministry Support Team shall be drawn from the Membership Roll of the parish and be persons who evidence Christian commitment through regular participation in the worship and mission of the congregation.
- (e) Members of the Ministry Support Team shall be ex officio members of the Parish Council.
- (f) Members of the Ministry Support Team may be appointed as Parish Stewards. In the event of a conflict of interest between the two roles the Parish Superintendent will appoint a suitable person to act in one or both roles.
- (g) The Ministry Support Team implements the mission of the congregation, and shall encourage other members of the congregation to offer their gifts in the life of the parish.
- (h) The Enabler shall act as spiritual director, consultant, encourager, supervisor, trouble-shooter and resource person. If the Enabler is a Presbyter, s/he may also serve as the Parish Superintendent.
- (i) The Enabler's task is team building, development of the pastoral, worship and mission skills of the Ministry Support Team.

The Enabler shall audit the experience and skills of the team members and report to the Parish Council as required.

- (j) The Enabler shall facilitate any review of members of the Ministry Support Team upon the completion of a 3 year term of office and report to the Parish Council.

Functions of Ministers Appointed to a Parish

- 8.1.1 Within their accountability to the Conference, Ministers who have been appointed by the Conference to a Parish shall, in respect of the congregation(s) for which they have particular responsibility, perform the following functions:
- (a) carry out Parish, Synod and Connexional duties and responsibilities with the local congregation(s);
- (b) carry out such Synod and Connexional duties and responsibilities as are assigned to that minister;
- (c) represent the Connexion in the local setting and the parish in the Synod setting.
- 8.1.2 A Presbyter shall:
- (a) exercise a ministry of Word, Sacrament and Pastoral Care;
- (b) share with the members of the congregation(s) in making disciples, preparing people for membership, Christian ministry, mission and evangelism;
- (c) enable and ensure that all Leaders' Meeting functions are effectively implemented and responsibilities carried out;
- (d) do all things necessary to ensure the continuity of ministry, including ensuring the keeping of adequate pastoral records (see Section 3-7.3(r));
- (e) give oversight to person(s) leading worship and may approve those not authorised by the Church.
- 8.1.3 A Deacon shall:
- (a) exercise the particular serving ministry which has been set out in the form of a covenant;
- (b) fulfil the specific objectives and tasks agreed to, under the guidance and oversight of the Parish Superintendent and the Parish Stewards;
- (c) carry out a ministry which will be shaped by the community whom they are appointed to serve.

8.1.4 A Lay Minister shall:

- (a) fulfil for an identified period a specific function within the Parish, as defined in a Lay Ministry Covenant;
- (b) carry out the specific objectives and tasks agreed to, under the guidance and oversight of the Parish Superintendent and the Parish Stewards.

8.1.5 Presbyter Probationers appointed to a Parish shall exercise such functions and responsibilities as from time to time are authorised by the Conference and in accordance with the provisions of Section 2.5.1.to 2.5.12.

Functions of Parish Superintendent

9.1 In each Parish, Conference shall appoint a Presbyter to be Superintendent of the Parish.

9.2 Within their accountability to the Conference, Parish Superintendents shall:

- (a) ensure, with the Parish Stewards, pastoral care to each minister listed on the Station Sheet of the Conference for that Parish and to such minister's family;
- (b) share with the members of the Parish in equipping people for discipleship, Christian ministry, mission and evangelism;
- (c) enable and ensure that all Parish Council functions and responsibilities are effectively implemented;
- (d) fulfil Parish, Synod and Connexional functions and responsibilities within the Parish;
- (e) fulfil Synod and Connexional functions and responsibilities;
- (f) keep the Synod Superintendent, and Connexional Officers informed of all important matters relating to the life and work of the Parish, especially significant changes;
- (g) do all things necessary to ensure the continuity of ministry, including ensuring the keeping of adequate pastoral records. (see also Section 3-7.3(r))

Parish Review

10.1 During the first quarter of every fifth year of every ministerial appointment there shall normally be a consultation to review the life, work and future of the parish Such consultation shall be initiated by the Synod (see 4.12.4) and shall be conducted in accordance with guidelines set out in Information Leaflet 171.

Communication by the Parish to the Conference

11.1 Any issue or concern affecting the wider Church which has been considered by the Parish Council and which that Council wishes to transmit to Conference shall first be referred to the Synod who may, after due consideration, refer the matter as a Memorial to Conference (see 4.6.4.1).

11.2 When, however, there is insufficient time for the procedure set forth in 3.11.1 above to be followed, any important matter affecting the welfare of the Church may be referred directly to Conference by the Parish Council in the form of a Notice of Motion (see 4.6.4.2).

11.3 Any Notice of Motion adopted by a Parish Council shall be certified by the Parish Stewards and Superintendent Minister and forwarded immediately to the General Secretary (see 7.10.3).

11.4 All Memorials and Notices of Motion shall be reported by the General Secretary at the first business session of the Conference (see 7.10.3).

11.5 No Memorial or Notice of Motion shall be adopted by a Parish Council which involves a direct interference on the part of one Parish in the affairs of any other Parish.

11.6 The Parish through its representative(s) may bring any matter before the Conference by moving a Notice of Motion in the Conference (see 7.10.3).

Alteration or Amalgamation of Parish/Mission Boundaries

12.1 Conference may alter the boundaries of a Parish, and/or may amalgamate in whole or in part a Parish with another Parish. Consideration of such alteration or amalgamation would, initially, take place within the Parish Council, and such alteration or amalgamation would not be effected without the consent of the Parish Council. Such alteration or amalgamation would be effected on the recommendation to Conference of the Synod(s) and Mission Resourcing.

Funds

13.1 The Parish is accountable, finally, to Conference for all funds under its management and oversight.

13.2 There shall be a Parish Fund into which shall be paid all offerings, donations and other monies received by the Parish, and from which shall be paid all Parish expenditure.

- 13.3 If the Parish shall have insufficient monies to immediately meet all its financial obligations, they shall be met in the following order of priority:
- (a) Costs of Parish ministry including Stipends, Superannuation, housing and other allowances approved by the Conference. Stipends and allowances shall be paid to ministers by the 10th of each month in which they are due.
 - (b) Connexionally approved Parish contractual obligations.
 - (c) Connexional financial obligations.
 - (d) Property and other local expenses.
- 13.4 The first priority for the use of rentals received in respect of any parsonage shall be maintenance of the Parsonage.
- 13.5 Accounts shall be held with such bank or banks and in such manner as Conference shall from time to time determine.
- 13.6 All bank accounts shall require at least two signatories.
- (a) When approving authorised signatories Parishes shall ensure that potential conflicts of interest are avoided, in particular that signatories must not be closely related.
 - (b) Online accounts can only be used with a second authorising signatory.
 - (c) Debit and credit cards in the name of the Methodist Church or its Parishes can only be issued in accordance with Section 10. 1.4.
- 13.7 The financial year for each fund, whether Parish Council, Leaders' Meeting, or congregational funds, shall end on 30 June each year.
- 13.8 All accounts shall be audited annually by two auditors appointed annually by the Parish Council, provided that where the auditor is a member of the Institute of Chartered Accountants of New Zealand only one auditor need be appointed. No person shall act as auditor in respect of accounts for which such person is responsible.
- 13.9 The Parish shall be responsible to obtain audit certificates in respect of all accounts within the Parish except the Parish account not later than the 31 August each year. (see 3.7.3(k))
- 13.10 The audit certificate in respect of the Parish account shall be forwarded to the Synod not later than 31 August each year.

Property

(See also 9.4.1-5)

- 14.1 Where property in Parishes, vested in the Board of Administration, pertains to the Parish it shall be administered by the Parish Council.
- 14.2 Parish Council responsibilities in respect of property pertaining to the Parish shall include:
- (a) implementing the policies and priorities of Conference;
 - (b) planning and co-ordination of strategy for all Parish property in consultation with the Synod Property Advisory Committee;
 - (c) facilitating the initiatives of local Churches in the Parish in the development and redevelopment of property;
 - (d) oversight of the management and maintenance and insurance of all Parish property.
 - (e) administering Parish funds in relation to property matters;
 - (f) giving the approval of the Parish for all sales, mortgages, purchases, leases, loans or alterations to land or buildings (see 9.4.2(f))
 - (g) administering or providing for the administration of such commercial property in the Parish in consultation with the Synod and the Board of Administration as shall be arranged from time to time;
 - (h) administering and managing property for which it is responsible and seeing that - property is used only for the purposes set out in the Laws of the Church and for the purposes for which the Church was called into being, and is consistent with what is contained in the Standard Sermons of John Wesley and his Notes on the New Testament;
 - (i) arranging for the completion and transmission of Parish Property Returns and related financial information by their due dates;
- 14.3 The Parish Council may appoint a Property Committee or may delegate this function to the Leaders' Meeting(s). Such Committee shall be a Sub-Committee either of the Parish Council or the Leaders' Meeting as from time to time determined by the Parish Council. Members of the Property Committee shall be appointed for a three year term. At least one-third or as near thereto as possible shall retire annually by rotation but shall be eligible for re-appointment.

- 14.4 The Property Committee shall implement the policy and priorities of the Parish Council /Leaders' Meeting in respect of property in the Parish by:
- (a) seeing to the adequate maintenance and repair of property including furnishings, organs and other musical instruments;
 - (b) administering and managing property for which it is responsible and seeing that - property is used only for the purposes set out in the Laws of the Church and for the purposes for which the Church was called into being, and is consistent with what is contained in the Standard Sermons of John Wesley and his Notes on the New Testament;
 - (c) insuring property in accordance with the strategy of the Parish;
 - (d) regularly reporting and recommending to Leaders' Meeting and/or Parish Council on all matter relating to property;
 - (e) arranging such development or redevelopment of property in accordance with the strategy of the Parish/Synod/Conference.
- 14.5 In electing the Property Committee, the meeting appointing them should have regard to the skills of the persons elected. They shall be selected from people living in the Church's synod who are actively engaged in the worship and work of the Church.

- (c) insuring property in accordance with the strategy of the Parish;
- (d) regularly reporting and recommending to Leaders' Meeting and/or Parish Council on all matters relating to property;
- (e) arranging such development or redevelopment of property in accordance with the strategy of the Parish/Synod/Conference.

- 15.3 If any difficulty shall arise due to any inadequacy of resources, the Trustees shall bring their needs before the Parish Council. The Parish Council shall have authority over all Funds of the Trustee.

Police Vetting Checks

- 16.1 Lay people who on behalf of the Church work with children, youth or the elderly are required to complete a Police Vetting Check. This to be updated every five years.
- 16.2 If there is an adverse outcome to a Police Vetting Check then this shall be referred to the Pastoral Committee for consideration.
- 16.3 If a Lay person refuses to have a Police Vetting Check then such Lay person will not be permitted to work with children, youth or the elderly and their appointment will be discontinued.

Functions of Trustees Under the Methodist Model Deed of 1887

(See also 9.6.1-3)

- 15.1 Where any property is held under the Methodist Model Deed of New Zealand 1887 the provisions of such Deed and the Methodist Church Property Act 1887 and amendments thereof shall be observed subject to any decision of the Conference relating to the Deed or the functions of Trustees.
- 15.2 The Trustees shall implement the policy and priorities of the Parish Council /Leaders' Meeting of property vested in them by:
- (a) seeing to the adequate maintenance and repair of property including furnishings, organs and other musical instruments;
 - (b) administering and managing property for which it is responsible and seeing that - property is used only for the purposes set out in the Laws of the Church and for the purposes for which the Church was called into being, and is consistent with what is contained in the Standard Sermons of John Wesley and his Notes on the New Testament;

7. Section 4 – Synods

Introduction

Synods, are Courts of the Church, responsible to the Conference and to the Parishes and Congregations within their boundaries or areas of responsibility, to exercise governance on behalf of Conference, and to initiate, guide, encourage, and exercise a corporate episcopacy of the people called Methodists within their boundaries or areas of responsibility, as part of the body of Christ.

- 1.1 The Methodist Connexion shall be organised thus:
- (a) Synods named on the list of Stations of the Conference;
 - (b) Rohe (see 6.3.7);

Authority

2.1 Each Synod shall have and exercise such authority as shall from time to time be conferred upon it by the Conference and as shall elsewhere in these Laws and Regulations be contained or implied.

2.1.2 Except as elsewhere in these Laws and Regulations provided no meeting shall be competent to:

- (a) suspend the operation of any Laws and Regulations of the Church, or any resolution of the Conference;
- (b) pass any resolution to take any action contrary to the polity of the Methodist Church.

2.2.1 Conference shall from time to time determine the boundaries of each Synod.

2.2.2 Sinoti Samoa, Vahefonua Tonga and Wasewase ko Viti kei Rotuma shall have nationwide responsibility for all Samoan, Tongan and Fijian language parishes and congregations of the Methodist Church of New Zealand Te Hāhi Weteriana o Aotearoa under their jurisdiction.

2.2.3 Conference may alter the boundaries of a Synod, amalgamate all or part with another Synod, or form a new regional court. No such change would normally be effected except on the recommendation of the Synod(s) and Mission Resourcing following full consultation with Parishes / Congregations concerned. Normally such alteration or amalgamation would not be effected without the consent of a majority of the Parish Councils.

2.3 All bank accounts shall require at least two signatories.

- (a) When approving authorised signatories Synods shall ensure that potential conflicts of interest are avoided, in particular that signatories must not be closely related.
- (b) Online accounts can only be used with a second authorising signatory.
- (c) Debit and credit cards in the name of the Methodist Church or its Parishes can only be issued in accordance with Section 10. 1.4.

Functions of the Synod

3.1 Each Synod has a responsibility to help members and Parishes discover their Mission and Ministry in Aotearoa New Zealand and thereby to fully participate in the life of the Church.

3.2 Each Synod has a responsibility for and to each parish, congregation, and fellowship in its boundaries and shall foster and maintain a strategy for:

- (a) evangelism, worship, Christian education and leadership training, community concerns and social justice, property and finance including redevelopment of existing resources, and partnership and participation with other churches;
- (b) implementing or responding to Connexional decisions, whether of Conference or Parish;
- (c) acting as a forum for discussion on matters of concern within the region / areas of responsibility;
- (d) to provide a body to which Conference can both direct issues and seek advice relating to the care and oversight of members/ congregations
- (e) ensuring that adequate and up-to-date records are kept of all matters pertaining to the Synod including Minutes and Financial Accounts.

3.3 Each Synod may organise and manage its life as appropriate within the Laws and Regulations of the Church.

3.3.1 Each Synod may establish regional or geographical committees, as from time to time, be found necessary for the good working of the Synod.

- 3.2.2 Each Synod is encouraged to associate with other Synod/s to foster co-operation on a greater regional basis.
- 3.2.3 Each Synod should maintain appropriate interactions with other Synods, but may not interfere in the governance of the other Synod.
- 3.3 The Officers of the Synod are: The Superintendent, The Treasurer, The Secretary, Property Secretary.
- 3.3.1 The Officers shall be nominated for Annual appointment by the Conference. The nominations shall be brought to the Synod by the Nominations Committee/Synod Executive appointed by the Synod. Should the nominee not be stationed to the Synod in the ensuing year then the Synod shall at its next meeting make a nomination to the President.
- 3.4 Each Synod may appoint an Executive which must include the Officers and such others as enable the efficient operation of the Synod.
- 3.5 Such Executive shall:
- (a) be responsible for the effective functioning of the Synod;
 - (b) carry out other functions as from time to time shall be requested by the Synod;

Membership

- 4.1 Membership of the Synod is based on the principle of automatic membership for all ministers under the authority of Conference, and on parity of numbers between lay and ordained members. Membership shall comprise:
- (a) the President and Vice-President of Conference (see 7.5.1.13);
 - (b) all duly appointed Officers of the Synod;
 - (c) all Presbyters and Deacons whose names appear on the Stationing Sheet of that Synod;
 - (d) all Presbyters, Deacons and Lay Persons who hold Connexional appointments and who reside in that Synod area.
 - (e) all Presbyters of other denominations who are appointed to any Cooperative Venture on the Stationing Sheet of the Conference within that Synod.
 - (f) all Lay Workers authorised by Conference to carry out specific functions within the Synod;
 - (g) all Minita-a-iwi, Probationer Minita-Rehita and Liaison Persons whose names appear on the Stationing Sheet of the Synod;
 - (h) two Lay Representatives from each Parish or Mission, with two additional representatives

for each additional Presbyter or Probationer Presbyter appointed by Conference to that Parish or Mission;

- (i) two Lay Representatives of each Cooperative Venture on the Stationing Sheet of Conference within that Synod, with two additional Lay Representatives for each additional Presbyter appointed to that Cooperative Venture (whether by the Conference or other participating Church);
- (j) two representatives of the Synod's Women's Fellowship(s);
- (k) the National President of the Methodist Women's Fellowship if she resides in that Synod;
- (l) two lay representatives from each Connexional Board/Trust/Committee located in that Synod;
- (m) at least two persons representing the Synod's Children and Youth Ministries;
- (n) all Lay Representatives on ecumenical or confessional Bodies within the Synod of which the Conference and other Bodies of the Conference, including the New Zealand Methodist Women's Fellowship have membership, with prior consent of the Conference given through the President;
- (o) any Member of the Council of Elders or the Council of Conference resident in that Synod;
- (p) any person appointed an 'Associate' of Synod by the President
- (q) Enablers contracted to Congregations/Parishes within the Synod.
- (r) two representatives of the Synod's Lay Preachers.
- (s) Synods may appoint additional members to reflect the work of the Synod.
- (t) Presbyters or Deacons serving in Chaplaincy roles within the Synod area.
- (u) That the General Secretary and Directors of Mission Resourcing may attend.

- 4.2 Only a person who is a member of the Methodist Church of New Zealand or a member of a partner Church in a Cooperative Venture constituted under a Constitution approved by the Conference shall be eligible to attend Synod as a Representative.

The Ministerial Synod

- 5.1 (a) The President and Vice-President of the Conference;
- (b) All Presbyters whose names appear on the Stationing Sheet of that Synod and all

Supernumeraries who are normally resident in that Synod area;

- (c) All Presbyters of other denominations who are appointed to any Cooperative Venture on the Stationing Sheet of the Conference;
- (d) All Deacons whose names appear on the Stationing Sheet of that Synod area;
- (e) All Minita-a-iwi and each Probationer Minita-Rehita whose names appear on the Stationing Sheet of the Synod;
- (f) all lay persons appointed to a Synod Superintendency team;
- (g) all lay workers authorised by Conference to carry out specific functions with the region;
- (h) Enablers contracted to the Congregations/Parishes within the Synod.

5.2 Each Synod shall have a meeting of the Ministerial Synod at least annually.

5.3 Every member of the Ministerial Synod shall attend all sessions of the Ministerial Synod and each representative session unless a dispensation has been applied for and granted by the Synod Superintendent.

Meetings

6.1 Each Synod shall meet for the Annual Meeting at the date determined by Conference and at such other times as that Synod determines.

6.2 A Synod Meeting may be adjourned to a time and place to be specified in the resolution for such adjournment for the conduct of any uncompleted business which shall be recorded in the resolution for the adjournment.

6.3 In special circumstances the Superintendent, shall, upon a requisition in writing by not fewer than six (6) members of the Synod, convene a Special Synod Meeting. Not less than seven day's written notice of such Meeting, specifying the time and place thereof and the business to be considered, shall be given to each person entitled to attend the Meeting. The Meeting shall not transact any business other than that specified in the notice. A record of the business transacted shall be kept and presented to the next ordinary Synod Meeting.

6.4 The conduct of meetings of the Synod shall be in accordance with the following:

- (a) Synod meetings shall be conducted according to the meeting procedures adopted from time to time by the Conference, (see 7.14)
- (b) at any official meeting of the Synod the attendance of at least one-third of the

members entitled to attend shall constitute a quorum of such meeting;

- (c) Any decision of Synod shall be made by those members entitled to vote.

6.4.1 Any issue or concern affecting the wider Church will be considered firstly by the Synod before being referred to a Standing Committee of the Conference, to a Board or Division, to another or other Synod(s), or for consideration at the next Conference. Matters for the consideration of the Conference shall be forwarded as Memorials to the General Secretary as soon as possible after the August Synod meeting. (see 3.11.1)

6.4.2 Where, due to the proximity of Conference, there is insufficient time for the procedures set out above to be followed, any important matter affecting the welfare of the Church may be referred direct to the Conference in the form of a Notice of Motion. (see 3.11.2)

Synod Nominations Committee

7.1 The Committee shall be appointed at an early stage in the Connexional year and shall comprise up to three Ministers and up to three laypersons Its task is to bring nominations for all Synod officers, and for such Connexional and Conference appointments for which the Synod is entitled to make nominations.

7.2 The Committee shall carry out its task as follows:

- (a) names shall be submitted to the Committee not less than ten days prior to the commencement of the August Synod;
- (b) before submitting nominations the Committee shall confer with the person(s) or Parish(es) concerned;
- (c) other names may also be considered by the Synod, but the conditions applying to (b) above shall still be observed.

Synod Superintendency

8.1 Synod Superintendency shall be carried out by a Presbyter in Full Connexion and by such others as are appointed by the Conference to exercise general pastoral oversight of the Synod and to carry out administrative duties as required by Conference, who shall:

- (a) convene all meetings of the Synod and see that the business of Synod is conducted in accordance with the questions, rules and procedures prescribed by Conference;
- (b) as far as possible make annual official visits of an inspirational and advisory character to the Parishes of the Synod;

- (c) convene and preside at the Ministerial Synod and initiate discussion on the work, and personal well-being of all ministers in that Synod;
 - (d) arrange for the induction of ministers appointed to that Synod;
 - (e) answer the questions which are asked by Conference concerning the ministers in that Synod, and supply such information by the due date to the Connexional Office.
 - (f) ensure appropriate supervision for all ministers within the Synod;
 - (g) carry out all other Superintendency duties as required by the laws of the Church.
- 8.2. A Synod Superintendent has the right after due notice to the Parish Superintendent to visit any Parish within the boundaries of the Synod and in sole discretion, to inquire into the affairs of the Parish and to confer with the Parish officials. If requested all Parish records and books shall be produced for inspection.
- 8.3. A Synod Superintendent may appoint a Presbyter in Full Connexion to act as Superintendent of any Parish in the Synod to which a Presbyter in Full Connexion has not been appointed. Such Parish Superintendent shall act in consultation with the Synod Superintendent.
- 8.4. The Synod Superintendent may appoint a member of Synod (either Ministerial or Lay) to preside at meetings of the Synod.
- 8.5. The nomination of Superintendent(s) to Conference from the Synod shall normally be for a three year term. The appointment or re-appointment by the Conference of the Synod Superintendent(s) is an annual one, commencing on the 1st day of February each year. The nomination shall be reviewed by the Synod every three years unless a vacancy occurs earlier by the death, resignation, incapacity, or transfer of the existing Synod Superintendent(s) in which case it shall review the appointment as soon as possible.
- 8.6. In the requisite year, the Nominations Committee/ Synod Executive shall bring to the August Synod a nomination or nominations for the Synod Superintendency.
- 8.7. If a Synod's nominee for the office of Synod Superintendent is, at the following Conference stationed outside the region, the representatives from the synod at that Conference shall submit a further nomination to the Conference.
- 8.8. An Induction Service, conducted by the President of the Church or appointee, shall be held at an

appropriate time after Conference has approved the Stationing Sheet.

- 8.9. Where a sole Synod Superintendent has been appointed to a Synod the President of the Conference, in the event of that person's death, resignation, or incapacity, shall appoint one of the Presbyters of that Synod concerned to fill the office as long as the necessity shall continue. The Presbyter so appointed shall be designated "Acting Synod Superintendent". An Acting Synod Superintendent may be similarly appointed in the event of the Synod Superintendent being absent from the appointment. In both instances the Acting Synod Superintendent shall have all the powers and duties of a Synod Superintendent.

Secretaries of Synods

- 9.1. The Synod Secretary shall:
- (a) ensure that the minutes of the Ministerial Synod and the Synod are accurately recorded and that confirmed copies are forwarded to the Secretary of Conference;
 - (b) ensure the Synod Superintendent, the Synod Representative(s) to the Tauwiwi Strategy and Stationing Committee, Mission Resourcing Board and the Trinity College Council are supplied with copies of the minutes of the Ministerial Synod;
 - (c) ensure that the Synod furnishes the required Statistical returns;
 - (d) ensure that all resolutions bearing upon the work of Connexional Boards, Committees and Divisions are sent to the bodies concerned.
- 9.2. The Synod shall make available practical help to expedite the work of the Secretary, including the provision of secretarial assistance. The cost thereof shall be a Synod responsibility.

Synod Finances

- 10.1. All funds held and administered by the Synod are under the final authority of the Conference.
- 10.2.1. There shall be a Synod Account into which shall be paid all monies received by the Synod and from which shall be paid all Synod expenditure.
- 10.2.2. Accounts shall be held with such bank or banks and in such manner as the Conference shall from time to time determine.
- 10.2.3. All bank accounts shall require at least two signatories. The signatories to be annually appointed by the Synod.

- 10.2.4 The financial year for each fund or funds of the Synod shall end on the 30 June each year and the Accounts shall be presented to the Synod as soon as practicable thereafter.
- 10.2.5 All accounts shall be audited/reviewed annually by an auditor appointed annually by the Synod. No person shall act as auditor in respect of accounts for which such person is responsible.
- 10.2.6 The Synod shall be responsible to obtain audit/review certificates in respect of all accounts within the synod not later than 31 August each year.
- 10.2.7 The Synod accounts together with the Audit/Review Certificate in respect thereof shall be forwarded to the Connexional Office not later than 31 August each year.

Synod Treasurer

- 10.3 The Treasurer shall be responsible for administering and keeping all Synod Financial accounts, and carrying out such other financial, stewardship and advisory tasks as the Synod shall from time to time request. The Treasurer shall liaise with the Administration Division, and be responsible for communicating to the Synod Conference financial policies and decisions.

Synod Property

(See Section 9.7)

- 11.1 Each Synod has a responsibility for the oversight of property within its area and shall guide the Synod's strategy in respect of property.
- 11.2 In formulating such strategy Synod shall:
- (a) initiate consultation in the use of all property resources in the Synod;
 - (b) study and consider Parish aspirations, strategy, plans and financial arrangements in respect of property;
 - (c) facilitate the seeking of such Connexional consents and support as are needed;
 - (d) see to the adequate oversight of Connexional Property in the synod and such other property (e.g. campsites) as are not the specific responsibility of any Parish Council or Incorporated Board within the area;
 - (e) oversee on behalf of the Conference the implementation within the Synod of any Conference decision on property.

Synod Property Convenor

- 11.3 The Synod Property Convenor will Chair the Synod Property Advisory Committee.

Synod Property Advisory Committee

- 11.4.1 There shall be a Synod Property Advisory Committee appointed in each Synod which shall be elected at the August Synod in accordance with procedures determined by each Synod. In electing the members of the Property Committee, a Synod shall have regard to the required creative skills in strategy, building, finance and property to carry out its functions.
- 11.4.2 The Synod Property Advisory Committee shall:
- (a) assist Parishes in working out their strategy in all property matters;
 - (b) consider all proposals by Parishes for the purchase, sale, lease, mortgage or other borrowing against buildings and property, plans and specifications of proposed buildings or alterations to buildings, and report to Synod and the Methodist Connexional Property Committee of the Board of Administration with recommendations regarding such proposals; (see 9.9.1)
 - (c) assist local congregations and Parishes in all matters concerning buildings, maintenance, briefs to architects, plans, specifications, and the purchase or selling of any property;
 - (d) assist a Parish in the choice of an approach to any builder, architect, draughtsman or other professional person, as may be appropriate to meet the needs of the Parish;
 - (e) assist in researching the history of Church land in the region.

Synod Appointments

- 12.1 Each Synod shall as required appoint a Synod Candidates Convenor, who may serve more than one Synod. The Candidates Convenor shall ensure that the requirements of the Conference with respect to candidates have been fulfilled. (see 2.3.6 and 2.3.10)
- 12.2 Where the Synod has a probationer appointed the Synod shall appoint a Synod Assessor of Probationers, who may be a presbyter or a layperson. The duties of the Synod Assessor of Probationers are to support the probationer, and to report annually to the Annual Synod and Mission Resourcing (see 2.5.4)
- 12.3 Each Synod shall appoint a Synod Study Leave Supervisor who shall encourage Presbyters to take Study Leave. The Supervisor shall receive reports on such Study Leave and the reports may be shared with the Ministerial Synod. (see 2.25.1)

12.4.1 Each Synod shall appoint a Parish Review Committee to arrange and undertake the review of the Parishes in the Synod. The review committee shall comprise two Ministers and three Lay persons, to be known as the Parish Review Team. (see 3.10.1)

12.4.2 The Review Team shall meet with the Minister(s), Parish Stewards, other officials of the Parish and the Leaders' Meetings and the Parish Council. The Review will be conducted using the current Guidelines of the Church which cover all aspects of the life and work of the Parish, including resources and property. (see Information Leaflet No.171)

12.4.3 The Review Team shall report in writing, together with any recommendations, to the Synod. The report and the Synod recommendations arising shall normally be presented by a member of the Review Team to the Leaders' Meeting and/or Parish Council.

Appendix to Section 4

UCANZ – Guidelines for

Methodist Synods

At Conference 2012 the **Procedures for Cooperative Ventures** was approved, replacing the previous Common Provisions. The Procedures outline the processes that should be followed by all parties associated with a Cooperative Venture. They are not designed to be just legally defined rules, but a way for partners to work together for the building of the church. References in this document refer to the sections of the Procedures, which can be found on www.UCANZ.org.nz.

Regional Forums

A significant change has occurred in relation to Joint Regional Committees which now exist as Regional Forums and are generally not empowered as governance bodies. In some areas a Synod may delegate some of their role to a Regional Forum, if so it will be essential that Synod appropriately resources the Regional Forum. The UCANZ office in Wellington should be kept informed of governance decisions affecting the local churches and has the task of reminding Partners of their responsibilities.

Coordinating and Participating Partners

A central change has been the introduction of the terms **Coordinating Partner** and **Participating Partner**. The concept of these terms replaces the often confusing structure of oversight that had previously been in place. The role of Coordinating Partner is central to the governance of the local churches and places a

responsibility on that partner to ensure compliance with both church and civil regulations. The Participating Partner(s) are the other participants in the local church.

As Coordinating Partner a Synod is required to:

Local Church Partners

- initiate conversations with the other local church partners, at least annually, about the local church (2.1.1). *This calls upon the church courts to regularly talk with each other, in some format, about the Cooperative Ventures in their area.*
- convene a meeting with partner churches and the local church when the Coordinating Partner role is to be reviewed (at least every 5 years – 2.1.3). *This has changed the old 10 year limit to the church of oversight and offers more options for local churches – but only with consultation. If everyone is happy for no change in Coordinating Partner, then it can carry on for another 5 years.*
- appoint a superintending minister when the pastoral tie is dissolved. *A superintendent only has this role while the Synod is the Coordinating Partner. The superintendent needs to be sympathetic to the partnership model of the local church.*

Local Church (Section 3)

- organise the local church review (2.1.12, and 3.6). *The format for the review is left open – it may be run along the lines of an UCANZ consultation (see the UCANZ website), follow the MCNZ process, or another process. But whatever the process, the review must involve people from the Participating Partner(s). (see Guideline papers in the 2001 Guide to Procedures)*
- ensure that appropriate payments have been made to the Partner Support Fund. *The UCANZ office will keep each Participating Partner(s) courts informed of what is being paid.*
- coordinate property proposals – being aware that there should be thorough consultation and that all property is held in trust for all the partner churches according to the Schedules of Record. *It is strongly recommended that all property discussions be considered as partnership consultations.*

Ministry (Section 4)

- The Coordinating Partner will generally coordinate the appointments process for a new minister along the traditions of their church – but with Participating Partner involvement. This means:
 - » Inviting Participating Partner representatives into discussions about the local church profile and have them share in any interviews.
 - » include details of the Participating Partner(s) in the congregational profile.

- » make sure that the proposed minister is committed to the partnership within the local church.
- » ensure the Participating Partner(s) are represented at the face to face meeting.
- » after the congregational meeting and before the Conference that approves the stationing, consult with the Participating Partner(s) about the appointment.
- » most appointments should be for a term of 5 years, reviewable at that time with a possibility of extension.
- » arrange an induction service and ensure that Participating Partner(s) are invited to both **attend** and **participate**.
- » have a letter of appointment and code of ethics (usually MCNZ) signed, with copies of each sent to the Participating Partner(s) and the UCANZ office.
- » ensure that details for housing or housing allowance, stipend and allowances are correct.
- » if a church supplied house is to be used, ensure the house has been inspected and approved by the Synod Property Advisory Cte
- » ensure supervision is undertaken.

Lay Workers

- Where possible Synod should ensure that all people employed by a local church have an employment contract and appropriate conditions of service.
- Be the first point of contact for employment matters.

Discipline

- The Coordinating Partner is the first receiver of complaints and it is recommended that their denominational systems are used. Some complaints may be dealt with simply, but when there are complexities it is important to inform, and possibly involve, Participating Partners.

As Participating Partner the Synod is required to maintain a working relationship with local church partners and with the local church themselves. It is the hope that Synod will continue to be active in the local church at all times – although granting a coordinating role to another partner church. It is of prime importance as a Participating Partner to provide personnel to work on groups called for a specific purpose (e.g. ministry reviews) and to empower such appointees to bring about a decision in good time. It is expected that the Coordinating Partner will initiate a discussion with the Participating Partner(s) at least once a year – if that doesn't seem to be happening then ask for it. When the role of Coordinating Partner is to change, or the re-appointment of a minister is to happen, a meeting of the

partners and the local church will be called. There is no longer a 10 year limit – the meeting of the partners needs to identify what is best for the mission of the local church when it makes its decision.

Our records indicate that in 2021 Northland Synod have an association with the following Cooperative Ventures:

| | |
|------------------|------------------|
| Kaitaia | Kaikohe |
| Bay of Islands | Kaeo-Kerikeri |
| North Hokianga | South Hokianga |
| Hikurangi | Tutukaka Coast |
| Wellsford | St John's Golden |
| Kaurihohore/Kamo | Otamatea |

Our records indicate that in 2021 Auckland Synod have an association with the following Cooperative Ventures:

| | |
|--------------|-----------------|
| Glen Innes | Avondale |
| Te Atatu | South Kaipara |
| St Austell's | Lynfield |
| Onehunga | Point Chevalier |

Our records indicate that in 2021 Manakau Synod have an association with the following Cooperative Ventures:

| | |
|-----------------|--------|
| Tuakau | Waiuku |
| Bucklands Beach | |

Our records indicate that in 2021 Waikato-Wairiki Synod have an association with the following Cooperative Ventures:

| | |
|-------------------------|----------------------|
| Thames | Hauraki Plains |
| Paeroa | Te Aroha |
| Cambridge | Tirau |
| Chartwell | St Francis Hillcrest |
| Ngaruawahia | Huntly |
| Matamata Union | Putaruru |
| Taupo | St James, Greerton |
| Papamoa | Whakatane |
| Opotiki | Taumarunui |
| Turangi | Mercury Bay |
| Trinity - Whangamata | Piopio Aria Mokau |
| Reporoa | St Clare |
| All Saints, Bryant Park | |

Our records indicate that in 2021 Lower North Island Synod have an association with the following Cooperative Ventures:

| | |
|----------------------|--------------------|
| Eltham-Kaponga | St Ninian's |
| Opunake | Okato/Oakura |
| Waverley-Waitotara | Brooklands |
| Inglewood | Patea |
| Bell Block Lepperton | Mangapapa |
| Wairoa | Hataitai-Kilbirnie |
| Pahiatua | Rongotea |
| Foxton/Shannon | Tamatea |
| Waipawa | Milson Combined |
| Clive-Haumoana | Waikohu |
| Levin | Greytown |
| Featherston | Kapiti |
| Crossway | St Anselms |
| Hutt City | St James Masterton |
| Wellington South | Upper Hutt |
| Ngaio | Johnsonville |
| Tawa | |

Our records indicate that in 2021 Nelson/Marlborough/West Coast Synod have an association with the following Cooperative Ventures:

| | |
|------------------|---------|
| St Luke's Nelson | Motueka |
| Picton | Reefton |
| Greymouth-Buller | |
| Hokitika | |

Our records indicate that in 2021 Central South Island have an association with the following Cooperative Ventures:

| | |
|--------------|----------------------|
| New Brighton | Linwood Avenue |
| Halswell | Lincoln Union |
| Ellesmere | Kaiapoi |
| Malvern | Oxford District |
| Port Hills | The Amuri |
| St Albans | St David's Ashburton |
| Hinds | Crossway Community |

Our records indicate that in 2021 Otago-Southland Synod have an association with the following Cooperative Ventures:

| | |
|-------------------|--------------|
| Tokomairiro | Riverton |
| Bluff/ Greenhills | Teviot Union |
| Alexandra | Marchwiell |
| Waimate District | Pukaki |
| Mackenzie | Otatara |

8. Section 5 – Connexional Divisions and Standing Committees

General Provisions

- 1.1 The powers of all Boards or Societies of the Church, whether or not registered under the Charitable Trusts Act or other Act of Parliament, and whether it is stated in their respective Constitutions or not, are in all cases subject to and liable to observe, perform and keep the Laws and Regulations of the Church as from time to time in force. (see 11(B)-1.2)
- 1.2 Without the consent of Conference, no Parish, Board, Trust, Society, Group or person of or within the Church, whether incorporated or not, shall
 - (a) have the power to render the Methodist Church of New Zealand responsible in respect of any borrowing, indebtedness or liability in terms of any contract, or
 - (b) enter into any obligation arising in terms of any document which might involve financial liability of, or on behalf of, the Church, or
 - (c) enter into any arrangement or execute any document which does not limit liability to the assets held by the body entering or executing such document.
- 1.3 The following provisions unless otherwise provided herein or in an approved Constitution shall apply to all Committees, Councils and Boards under the jurisdiction of the Conference:
 - (a) Each Committee shall elect its own Chairperson, the election to take place at the first meeting of the Connexional Year;
 - (b) Should a vacancy occur in the membership of any Committee during the year the President on the nomination of the Committee may fill the vacancy;
 - (c) One member other than an officer shall retire annually from each Committee having less than eight members and two shall retire from each Committee having eight or more members. The retiring member or members shall be eligible for re-appointment. The members who have served longest on the Committee shall be the first to retire;
 - (d) Members of Standing Committees and Connexional Committees shall normally be members of the Church;
 - (e) The attendance of at least one-third of the members shall constitute a quorum of the Committee;
 - (f) The regulations concerning Conference decision-making shall be used by all the subordinate Courts of the Church (see 7.14.1).
 - (g) An Annual report and Financial Statement shall be submitted to each Conference and if required by Conference to Synods;
 - (h) Without the consent of the Conference no Standing Committee shall bring to the Conference any business which shall not first have been reported to and considered by Synods.
- 1.4 Where a Board or Society or other body of the Church is an Incorporated Board and holds title to, and administers property of, the Methodist Church of New Zealand, all such property shall be held on the same trusts as are contained in the Methodist Model Deed of New Zealand 1887.

Connexional Divisions

ADMINISTRATION DIVISION

- 2.1.1 Within the Methodist Church there shall be an Administration Division established under the control of the Conference.
- 2.1.2 The functions of the Connexional Office of the Methodist Church of New Zealand shall be continued and included in the Administration Division of the Church.

Objects

- 2.2 The objects of the Division shall be to:
 - (a) promote knowledge and understanding of the outworking of the Church's life and mission;
 - (b) provide leadership and guidance to the Church in matters affecting its basic policy, its day-to-day administration, the administration, the management of funds, the growth and development of Connexional properties and Trusts and the implementation of such policies which Conference shall entrust to it;
 - (c) exercise a pastoral role among Ministers, in particular in matters affecting their personal

financial position and among both Ministers and laypersons in matters affecting finance and administration at Parish, Synod and Connexional levels.

- (d) take such steps in conjunction with the Synod Superintendents and Superintendents of Circuits as will best conserve and extend the interests of the Church.

Functions

2.3 The functions of the Division shall be to:

- (a) facilitate the implementation of such policies of the Conference as shall be entrusted to it;
- (b) serve the interests of the various Boards and Committees appointed by Conference to administer the Funds located in the Central Office;
- (c) provide for the collection and housing of Conference and Church records;
- (d) make arrangements for the holding of Synods and the Annual Conference;
- (e) exercise a pastoral ministry on behalf of the Conference to the Ministers of the Church, in particular in their relationship to the funds and Boards of the Church;
- (f) provide financial guidance, accounting services and administration for Conference funds;
- (g) hold on behalf of the Conference and have vested in it Title to all property not vested in Incorporated Boards or under the Methodist Model Deed of New Zealand 1887;
- (h) carry out such other functions as are set forth in the Constitution of the Board and as decided from time to time by the Conference.

Board (see Appendix A-2)

2.4.1 The Division shall be managed by a Board which shall be appointed annually by the Conference and function in accordance with its Constitution, and shall consist of not more than 24 persons of whom not more than one-third will be Ministers.

2.4.2 The Board shall elect its own chairperson annually; the General Secretary shall act as its Convener; it may appoint such other officers as it deems necessary for carrying out its work.

2.4.3 The Board shall have power to arrange for its work to be done through committees, such committees to be representatives of the Board with co-opted members where necessary.

Officers

2.5.1 There shall be a General Secretary who shall be the Executive Officer of the Board, and who shall be responsible to the Board of Administration

and to the Conference. The General Secretary shall be appointed by Conference according to the provisions for Connexional Appointments. On matters where in terms of this Law Book the General Secretary is responsible to Conference they shall be accountable directly to the Conference, but on all other matters they shall be accountable through the Board to the Conference.

2.5.2 The General Secretary may be a Minister or a Layperson and shall:

- (a) act as Secretary of the Conference (see 7.6.1);
- (b) act as General Secretary of Church Property, the Authorised Representative, and the Custodian of Deeds and Early Church Records;
- (c) act as Secretary of such Boards, Committees or Funds as may from time to time be determined by the Conference;
- (d) exercise a pastoral ministry on behalf of the Conference to the ministry of the Church in their relationship to the Funds and Boards of the Church;
- (e) be the Privacy Officer, under the Privacy Act 1993, for the Conference.

2.5.3 As Authorised Representative to engage and employ such legal counsel as is appropriate:

- (a) in any litigation in which the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa is named as a party to the proceedings;
- (b) to offer opinion and/or advice on any matter submitted by the General Secretary.

PROPERTY

Holding Title

2.6 Further to the objects set forth in 5.2.3(g) above the Division shall:

- (a) hold on behalf of the Conference and have vested in it Title to all property not vested in Incorporated Boards or under the Methodist Model Deed of New Zealand 1887 and shall hold such property on the same trusts as are contained in the Methodist Model Deed of New Zealand 1887;
- (b) sign in accordance with its Constitution all documents from time to time required in respect of property vested in it;
- (c) delegate such of its functions as it shall from time to time decide to Committees or Sub-Committees of the Board;
- (d) at the request of any Board or Trust or as authorised by Conference administer any property;

- (e) have no power to mortgage or otherwise charge, to sell or otherwise dispose of any property vested in it held on behalf of any Parish, Board or Trust, except at the specific written request or consent of such Parish, Board or Trust, or on the specific direction of the Conference.

Consent of Conference

2.7.1 The Board shall, on behalf of the Conference, receive and consider, and make recommendations to the Conference upon any consents or approval required in respect of any property matter whether such property is vested in the Board of Administration, other Incorporated Board, or in Trustees under the Methodist Model Deed of New Zealand 1887 and/or held in any other manner.

The Board may, as from time to time determined by the Board, delegate to any Synod or Methodist Mission, any of its functions in respect of property within that Synod relating to consent on behalf of the Conference on any property proposal affecting that Synod. [N.B. The Board of Administration will normally delegate this function to its Committee, the Methodist Connexional Property Committee.⁵

2.7.2 In making such recommendations the Board shall:

- (a) facilitate the property concerns of the local Church and Parish by encouraging the working out of basic mission strategy and planning for the creative use of buildings to enhance both worship and mission;
- (b) ensure that the requirements determined by Conference for buildings are followed;
- (c) carry out these functions in co-operation and consultation with Parish Councils, Synod Property Advisory Committees and any appropriate Committee of Property Trustees;
- (d) seek appropriate advice in carrying out these functions when dealing with commercial, quasi commercial, investment property or properties that may have commercial or investment potential;⁶
- (e) seek the advice of The Methodist Alliance in carrying out these functions when dealing with those properties which are directly related to Social Services;⁷
- (f) provide an advisory service on all aspects of property management, maintenance, development and re-development for the Church;
- (g) carry out such other function as may from time to time be necessary or be given to it by the Conference.

2.7.3 For those situations which are of a Commercial/ Investment nature, the Methodist Trust Association shall act with delegated Authority on behalf of the Board of Administration and shall report its decisions to the Church Building and Loan Fund.⁸

2.7.4 The Board shall see that Titles to all Church property are in order and provide for the safe custody of documents.

2.7.5 The Board shall from time to time:

- (a) publish guidelines concerning the Church's procedures;
- (b) encourage the researching of the history of Church land;
- (c) ensure that before the sale or purchase of any Church land, its history has been researched and reported.

Mission Resourcing Board

3.1 There shall be a Mission Resourcing Board under the control and direction of Conference.

Objects

3.2 The purpose of Mission Resourcing is to resource parishes, synods and leaders for contemporary mission and ministry.

Functions

3.3 The functions of the Mission Resourcing Board shall be

3.3.1 to provide governance to Mission Resourcing and;

3.3.1.1 approve and regularly review the strategic direction and vision for Mission Resourcing;

3.3.1.2 report to the Conference and make recommendations pertaining to Mission Resourcing;

3.3.1.3 provide financial oversight for Mission Resourcing, including the administration of designated Connexional Funds

3.3.1.4 monitor performance against plans and budgets;

3.3.1.5 oversee the appointment, review and professional development of the Director Taiwi English Speaking Ministries and Director Taiwi Pasifika Ministries;

3.3.1.6 foster key relationships with ministry groups in the Methodist Church of New Zealand including Trinity Methodist Theological College, Deacons

⁵ Conference 2020

⁶ Conference 2020

⁷ Conference 2018

⁸ Conference 2020

- task group, Local Shared Ministry workgroup and Synods;
- 3.3.1.7 uphold the bicultural, multi-ethnic and ecumenical vision of the church in the ministries undertaken through Mission Resourcing;
- 3.3.1.8 undertake other duties necessary to fulfilling the objects of the Board.
- 3.3.2 to provide oversight of the work of Mission Resourcing and;
- 3.3.2.1 oversee the candidating and ordination processes, and the recruitment & assessment for people offering ministry and leadership skills appropriate for the future of the Church, recommending approved names to Conference;
- 3.3.2.2 facilitate processes for ministers from other churches to engage in ministry with the Methodist Church of New Zealand, and recommend to conference those ordained ministers from other churches to be received into Full Connexion;
- 3.3.2.3 guide the church in the deployment of all those who are ordained or in covenanted ministries, including supply ministries;
- 3.3.2.4 co-ordinate orientation programmes on Bicultural commitment and the ethos of the Methodist Church of New Zealand in consultation with Te Taha Māori, for new Connexional leaders, presbyters from other countries and ministers appointed to UCANZ congregations with a Methodist component;
- 3.3.2.5 encourage leadership development within Tauīwi English Speaking and Pasifika ministries;
- 3.3.2.6 facilitate professional development for Tauīwi English Speaking and Pasifika Ministries, including provision of review material for presbyters, ministers and those in covenanted ministries;
- 3.3.2.7 encourage, enable and oversee Tauīwi Youth Ministries and matters related to the Order of St Stephen;
- 3.3.2.8 develop and identify resources for the Church, nationally, regionally & locally, in order to:
- (i) strengthen churches, parishes, and faith communities, and
 - (ii) encourage the development of new ventures;
- 3.3.2.9 build and maintain cooperative and functional relationships with the synod Superintendents;
- 3.3.2.10 assist synods in relation to matters relating to parish and Synod boundaries;
- 3.3.2.11 provide review and development material for parishes;
- 3.3.2.12 encourage, support and facilitate development and provision of ministries for ethnic groups;
- 3.3.2.13 administer grants-in-aid, other development grants to parishes and Synods, the James and Martha Trounson Benevolent Fund, the Winstone Memorial Trust Fund, the Stipend Subsidy Fund, and other funds designated for ministry or mission which Conference may ask Mission Resourcing to administer;
- 3.3.2.14 facilitate research that will help shape future mission and ministry policy and strategy and enhance the mission of the church;
- 3.3.2.15 encourage and enable evangelism, stewardship and other programs as from time to time may assist the church to fulfil its mission;
- 3.3.2.16 provide general oversight of Cooperative Ventures, relating to the Uniting Congregations of Aotearoa New Zealand;
- 3.3.2.17 provide direction and support in chaplaincy matters on behalf of the Methodist Church of New Zealand;
- 3.3.2.18 any other tasks which Conference may request Mission Resourcing to undertake within the stated purposes of Mission Resourcing.
- 3.4 Membership and meetings**
- 3.4.1 The membership of the Mission Resourcing Board shall be determined annually by Conference and shall comprise up to nine (9) members (including the Director Tauīwi English Speaking Ministries and Director Tauīwi Pasifika Ministries). At least two thirds of the members of the Mission Resourcing Board shall be members of the Methodist Church of New Zealand.
- 3.4.2 The Board shall recommend a Chairperson from its own members for Conference approval, and appoint such other persons as required.
- 3.4.3 The Board shall meet at least four times a year.
- 3.4.4 The Board shall appoint or oversee such sub-committees as are necessary to fulfil its functions.
- 3.5 Officers**
- 3.5.1 There shall be a Director Tauīwi English Speaking Ministries and a Director Tauīwi Pasifika Ministries (who act also as Directors, Mission Resourcing) who shall be officers of the Board, each appointment being a Connexional

Appointment (see 6.7.1), and who shall be responsible to the Mission Resourcing Board.

3.5.2 Each Director of Mission Resourcing shall be a Presbyterian in Full Connexion who will:

- (a) carry out the leadership of Mission Resourcing as directed by the Mission Resourcing Board.
- (b) be members of the Presidents Committee of Advice and the Pastoral Committee.
- (c) be resource persons for the Council of Conference.

3.5.3 The Director Pasifika ministries shall have primary responsibility within Mission Resourcing for matters relating to Fijian, Samoan and Tongan ministries, synods and leadership.

3.5.4 The Director English Speaking ministries shall have primary responsibility within Mission Resourcing for matters relating to English speaking ministries, synods and leadership including Cooperative Ventures.

3.5.5 One Director of Mission Resourcing shall be designated Executive Officer Tauwi Strategy and Stationing by the Mission Resourcing Board and Tauwi Strategy.

Trinity Methodist Theological College

3.6.1 The Principal of Trinity Methodist Theological College (who is also Director of Ministry Education) shall be a Presbyterian in Full Connexion (refer 11C.8.1).

3.6.2 Within the Methodist Church of New Zealand there shall be a Theological College, whose name shall be Trinity Methodist Theological College, and which shall be under the governance of the Trinity College Council.

3.6.3 The Trinity College Council shall act as Trustees of the Methodist Theological College in terms of its incorporation under the Religious Charitable and Educational Trusts Act 1908, and to hold all lands and funds upon the Trusts declared by the Deed of Trust.

Mission and Ecumenical Board⁹

4.1.1 The Church expresses its commitment to mission, global partnership, and ecumenical relations through the Mission and Ecumenical Board.

4.1.2 In all matters to do with the Methodist Church of New Zealand, the Mission and Ecumenical Board is the legal successor to the Council for Mission

and Ecumenical Cooperation. The designated and undesignated (Methodist) financial resources of the Council for Mission and Ecumenical Cooperation become the resources of the Mission and Ecumenical Board.

Objects

4.2 The object of the Mission and Ecumenical Board is to:

- (a) support and strengthen the worldwide mission of the Methodist Church of New Zealand;
- (b) promote an understanding of mission as a joining of evangelism, ministry to human needs, concern for social justice, and concern for the world in which we live.
- (c) promote the ecumenical relationships of the Methodist Church of New Zealand;
- (d) promote the confessional relationships of the Methodist Church of New Zealand.

Functions

4.3 The functions of the Mission and Ecumenical Board shall be to:

- (a) share in God's mission of proclaiming the Gospel of Jesus Christ in word and deed;
- (b) engage in the mutual sharing of resources with churches and groups overseas;
- (c) engage in ongoing study of a theology of mission and responsibility to the world;
- (d) strengthen those special Partners-in-Mission relationships which already exist;
- (e) develop new relationships with churches, when that seems appropriate, while recognising that there is a particular need to support and learn from churches and groups which are persecuted for their faith or for their commitment to social justice;
- (f) send and receive people who proclaim, teach, heal, reconcile and challenge in the name of Jesus Christ;
- (g) ensure that the Church, appropriately:
 - 1) maintains relationships with World Council of Churches, Christian Conference of Asia, World Methodist Council and any other ecumenical bodies determined by Conference from time to time;
 - 2) maintains relationship with the National Dialogue for Christian Unity in Aotearoa New Zealand;
 - 3) brings before the Church matters of ecumenical concern;
 - 4) encourages study and activity, listening

⁹ Conference 2014 – revised 4.1-4.6.2

and responding to the ecumenical concerns expressed by the life of our Church;

- (h) communicate effectively and share information with Methodist Parishes/Rohe, Sinoti Samoa, Vahefonua Tonga, Wasewase ko Viti, and Cooperative Venture Parishes in which the Methodist Church of New Zealand is a partner, encouraging them to pray for and specifically engage with partner churches overseas;
- (i) consult and work with Conference Committees and Boards;
- (j) work with the Methodist Women's Fellowship
- (k) consider such matters and undertake such tasks as the Conference may direct, and keep before the Conference the importance of Ecumenical and Mission concerns;
- (l) promotes opportunities for the development of ecumenical studies and foster a generation of leaders in the spirit of ecumenism.

Membership and Meetings

- 4.4.1 The membership of the Mission and Ecumenical Board shall be determined annually by Conference, and shall comprise a maximum of eleven (11) members of whom five shall constitute a quorum. The Director of the Board shall be in attendance as a member ex officio.
- 4.4.2 The Committee shall recommend a Chairperson from its own members for Conference approval, and appoint such other persons as required.
- 4.4.3 The Board shall normally meet at least quarterly.

Officers

- 4.5.1 There shall be a Mission and Ecumenical Director, who may be either an ordained or lay person.
- 4.5.2 The Director will be a Connexional Resource Person, appointed subject to the procedures set out in Section 6.7.1 - 6.7.12.
- 4.5.3 The Director's appointment may be a part-time/full-time appointment as from time-to-time determined by the Board and approved by Conference.
- 4.5.4 (i) An ordained Director is accountable to Conference through the Mission and Ecumenical Board in respect of work tasks and responsibilities, and performance management.

(ii) A lay person who is Director shall have an employment agreement with the Board.
- 4.5.5 The Director, in carrying out the objects of the Mission and Ecumenical Board shall:

- (a) provide expertise and specialist knowledge, administrative, organisational, reporting and other services, to develop, maintain and promote the Committee's commitments and projects, and their relationships with partner Churches and ecumenical agencies.

Ecumenical Relationships

- 4.6.1 The Church shall maintain a working association with the Churches that have similar objectives in the Mission and ecumenical ministry in Aotearoa New Zealand.
- 4.6.2 Mission and Ecumenical Board shall work with the Anglican Church of Aotearoa New Zealand and Polynesia promoting the imperatives of the mission and spirit as in the Anglican - Methodist Covenant 2009.

Methodist Trust Association

- 5.1.1 There shall be a Methodist Trust Association of the Methodist Church of New Zealand.
- 5.1.2 The Association enables the pooling and management of the funds and assets of the Church to optimise returns within the investment parameters set by the Church.
- 5.1.3 The Trust is authorised and recommended by Conference as the appropriate agency for the transfer of funds and investments of all trusts, incorporated bodies and societies of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa
- 5.1.4 The Association calls on the knowledge and expertise of the Board, its staff, and as appropriate, outside consultants in the holding and sound management of appropriate investments providing both income and capital gain/real value protection.

Functions

- 5.2.1 The governance of the administration and of the investment management performance of the New Zealand Methodist Trust Association ensuring that the Association operates in accordance with the guidelines established by Conference from time to time, the Constitution of the Association (see Appendix A-1), and the Laws and Regulations of the Methodist Church of New Zealand.
- 5.2.2 The Methodist Trust Association shall:
 - (a) develop and implement strategies and policies for the safe and beneficial investment of funds entrusted to the Association to meet the Church's requirements and the depositor's expectations;

- (b) develop innovative and professional funds management and reporting procedures to strengthen and improve the investment returns to the Church from investment compatible with the Church's investment requirements;
- (c) be the preferred investment vehicle for Church funds.

Membership

- 5.3 The membership of the Board of the Methodist Trust Association shall be appointed annually by Conference.

Officers

- 5.4 The Executive Officer of the Association shall be such person as shall be appointed by the Board.¹⁰

Standing Committees

- 6.1 A Standing Committee of Conference is appointed by and accountable to the Conference, normally with continuing responsibility and existence, and defined functions. Each Committee shall:
- (a) consider matters referred to it by the Conference or within its purview and shall normally report to each Conference;
 - (b) report to Conference on matters referred to it by the Conference and when so authorised may act on any of such matter.
- 6.2 Standing Committees, together with such other Committees as may from time to time be required, shall be appointed by each Conference to deal with any matters remitted to them by Conference, with any matters of urgency arising between Conferences, and with such matters as are specified as the business of any Committee.
- 6.3 Where the membership of any Standing Committee of the Conference is not defined by reference to office or representation, its membership shall be appointed annually by the Conference.
- 6.4 The location of a Standing Committee shall be reviewed from time to time by Conference. The Standing Committee itself may raise the matter of continuing in its present location after a period of five years.
- 6.5 Conference shall undertake a review of the purpose and functions of each Standing Committee every seventh year, and shall appoint a Review Committee whose composition it shall

determine, and who shall report and make recommendations to the succeeding Conference.

President's Committee of Advice

- 6.6.1 There shall be a President's Committee of Advice. (see 7.5.2.1)

Functions

- 6.6.2 The Committee shall advise the President on any matter on which it is consulted by the President. The powers and responsibilities of the President shall, however, remain as set forth in the Law book or otherwise determined by resolution of the Conference.

Membership

- 6.6.3 The membership of the Committee shall be: The President, Vice President, President-elect, Vice-President-elect, Ex-President, Ex-Vice-President, General Secretary, Tumuaki, one of the Directors from Mission Resourcing, President's Legal Adviser, and such other legal counsel as may be necessary.

Pastoral Committee

- 6.7.1 There shall be a Pastoral Committee.

Functions

- 6.7.2.1 To advise the Conference through Taiwi Strategy and Stationing/Taha Māori on all applications by Ministers to be unavailable or continue to be unavailable for Stationing by the Conference.
- 6.7.2.2 In consultation with the employing Council, Board or Committee to review each Connexional or Resource designation or re-appointment, and regularly to review each Connexional or Resource appointment. (see 6.7.10)
- 6.7.2.3 To review the pastoral tie and appointment of each Minister in the ninth (9) and subsequent years of appointment.
- 6.7.2.4 To arrange for appropriate consultation with any minister who, having attained 65 years of age, seeks to continue in a stationed appointment.
- 6.7.2.5 To consider any matter referred to it by the Conference and/or President.
- 6.7.2.6 To report each year to Taiwi Strategy and Stationing/Taha Māori.

Membership

- 6.7.3 The membership of the Committee shall be: The President, Ex-President, President-Elect, the Vice-President, Ex-Vice-President, Vice-President-

¹⁰ Conference 2020

Elect, General Secretary, Tumuaki, one of the Directors, Mission Resourcing.

Law Revision Committee

6.8.1 There shall be a Law Revision Committee.

Functions

6.8.2.1 The Committee shall consider the Rulings of the President since the previous Conference and any suggested alteration of the laws arising there from and make any recommendations for the alteration or clarification of the laws of the Church.

6.8.2.2 The Committee shall monitor all resolutions of Conference, and if any such resolutions require alteration or deletion of existing law, or promulgation of new law, the Committee shall prepare the consequent changes to the Law Book, and present them for approval by the subsequent Conference. (see 7.10.4.3)

Membership

6.8.3.1 The Committee shall be as appointed annually by Conference.

6.8.3.2 The President's Legal Adviser and the General Secretary shall be ex officio members.

Faith and Order Committee

6.9.1 There shall be a Faith and Order Committee.

Functions

6.9.2 The Committee shall consider matters relating to the doctrine and polity of the Church, and report thereon to Synods and to the Conference.

Membership

6.9.3 The Committee shall be as appointed annually by Conference.

Public Issues Network

6.10.1 There shall be a Public Issues Network.

The Network will have

- (a) A coordinating group of no more than 2 nominated from Tauwiwi, 2 nominated from Te Taha Māori and 1 from The Methodist Alliance. The coordinating group will coordinate and oversee the functioning of the Public Issues Network.¹¹

Functions

6.10.2 On social, economic, ecological and political matters within Aotearoa New Zealand, and

recognising the centrality of Te Tiriti o Waitangi in its work, the Network seeks to:

- (a) resource and encourage the Church at national, regional, local and individual levels to discuss, act, and speak on public issues of interest and concern.
- (b) advocate on such issues from its Christian perspective as promptly, clearly, publicly, and effectively as possible.
- (c) be agents in all that it does for peace, justice, and the integrity of creation, reflecting the transforming love of God and the compassionate life of Jesus.

Membership

6.10.3.1 The Coordinating Group of the Public Issues Network shall be appointed annually by Conference.

6.10.3.2 The Public Issues Network may from time to time appoint an officer. The process for making such an appointment shall be in accordance with those in place in the Church at the time.

P.A.C. Distribution Group

6.11.1.1 There shall be a Committee called the P.A.C. Distribution Group.

6.11.1.2 The procedures and processes of the Committee shall be in accordance with the Deed of the Prince Albert College Trust Fund (see Appendix A-4A and A-4B) and as from time to time determined by Conference.

Functions

6.11.2.1 To effect the distribution of the net distributable income of the Prince Albert College Trust Fund on not more than an annual basis.

6.11.2.2 To recommend from time to time for approval by Conference the methods and processes by which the Committee seeks applications or ideas for distribution of the net distributable income.

6.11.2.3 To use as its touchstones for determining the distribution of the net distributable income:

- (a) Biblical Teaching relating to the Christian use of money.
- (b) Wesley's Sermons on Wealth and the use of money.
- (c) Commitment to the Bicultural Church and Society.

6.11.2.4 To bind itself to:

- (a) the provisions of the Deed entered into between the Prince Albert College Trustees

¹¹ Conference 2018

and the General Purposes Trust Board dated 1988. (see Appendix A-4A)

- (b) whatever guidelines for distribution are from time to time adopted by Conference. (see Appendix A-4B)

6.11.2.5 To report to each Conference.

Membership

6.11.3.1 The Members of the Committee shall be the Ex-President (Chairperson, ex officio), the General Secretary (Secretary, ex officio), and seven (7) other members.

6.11.3.2 At least two (2) of the seven (7) non ex officio members shall retire annually.

6.11.3.3 A term of appointment will be for three (3) years.

6.11.3.4 No person shall serve as a member of the Distribution Group for more than two consecutive appointments.

6.11.3.5 The appointment process shall be as follows:

- (a) Not later than June each year the General Secretary shall initiate the process of calling for nominations to fill vacancies on the P.A.C. Distribution Group occurring at the end of that Connexional Year, from Parishes, Synods and all Groups who have representation at Conference;
- (b) Nomination(s) for the P.A.C. Distribution Group shall be received by the General Secretary not later than 31 August each year.
- (c) There shall be an Appointments Committee formed by 31 July each year, comprising four (4) members of the Taha Māori members of Council of Conference, and four (4) members of the Tauwiwi Members of Council of Conference, who shall normally meet at the final Council of Conference meeting each year. The General Secretary shall be responsible for convening the meeting.
- (d) The Appointments Committee shall establish in consultation with the P.A.C. Distribution Group the vacancies to be filled in that year on the P.A.C. Distribution Group, and will report the nominations for filling such vacancies to Conference through the Council of Conference with its recommendation as to the person(s) to be appointed in that year.
- (e) Should vacancies in the P.A.C. Distribution Group occur during a year, the President may make an interim appointment after consulting with Hui Poari and the Tauwiwi Strategy and Stationing.

Missions

6.12.1 Missions exist to promote the social service and social advocacy functions of the Conference of the Methodist Church of New Zealand Te Hāhi Weteriana O Aotearoa. Missions will report and be responsible to Conference through the Methodist Alliance.¹²

6.12.1.1 Conference shall authorise the establishment of any Mission.

6.12.1.2 The boundaries of each Mission's activities shall be determined from time to time by the Conference. Such boundaries shall not be considered as an infringement of the ordinary objects and responsibilities of other Parishes in the region.

Objects and Functions

6.12.2 The objects and functions of each Mission shall be within the framework of the Church's Mission Statement, Social Principles and bicultural journey, and should be in general accord with the objects and functions of The Methodist Alliance.¹³

Mission Board

6.12.3.1 Each Mission shall be under the direction of a Board which shall be accountable to the Conference through the Methodist Alliance for the policy by which the Mission operates.¹⁴

6.12.3.2 Membership of each Board shall be submitted annually for approval by the Conference, through the Methodist Alliance, and shall include representatives of those presbyters, deacons or lay persons appointed to the Mission by Conference, together with representatives from the Parishes, the District and the community. Such community representatives need not be members of the Methodist Church of New Zealand, but shall be persons who are sympathetic with the doctrines, polity and discipline of the Methodist Church of New Zealand. Such community representatives shall not exceed 50% of the membership of the Board.¹⁵

6.12.3.3 Each Board may appoint such committees as shall be necessary.

6.12.3.4 Where appropriate a Mission may with the consent of Conference be registered under the 'Charitable Trusts Act 1957' and shall operate also in accordance with its own Constitution, duly authorised by the Conference.

¹² Conference 2018
¹³ Conference 2018

¹⁴ Conference 2018
¹⁵ Conference 2018

6.12.4 A Mission may engage in trading or other fund-raising activities to provide revenue for its social service programmes. Such operations shall be consistent with the objects outlined in 6.12.2 and 6.12.3 above.

6.12.5 Each Mission shall carry out its objectives without discrimination of any kind. No activity shall be entered into by a Mission, nor shall it permit any premises under its control to be used for a purpose contrary to the Laws of the Church or for a purpose which is incompatible with any policy of the Church as from time to time determined by Conference.

Superintendent or Director

6.12.6.1 Each Mission shall be under the direction of a Superintendent or a Director, who shall be a presbyter, deacon, or layperson, duly appointed by the Conference.

6.12.6.2 The appointment procedures for a Superintendent or a Director shall be those applying to Connexional appointments as set out in 6.7.1 - 6.7.12.

Functions of the Superintendent or Director

6.12.7 Each Mission Superintendent or Director shall:

- (a) be accountable to Conference directly on all matters where in terms of this Law Book direct accountability is specific, but on all other matters be accountable through the Board;
- (b) be responsible to the Board for the management of the Mission's activities including the policies and actions of Mission staff in the exercise of their duties;
- (c) initiate and encourage planning for the achievement of the objectives outlined in 6.12.2;
- (d) express the theological understanding of the Connexion, as contained in the Mission Statement, in matters of social service, social justice and equity;
- (e) be involved as appropriate in wider community concerns;

Methodist Missions and Social Service Development; Sale or Purchase

6.12.8.1 Approval for any development, sale or purchase of a similar nature to Parish development, such as Parsonage, or Worship facilities, will involve consultation with and recommendation by the Synod Property Advisory Committee before the consent of Conference is given by the Board of Administration.

6.12.8.2 Approval, in regards to the social service aspects, for any development, or sale and purchase of property with a social service dimension, whether by a Parish or Mission, will involve consultation with and recommendation by the Methodist Alliance before the consent of Conference is given by the Board of Administration.¹⁶

6.12.8.3 Approval for any development, sale or purchase of property with an investment dimension, whether held by a Parish, Mission, or Board will involve consultation with and recommendation by the Methodist Connexional Property Committee before the consent of Conference is given by the Board of Administration.¹⁷

The Methodist Alliance

6.13.1 There shall be a committee called the Methodist Alliance to provide oversight on behalf of the Conference to the social service ministry of the Church.¹⁸

6.13.2 The functions and membership of the Committee are set out in its Founding Document. (see Section 11A.3)¹⁹

Professional Development Grants Committee

6.14.1.1 There shall be a Professional Development Grants Committee.

6.14.1.2 The Committee shall receive applications which may be referred to the Bradley Trust (see Section 11(B) 2.2.14 (G) (8))

Functions

6.14.2 To approve, on behalf of Conference, grants to those seeking:

- (a) support for professional development to upskill themselves to better serve the Church;
- (b) support for overseas travel in order to achieve this professional development.
- (c) assistance for research projects, in-depth studies, and forward planning for the outreach and mission of the Church.

Membership

6.14.3 The Committee shall be appointed annually by Conference.

¹⁶ Conference 2018

¹⁷ Conference 2020

¹⁸ Conference 2018

¹⁹ Conference 2020

9. Section 6 – Connexional Committees of Conference and Connexional Appointments

Introduction

1.1 In view of their specific tasks, functions and membership, the following Committees are recognised as Connexional Committees of Conference:

Council of Conference

Te Taha Māori

Tauwi Strategy and Tauwi Stationing

Council of Elders

Budget Task Group

Council of Conference

2.1.1 There shall be a Council of Conference which will, within the terms of the Mission Statement, answer the Conference questions: (see 7.11.2.25)

- (a) What is God saying to us now?
- (b) What more can be done to promote the work of God?

2.1.2 It shall be accountable to the Conference and will meet at least annually.

Purposes and Tasks

2.2.1 The purpose of the Council of Conference is to:

- (a) have a visioning, decision-making, and processing role;
- (b) model the partnership between Te Taha Māori and Tauwi;
- (c) assist in the shaping of broad policy and direction for Te Hāhi Weteriana o Aotearoa;
- (d) make such decisions as are from time to time required by the Conference.

2.2.2 The tasks of the Council of Conference are to:

- (a) develop, in consultation with Hui Poari and Tauwi Strategy and Stationing, strategic directions and policies for Te Hāhi Weteriana, and bring recommendations to Conference;
- (b) monitor the process of making Connexional Appointments, and report to the Conference on the process;
- (c) (1) bring to Conference the membership, and receive the report, of the Budget Task Group

- (2) be sensitive to the sharing of Connexional resources
- (3) finalise the Connexional Budget
- (4) receive and adopt the Connexional Expenses Fund accounts;
- (d) attend to such other matters as may from time to time be requested by Conference.

2.2.3 The Council of Conference shall report to each meeting of Conference.

Membership

2.3.1 Only a person who is a member of the Church, or a member of a partner Church in a Cooperative Venture constituted under a Constitution approved by the Conference, shall be eligible to be a member.

2.3.2 The membership of the Council is:

- (a) ten members, nominated by Te Taha Māori according to its own procedures;
- (b) ten members, nominated by Tauwi Strategy and Stationing according to its own procedures;
- (c) the President, Vice-President, General Secretary shall attend. They shall not participate in final decision making.
- (d) The Tumuaki, the Principal Trinity College, and the Director, Mission Resourcing shall attend. Their role is to act as resource persons. They shall not participate in final decision making unless appointed as members under either (a) or (b) above.

Te Taha Māori

He Whakamarama

3.1 There shall be a Taha Māori under the control and direction of Conference representing tāngata whenua of the Methodist Church of Aotearoa New Zealand who shall be the Treaty Partner of Tauwi and where appropriate shall express tino rangatiratanga through its Hui Poari.

Kaupapa

3.2.1 Mission as expressed in the Statement approved by Conference 1989 (A Statement of Mission for the people of Aotearoa New Zealand who are associated with the Methodist Tradition, both in

Methodist Parishes and in Cooperative Ventures) is also the Mission of Te Taha Māori.

3.2.2 The following goals are a particular concern:

- (a) Realising Māori styles of Christian Life, Witness and Service.
- (b) Enabling every member to be a minister - within his/her own whānau and community/ Rohe.
- (c) Becoming financially independent, self-sufficient and self-determining
- (d) Producing resources for its own nurture and growth in the faith, and for continuing education, ministry and Mission in the world.
- (e) To foster networks and relationships with communities of faith or other churches having similar goals and a vision for Aotearoa that rests firmly on an acceptance of Te Tiriti o Waitangi as the supreme basis of our nationhood.
- (f) To realise te tino rangatiratanga whereby political, social, economic and spiritual change contribute to the transformation of Aotearoa.
- (g) To nurture tamariki, rangatahi, wāhine and encourage them to move into decision making and leadership roles.

Te Anga

3.3.1 The structure to assist in fulfilling the kaupapa shall comprise seven Rohe:

- Tai Tokerau
- Tāmaki
- Waikato
- Rohe Pōtae
- Taranaki
- Pōneke
- Ōtautahi-Te Waipounamu

3.3.2 Each Rohe shall have suitable centres where members may gather for study, fellowship and equipping for Mission. They shall serve as administrative centres for the Rohe.

3.3.3 There shall be:

- (a) an Enabling Ministry Team to enable, train, equip and encourage;
- (b) Liaison Persons to facilitate communication between the Office, Enabling Ministry Team, and respective Rohe;
- (c) a Hui Poari to be the policy making and final authority of Te Taha Māori;
- (d) a Te Taha Māori Property Trust who will manage the properties and investments of Te Taha Māori

- (e) An Office Staff, normally comprising a Finance Manager, and a Secretariat. The Staff shall be accountable to the Hui Poari at the policy level, and the Tumuaki for day to day operations.
- (f) other such committees or work groups as Hui Poari may require from time to time;

Mema Tūturu-Āwhina

3.4.1 The basis of membership in Te Taha Māori shall be as provided in Section 1.1.1-1.4.4, 1.6.1-1.8.8.

3.4.2 Members are also expected to:

- (a) accept the kaupapa outlined above
- (b) be committed to and active in pursuing the goals and fulfilling the mission of Te Taha Māori.
- (c) participate in decision-making at local Rohe and Hui Poari levels;
- (d) be open to new learning and changes;
- (e) accept responsibility.
- (f) possess a knowledge of the Methodist Connexion and the wider Church.

3.4.3 The membership initiated at baptism signifies entry into a ministry derived from Christ's. Its vision is a better world. Family, work, the community and world at large are amongst the places where this ministry shall be exercised, often on a group basis and in collaboration with others.

Tupu Whakaritorito

3.5.1 To facilitate the nurture, education and training of members for Ministry, in their respective Rohe, there shall be the following:

- (a) Tumuaki, whose appointment shall follow the Connexional Appointments process, but with Hui Poari making the final decision within Te Taha Māori. Hui Poari shall seek the endorsement of the Council of Conference and of Conference.
- (b) Enabling Ministry Team who shall be appointed according to the guidelines set by Hui Poari. They shall facilitate the training of Minita-a-iwi; Kaikarakia; Liaison Persons and members generally for Ministry and Mission where they live.
- (c) One or more Educator-facilitators who shall be appointed according to guidelines set by Hui Poari, whose primary task is to produce resource material, and facilitate biblical, theological training at all levels in the life of Te Taha Māori.
- (d) One or more Kaikaraki Rangatahi Workers who shall be appointed according to

guidelines set by Hui Poari to encourage the development of rangatahi through support, encouragement and the production of resources and information sharing material.

- 3.5.2 The positions of Tumuaki, and Minita-i-tohia, shall normally be stipendiary and attract standard expenses as per presbyter remuneration. [Information leaflet 25]
- 3.5.3 The positions of the administration staff of Te Taha Māori shall be paid a salary commensurate with the standard stipend without expenses.
- 3.5.4 The positions of Minita-a-iwi, and Kaikarakia shall normally be voluntary. Any decision to offer financial help (e.g. travelling expenses) shall be made by the Rohe concerned and be provided for from its own funds.
- 3.5.5 The position of Liaison Person in each Rohe shall be allocated an Honorarium at a rate commensurate with their required tasks.
- 3.5.6 The Taha Māori Office staff shall administer policy on reimbursement of travelling expenses incurred by lay people who are requested to join the Enabling Ministry Team.
- 3.5.7 Minita-a-iwi shall be recommended to Mission Resourcing, on behalf of the Conference, for Ordination assessment towards Minita-i-tohia upon completion of the training programme as determined by Te Taha Māori that would also include Ministry formation training through Trinity College.
- 3.5.8 Minita-a-iwi shall be recommended for appointment according to guidelines set by Hui Poari. They shall minister to people in their own Takiwa/Rohe.
- 3.5.9 Kaikarakia shall be recommended for appointment by Rohe according to the guidelines set by Hui Poari. They shall work with other local members, and assist where appropriate.
- 3.5.10 Liaison persons shall be recommended for appointment by Rohe according to guidelines set by Hui Poari. They shall facilitate local meetings and act as communication channels between the Enabling Ministry Team, the Office Staff and the Rohe.
- 3.5.11 The responsibilities of Minita-i-tohia, Minita-a-iwi, Enabling Ministry Team, Educator-facilitator, and Rangatahi Worker/s shall be decided by the Hui Poari, through whom such persons are accountable to Conference.

- 3.5.12 The responsibilities of the Tumuaki shall be determined by Hui Poari and follows the Connexional Appointment process.

Hui Poari

- 3.6.1 There shall be a Hui Poari comprising the Tumuaki, Enabling Ministry Team, Educator-facilitator, Kaikarahi Rangatahi Worker and representatives of the seven Rohe appointed locally, which shall meet at least three times a year.
- 3.6.2 The Hui Poari shall:
- (a) have oversight of the life and work of Te Taha Māori;
 - (b) set policy and determine strategies;
 - (c) review annually the appointments of Minita-i-tohia, Minita-a-iwi, Enabling Ministry Team, Educator-facilitator, Liaison Persons, Kaiarahi Rangatahi Worker/s, and decide to continue or discontinue any person holding such a position;
 - (d) receive any resignations;
 - (e) direct policy formation through Te Taha Māori Property Trust to manage the financial investments and properties of Te Taha Māori;
 - (f) present to Conference an annual report and financial statement.
- 3.6.3 Subject to the authority of the Conference, decisions of the Hui Poari are final and binding upon both the ordained and lay members of Te Taha Māori.
- 3.6.4 The Hui Poari shall appoint those who represent Te Taha Māori in the following roles:
- (a) ten members of Council of Conference;
 - (b) two members of the Council of Elders;
 - (c) the facilitator for the Te Taha Māori meeting(s) at Conference;
 - (d) five members of the Presidential Appointments Panel;
 - (e) three members of the Budget Task Group

Ngā Rohe

- 3.7.1 A Rohe shall consist of members residing within its boundary who maintain an active commitment to Te Taha Māori and the Methodist Church of Aotearoa New Zealand and who together, represent a visible expression of the Body of Christ there.
- 3.7.2 Minita-i-tohia, Minita-a-iwi, Kaikarakia, Liaison Persons and members share responsibility for maintaining life within the Rohe.
- 3.7.3 The Rohe shall:
- (a) meet regularly;

- (b) the Liaison Person shall draw up the Agenda using the agreed outline, and facilitate the meeting;
- (c) meetings shall be conducted on a consensus decision-making basis;
- (d) a secretary/note-taker and a treasurer shall be appointed;
- (e) Rohe meetings shall consider all matters of local life service and witness, as well as matters referred by the Hui Poari, the Office, any Synod or Conference;

Pūtea

3.8.1 The funds of Te Taha Māori shall be derived from:

- (a) Income from properties and investments;
- (b) Collections, subscriptions and donations;
- (c) Gifts and legacies;
- (d) Grants from Connexional Funds;
- (e) Other sources approved by Conference.

3.8.2 Members shall be encouraged to practice Christian Stewardship - responsible, regular and loving giving - enabling Te Taha Māori to be self-supporting and its participation in Mission to be enhanced and extended.

3.8.3 Membership of Te Taha Māori Property Trust will be the Tumuaki and two other senior members of Te Taha Māori and the Finance Officer for Te Taha Māori. with assistance, as required from the Connexional Office staff. (Financial Services Manager/accountant).

3.8.4 Investment policy and investment decisions shall be made by Te Taha Māori Property Trust, with direction from Hui Poari.

3.8.5 Te Taha Māori Office staff shall oversee the day to day administration of Te Taha Māori funds.

3.8.6 Each Rohe shall have a fund into which shall be paid all offerings donations and other monies received by the Rohe, from which shall be paid all Rohe expenses and the allocation to Te Taha Māori shall be paid from this fund.

3.8.7 Bank accounts shall have at least two signatories.

- (a) When approving authorised signatories Te Taha Māori shall ensure that potential conflicts of interest are avoided, in particular that signatories must not be closely related.
- (b) Online accounts can only be used with a second authorising signatory.
- (c) Debit and credit cards in the name of the Methodist Church or its Parishes can only be issued in accordance with Section 10. 1.4.

3.8.8 The financial year shall end on 30 June.

3.8.9 The Rohe accounts shall be prepared annually by the Rohe Treasurers and these are to be sent to the Finance Manager for Te Taha Māori.

3.8.10 The Finance Manager for Te Taha Māori will make the appropriate adjustments for GST and any other matters required by Conference and send annual accounts to the Charities Commission. Note: GST must be returned monthly.

3.8.11 The Finance Manager for Te Taha Māori will prepare Annual Statements in accordance with the required reporting standards as determined by Conference and submit these for auditing by an independent qualified person.

3.8.12 Copy of the annual audited accounts shall be submitted to Hui Poari each year and a copy shall be made available to the Conference.

Glossary

| | | |
|--------------------|-------|---|
| he whakamarama | ..... | an explanation |
| kaupapa | ..... | purpose |
| rohe | ..... | circuit/region |
| tamariki | ..... | children |
| rangatahi | ..... | youth |
| wāhine | ..... | women |
| te anga | ..... | structure |
| hui poari | ..... | board meeting |
| tumuaki | ..... | rangatira of Te Taha Māori |
| mema tūturu āwhina | ..... | membership |
| tupu whakaritorito | ..... | nurture, education and training |
| minita-a-iwi | ..... | self-supporting minister (non-ordained) |
| kaikarakia | ..... | worship leader |
| pūtea | ..... | finances |

Tauwi Strategy and Tauwi Stationing

4.1 There shall be Tauwi Strategy and Tauwi Stationing Committees, under the control and direction of Conference representing tauwi of the Methodist Church of New Zealand, Te Hāhi Weteriana o Aotearoa, who shall be the Treaty Partner of the tāngata whenua, Te Taha Māori.

Functions

4.2.1 The purposes of Tauwi Strategy and Tauwi Stationing are to:

- (a) give expression to the partnership between Pakeha, Tongan, Samoan and Fijian

Methodists in New Zealand Methodism, and to the variety of ethnic, cultural and other expressions of its diversity;

- (b) pursue visioning, strategy and planning, decision making and processing roles;
- (c) undertake the stationing and deployment of Tauwi ministry;
- (d) make such decisions as are from time to time required by the Conference.

4.2.2 The tasks of Tauwi Strategy and Tauwi Stationing, which shall meet at least twice annually, are to:

- (a) bring to the Conference recommendations for the development and enhancement of the life and mission of Tauwi membership, local and regional and national structures;
- (b) bring to the Conference recommendations for the stationing and deployment of Tauwi ministry;
- (c) appoint those who will represent Tauwi in the following roles:
 - ten members of Council of Conference
 - two members of the Council of Elders
 - the facilitators for the Tauwi Meeting(s) at Conference
 - five members of the Presidential Appointments Panel
 - three members of the Budget Task Group
- (d) attend to such other matters as may from time to time be requested by Conference.

4.2.3 Tauwi Strategy and Tauwi Stationing shall report annually to the Tauwi Meeting at Conference, and to Conference.

Membership

4.3.1 Only a person who is a member of the Church, or a member of a partner Church in a Cooperative Venture constituted under a Constitution approved by the Conference, shall be eligible to be a member.

4.3.2 The membership of Tauwi Strategy and Stationing is:

- (a) the Superintendent and one lay representative from each of the Synods;
- (b) the Directors, Mission Resourcing;
- (c) the Principal Trinity College;
- (d) any Tauwi member of Council of Conference not otherwise attending will be a member of the Strategy, but not the Stationing Committee.
- (e) the General Secretary;
- (f) the President and Vice President.

4.3.3 Tauwi will appoint its own facilitators.

4.3.4 The Directors Mission Resourcing and General Secretary are responsible for the preparation of Tauwi Strategy & Stationing agendas and formalising the business of meetings.

Stationing Meetings

4.4 In carrying out its tasks of stationing and ministerial deployment Tauwi Stationing shall act as follows:

- (a) At the first meeting of Tauwi Strategy Committee, matters relative to the decisions made at the previous Conference may be shared, and action taken if deemed necessary;
- (b) At the second meeting, the Board Stationing Committee shall prepare a provisional matching sheet, which will be distributed through the Connexional Office but which shall not be otherwise published.
- (c) Any Minister moving, one representative from each Parish seeking an appointment, and Students to be appointed, may attend the Stationing Committee at this provisional matching meeting and may speak at times specified by the chairperson concerning their prospective appointment, but not vote.
- (d) Any Minister, Student or Parish shall have the right to request the pre-Conference stationing meeting, through the President, to receive a direct submission.
- (e) the reasonable travel costs of Ministers, and the Lay Representative authorised by Parishes, attending the provisional matching meeting of Tauwi Strategy and Stationing, or Stationing Consultations approved by Tauwi Strategy and Stationing, will be paid in full, or on a pro rata basis, depending on the funding made available for this purpose by Conference in any particular year.

Stationing Procedures

4.5.1 The procedures for the working of Tauwi Stationing, unless otherwise determined, shall be:

- (a) Tauwi Stationing shall not consider moving a Minister who will have been in an appointment for less than 6 years at the time the move would take effect unless there has been full and adequate face to face consultation by the Synod Superintendent, with such Minister and his or her spouse, and then with the Parish or Board to which such Minister is appointed.
- (b) Tauwi Stationing shall have, as a guide to its deliberations the following information, to be prepared and presented by the Directors of

Mission Resourcing:

- (1) the number of Ministers moving from existing appointments;
 - (2) the number of Ministers available for appointment at the beginning of the next Connexional Year;
 - (3) the number of Parishes/Divisions/Special Ministries requiring an appointment for the next Connexional Year.
- (c) If there shall be insufficient ministers available for all appointments, Taiuiwi Strategy Committee shall decide upon a strategy, determining which appointments, in the interests of the Connexion, shall have priority, and which may be left without appointment in the next Connexional Year, before proceeding to make any appointment;
- (d) Once Taiuiwi Strategy has established which Parishes are to receive an appointment, and has reflected upon the implications caused by any decision not to appoint or re-appoint, Taiuiwi Stationing shall then proceed to make appointments;
- (e) When an appointment directly concerns them a Minister, Parish Steward or other Representative authorised by the Parish Meeting may communicate either personally or by letter with Taiuiwi Strategy and Taiuiwi Stationing;
- 4.5.2 Where Taiuiwi Stationing considers that there is no appointment available for any Minister seeking an appointment, it shall adopt the following procedures:
- (a) such Minister shall be immediately notified by the General Secretary and that his/her present appointment by the Conference (if any) shall cease at the end of the then current Connexional Year;
 - (b) such Minister shall have the right to make representations to Taiuiwi Stationing personally and/or through a person of that Minister's choice. Taiuiwi Stationing shall finalise its recommendation at its next meeting;
 - (c) the Synod Superintendent of the Minister concerned shall ensure that consultation and pastoral care through appropriate support persons shall be provided for the Minister while consideration is being given to this matter;
 - (d) if such Minister is currently in an appointment and fully available for Stationing, but there is no appointment available for such Minister in the next

Connexional Year, unless Conference shall otherwise decides, such Minister shall be entitled to a payment from the Connexional Expenses Fund equal to three months stipend without allowances on the cessation of the appointment.

- (e) Such Minister shall vacate any housing provided by the Church on cessation of the appointment.
- (f) Such Minister shall continue to be under the Pastoral care and discipline of the Church.

4.5.3 At the pre-Conference meeting The Connexional Stationing Committee shall prepare the final Stationing Sheet which shall be presented for adoption by Conference at its first business session. [The Connexional Stationing Committee is made up of the Taiuiwi Stationing Committee and Te Taha Māori Stationing representatives]

4.5.4 Conference shall not adopt the final Stationing Sheet until a reasonable time after any Minister, to whom Section 6.4.5.2 applies, has been notified by the Synod Superintendent concerned that no appointment for such Minister appears on the final Stationing Sheet.

Council of Elders

5.1 There shall be a Council of Elders.

Functions

5.2 The Council of Elders shall enable and assist the Church in its Bicultural Journey by seeking to model the equal partnership prefigured in the Treaty of Waitangi, and specifically it may:

- (a) monitor recommendations of all Conference Committees and Boards of the Conference;
- (b) reflect and comment on the style, work and priorities of all Conference Committees and Boards;
- (c) refer back for further consideration any report or recommendation which the Council of Elders considers will hinder or divert the Church from its Bicultural Journey;
- (d) report each year to the Conference.

Membership

5.3 The Council of Elders shall be appointed annually by the Conference and shall consist of 2 persons nominated by Hui Poari and 2 persons nominated by Taiuiwi Strategy.

Budget Task Group

6.4.1 There shall be a Budget Task Group which shall be a sub-committee of the Council of Conference.

- 6.4.2 The function of the Budget Task Group is to:
- (a) prepare the Connexional Budget according to the priorities and policies established by Conference;
 - (b) report and recommend that proposed budget to the Council of Conference for approval;
 - (c) raise with the Council of Conference issues of policy that have arisen out of the Budget Task Group's work.

6.4.3 The membership of the Task Group comprise:
The President, the Vice-President, the General Secretary, three persons nominated by Tauwi Strategy and three persons nominated by Hui Poari, all appointed by the Conference. Connexional Office Staff, relevant to the Task Group's task, shall be in attendance at the invitation of the President and General Secretary.

Connexional and Resource Appointments

- 7.1.1 The Conference may appoint a minister or lay person to any Connexional or Resource Appointment, unless some other provision of this Law Book, or a Constitution provides to the contrary.
- 7.1.2 The Council of Conference shall monitor and report on the process of making Connexional Appointments, annually, or as necessary, to Conference.
- 7.2 The following shall be the Connexional and Resource Appointments:
General Secretary
Tumuaki of Te Taha Māori
Directors, Mission Resourcing
Principal of Trinity Theological College
Superintendents or Directors of the Methodist Mission Northern, Christchurch Methodist Mission, Dunedin Methodist Mission, and Wesley Wellington Mission Inc.
Director, Mission and Ecumenical Board
Chaplain, Wesley College
- 7.3 The Board responsible for any Connexional or Resource Appointment shall make provision for all financial and other commitments pertaining to the appointment.
- 7.4 Normally (and unless decided to the contrary by the Conference) each appointment shall be for an initial term of six years with a Connexional review at six years (individual Boards would

undertake annual performance reviews). Thereafter, Connexional reviews would be on a three yearly basis. At a year nine review the Pastoral Committee shall arrange a consultation with the parties (the appointing Board, incumbent and Treaty Partner) and with them reach a decision regarding reappointment which shall be reported by the appointing body to the following Conference."

- 7.5 The appointment process shall be contained within a period of one year, although in most circumstances the appointing body will indicate in its report to Conference in the previous year the likelihood of an appointment needing to be made in the ensuing year.
- 7.6 The purpose of the process is to allow for and ensure that:
- (a) the wider Church receives clear information enabling careful and informed responses to such aspects as the position description, personal profile, and ministry covenant;
 - (b) the role of the appointee is clearly defined to facilitate unambiguous accountability to both the appointing body and the Conference;
 - (c) parishes who may be affected are able to promptly enter into the Stationing Procedures and not be unduly disadvantaged;
- 7.7 The process of appointment shall be as follows:
- (a) the Board or appointing body becomes aware of an impending vacancy;
 - (b) the appointing body shall immediately engage in consultation with Te Taha Māori and a 4 + 4 meeting is set up by the end of March;
 - (c) the Board shall prepare a draft Job Description and Personal Profile which shall be shared with the whole 4 + 4 group who shall together approve the final Job Description (either party within the 4 + 4 may ask for more time or for wider consultation);
 - (d) the Job Description is then circulated to all Synods to Hui Poari and Council of Conference
 - (e) responses including suggestions as to the priorities for the future task of the appointment are received, the appointing body is able to offer comment on these responses, and the position is advertised;
 - (f) applications are received, the 4 + 4 short-list and interview the applicants, and make their recommendation to the appointing body;

- (g) the appointing body brings their recommendation to the September meeting of the Council of Conference;
 - (h) after notification by the Council of Conference of its endorsement of the process followed, the appointing body brings the nomination to Conference;
 - (i) Council of Conference reports to Conference on the appointment process, and Conference confirms the appointment when it adopts the List of Stations.
- 7.8 The successful appointee will be expected to attend a bicultural orientation workshop as soon as possible after their appointment has been confirmed.
- 7.9 At the beginning of the sixth year of the appointment, if a request for reappointment is made by either or both of the appointee and the

appointing body, the Pastoral Committee shall arrange a consultation with the parties, and with them reach a decision which shall be reported by the appointing body to the following Conference.

- 7.10 In the event of a vacancy occurring for any reason in any Connexional or Resource Appointment the President, where possible, in consultation with the Board or Council concerned, and with Te Taha Māori and Tauwi Strategy and Tauwi Stationing, shall be responsible to make arrangements for the adequate function of the office until an appointment is made in accordance with this Section.
- 7.11 A Connexional or Resource Appointment that it made jointly or in consultation with a partner church shall as far as possible follow the provisions of this section.



10. Section 7 – The Conference

Introduction

When the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa meets in its annual Conference it recognises the partnership of the tāngata whenua/Te Taha Māori and Tauwi.

Conference possesses certain powers and privileges, based on those set out in the Laws and Regulations, and including the exercise of discipline. It cannot stand above or apart from these Laws and Regulations. Its powers and privileges are exercised at every stage under the judgment of God. Presbyters, deacons and laypersons, meeting as Conference, are responsible to God, seeking to interpret the mind and will of God in every situation.

Authority

- 1.1 The Conference is the governing body of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa, meeting annually, which has vested in it final authority on all matters of the Church. Its decisions are accordingly final and binding on both Ministry and Laity.

- 1.2 Notwithstanding the provisions of Section 5-1.1 Conference shall have no power:
- (a) to revoke, alter or change any doctrines of the Church as contained in the Standard Sermons of John Wesley and his notes on the New Testament, nor to establish any new doctrine contrary thereto.
 - (b) to revoke “The General Rules of the Societies”.
 - (c) to do away with the itinerancy of the Ministry.
 - (d) to do away with the right of trial and appeal of Members and Ministers of the Church.
- 1.3 The Conference shall be the final authority within the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa, with regard to all questions concerning the interpretation of its doctrines.
- 1.4 Conference shall act in a manner consistent with and in regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.
- 1.5 Subject to the provision of Clause 7.1.2 hereof, and in accordance with the provisions of Clause

7.1.1 hereof, the Conference shall have power to do whatever it from time to time considers appropriate for the mission work and order of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa provided that no change shall be made affecting what the President, acting on the advice of the President's Legal Adviser, deems to affect constitutional matters or the rights and privileges of the Ministry or Laity, unless such changes shall have been previously submitted by the Conference to the Synods and Hui Poari, and confirmed at the next succeeding Conference by a resolution passed by a consensus decision.

- 1.6 The Laws and Regulations of the Methodist Church of New Zealand / Te Hāhi Weteriana o Aotearoa shall be those contained in these Laws and Regulations, as from time to time amended by the Conference. If there shall be any translation into another language, the English version shall always be paramount and definitive, and will therefore always prevail over any translation.

Membership

- 2.1 Conference members are entitled to exercise their own judgment and are not delegates subject to instruction on how to vote. A member may however be under a moral obligation to present the mind of the appointing body unless fresh information constrains otherwise, but is not legally bound to support the same.

2.2.1 Membership of the Conference shall comprise:

Te Taha Māori

- 2.2.2 (a) Presbyters and Deacons in Full Connexion with the Conference.
- (b) Such Lay persons as the Hui Poari appoint to represent the tāngata whenua, Te Taha Māori.

Tauiwi

2.2.3.1 Ministerial Representatives who are:

- (a) Presbyters and Deacons in Full Connexion with the Conference.
- (b) Stationed or appointed Lay Ministers
- (c) Ministers of other denominations who are appointed to any Union or Cooperating Parish or other Cooperative Venture on the Station-Sheet of the Conference.
- (d) Theological students preparing for ordination are accorded associate membership of Conference. They may speak in Committees of Detail and remain present when Conference goes 'into Committee,' except when the 'in Committee' discussion has to do with matters pertaining to students.

Unless otherwise appointed as a member of Conference, a student may not speak on the floor of Conference or participate in voting on any issue, and shall, therefore, not be regarded as a member of Conference except to the limited extent provided in this clause. (see 2.5.11.1)

- (e) Probationers are entitled to participate fully in Conference decision-making processes, except where such processes have to do with ordination or reception into Full Connexion. Probationers attending Conference shall be full members of Conference, subject only to the limitation set out in this clause.

2.2.3.2 Lay Representatives shall include:

- (a) Each Parish/Circuit or Central Mission shall be entitled to one Lay representative. An additional representative may be appointed for each additional Presbyter in Full Connexion appointed to that Parish/Circuit or Central Mission.
- (b) Each such lay persons to be eligible for appointment shall be a member of the Church. The Parish representative shall be a member of the appointing Parish.
- (c) Each Union and Cooperating Parish, or other Cooperative Venture on the Stations of Conference shall be entitled to one Lay representative.
- (d) Each such representative shall be a member of the Cooperating Parish or Venture, appointing the lay representative.
- (e) An additional Lay representative may be appointed for each additional Presbyter appointed to that Parish or Venture (whether by the Conference or other participating Church).
- (f) A Candidate for the Ministry shall be deemed a Lay Representative, if appointed.
- (g) With the prior consent of the Conference given through the President, all Lay Representatives on ecumenical or confessional Bodies of which the Conference and other Bodies of the Conference, including the N Z Methodist Women's Fellowship has membership.
- (h) Any lay person(s) filling a Connexional Appointment.
- (i) Tauwi Children, Young People and Families Ministry shall be entitled to one lay representative.
- (j) Lay Supplies may attend Conference as Parish representatives, or if a Board appoints them as members of Conference, but not otherwise.

2.2.3.3 The General Secretary shall, with the approval of the President, appoint additional lay representatives in order that their numbers are approximately equal to the number of ministerial representatives. These may include:

- (a) persons under the age of 30, (appointed after consultation with the Tauwiwi Children, Young People and Families Ministry Coordinator and Hui Poari);
- (b) other representatives, in whose appointment the General Secretary shall take into account age, race, gender, and geographic distribution.

Ex-Officio Members of Conference

3.1 The following persons shall be ex officio members of the Conference:

The President and Vice-President.

The President-Elect and Vice-President-Elect (being the persons to be inducted to their offices at that Conference).

The immediate Ex-President and Ex-Vice-President

General Secretary.

President's Legal Adviser.

The National President of the Women's Fellowship. Synods shall be represented by one ordained and one lay person; their Tauwiwi Stationing members.

Members of the Council of Elders shall attend, but are not members of Conference.

3.2 Each person who is a member of the Council of Conference or Tauwiwi Strategy and Stationing and Hui Poari shall be a member of the Conference in that year, if such person is not already appointed as a member of Conference in any other capacity. No substitute may be appointed to attend Conference under this provision.

3.3 Each Division, Board, or Committee of the Church to which a Minister in Full Connexion or other Minister is stationed shall be entitled to appoint one Lay representative for each Minister so appointed. The Lay representative(s) shall be appointed by the Board from among its members.

3.4 Each of the following shall be entitled to appoint one Lay representative:

New Zealand Methodist Trust Association

Wellington Methodist Charitable and Educational Endowments Trust

New Zealand Methodist Women's Fellowship (additional to National President)

Wesley Historical Society (N.Z.)

Robert Gibson Trust Board

3.5 It shall be competent for each appointing Body to appoint a substitute representative to attend the Conference in the event of the appointed representative being unable to attend.

Officers

4.1 There shall be the following officers of the Conference:

The President and Vice-President

The Secretary of Conference

The President's Legal Adviser

The Presidency

5.1.1 There shall be a President of the Methodist Church who exercises leadership through service, and as the chief Pastor of the Church guards its faith and discipline, supports its work and mission, has a prophetic voice in its pursuit of justice, and shares in the administrative work of the Church as authorised. The President shall preside at Conference.

5.1.2 There shall be a Vice-President of the Methodist Church who shall be the deputy of the President.

5.1.3 Both the President and the Vice-President shall hold office until either shall resign or die, be incapable of acting or shall be succeeded in office.

5.1.4 The offices of President and Vice-President are open to Presbyters in Full Connexion, Deacons and Laypersons.

5.1.5 The President and Vice-President shall be elected at the Conference preceding that at which they are to take office.

5.1.6 A person eligible for either office shall be a member of the Methodist Church and be familiar with its polity and discipline. To ensure continuity of leadership, any person to be elected shall be a member of and present in person at the Conference at which he or she is elected, and shall have been present in person at no less than two of the preceding four Conferences.

5.1.7 The nominations for both offices shall be in accordance with the following procedures:

- (a) Nominations shall be made by the nominating bodies: Te Taha Māori and the Synods, and may be for either or both offices. Each nominating body shall decide upon its own procedures for the making of

nominations which may be of persons not members of that body. Nominations shall be made in writing by the nominating body, and, in all cases endorsed with the consent of the nominee. All nominations must be communicated to the General Secretary by 31st August preceding the Conference at which the nomination is to be considered. The General Secretary shall promptly advise each nominating body of all nominations received.

- (b) In respect of each person nominated for either or both offices, the nominating bodies making the nomination shall be responsible for supplying the General Secretary not later than 31st August with a brief profile of the person nominated for inclusion in a report to Conference.
- (c) When a Presbyterian is elected as President all Presbyters nominated for the office of Vice-President shall be ineligible for election to that office in that year; when a Deacon or Layperson is elected as President, all Deacons or Laypersons nominated for the office of Vice-President shall be ineligible for election to that office in that year.
- (d) Tauwiwi and Te Taha Māori will each select its preferred candidates for the offices of both President and Vice-President according to their own procedures.
- (e) There shall be a Conference Panel, (the Panel), representing the Partnership.
- (f) Hui Poari and Tauwiwi Strategy Committee each nominate five members for the Conference panel from the membership of their respective Council of Conference members.
- (g) The Panel is not the Council of Conference (Council membership is a convenient way of selecting Connexionally experienced people)
- (h) The first task of the panel is to choose two Convenors, one from each of the groups of five.
- (i) The five members of Te Taha Māori and the five from Tauwiwi bring to the Conference panel the names agreed by their caucus groups as being appropriate people to lead Te Hāhi for the following Connexional year.
- (j) In conversation as a group the panel's task is to come to a consensus as to the names of the President and Vice President Elect considering those names brought from the caucus groups. The panel exercises discernment as a Conference panel, having listened into the discussions in their respective caucus groups as to both the task of the Presidency and the qualities required in this coming year.
- (k) The panel should, for Presidency, select the President, having regard to the qualities and skills necessary for that office. The panel should then for the Vice Presidency, select the Vice President, having regard to the qualities and skills necessary for that office and the person whom the panel believes would be able to work in a complementary manner with the President as a Presidential team.
- (l) If the Conference panel is unable to reach agreement for either President or Vice President, the two caucus groups shall reconvene to enquire whether any names not previously forwarded to the Conference panel from the list of nominations in the Conference agenda, would then be acceptable. If additional names are agreed upon, the panel meets again and follows the process from paragraph (i) above.
 - (i) In the event that it is still not possible to have any names in common for the presidency, then the current President and Vice President remain in office for a further term. (two years)
 - (ii) In the event that there is a commonality which enables the selection for President but not the Vice President the existing Vice President will remain in office with the newly elected President for a further year.
- (m) (i) If the panel members at any point in their deliberations require any assistance that may help them reach a consensus they may call on the General Secretary and the Legal Adviser.
 - (ii) The request for assistance is conveyed to both parties by one or other of the Convenors.
 - (iii) The request for assistance, noting the specific reasons for the assistance, is to be put in writing by the panel.
 - (iv) The assistance given by General Secretary and Legal Adviser is also noted in writing by the two Convenors and checked for accuracy prior to the General Secretary and Legal Adviser leaving the panel.
- (n) Having come to a consensus, the Convenors report to the General Secretary that the appropriate process has been followed, and name the President and Vice President for the next year.

- (o) At an appropriate time the General Secretary reports to the President that this is the decision of the panel.
- (p) The names of the President and Vice-President Elect are then announced by the President as duly appointed.

5.1.8 If for any reason the President-Elect or Vice-President-Elect are unable to take office the Conference the current President or Vice President shall remain in office.

5.1.9 Should the President die, become incapable of acting, resign, or be absent overseas, the Vice-President shall assume the function of that office. The Ex-President or Ex-Vice-President shall assist in fulfilling the functions of both offices as appropriate.

5.1.10 Should the Vice-President die, become incapable of acting, resign or be absent overseas, the Ex-President or Ex-Vice-President as appropriate shall assist in fulfilling the functions of that office.

5.1.11 It shall be the duty of the General Secretary, should the necessity arise, after consultation with the President's Committee of Advice, to ensure that the provisions of paragraphs 7.5.1.9 and 10 are implemented. If the vacancy is caused by resignation, the persons so resigning shall not be regarded as having the rights and responsibilities of having held that office unless otherwise determined by the Conference.

5.1.12 When a Presbyter or Deacon who is stationed by Conference and is in receipt of a stipend is elected as President, Conference shall ensure that a suitable supply is arranged. When a Lay or non-stipendiary person is elected President suitable financial provision shall be made if necessary. Such costs shall be a charge on the Connexional Expenses Fund.

5.1.13 The President and Vice-President shall be ex-officio members of all Conference committees and of all Courts of the Church, and shall be entitled to attend meetings of Boards or Committees of the Methodist Church.

Functions of the President and Vice-President

5.2.1 The functions and responsibilities of the Presidency are generally shared by the President and Vice-President. When acting corporately, and always in consultation, with appropriate advisers, they include:

- (a) being a focus of service and leadership throughout the Church, exercising prophetic, priestly and pastoral functions, and carrying out administrative tasks as are required by the Laws and Regulations of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa;
- (b) having all the powers and exercising all the functions of the Conference in accordance with the Laws and regulations, except when the Conference is in session.

5.2.2 The President, shall normally be advised by the Vice-President and General Secretary. The President shall take advice in others matters as follows:

- (a) Deployment of Ministers: Te Taha Māori, Synods, The Directors Missions Resourcing for Stationing;
- (b) Pastoral concerns: President's Committee of Advice and/or Pastoral Committee, and the appropriate Synod;
- (c) Interpretation of the Church's Laws and regulations: General Secretary, the President's Legal Adviser, and if appropriate the President's Committee of Advice, and such other persons or bodies as the President deems appropriate;
- (d) Public concerns: Appropriate Standing Committees and/or Convener;
- (e) General: President's Committee of Advice and/or such other Standing Committees, Boards, and Divisions as are relevant to the issue;
- (f) In matters relating to the Disciplinary Procedures, the President shall immediately act on the advice of, and in accordance with the findings of, the Disciplinary Tribunal.

5.2.3 Should any question arise in the interval between two Conferences as to the meaning or intention of any Resolution of the Conference, or as to the interpretation of any Law or Regulation of the Church, the following procedures shall apply:

- (a) the question may be referred to the President, whose ruling thereon shall be binding until the next Conference;
- (b) the question shall normally be referred through Synods or Te Taha Māori.
- (c) any such ruling by the President shall be conveyed through the General Secretary;
- (d) the ruling shall be binding until the next Conference.

- 5.2.4 (a) The President shall Preside at the Conference Ordination Service.
- (b) The Ordained member of the Presidential team will ordain.

Secretary of Conference

- 6.1 The General Secretary shall act as the Secretary of the Conference (see 5.2.5.2)
- 6.2 The General Secretary shall:
- (a) ensure that all arrangements are made for the holding of the Conference;
 - (b) order the business of Conference;
 - (c) advise Conference and the President and Vice President in respect to Conference procedures.

President's Legal Adviser

- 7.1 A Legal Adviser to the President shall be appointed each year by the Conference on the nomination of a Committee consisting of the President, Vice-President, Ex-President (who shall act as Convener), Tumuaki and General Secretary. S/he shall be ex officio a member of the Conference.
- 7.2 The Legal Adviser shall be a barrister and solicitor or barrister sole of the High Court of New Zealand who is in active practice.
- 7.3 The Legal Adviser acts as consultant to the President on all matters pertaining to the interpretation of the Laws and Regulations of the Church, and on such other matters of a legal nature as the President shall raise.

The Seal

- 8.1 There shall be a Seal of the Conference which shall remain in the custody of the General Secretary and be used on official documents and attested by the President or Vice-President.

General Proceedings

- 9.1 The Conference shall:
- (a) be opened by the President;
 - (b) induct the President and Vice-President;
 - (c) receive Presbyters into Full Connexion, and ordain Presbyters and Deacons;
 - (d) appoint its officials;
 - (e) confirm Standing Orders;
 - (f) elect the President and Vice-President of the next Conference;
 - (g) transact its business.

- 9.2 The President or Vice-President or past President or past Vice President shall preside over the Conference.
- 9.3 The attendance of forty percent of the members of that Conference shall constitute a quorum except that after it has opened its business the Conference may determine some other quorum for all or any part of its business. The quorum should always reflect the partnership between the tāngata whenua/Te Taha Māori and Tauwi.
- 9.4 The sessions of the Conference shall be open to the public unless otherwise determined by the Conference.
- 9.5 Conference may decide to go into Committee. Business discussed by the Conference while in Committee shall not in any way be reported or published and shall be absolutely confidential to the members. The business of Conference while in Committee shall be recorded in the Journal and Daily Record but not in the Minutes unless Conference shall so direct. When Conference comes out of Committee the Secretary shall report to the Conference the content of its decision while in Committee.
- 9.6 Conference may agree to form itself, at any point during its business, into caucus groups Te Taha Māori and Tauwi. (see also 7.14.1-5)
- 9.6.1 The initiative for this may be taken by any member of Conference in consultation with the caucus facilitators, and the decision to do so shall be announced by the President
- 9.6.2 Each meeting will be facilitated by person(s) appointed by Hui Poari and Tauwi Strategy.
- 9.6.3 Each caucus may choose to divide into groups of common interest.

The Ordering of Conference Business

- 10.1 The hours of Session for the Conference shall be determined by the Conference.
- 10.2 The ordering of the business of Conference shall be in the hands of the Secretary of Conference. The following shall be the Order of Business in the Conference day by day:
- (a) Reports and recommendations - Conference Agenda questions.
 - (b) Any other matters which may be arranged for by sessional order from time to time.
- 10.3 Except for matters requiring urgency, Notices of Motion shall be received by the General Secretary

for the consideration of Conference by 4:00pm on the Thursday prior to Conference. Unless the matter is urgent, Notices of Motion shall be referred to a Standing Committee, to a Board or Division, to another or other Synod(s), for consideration at the next Conference.

The President shall determine what is a matter of urgency.

- 10.4.1 Committees of the Conference (hereinafter called “Business Committees”) shall report to the Conference on matters which may be remitted by the Conference to such Committees for consideration.

Business Committees

- A Council of Conference
- B (i) Te Taha Māori
(ii) Tauīwi
- C Law Revision
- D Administration
- E Ministry
- F Faith and Order
- G Social Services
- H Mission and Ecumenical
- I Communications
- J Social Issues

- 10.4.2 Business Committees shall deal with their business in the following order of priority:

- (a) Conference agenda items;
- (b) Memorials.
- (c) Notices of Motion

- 10.4.3 All Notices of Motion and Memorials to be brought before Conference shall be submitted by the Convenors of the Business Committees to a group appointed by the Law Revision Committee who will examine them in respect to:

- (a) clarity and intelligibility;
- (b) their relationship to existing laws and regulations;
- (c) whether there are any financial implications for the Connexional Budget.

- 10.4.4 Business Committees of Conference will advise the Conference as to those reports/decisions that can be presented to the Conference en bloc, and received without further discussion. The following procedure will apply:

- (a) Reports/decisions to be taken en bloc will be clearly marked on the papers distributed to the Conference.
- (b) On the recommendation of the Business

Committees they will be put to the Conference en bloc.

- (c) In order to safeguard the rights of members of the Conference to speak on any report/decision, any member may by simple request have removed from the “en bloc” procedures any report/decision.

Conference Questions

- 11.1 The business of the Conference shall be conducted under the following questions and under such further questions as the Conference may from time to time prescribe, the answers to such questions shall be recorded in the Minutes of Conference.

- (a) Any policy matter in a report to Conference is to be accompanied by a corresponding decision.

- 11.2 The official work of the Conference, comprised under the Questions constituting the ordinary routine of business, shall be introduced by the Secretary. The Questions are:

1. Who are members of this Conference?
 - (a) those in Full Connexion.
 - (b) representatives
2. What Members from other Conferences and Churches are associated with this Conference?
3. What Candidates are now received for training?
 - (a) Deacon
 - (b) Presbyter
 - (c) Minita-a-iwi
4. Who are to continue in training for ordained ministry?
 - (a) Deacon
 - (b) Presbyter
 - (c) Minita-a-iwi
5. Who are to be stationed by Conference as Probationers?
 - (a) Deacon
 - (b) Presbyter
 - (c) Minita-a-iwi
6. Who are now admitted as Presbyter or Deacon in Full Connexion with the Conference?
 - (a) those who have completed their probation
 - (b) from another Church
7. Who are now ordained Deacon or Presbyter?
 - (a) Deacon

- (b) Presbyter
8. What Minita-a-iwi:
 - (a) are received as candidates
 - (b) have completed their training
 9. (a) What Deacon is reinstated into Full Connexion?
 - (b) What Presbyter is reinstated into Full Connexion?
 10. (a) What Deacon now ceases to be recognised as in Full Connexion with the Conference?
 - (b) What Presbyter now ceases to be recognised as in Full Connexion with the Conference?
 - (c) What Presbyter now ceases to be recognised as a Probationer with the Conference?
 - (d) What Deacon now ceases to be recognised as a Probationer with the Conference?
 - (e) What students are discontinued in their training?
 11. What appointments are authorised to provide remuneration at a rate less than Standard Stipend?
 - A. For full-time or part-time Local Ministries (with no remuneration) with Ministry Covenant (full or part-time):
 - (a) Deacon
 - (b) Presbyter
 - B. For part-time Ministries (remuneration pro rata) with a Ministry Covenant:
 - (a) Deacon
 - (b) Presbyter
 12. What Deacon or Presbyter is transferred to, or is now exercising ministry in, another Conference or Church, whether overseas or in New Zealand, and has the right to return to the Conference on the completion of service with that Conference or Church?
 - (a) Deacon
 - (b) Presbyters
 13. What Deacon or Presbyter has been received from another Conference or Church?
 - (a) Deacon
 - (b) Presbyter
 14. What are the decisions of Conference on Disciplinary matters?
 - (a) Which are required to be reported to the Conference?
 - (b) Which have been processed during the preceding year, under the Disciplinary Code?
 15. For what Deacon or Presbyter is no appointment available?
 - (a) Deacon
 - (b) Presbyter
 16. What Deacon or Presbyter are not available for Stationing this year? (all ministries recorded under this question shall have prepared a Ministry Covenant)
 - (a) Deacon
 - (b) Presbyter
 - 1) Chaplaincies
 - 2) Other
 17. What Deacon or Presbyter retire at this Conference?
 - (a) Deacon
 - (b) Presbyter
 18. What Deacon and Presbyter continue in retirement?
 - (a) Deacon
 - (b) Presbyter
 19. What Deacon, Minita-a-Iwi and Presbyter have died since last Conference?
 - (a) Deacon
 - (b) Minita-a-Iwi
 - (c) Presbyters
 20. What Laypersons who have given leadership in the Conference have died since last Conference?
 - (a) Te Taha Māori
 - (b) Tauīwi
 21.
 - (a) Are there any congregations where, for imperative pastoral considerations, others than Presbyters should have authority to administer the Sacraments?
 - (b) Who are now given special authority to administer the Sacraments?
 22. (a) Does the Conference sanction the amalgamation or division of any Synod or Parish?
 - (b) What other Agreements affecting Parishes and/or Use of Buildings are approved by Conference?
 23. (a) To what Parishes/Rohe are additional Deacons, Minita-a-Iwi or Presbyters appointed?
 - (b) From what Parishes/Rohe are Deacons, Minita-a-Iwi or Presbyters withdrawn?

24. How are the Presbyters, Deacons, and Minita-a-Iwi stationed for the ensuing year?
25. What are the decisions of Conference on matters relating to the Council of Conference?
 - (a) What is God saying to us now?
 - (b) What more can be done to promote the work of God?
 - (c) Connexional Budget
 - (d) PAC Distribution Group
26. (i) What are the decisions of Conference on matters relating to the tāngata whenua, Te Taha Māori?
 - (a) Te Taha Māori Property Trust
 - (b) Wellington Charitable and Educational Endowments Trust
 (ii) What are the decisions of Conference on matters relating to Taiuiwi?
 - (a) Taiuiwi Strategy
 - (b) Evangelical Network
 - (c) New Zealand Methodist Women's Fellowship
27. What are the decisions of Conference on matters relating to Law Revision?
 - (a) New or amended laws to be brought to Conference
 - (b) Presidential Rulings which have been made during the year
28. What are the decisions of Conference on matters relating to the Administration Division?
 - (a) Methodist Trust Association
 - (b) Connexional Trusts
 - (c) PACT 2086 Trust
 - (d) Robert Gibson Trust
 - (e) Statistics
 - (f) Wesley Historical Society
 - (g) Professional Development Grants Committee
29. What are the decisions of Conference on matters relating to Ministry Trinity College?
 - (a) Wesley College
30. What are the decisions of Conference on matters relating to Mission Resourcing?
 - (a) Churches Education Commission
 - (b) Interim Diaconate Task Group²⁰
 - (c) Methodist Lay Preachers Network
 - (d) Taiuiwi Youth
 - (e) Uniting Congregations of Aotearoa NZ
- (f) Chaplaincies
 - (i) Tertiary
 - (ii) Hospital
 - (iii) Defence Force
 - (iv) Prison
31. What are the decisions of Conference on matters relating to Faith and Order?
32. What are the decisions of Conference on matters relating to Methodist Social services? The Methodist Alliance²¹
 - (a) Its life and work
 - (b) Services provided by members
 - (c) Collation of Conference report from members for approval by Conference
 - (d) Recommendations regarding membership of boards, NZCCSS Methodist members, social justice and social advocacy.
33. What are the decisions of Conference on matters relating to Mission and Ecumenical affairs?
 - (a) Mission and Ecumenical Board
 - (b) Christian World Service
 - (c) World Methodist Council
34. What are the decisions of Conference on matters relating to Communications and Organisations?
 - (a) Methodist Publishing
 - (b) Media and Communications Endowment Fund
35. What are the decisions of Conference on matters relating to Social Issues?
 - (a) Public Issues Network
 - (b) Inter-Church Bio-ethics Council
36. (a) Who is elected President of the Church for induction at the next Conference?
 (b) What arrangements are made for the President's supply?
37. (a) Who is elected Vice-President for induction at the next Conference?
 (b) What arrangements are made for the Vice President's supply?
38. Who is elected the President's Legal Adviser?
39. Who are elected to the following Synod and Regional positions for the ensuing year?
 - (a) Superintendents
 - (b) Secretaries

²⁰Conference 2021

²¹Conference 2018

- (c) Financial Secretaries
 - (d) Property Secretaries
40. Who are appointed as members of the following Standing Committees and their Conveners?
- (a) Pastoral Committee
 - (b) President's Committee of Advice
 - (c) Council of Elders
 - (d) Budget Task Group
41. When and where shall the next Conference be held?
42. When shall the Annual Synod and other Synod Meetings be held?

Record of Proceedings

- 12.1 The Decisions of Conference shall be published as the Minutes of the Conference.
- 12.2 The Conference Journal shall include the Decisions of the Conference together with copies of all reports and papers of the Conference and the recommendations from Committees or Boards. At the conclusion of the Conference, the Journal shall be confirmed by it and signed by the President, Vice-President and the General Secretary.
- 12.3 A Daily Record shall be kept of the business considered by the Conference at each session. It shall incorporate a brief record of the proceedings. A person may ask to have their name recorded in the record noting their opposition.

The Ordering of Conference Discussion

- 13.1 A member of the Conference wishing to speak shall so indicate to the person presiding. The person presiding shall invite the member to speak.
- 13.2 Members shall speak only from a rostrum except when asked, or asking, a question.
- 13.3 No member shall speak more than once on the same question without the leave of the Conference.
- 13.4 The person presiding shall call to order any person who departs from the matter under discussion or who violates the courtesies of debate.
- 13.5 A member who thinks that he/she has been misrepresented by a speaker may, by the indulgence of the Conference, interrupt the speaker to correct the misstatement, but shall not enter into argument.
- 13.6 It shall be competent for any member to propose that any subject shall be considered in Committee if determined by the Conference.

Conference Decision-Making

The principal goal of the decision-making process of Conference is to enable the tāngata whenua, Te Taha Māori and Tauwiwi, partners of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa, to discern what is best for the Church, and to make decisions which demonstrate partnership.

- 14.1 When a report has been presented and discussed and the suggested decisions have been canvassed, the President/Vice-President will seek the mind of the Conference on whether there is a consensus on these decisions. If, in the judgement of the presiding officer, consensus has been reached, and Conference accepts this judgment, the presiding officer will state that the decision is now the decision of Conference.

- 14.2.1 The President/Vice-President may suggest, or the appointed facilitators may ask for a meeting of either or both of Te Taha Māori and Tauwiwi if this will enable their group(s) to clarify the issues and to reach general agreement so that a partnership decision can be explored. (see 7.9.6)

- 14.2.2 The President/Vice-President shall make clear the matters which both meetings will be addressing, and will propose a time-limit for the process.

- 14.3.1 When both meetings are ready to report back, their facilitators will meet with the President/Vice-President to share the responses. In doing so they will indicate if either or both meetings need to give reasons to Conference for their having arrived at a particular point. This would be necessary only if the meetings were not in agreement.

- 14.3.2 If a meeting does not achieve a consensus within itself, this will be reported to the Conference. It will not be appropriate for the other meeting to indicate its response at this point.

- 14.3.3 Either meeting may ask for further time to deliberate the outstanding issues, or a representative group from among that meeting may be appointed on an ad hoc basis to address the areas of disagreement and seek a way ahead.

- 14.3.4 If, finally, within a meeting, there is no consensus to proceed, no decision by Conference can be made.

- 14.3.5 When there is no agreement between the two partners the status quo remains, and the President/Vice-President will define the 'status quo.'

- 14.4 Conference may decide to refer the unresolved issues that need to be addressed to the Church for

discussion by Hui Poari and Synods and report to the following Conference.

- 14.5 If there is agreement by both meetings, the presiding officer will advise the form of the decision, and state that such is now the decision of Conference.

11. Section 8 – Disciplinary Regulations

The Disciplinary Procedures of the Methodist Church of New Zealand

1. INTRODUCTION

Within its life, the Methodist Church of New Zealand (“the Church”) has a responsibility to exercise discipline. It also recognises that there need to be adequate processes and procedures for the receipt and dealing with complaints in accordance with the principles of natural justice. The following sets out those processes and procedures (“the Complaints Procedure”).

At all times during the implementation of this Code, and especially during or after a mediation process, the Church expects all parties to seek to exercise Christian grace, forgiveness and reconciliation. The President’s primary role under this Code shall be pastoral.

The Board of Administration shall be responsible for the administration of the Complaints Procedures, and shall report regarding them, and any issues arising from them, to each Conference of the Church (“the Conference”).

2. OBJECTIVES

The following objectives are to be borne in mind when interpreting the complaints procedure (“the Objectives”):

- Upholding the laws of the Church.
- Encouraging responsible membership within the Church.
- Ensuring that complaints are dealt with adequately, promptly, and with attention to procedural fairness.
- Ensuring appropriate confidentiality and privacy.
- Achieving an appropriate resolution of each matter.

3. COMPLAINTS PROCEDURE TO BE A CODE

The complaints procedure shall:

- (a) form part of the Laws and Regulations of the Church (“the Laws”); and
- (b) be a Code.

4. JURISDICTION

- (a) The complaints procedure shall apply to any complaint relating to any Minister, or person whose name appears on the electoral roll of any Parish of the Church. It shall also apply to any person in any Cooperative Venture who is subject to the Laws of the Methodist Church of New Zealand.
- (b) In respect of matters arising under this Code, if any matter has been or is referred to the criminal or civil authorities, action shall be suspended under this Code until the matter has been determined by the civil or criminal authorities or their proceedings cease.
- (c) Complaints against a Minister may only be laid when it is alleged the Minister has:
 - (i) breached the Laws, and/or
 - (ii) failed to adhere to the ‘General Standards for the Guidance of Members, and the Standards for Membership and Ministry, and/or
 - (iii) failed, or is unable, to carry out the Minister’s ordination vows or has otherwise inadequately exercised responsible ministry, and/or
 - (iv) brought the Church into disrepute, and/or
 - (v) failed to uphold the doctrinal standards of the Church, and/or

- (vi) been convicted of a criminal or quasi-criminal offence.
- (d) Complaints against a person whose name appears on the electoral roll of any Parish of the Church, other than a Minister, may only be laid when it is alleged that person has:
 - (i) breached the Laws and/or
 - (ii) failed to adhere to the ‘General Standards for the Guidance of Members, and the Standards for Membership and Ministry and/or
 - (iii) brought the Church into disrepute, and/or
 - (iv) by words or actions refused to accept the discipline of Conference or otherwise repudiated their membership of the Church.
- (e) Except in the case of sexual harassment/abuse, no complaint may be laid after the expiry of 18 months from the time the basis of the complaint arose or could reasonably have been discovered, subject to the following:
 - (i) where the basis of a complaint arose over a period of time, the 18 month period runs from the end of that period of time;
 - (ii) if the complaint is based on a matter(s) where a criminal prosecution is or has been brought in the secular courts the complaint must be brought within eighteen months of the date of a conviction arising from the matter(s) which form the basis of the complaint.

5. INTERPRETATION

“**Complainant**” may be any individual or groups of individuals who are members of the Church, or may be the General Secretary.

“**Days**” should be working days and shall not include weekends and Public Holidays and the provincial days applicable to the person concerned.

“**In committee**” shall mean that all discussions, deliberations or other verbal or written exchanges are privileged and may not be repeated, told to or communicated to any part of the media, any organisation or person(s) other than the parties to the complaint.

“**President**” refers to the person appointed to, and holding that office, in the Church.

“**Natural Justice**” the rights of both parties to a formal complaint should be protected by the principles of Natural Justice which include freedom from bias, transparency, fairness of procedure and the right of a fair hearing.

6. CONFIDENTIALITY

- (a) Subject to the Laws and this Code, all persons concerned shall at all times preserve the confidentiality of all parties to the complaint.
- (b) No party to a complaint shall publicly disclose any of the details of the complaint, investigation or any mediation, subject always to the party’s right to instruct Counsel, take other professional advice, or for the purposes of counselling or pastoral care.
- (c) The Complaints Officer shall notify all parties to a complaint of this obligation of confidentiality.
- (d) No person shall make any unwarranted disclosure of any matter relating to a complaint to any part of the media, any organisation or other person(s). The only disclosures, which are warranted, are those which are made by a Complaints Officer, or others involved in the processes set out in this Code, for the purposes of determining the complaint.

Part 1 - Complaints Officers

7. CONSTITUTION OF THE OFFICE

There shall be an office of the Conference known as “the Complaints Officer”.

8. FUNCTIONS OF THE COMPLAINTS OFFICER

The functions of the Complaints Officer shall be:

- (a) to receive and investigate complaints;
- (b) to ensure the provision of initial pastoral care for both the person complained against and the complainant;
- (c) to determine if mediation is appropriate and if so, to arrange for appropriate mediation.

9. APPOINTMENT OF THE COMPLAINTS OFFICER

- (a) Following advice from the Pastoral Committee, the General Secretary shall nominate and the Council of Conference through its report, shall present to Conference, the nomination for each Complaints Officer.
- (b) Conference shall appoint not less than two or more than three persons to this office at any time.
- (c) In considering the appointment of any person for the position of the office of Complaints Officer, regard shall be had to the potential Complaints Officer’s personal attributes and knowledge of and

experience in the type of matters likely to come before a Complaints Officer.

- (d) No person who is a member of any other disciplinary body created by this Code shall be eligible for appointment as a Complaints Officer; any Complaints Officer who becomes a member of any other disciplinary body created by this Code shall immediately cease to be a Complaints Officer.

10. TERM OF APPOINTMENT

Each Complaints Officer shall:

- (a) be appointed for a term not exceeding four years and shall be eligible for reappointment, normally for not more than one further term of up to four years;
- (b) be liable for review at any time at the discretion of the President following advice from the Pastoral Committee of the Church;
- (c) take office at beginning of the Connexional year after the Conference at which that Complaints Officer is appointed;

11. VACATION OF POSITION

- (a) Any Complaints Officer may resign by giving written notice to that effect to the President in accordance with any relevant contract.
- (b) A Complaints Officer's appointment shall cease if the Complaints Officer:
 - (i) dies; or
 - (ii) is adjudged bankrupt under the Insolvency Act 1967; or
 - (iii) is convicted under the Crimes Act 1961; or
 - (iv) the Misuse of Drugs Act, or
 - (v) any other serious offence carrying a possible sentence of 3 months or more imprisonment;
 - (vi) is confirmed as a member of any other disciplinary body under the Laws or this Code;
 - (vii) is found to be in breach of the Church's Ethical Standards;
 - (viii) removed from the position.

12. PERFORMANCE REVIEW

The Conference shall ensure that at least once in every two years of the term of each Complaints Officer's position a performance review is carried out, this to be arranged by the Pastoral Committee.

13. REMOVAL FROM POSITION

The President, acting on the advice of the Pastoral Committee, may at any time remove a Complaints

Officer from the position. The Pastoral Committee may give such advice for any reason it sees fit.

14. TRAINING OF OFFICERS

- (a) Conference shall from time to time decide the appropriate training of each Complaints Officer.
- (b) The General Secretary shall be responsible for arranging any training.

15. EXPENSES OF POSITION

- (a) there shall be paid to each Complaints Officer such remuneration, allowances and expenses as Conference shall from time to time decide.
- (b) Conference shall be responsible to arrange appropriate funding.

16. MAKING A COMPLAINT

- (a) Each complaint must be in writing, shall state the nature of the complaint as set out in s.4(c) or (d), and the factual basis for the complaint and the person(s) against whom it is made, and shall be filed by the complainant with the General Secretary.
- (b) The General Secretary shall promptly provide:
 - (i) The Pastoral Committee with a copy of every complaint made against a Minister.
 - (ii) The Principal with a copy of any complaint against a student.
 - (iii) The Principal and the designated Synod Superintendent of any complaint against a probationer.
- (c) If the complaint is against a Minister, the General Secretary may be requested by the Pastoral Committee to also lay a complaint on behalf of the Church.
- (d) Each complaint shall be directed, by the General Secretary, to an appropriate Complaints Officer.
- (e) Upon receipt of any complaint, a Complaints Officer shall immediately give written notice to any person(s) affected by the complaint of its receipt, and shall enclose a copy of the complaint(s) and advise as to the person(s) by who or whom it is made.
- (f) Every such notification to a person against whom a complaint has been made shall include advice that that person is entitled to have a friend/support person and/or one legal Counsel present at any interview, and the general rules relating to the conduct of interviews (s.64) shall apply.

- (g) If the complaint involves the General Secretary, then the President shall, either personally or through an appointed representative, assume the role of the General Secretary under this Code for the purpose of that complaint.

17. THE INVESTIGATION PROCESS

- (a) Each Complaints Officer who receives a complaint within that Complaints Officer's jurisdiction or responsibility shall conduct an investigation into the complaint promptly following lodgement of the complaint. Normally the investigation shall be commenced within 14 days of receipt of the written complaint. If the complaint received alleges a breach of the criminal law of New Zealand then the Complaints Officer shall advise the complainant to that effect and that the matter should be referred, by the complainant, to the police. No further investigation shall be carried out by the Complaints Officer until any criminal or civil action relating to or arising from the facts or circumstances giving rise to the complaint is concluded.
- (b) If a Complaints Officer, in considering a complaint, is, or is likely to be placed, in a position that leads to a conflict of interest, that Complaints Officer shall refer the complaint to another Complaints Officer.
- (c) After conducting an investigation the Complaints Officer shall prepare a report stating the nature of the complaint and shall determine either:
 - (i) that the complaint has no substance, or
 - (ii) that it has substance;
 - (iii) and shall promptly inform the parties of that determination.
- (d) In the event:
 - (i) the complaint is considered to be of no substance, then the matter is concluded for all parties involved subject to Part 3 of the Code. The Complaints Officer shall prepare a report pursuant to section 22(a) of these Laws;
 - (ii) if the complaint is considered to have substance then:
 - (1) where the complaint is of substance and mediation would be appropriate in the opinion of the Complaints Officer, subject to s.20(a) the Complaints Officer shall arrange a mediation between the parties pursuant to section 20 of these Laws; or
 - (2) where the complaint is of substance and mediation would not be appropriate, or any mediation held has failed to

resolve the complaint, or consent under s.20(a) is not available, the Complaints Officer shall prepare a report pursuant to section 21(b) of these Laws, and refer the report and the complaint to the Complaints Review Panel Chairperson.

- (3) where the complaint is of substance and mediation would not be appropriate, or any mediation held has failed to resolve the complaint, or consent under s.20(a) is not available, and the Complaints Officer determines that the matter should not proceed further, the Complaints Officer shall prepare a report pursuant to section 22(b) of these Laws, and refer the report and the complaint to the Complaints Review Panel Chairperson.
- (e) At the commencement of any investigation, the Complaints Officer, or someone appointed by the Complaints Officer, shall ensure initial pastoral care and counselling is provided to the parties, including where appropriate, members of the parish of the complainant and/or respondent, or any others affected.
- (f) Subject to this Code, and to the rules of natural justice, each Complaints Officer shall regulate their investigation procedure in such a manner as the Complaints Officer thinks fit.
- (g) Each Complaints Officer shall keep a record of the investigation. The record shall be accessible through the General Secretary only to persons permitted access under this Code or the Laws.

18. CONDUCTING INTERVIEWS

- (a) For the purpose of any investigation, the Complaints Officer may interview any person the Complaints Officer believes is, or may be, relevant to the complaint.
- (b) Such interviews shall be held at such times and places as the Complaints Officer appoints.
- (c) The Complaints Officer may adjourn any such interview from time to time and from place to place.
- (d) All interviews shall be held in private.
- (e) Each party may have with them a friend/support person and/or one legal Counsel.

19. GENERAL POWERS OF INVESTIGATION

- (a) For the purpose of any investigation, the Complaints Officer may:

- (i) inspect and examine any material which the Complaints Officer deems relevant;
 - (ii) request any persons to produce for examination any papers, documents, records or things in that person's possession, power or control and to take copies of or extracts from such papers, documents or records;
 - (iii) request any person to furnish in a form approved or acceptable to the Complaints Officer, any information or particulars that shall be required by the Complaints Officer and any copies or extracts from such papers, documents or records.
- (b) The Complaints Officer may require any written information, to be verified by statutory declaration or otherwise.

20. MEDIATION

- (a) Unless both parties agree to the contrary mediation shall not be used when the complaint is one of sexual harassment.
- (b) A Complaints Officer may arrange for mediation in respect of a complaint, but prior to mediation taking place there shall be consultation between the Complaints Officer and the General Secretary to confirm that adequate funds are available.
- (c) If the parties cannot reach agreement as to mediation within 21 working days of the Complaints Officer suggesting mediation, the Complaints Officer shall forward a report and a copy of the complaint to the Complaints Review Panel pursuant to section 22(b) of this Code.
- (d) Having agreed to attempt to reach a mediated resolution, mediation shall be convened within 30 days ("the Mediation Period"). Written advice of the outcome of the mediation shall be provided to the Complaints Officer by the mediator and shall be signed by all present at the mediation.
- (e) If the mediation results in a resolution, the Complaints Officer shall prepare a report pursuant to section 22(a) of this Code and the complaint shall be deemed concluded.
- (f) If the parties cannot reach a mediated resolution within the Mediation Period, then subject to sub-section (a) of this clause, the mediation process may be extended for one additional Mediation Period if all parties agree.
- (g) If at the end of the Mediation Period(s) no mediated resolution is reached, the Complaints Officer shall forward a report and a copy of the complaint to the Complaints Review Panel

pursuant to section 22(b) of these Laws.

- (h) No complaint which may result in a Presbyter/Deacon being found to be unsuitable to continue in Full Connexion with the Conference or involving dishonesty, shall be referred to a mediation process.
- (i) A person who has declined mediation may with the agreement of the Complaints Officer revisit the option of mediation within 90 days of the initial offer to mediation.

21. MEDIATION PROCESS

If mediation is to take place, then subject to this Code, the mediator shall regulate the mediation procedure.

22. REPORTING AND REFERRING ON COMPLAINTS

- (a) When the parties cannot reach agreement as to mediation following a determination under section 17(d)(ii)(1), or a determination has been made under section 17(d)(ii) (2), or section 17(d)(ii)(3), the Complaints Officer shall prepare a report stating the nature of the complaint, the steps taken in reaching a determination, the Complaints Officer's conclusions and the reasons for those conclusions. The report shall be sent to the Complaints Review Panel Chairperson.
- (b) A copy of reports under this section and 17(c) shall be forwarded to the parties and the General Secretary.
- (c) Where in the opinion of the Complaints officer the outcome of the complaint should be conveyed to other parties, the Complaints officer may recommend such disclosure to the General Secretary to do so at his/her discretion.

23. WITHDRAWAL OF COMPLAINTS

No complaint shall be withdrawn without the written consent of all parties.

If a complaint is withdrawn or otherwise disposed of under this code no further complaint on the same matter may be laid by the complainant involved.

24. RIGHT OF REVIEW

- (a) If the Complaints Officer determines the complaint is of no substance and requires no further action the person(s) against whom the complaint has been made shall have no right of appeal.
- (b) Any complainant who disputes the determination of the Complaints Officer shall so advise the

General Secretary, in writing within three weeks of receipt of the Complaints Officer's determination, and such advice shall state why the determination is disputed.

- (c) The General Secretary shall on receipt of the complainants grounds for an appeal, refer those grounds to the complaints Review Committee who shall determine if the grounds are sufficient for further investigation by a second complaints Officer in accordance with section 19 of this code.
- (d) If the Complaints Officer appointed under sub-paragraph (c) shall also determine the complaint is of no substance, that shall be the final determination of that complaint.

25. COMPLAINTS RELATING TO A COMPLAINTS OFFICER

Any complaint relating to a Complaints Officer, including whether any particular Complaints Officer is for any reason unacceptable to any party, shall be made to the Pastoral Committee which shall decide the issue and may appoint another Complaints Officer to act as the Complaints Officer to deal with that complaint.

Part III – Review of Complaints

26. COMPLAINTS REVIEWERS

There shall be a panel of Reviewers appointed annually by Conference.

27. PURPOSE OF THE REVIEWERS

The Reviewers provide a pool of persons from whom a Complaints Review Committee is comprised as and when the occasion arises in the manner set out in this Code.

28. MEMBERSHIP OF THE REVIEWERS

PANEL

- (a) The Reviewers Panel shall comprise:
 - (i) a chairperson (the Review Chairperson) appointed annually by the Conference on the nomination of the Board of Administration;
 - (ii) not than more than ten persons, appointed annually by the Conference on the nomination of the Board of Administration acting on the recommendation of the President's Committee of Advice ("the Reviewers") of whom five shall be Presbyters in Full Connexion and five lay persons;
- (b) When considering the suitability of any potential Reviewer, regard shall be of the potential Reviewer's personal attributes, knowledge and experience.

- (c) No person who is currently a member of Pastoral Committee, the President's Committee of Advice, the Council of Conference, is the principal or a staff member of the Theological College, is the Director or a staff member of Mission Resourcing, or who has a complaint upheld under these procedures, shall be eligible for appointment as a Reviewer.

29. FUNCTIONS OF THE REVIEW

CHAIRPERSON

- (a) To receive the report of any Complaints Officer.
- (b) Where the report from a Complaints Officer involves the reference of the complaint to a Complaints Review Committee:
 - (i) under section 17(d)(iv)(2), to constitute a Complaints Review Committee from the Reviewers Panel.
 - (ii) under section 17(d)(iv)(3) to constitute a Complaints Review Committee from the Review Panel only in the event the Complainant notifies the General Secretary within 14 days of receipt of the Complaints Officer's determination that he/she objects to the determination that the matter should not proceed further.
- (c) Where the Review Chairperson is not a member of a Complaints Review Committee when constituted, to appoint a Convenor who shall chair that Complaints Review Committee.
- (d) In respect of such matters as are advised to the Review Chairperson by a Complaints Review Committee, which are more appropriately dealt with by civil or criminal proceedings to advise the Complaint to take the complaint to the appropriate authority.
- (e) Ensure that all reports required of Complaints Review Committees are forwarded promptly to all concerned as provided by this Code.
- (f) To arrange the preparation of formal charges and filing with the Disciplinary Tribunal in accordance with sections 37 and 38.
- (g) In consultation with the General Secretary, to appoint legal or other suitable Counsel to prosecute any matter before the Disciplinary Tribunal.
- (h) Report to Conference each year as to the work of the Reviewers and the Complaints Review Committees, with any suggestions as to amendments to this Code.

30. COMPLAINTS REVIEW COMMITTEES

Each Complaints Review Committee shall comprise not less than three Reviewers, at least one of whom shall be a Presbyterian in Full Connexion, and shall be constituted having regard to the nature of the complaint, the locality of the complainant, the place where the complaint arose and any other relevant issue. The Review Chairperson may be a member of any Complaints Review Committee unless doing so would be contrary to natural justice.

31. FUNCTIONS OF EACH COMPLAINTS REVIEW COMMITTEE

Each Complaints Review Committee shall:

- (a) ensure that the Complaints Officer has complied with the procedures contained in Sections 17 – 22 of this Code;
- (b) determine whether a complaint should be referred back to the Complaints Officer or another Complaints Officer in the event that the procedures in Sections 17 – 22 have not been followed;
- (c) consider and deal with any complaint properly referred to it;
- (d) determine if the matter is one which should be referred to the civil or criminal authorities and if so to advise the Review Chairperson;
- (e) determine if a Charge is to be brought. A Charge may be brought notwithstanding that the person complained against is being dealt with under the civil or criminal law. A Charge under this Code which depends, for its determination, upon the findings in a prosecution or claim under the civil or criminal law will not be dealt with under this Code until the civil or criminal process has been completed;
- (f) exercise and perform such other functions as are conferred upon the Committee by Conference.

32. PROCEDURE OF THE COMPLAINTS REVIEW COMMITTEE

- (a) The Complaints Review Committee shall review and consider the complaint and the accompanying report. Normally such review and consideration shall be completed within 21 days of the Complaints Review Committee being convened. (“the Review Period”).
- (b) When reviewing the complaint and accompanying report, the Complaints Review Committee shall determine whether:

- (i) the complaint shall be taken no further;
 - (ii) the person complained against shall be charged and brought before the Tribunal;
 - (iii) the complaint involves matters which should be referred to the civil or criminal authorities.
- (c) If, upon the expiry of the Review Period the Complaints Review Committee determines that:
 - (i) the complaint shall be taken no further, the Complaints Review Committee shall prepare a report pursuant to section 34(a) of this Code; or
 - (ii) the complaint shall be taken further and the person complained against be charged and brought before the Disciplinary Tribunal, the Complaints Review Committee is to act pursuant to section 35 of this Code; or
 - (iii) the complaint is one which should be referred to the Police, the Complaints Review Committee shall prepare a report pursuant to section 36(a) of this Code and refer the matter to the Police.
 - (d) During the Review Period, the Synod Superintendent shall ensure that continuing suitable pastoral care and counselling is available to the parties, including where appropriate, members of the parish of the complainant and/or the respondent or any others affected.
 - (e) The Complaints Review Committee shall not have power to deal with any matter where the effect of doing so would be to replace the procedures as to Stationing as set out in section 2.17.1ff of the Laws.
 - (f) Subject to this Code and the rules of natural justice, the Complaints Review Committee shall regulate its procedure in such a manner as it thinks fit, and shall advise all parties as to the procedure for any matter before it at the earliest opportunity.
 - (g) The Complaints Review Committee may contact and interview the person complained against, and may also contact and interview the complainant, and any other person the Complaints Review Committee believes to be, or may be, relevant to, or have information relevant to, the complaint.
 - (h) The Complaints Review Committee shall be able to instruct the Complaints Officer who referred the complaint to the Complaints Review Committee to act as an agent of the Complaints Review Committee and conduct further investigations and interviews on its behalf.

33. MEDIATION

- (a) If, pursuant to section 32(c)(ii) of this Code, the Complaints Review Committee determines that mediation is appropriate, and the parties agree in writing to that process, and as to who is to be appointed mediator and to be bound by the outcome, the matter shall be dealt with in accordance with the agreement reached.
- (b) If the parties cannot reach such an agreement within fourteen working days of the Complaints Review Committee deciding to allow the use of a mediation process, the Complaints Review Committee shall determine if the complaint is to be taken further. If the Complaints Review Committee determines that:
 - (i) the complaint shall be taken no further, the Complaints Review Committee shall prepare a report pursuant to section 35(a) of this Code; or
 - (ii) the complaint shall be taken further and the person complained against should be charged and brought before the Disciplinary Tribunal, then the Complaints Review Committee is to act pursuant to section 36 of this Code.
- (c) A person who has declined mediation may with the agreement of the Complaints Officer revisit the option of mediation within 90 days of the initial offer to mediate.

34. MEDIATION PROCESS

If an alternative dispute resolution process is to be followed, then:

- (a) subject to this Code, the mediator shall regulate the mediation procedure;
- (b) a resolution must be reached within 30 days of the parties to the complaint agreeing to attempt to reach a resolution through a mediation process ("the Resolution Period");
- (c) if the parties cannot reach a mediated resolution within the Resolution Period they may agree to extend the mediation process for one additional Resolution Period;
- (d) if at the end of the Resolution Period the Mediator reports to the Complaints Review Committee no agreement can be reached, the Complaints Review Committee shall determine if the complaint should be taken further. If the Complaints Review Committee determines that:
 - (i) the complaint shall be taken no further, the Complaints Review Committee shall prepare a report pursuant to section 35(a) of this Code; or

- (ii) the complaint shall be taken further and the person accused against be charged and brought before the Disciplinary Tribunal under this Code, then the Complaints Review Committee is to act pursuant to section 36 of this Code.

- (e) If the parties to the complaint reach an agreement by mediation the Complaints Review Committee shall prepare a report pursuant to section 38(b) of this Code.

35. REPORTS BY THE COMPLAINTS REVIEW COMMITTEE

- (a) When the Complaints Review Committee determines that a complaint shall be taken no further, or;
- (b) the Mediator reports the parties to the complaint have reached an agreed settlement, then the Complaints Review Committee shall prepare a brief report indicating the nature of the complaint and outline either the Complaints Review Committee's reasons for believing the complaint is to be taken no further, or the result achieved. A copy of the report shall be forwarded to the parties and the General Secretary.

36. COMPLAINTS REVIEW COMMITTEE PROCESS

If, pursuant to sections 32(c)(ii) or 32(b)(ii) of this Code, the Complaints Review Committee determines that:

- (a) the complaint appears to involve a breach of one or more of the Laws; and,
- (b) that the complaint be taken further, then the Review Chairperson shall arrange the preparation of a formal charge and file it with the Tribunal.

37. CHARGES

The Review Chairperson shall lay any charge as a result of a determination by the Complaints Review Committee pursuant to section 36.

38. FORM OF THE CHARGE

- (a) Every charge shall be in the form prescribed by this section, unless expressly varied or supplemented by the rules and regulations of the Disciplinary Tribunal.
- (b) Every Charge shall:
 - (i) be in writing;
 - (ii) state the name, address and occupation of the person to be charged;

- (iii) specify each breach which the person to be charged is alleged to have committed;
- (iv) contain such particulars as shall clearly inform the Disciplinary Tribunal and the person to be charged of the grounds for each charge;
- (v) be signed by the Review Chairperson.

39. WITHDRAWAL OF COMPLAINTS

- (a) Except with leave of the Complaints Review Committee, no complaint shall be withdrawn after the Complaints Review Committee has received the complaint.
- (b) A complainant wishing to withdraw may make an application to the Complaints Review Committee for leave to withdraw, specifying the reasons for the desire to withdraw.
- (c) Upon receipt of any such application the Complaints Review Committee shall either;
 - (i) grant leave to withdraw the complaint on such terms as the Complaints Review Committee shall determine; or
 - (ii) refuse leave to withdraw the complaint.

40. APPEALS

- (a) No appeal to the Disciplinary Tribunal against any decision of the Complaints Review Committee shall be brought without leave of the Disciplinary Tribunal.
- (b) Any application for leave to appeal must be filed with the Disciplinary Tribunal within 21 days after the date the Complaints Review Committee's decision is communicated to the parties to the complaint.

41. COMPLAINTS AGAINST REVIEWERS

If a complaint is made against a Reviewer then that person shall not be eligible to form part of the Complaints Review Committee dealing with that matter.

Part IV – The Disciplinary Tribunal

42. THE DISCIPLINARY TRIBUNAL

There shall be a tribunal of the Conference known as the Disciplinary Tribunal.

43. JURISDICTION

- (a) Subject to any other provision in this Code, (and subsections (b) of this Section) the Disciplinary Tribunal shall have the powers of Conference in respect of matters properly brought before it

including, but without limiting the generality of the foregoing:

- (i) to determine its own procedures in accordance with the principles of natural justice;
- (ii) to make such orders, interim or final, as are necessary to determine any matter before it and to advise the General Secretary of such orders;
- (iii) to advise the President to remove a Presbyter/Deacon from Full Connexion with the Conference, and the President shall act in accordance with that advice;
- (iv) power to suspend a Minister or Member either fully or partially;
- (v) power to remove a Member from the Electoral Roll or from positions of responsibility in the Parish;
- (vi) in the event a Minister or Member is charged with an offence under the Crimes Act 1961 or Misuse of Drugs Act 1965, or amendments thereof, to make such orders as it deems appropriate regarding the continuation of that person's ministry or position within a Parish pending determination or further order.
- (vii) To hear applications as to correct or appropriate process from a complainant, respondent, General Secretary, Complaints Review Chairperson at any stage of the processes set out in this code.

- (b) In matters relating to the performance of a Minister the provisions of this Code are not to be used if the effect is to replace the Stationing procedures set out in sections 2.17.1 and following of the Laws.

44. MEMBERSHIP OF THE DISCIPLINARY TRIBUNAL

- (a) The Disciplinary Tribunal shall comprise:
 - (i) a chairperson (“the Disciplinary Tribunal Chairperson”);
 - (ii) an alternative chairperson (“the Disciplinary Tribunal Alternate Chairperson”);
 - (iii) at least twelve other persons, appointed annually by Conference on the nomination of the Board of Administration acting on the recommendations of the President's Committee of Advice (“the Disciplinary Tribunal Members”) of whom at least five shall be Ministers in Full Connexion;
 - (iv) in considering the suitability of any potential Disciplinary Tribunal Member, regard shall

be had to their personal attributes, knowledge and experience.

- (b) No person who is currently a member of the Pastoral Committee, the President's Committee of Advice, the Council of Conference, is the principal or a staff member of the Theological College, is the Director or a staff member of Mission Resourcing, shall be eligible for appointment to the Disciplinary Tribunal.

45. APPOINTMENT OF THE TRIBUNAL CHAIRPERSON AND ALTERNATE TRIBUNAL CHAIRPERSON

- (a) The Board of Administration, acting on the recommendation of the President's Committee of Advice, shall nominate to Conference for appointment one person each for the position of Tribunal Chairperson and Alternate Tribunal Chairperson. Each of the Tribunal Chairperson and Alternate Tribunal Chairperson shall be a Barrister or a Barrister and Solicitor of the High Court of New Zealand of not less than ten years litigation practice.
- (b) The Alternate Tribunal Chairperson shall act only if the Tribunal Chairperson is unavailable.
- (c) References to the "Tribunal Chairperson" in this Code shall be deemed to include reference to the Alternate Tribunal Chairperson
- (d) No person who is a member of any other body created by this Code shall be eligible for appointment as Tribunal Chairperson or Alternative Tribunal Chairperson.

46. THE TRIBUNAL CHAIRPERSON'S AND MEMBERS' TERM OF OFFICE

The Tribunal Chairperson and each member of the Disciplinary Tribunal shall:

- (a) be appointed for a term of four years, and may be re-appointed for one further consecutive term of up to four years, and
- (b) be subject to review at yearly intervals during their term of appointment at the discretion of the President's Committee of Advice, and
- (c) take office at the beginning of the Connexional year after the Conference at which the Chairperson is appointed.

47. VACATION OF THE OFFICE OF TRIBUNAL CHAIRPERSON OR DISCIPLINARY TRIBUNAL MEMBER

The Tribunal Chairperson or any Disciplinary Tribunal member shall be deemed to have vacated office if that person:

- (a) dies; or
- (b) resigns by written notice to the President, or
- (c) no longer meets the qualifications set down in section 44(a) above; or
- (d) is adjudged bankrupt under the Insolvency Act 1967; or
- (e) is convicted of any crime under the Crimes Act 1961; or
- (f) accepts membership of any other disciplinary body under the Laws or this Code; or
- (g) is removed from office.

48. REMOVAL OF THE TRIBUNAL CHAIRPERSON OR ANY MEMBER OF THE DISCIPLINARY TRIBUNAL

The President, acting in accordance with the recommendation of the President's Committee of Advice may remove from office the Tribunal Chairperson or any member of the Disciplinary Tribunal.

49. EXPENSES OF THE DISCIPLINARY TRIBUNAL

- (a) Conference shall be responsible for the funding of the disciplinary procedures set out in this Code.
- (b) The Board of Administration shall prepare budgets and report to the Conference annually as to necessary funding requirements of these disciplinary procedures including provision for contingencies.

50. CONTACTING THE DISCIPLINARY TRIBUNAL

- (a) All communications to or with the Disciplinary Tribunal shall be addressed through the General Secretary, who shall consult with the Tribunal Chairperson to institute the processes prescribed by this Code.
- (b) If a hearing is required, the General Secretary shall ensure that appropriate resources and secretarial assistance are provided for the Tribunal Chairperson and the Disciplinary Tribunal.

51. CONVENING THE DISCIPLINARY

TRIBUNAL

- (a) The Tribunal Chairperson shall, within twenty one days of receiving a charge;
 - (i) decide which members shall constitute the Disciplinary Tribunal to hear, and
 - (ii) determine that charge; and
 - (iii) provide copies of all relevant documents; and
 - (iv) set the time and place for a hearing; and
 - (v) notify all relevant persons of the time, place and expected time frame.
- (b) In constituting a Disciplinary Tribunal regard shall be had to any conflict of interest the Tribunal Chairperson or any member might have in dealing with the matter to come before the Disciplinary Tribunal.

52. ADDITIONAL POWERS OF TRIBUNAL

CHAIRPERSON

If considered appropriate in any particular matter the Tribunal Chairperson may:

- (a) convene the Tribunal urgently to hear any application for suspension of a Minister pending the determination of any charge;
- (b) convene a meeting of the parties; and/or
- (c) require further information or documentation; and/or
- (d) explore any possible ways of resolving the matter without a hearing;
- (e) extend any time deadlines set elsewhere in this Code.
- (f) to hear any applications under 43(a)(vii).
- (g) at any stage of the proceedings the tribunal may rule on issues of process.

53. INTERLOCUTORY APPLICATIONS AND

LEAVE TO APPEAL

The Tribunal Chairperson shall be responsible to hear and determine:

- (a) any application for orders for discovery of documents;
- (b) matters requiring determination before the hearing of any charge;
- (c) applications for leave to appeal under section 40(a);

54. QUORUM FOR THE DISCIPLINARY

TRIBUNAL

- (a) The Disciplinary Tribunal to hear a charge shall comprise the Tribunal Chairperson and not less than five Disciplinary Tribunal members at least two of whom shall be Ordained and at least two who are Lay persons.
- (b) The Tribunal Chairperson may adjourn any meeting of the Disciplinary Tribunal from time to time and from place to place.
- (c) Any decision made by a majority of the members of the Disciplinary Tribunal shall be the decision of the Tribunal.
- (d) In setting the place of the meeting of a Disciplinary Tribunal, regard shall be had as to any need for a neutral venue, and, so far as reasonably possible, the convenience of the parties and the cost of the proceedings.

55. EVIDENCE

All evidence given before the Tribunal shall be on oath.

56. STANDARD OF PROOF

In determining whether or not a respondent is guilty or not guilty on any particular charge, the Disciplinary Tribunal shall determine the matter on the balance of probabilities. Where the subject matter of the complaint is of a serious nature, then guilt must be established to a sufficiently high degree of probability, which is as convincing in its nature as the charge is grave. This is not proof beyond reasonable doubt. However, the difference between the criminal standard (of proof beyond reasonable doubt) and the civil standard (proof on the balance of probabilities) diminishes in this context with the seriousness and/or criminality of the conduct complained of.

57. PROSECUTION

Each charge brought before the Disciplinary Tribunal shall be prosecuted by legal or other suitable counsel appointed by the Review Chairperson in consultation with the General Secretary.

58. SUSPENSION

- (a) An order by the Disciplinary Tribunal that a Presbyter/Deacon is suspended pending the determination of the charge(s) before it shall mean the Presbyter is to cease any exercise of ministry until further order of the Disciplinary Tribunal.
- (b) The Disciplinary Tribunal may make an order which is less than suspension but which restricts the Presbyter/Deacon's exercise of ministry in

the manner decided by the Disciplinary Tribunal (partial suspension).

- (c) The Presbyter/Deacon will continue to receive a stipend, accommodation and any other benefits but not any payment in the nature of a reimbursement during suspension or partial suspension.
- (d) The Minister in Full Connexion may consult with his/her Synod Superintendent (or if a Synod Superintendent the President) as to how his/her pastoral needs will be met during suspension or partial suspension.

59. HEARINGS

- (a) All hearings of the Disciplinary Tribunal, whether by the Disciplinary Tribunal Chairperson or the full Disciplinary Tribunal shall be held "in committee".
- (b) The complainant, the party charged and any other person the Disciplinary Tribunal Chairperson permits or requires, may attend the hearing.
- (c) The complainant, the party charged and any other person the Disciplinary Tribunal Chairperson permits or requires may have legal counsel appear on their behalf and may be accompanied by a support person.
- (d) Witnesses shall be excluded from the hearing until called to give evidence and may only remain if the Disciplinary Tribunal Chairperson so rules.
- (e) Nothing in subsections (a) to (d) of this section shall prevent the Disciplinary Tribunal Chairperson from ruling contrary to any or all of these provisions if they would result in unfairness to any person concerned.
- (f) The Disciplinary Tribunal shall have power to impose orders as to confidentiality.
- (g) A record of the proceedings will be kept, subject to such amendments as the Tribunal Chairperson deems appropriate to protect a complainant or witness.

60. APPLICATION FOR A REHEARING

- (a) An application for a rehearing shall be heard by the Alternate Tribunal Chairperson or, in the event the Alternate Tribunal Chairperson presided over the original hearing, then the Tribunal Chairperson.
- (b) An application for a rehearing must be received within 30 days of the result of the original hearing.

- (c) An application for a rehearing may be granted when the applicant is able to establish:
 - (i) that there is new evidence which is relevant to the proceedings that was not available at the time of the original hearing, or
 - (ii) that the provisions of this Code have not been followed, or
 - (iii) that there has been a breach of the rules of natural justice in the process followed up to the determination of the original hearing.
- (d) When an application for a rehearing is granted the Disciplinary Tribunal shall be constituted from Disciplinary Tribunal members who did not hear the original hearing and shall be chaired by the Alternate Tribunal Chairperson or the Tribunal Chairperson who heard the application for a rehearing.

61. APPEALS

There shall be no appeal from the findings of the Tribunal.

Note: Forgiveness provision now in Law Book Section 2.29.1 (d).

- 62. Any time limits contained within this code are to be strictly adhered to. However, they may be extended from time to time for specified periods by the Complaints Review Chairperson or the Tribunal Chairperson as appropriate by written advice to the parties and the General Secretary. Any failure to meet time limits shall not invalidate any actions done or decisions made.

Part V – General Provisions

63. COSTS

The Church shall in no circumstances be liable to meet any costs or disbursements incurred by any person against whom any complaint, charge of other proceeding is laid or brought under this Code."

64. GENERAL RULES RELATING TO THE CONDUCT OF INTERVIEWS

For the purpose of reviewing and considering any complaint, the following shall apply:

- (a) each interview shall be conducted at such times and places as the Chairperson or Complaints Officer appoints;
- (b) prior to the commencement of each interview, the Chairperson or Complaints Officer shall ensure that the interviewee has been informed of their right to have a friend/support person and/or one

legal counsel present. Should the interviewee wish at any time to have such a person present, then any interview shall cease until such a person is present. Should the interviewee decline to exercise this right the interview shall proceed;

- (c) only the following shall be present at any interview:
 - (i) the Disciplinary Tribunal, the Complaints Review Committee or the Complaints Officer, as the case may be;
 - (ii) the interviewee, and that person's legal counsel, if any;
 - (iii) any friend/support person present pursuant to subsection (b) above, who shall not have or act in an advocacy role, but may be invited by the interviewer to speak;
 - (iv) any person who is, for the time being, responsible for recording the interview;
- (d) any interview may be adjourned from time to time and from place to place.

64. GENERAL POWERS OF INVESTIGATION

For the purpose of dealing with matters before the Disciplinary Tribunal, the Disciplinary Tribunal may:

- (a) inspect and examine any papers, documents, records or things;
- (b) require any persons or officer of the Church to produce for examination any papers, documents, records electronic data or things in that person's possession, power or control relevant to the matter before the Disciplinary Tribunal and to allow copies of or extracts from such papers, documents or records to be made;
- (c) require any person or officer of the Church to furnish in a form required or acceptable to the Disciplinary Tribunal, any information or particulars that may be required by the Disciplinary Tribunal and any copies or extracts from such papers, documents or records, if required verified by statutory declaration or other acceptable method.

65. PUBLICATION AND RECORD OF PROCEEDINGS

- (a) The Disciplinary Tribunal shall keep a written record of its proceedings which shall be retained by the Disciplinary Tribunal Chairperson at such place as he or she deems appropriate, but unless otherwise ordered, any such record may be disposed of 10 years after determination of the charge.

- (b) The Tribunal shall report to Conference each year as to its activities. No name or details are to be provided in the report except where the finding is adverse to the person complained against.
- (c) Where there is a finding adverse to the person complained against the name of that person and the finding shall be published by the Tribunal and distributed through the Connexional Office.

66. RELIEVING OF MINISTERIAL DUTIES AND RESPONSIBILITIES

Without prejudice to any other provisions of this Code of Disciplinary Regulations, the President may, following advice of the Pastoral Committee, relieve a minister of some or all of that minister's tasks and responsibilities within their current appointment throughout the course of any action under this Code of Disciplinary Regulations in which that minister is involved.

67. CONDITIONS APPLYING TO A SUSPENDED OR EXPELLED MINISTER

When the processes and procedures of the Code of Disciplinary Regulations have been completed, and a decision has been made to suspend or expel a minister, the following conditions shall apply to that minister:

- (a) A Minister suspended by Conference shall not take part in the business of any Church Court without the permission of Conference, and shall have no claim upon the Conference for financial support during the period of suspension unless Conference shall otherwise determine.
- (b) A Minister who is expelled shall immediately cease to be recognised as a Minister of the Methodist Church, and the Minister's name shall appear in the Minutes of Conference under Question 9 (see 7.11.2.9)
- (c) No person being a suspended or expelled Minister shall, without the prior consent in each case of the Pastoral Committee, hold any leadership position in the Church, or be authorised to preach or participate in the leadership of any Worship Service of the Church.

12. Section 9 – Property and Legal Matters

Introduction

Property is a means of expressing and assisting the Church to be the Body of Christ in the world through worship, nurture, teaching, witness and service. The acquisition and administration of property by the Church is therefore not an end in itself, but is to be used for the manifestation of Christian love and liberality, and to support the Church's mission in the world.

The Church administers property on trust from God and is called to the stewardship of its property resources. This involves privilege, responsibility and accountability and should demonstrate the Christian way of using material resources to serve God's purpose for people.

- 1.1 All property of the Church is held for the ultimate benefit of the Church and is under the final authority of the Conference.
- 1.2 Any income, benefit or advantage gained by the Church must be used to advance the charitable purposes of the Church.
- 1.3 No member of the Church, no adherent of the Church and no person associated with a member or adherent is permitted to take part in, or influence any decision of the Church in respect of payments to, or on behalf of the member, adherent or associated person of any income, benefit or advantage.
- 1.4 Any payments made to a member of the Church, adherent of the Church or any person associated with a member or adherent must be for goods or services which advance the charitable purpose of the Church and must be reasonable and relative to payments that would be made between unrelated parties.
- 1.5 The history of all Church property shall be researched and recorded.
- 1.6 In the event a parish, synod, or other internal entity of the Church should dissolve or be wound up, if any property remains after dissolution or winding up and the settlement of all debts and liabilities, that property shall be transferred to Conference for the charitable purposes of the Church.
- 1.7 In the event the Church and Conference should dissolve or be wound up, if any property remains after dissolution or winding up and the settlement

of all debts and liabilities, that property shall be given or transferred to another organisation that is charitable under New Zealand law or for some other charitable purpose recognised under New Zealand law.

Vesting of Title

- 2.1 Title shall be vested in one of the following ways:
 - (a) In the Board of Administration of the Methodist Church of New Zealand. (see also 5.2.6)
 - (b) By Incorporated Boards in accordance with the Constitutions approved by the Conference. (See Section 11(B))
 - (c) Under the Methodist Model Deed of New Zealand 1887. (see Appendix C-2 and amendments)
 - (d) In such other manner as may from time to time be approved by the Conference.
- 2.2 However title is held, all property of the Methodist Church of New Zealand shall be held on the same trusts as are contained in the Methodist Model Deed of New Zealand 1887.

Conference Property Requirements

- 3.1 The consent of the Conference through the Board of Administration shall be obtained by all Parish Councils, Incorporated Boards and trustees under the Methodist Model Trust Deed of 1887 for:
 - (a) all proposed erections of, or enlargements and alterations, both exterior and interior, to Church buildings, including parsonages, which require building or resource consent;
 - (b) purchases or sales of Church property;
 - (c) leases of Church property for terms of seven years or more;
 - (d) mortgages of Church property;
 - (e) any borrowing or proposal to borrow funds sourced from outside New Zealand
- 3.2.1 Prior to the consent of the Conference being given to an applicant for any property proposal, the respective Synod or Regional Court shall be satisfied:
 - (a) the proposal is in accord with established regional property strategy, is financially

viable and that the applicant is able to repay any funds borrowed and any interest thereon;

- (b) near the inception of the project of the appointment of an appropriately approved and qualified design professional in accordance with Methodist Connexional Property Committee guidelines as issued from time to time to assist with the strategy and planning, and to undertake the design, documentation, and contract administration of the project;
- (c) that any Te Tiriti obligations of the Church have been resolved;
- (d) that the land history has been researched for any sale or purchase of land.

3.2.2 Exemption from any or all of the requirements in 9.3.1. and 2 above shall be given by the Methodist Connexional Property Committee only in exceptional circumstances.

3.3.1 The proceeds from the sale of property shall be lodged with the Church Building and Loan fund in the name of the Parish and shall receive interest at the Church Building and Loan Fund's distribution rate as set from time to time.

3.4.1 The Board of Administration shall consult with each Parish at least once every 5 years to review ongoing ownership of property to ensure it is being appropriately used for mission of the Church and to confirm that the funds from the sale of any property are being used in accordance with the regional property strategy.

3.4.2 When property is sold that is no longer required for its current purpose, and it is not to be replaced;

- (a) a portion of the proceeds of sale shall be contributed to the Development Fund Property and Development Fund Ministries. That portion shall be 15% unless otherwise agreed between MCPC, the Synod and the Parish.
- (b) after 5 years from the date of sale if the Parish has not ensured the use of the remainder of the funds in furtherance of the mission of the Church as set out in the regional property strategy the funds are to be released to the Synod for its use in the regional property strategy.

3.5 The provisions herein contained relating to property held on title in the name of the Methodist Church of New Zealand shall apply to Union, Cooperating Parishes and Cooperative Ventures and shall be read in conjunction with Parish and other Agreements and amendments thereto.

3.6 Any borrowing from the public (which in this context includes Church members and adherents) shall be through facilities authorised by the Board of Administration and complying with the legal requirements of the Securities Act 1978. Union and Cooperating Parishes, whose property is held on titles in the name of the Methodist Church of New Zealand may use these facilities.

Functions of Parish Councils

(see Section 3.12.1-5)

4.1 Where property in Parishes, vested in the Board of Administration, pertains to the Parish it shall be administered by the Parish Council.

4.2 Parish Council responsibilities in respect of property pertaining to the Parish shall include:

- (a) implementing the policies and priorities of Conference.
- (b) planning and co-ordination of strategy for all Parish property in consultation with the Synod Property Advisory Committee;
- (c) facilitating the initiatives of local Churches in the Parish in the development and redevelopment of property;
- (d) oversight of the management and maintenance and insurance of all Parish property;
- (e) administering Parish funds in relation to property matters;
- (f) giving the approval of the Parish for all sales, mortgages, purchases, leases, loans or alterations to land or buildings;
- (g) administering or providing for the administration of such commercial property in the Parish in consultation with the Synod and the Board of Administration as shall be arranged from time to time;
- (h) advising the Administration Division immediately any contractor engaged by the Parish is placed or is likely to be placed into receivership or liquidation;
- (i) seeing that property in the Parish is not used for any purpose forbidden by the Laws of the Church or for any purposes, entertainments or amusements which conflict with the purpose for which the Church was called into being, or contrary to what is contained in the Standard Sermons of John Wesley and his Notes on the New Testament;
- (j) appointment and fixing of any remuneration of any organist or choirmaster after consultation with any appropriate Leaders' Meeting.

4.3 The Parish Council may appoint a Property Committee or may delegate this function to the Leaders' Meeting(s). Such Committee shall be a Sub-Committee either of the Parish Council or the Leaders' Meeting as from time to time determined by the Parish Council. Members of the Property Committee shall be appointed for a three year term. At least one-third or as near thereto as possible shall retire annually by rotation but shall be eligible for re-appointment.

4.4 The Property Committee shall implement the policy and priorities of the Parish Council/Leaders' Meeting in respect of property in the Parish by:

- (a) seeing to the adequate maintenance and repair of property including furnishings, organs and other musical instruments;
- (b) administering and managing property for which it is responsible and seeing that no property is used for any purpose forbidden by the Laws of the Church or for any purposes which conflict with the purpose for which the Church was called into being, or contrary to what is contained in the Standard Sermons of John Wesley, and his Notes on the New Testament;
- (c) insuring property in accordance with the requirements of the Church. This is to be for full replacement and comprehensive all risks, unless lesser value has been agreed by the Synod as part of an agreed property strategy.
- (d) regularly reporting and recommending to Leaders' and/or Parish Councils on all matter relating to property;
- (e) arranging such development or redevelopment of property in accordance with the strategy of the Parish/Synod/Conference.

4.5 In electing the Property Committee, the meeting appointing them should have regard to the skills of the persons elected. They shall be selected from people living in the Church's synod who are actively engaged in the worship and work of the Church.

Functions of Incorporated Boards

5.1.1 Where property is held by an Incorporated Board it shall be administered by that Board on behalf of the Conference in accordance with its Constitution and subject to the Laws and Regulations of the Methodist Church of New Zealand.

5.1.2 All property held by an Incorporated Board shall be held on the same trusts as are contained in the Methodist Model Deed of New Zealand 1887.

5.2 Notwithstanding anything in any Constitution of an Incorporated Board to the contrary, the provisions hereafter set forth regarding the necessary consents of the Conference, through the Board of Administration, shall apply.

Functions of Trustees Under the Methodist Model Deed of 1887

(see Appendix C2-A, B, and C; 3.13.1-3).

6.1 Where any property is held under the Methodist Model Deed of New Zealand 1887 the provisions of such Deed and the Methodist Church Property Act 1887 and amendments thereof shall be observed subject to any decision of the Conference relating to the Deed or the functions of Trustees.

6.2 The Trustees shall implement the policy and priorities of the Parish Council/Leaders' Meeting of property vested in them by:

- (a) seeing to the adequate maintenance and repair of property including furnishings, organs and other musical instruments;
- (b) administering and managing property for which it is responsible and seeing that no property is used for any purpose forbidden by the Laws of the Church or for any purposes which conflict with the purpose for which the Church was called into being, or contrary to what is contained in the Standard Sermons of John Wesley and his Notes on the New Testament;
- (c) insuring property in accordance with the strategy of the Parish.
- (d) regularly reporting and recommending to Leaders' and/or Parish Councils on all matters relating to property;
- (e) arranging such development or redevelopment of property in accordance with the strategy of the Parish/Synod/Conference.

6.3 If any difficulty shall arise due to any inadequacy of resources, the Trustees shall bring their needs before the Parish Council. The Parish Council shall have authority over all Funds of the Trustee.

The Functions of Synods

(see Section 4.11)

7.1 Each Synod has a responsibility for the oversight of property within the Synod and shall guide a Synod's strategy in respect of property.

- 7.2 In formulating such strategy each Synod shall:
- (a) initiate consultation in the use of all property resources in the Synod;
 - (b) study and consider Parish aspirations, strategy, plans and financial arrangements in respect of property;
 - (c) facilitate the seeking of such Connexional consents and support as are needed;
 - (d) see to the adequate oversight of Connexional Property in the Synod and such other property (e.g. campsites) as are not the specific responsibility of any Parish Council or Incorporated Board within the Synod;
 - (e) oversee on behalf of the Conference the implementation within the Synod of any Conference decision on property;
- 7.3 There shall be a Synod Property Advisory Committee appointed in each Synod which shall be elected at the August Synod in accordance with procedures determined by each Synod.
- 7.4 The Synod Property Advisory Committee shall consist of not less than five persons. In electing the persons forming the Committee, Synods should have regard to the required creative skills in strategy, building, finance and property to carry out its functions.
- 7.5 The Synod Property Advisory Committee shall undertake on behalf of the Synod such of the Synod's responsibilities in terms of 4.11.2 as the Synod shall from time to time determine and in particular shall:
- (a) assist Parishes in working out their strategy in all property matters;
 - (b) consider all proposals by Parishes for the purchase, sale, lease, mortgage or other borrowing against buildings and property, plans and specifications of proposed buildings or alterations to buildings and report to Synod and Methodist Connexional Property Committee of the Board of Administration with recommendations regarding such proposals; (see 9.9.1)
 - (c) assist local Churches and Parishes in all matters concerning buildings, maintenance, briefs to architects, plans, specifications and the purchase or selling of any property;
 - (d) assist a Parish in the choice of an approach to any builder, architect, draughtsman or other professional person, as may be appropriate to meet the needs of the Parish;
 - (e) assist in researching the History of Church land in the Synod.

Functions of the Board of Administration – Holding Title

(See 5.2.6)

- 8.1 Further to the objects set forth in 5.2.2 the Administration Division shall:
- (a) hold on behalf of the Conference and have vested in it Title to all property not vested in Incorporated Boards or under the Methodist Model Deed of New Zealand 1887 and shall hold such property on the same trusts as are contained in the Methodist Model Deed of New Zealand 1887;
 - (b) sign in accordance with its Constitution all documents from time to time required in respect of property vested in it;
 - (c) delegate such of its functions as it shall from time to time decide to Committees or Sub-Committees of the Board;
 - (d) at the request of any Board or Trust or as authorised by Conference administer any property;
 - (e) the Board shall have no power to mortgage or otherwise charge, to sell or otherwise dispose of any property vested in it held on behalf of any Parish, Board or Trust, except at the specific written request or consent of such Parish, Board or Trust, or on the specific direction of the Conference;

Functions of the Board of Administration – Consent of Conference

(see 5.2.7)

- 9.1 The Board shall, on behalf of the Conference, receive and consider, and make recommendations to the Conference upon any consents or approval required in respect of any property matter whether such property is vested in the Board of Administration, other Incorporated Board, or in Trustees under the Methodist Model Deed of New Zealand 1887 and/or held in any other manner. The Board may, as from time to time determined by the Board, delegate to any Synod and the Methodist Alliance any of its functions in respect of property within that Synod relating to consent on behalf of the Conference on any property proposal affecting that Synod. [N.B. The Board of Administration will normally delegate this function to its Committee, the Methodist Connexional Property Committee.]²²

²²Conference 2018

9.2 In making such recommendations the Board shall:

- (a) facilitate the property concerns of the local Church and Parish by encouraging the working out of basic mission strategy and planning for the creative use of buildings to enhance both worship and mission;
- (b) ensure that the requirements determined by Conference for buildings are followed;
- (c) carry out these functions in co-operation and consultation with Parish Councils, District Property Advisory Committees and any appropriate Committee of Property Trustees;
- (d) seek the advice of the Methodist Trust Association in carrying out these functions when dealing with commercial, quasi commercial, investment property or properties that may have commercial or investment potential;
- (e) seek the advice of the Methodist Alliance in carrying out these functions when dealing with those properties which are directly related to Social Services;²³
- (f) provide an advisory service on all aspects of property management, maintenance, development and re-development for the Church;
- (g) carry out such other function as may from time to time be necessary or be given to it by the Conference.

9.3 For those situations which are of a Commercial/ Investment nature, the Methodist Trust Association shall act with delegated Authority on behalf of the Board of Administration and shall report its decisions to the Church Building and Loan Fund.

9.4 The Board shall see that Titles to all Church property are in order and provide for the safe custody of documents.

9.5 The Board shall from time to time:

- (a) publish guidelines concerning the Church's procedures;
- (b) encourage the researching of the History of Church land;
- (c) ensure that before the Sale or Purchase of any Church land, its History has been researched and reported.

Methodist Missions/Social Service Development; Sale or Purchase

- 10.1 Approval for any development, sale or purchase of a similar nature to Parish development, such as Parsonage, or Worship facilities, will involve consultation with and recommendation by the Synod Property Advisory Committee before the consent of Conference is given by the Board of Administration.
- 10.2 Approval for any development, sale or purchase of property with a social service dimension, whether by a Parish or Mission, will involve consultation with and recommendation by the Methodist Alliance, in regards to the social service aspect, before the consent of Conference is given by the Board of Administration.²⁴
- 10.3 Approval for any development, sale or purchase of property with an investment dimension, whether held by a Parish, Mission, or Board will involve consultation with and recommendation by the Methodist Trust Association before the consent of Conference is given by the Board of Administration.

Church Building and Loan Fund

- 11.1 The Church Building and Loan Fund is an activity of the Board of Administration and its purpose is to assist in the erection of Churches and other buildings for Church purposes, in the provision of housing for Ministers and the repayment of debts on Church property. The Fund shall be derived from gifts, grants, bequests, investment income, deposits from the sale of property and other sources as from time to time determined by the Board/Conference.
 - 11.2.1 The Board shall appoint, as a sub-committee of the Board, a Methodist Connexional Property Committee which shall manage the activities of the Fund.
 - 11.2.2 The Committee shall receive applications for and from time to time decide upon the amounts and conditions of loans and the manner and time for repayment.
 - 11.2.3 The Committee shall, in all its activities, be guided by and implement the Conference Property Requirements.
 - 11.2.4 The Committee may, in its discretion, appoint Regional Consultant(s), who shall act as its agent in the carrying out of its functions.

²³Conference 2018

²⁴Conference 2018

Legal Matters

- 12.1 The Conference has ultimate authority in respect to the laws of the Church, both in terms of making new law, and amending or interpreting existing law.
- 12.1.1 Any question as to the interpretation of the meaning of a word, clause, or section of this Law Book is to be resolved according to the procedures set down in 7.5.2.2.
- 12.2 Conference appoints a Legal Adviser to the President in order that the above tasks (see 9.12.1 and 9.12.1.1) may be carried out under the oversight of a professionally qualified person with an understanding of Methodist ethos and polity.
- 12.2.1 The constitutions, or amendments thereto, of all entities under the authority of the Conference shall be submitted to the President's Legal Adviser for scrutiny and endorsement before they are submitted to Conference for approval.
- 12.3 In those instances when the Church is a party to a dispute or litigation under civil or criminal law the General Secretary as the Church's Authorised Representative has, in consultation with the Chairperson of the Board of Administration, the responsibility for:
- (a) engaging suitably qualified counsel to act on behalf of and to represent the Church in any legal proceedings;
 - (b) taking such steps as are considered necessary and or desirable to obtain legal opinion;
 - (c) carrying out those tasks and responsibilities set out in the Code of Disciplinary Procedures (see Section 8);
 - (d) carrying out such other tasks of a legal nature as are required by the Laws and Regulations of the Methodist Church of New Zealand.
- 12.4 In the matter of property transactions a Parish, Board, Committee or other entity of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa requiring legal advice or action, shall employ such professionally qualified person(s) as they may themselves choose.
- 13.1 That any Church group or group affiliated with the Methodist Church of New Zealand and which seeks to use the name, logo or reputation of the Methodist Church of New Zealand Te Hāhi Weteriana and which intends to promote and register a trust (including an incorporated charitable trust) must receive the approval of the General Secretary of the Methodist Church of New Zealand Te Hāhi Weteriana to the formation and registration of such trust.
- 13.2 When evaluating an application, the General Secretary shall be required to consider the reasons suggested for any trust, the expected operational efficiencies and legal protections sought. New trusts shall only be approved where the General Secretary is satisfied that the trust will promote the life, work and mission of the Church and that no appropriate mechanism currently exists within the life of the Church.
- 13.3 In considering any request the General Secretary may seek the advice of the President's Legal Advisor, Methodist Alliance, the local or national synod or such other board or agency as the General Secretary shall consider appropriate.²⁵
- 13.4 Any trust that is formed or purported to have been formed without the prior approval of the General Secretary shall not be considered a trust of the Methodist Church of New Zealand and shall not be entitled to use the Church's name, logo, charitable or GST registration or to benefit from the Church's insurance arrangements.

²⁵Conference 2018

13. Section 10 – Connexional Funds and Financial Entities

Introduction

- 1.1 All funds are under the final authority of Conference.
- 1.2 Without the consent of Conference, no Parish, Board, Trust, Society, Group or person of or within the Church, whether incorporated or not, shall:
 - (a) have the power to render the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa responsible in respect of any borrowing, indebtedness or liability in terms of any contract, or
 - (b) enter into any obligation arising in terms of any document which might involve financial liability of, or on behalf of, the Church, or
 - (c) enter into any arrangement or execute any document which does not limit liability to the assets held by the body entering or executing such document.
- 1.3.1 All Connexional Funds, Boards, Trusts, Parishes, Committees and Courts of the Church shall annually prepare and submit accounts which are to be audited or reviewed in a manner and to the standard published in the Treasurers' Handbook.
- 1.3.2 (a) Synods, Parishes, Rohe and Boards when approving authorised signatories on their accounts must ensure that potential conflicts of interest be avoided, in particular that signatories must not be closely related.
 - (b) Online accounts can only be used with a second authorising signatory.
- 1.3.3 These accounts shall be placed in the Conference Journal.
- 1.3.4 Authority to determine and publish the standards shall be the responsibility of the Board of Administration.
- 1.3.5 A report shall be given to Conference by the General Secretary stating which audited accounts have not been received.

Credit Cards

- 1.4.1 Credit cards in the name of the Methodist Church of New Zealand or entity responsible to the Conference may be issued if:

- 1.4.2 The card is issued subject to the policy approved by the Board of Administration from time to time.
- 1.4.3 Application for a credit card is made to the General Secretary.
- 1.4.4 The card holder and the card limit is approved by the General Secretary.
- 1.4.5 The card balance is paid in full by the due date.
- 1.4.6 Any card is immediately returned to the Board of Administration at the request of the General Secretary.

Auckland Church Office Building

Partnership

- 2.1 There shall be an Auckland Church Office Building Partnership of the Methodist Church of New Zealand.

Administration

- 2.2.1 The Fund shall be managed by the Administration Division.
- 2.2.2 The reporting entity shall be the Board of Administration.

Functions and Purpose

- 2.3 The Partnership's purpose is to account for the income and expenditure of the property at 409 Great South Road, which is owned equally in one-third shares by the Board of Administration, Mission Resourcing, and Te Taha Māori Property Trust

Board of Administration

- 3.1.1 There shall be a Board of Administration.
- 3.1.2 The Board of Administration is incorporated under the provisions of the Charitable Trusts Act 1957.

Administration

- 3.2.1 The Fund shall be managed by the Administration Division.
- 3.2.2 The reporting entity shall be the Board of Administration.

Functions and Purpose

- 3.3 The purpose of the Fund is to implement such

policies of the Conference entrusted to the Board of Administration, and to serve the interests of the various Boards and Committees appointed by Conference, whose funds are administered by the Administration Division.

Board of Administration Insurance

Account

- 4.1 There shall be a Board of Administration Insurance Account.

Administration

- 4.2.1 The Account shall be managed by the Administration Division.
- 4.2.2 The reporting entity shall be the Board of Administration.

Functions and Purpose

- 4.3 The prime intention of the Board of Administration Insurance Account is to provide insurance cover for all Church property against calamity, general material loss, damage, and other risks.

Board of Administration

– Special Account

- 5.1.1 There shall be a Board of Administration - Special Account.
- 5.1.2 The Board of Administration shall maintain with one of the Trading Banks in New Zealand a Bank Account under the name of the “Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa” for the combined use by Methodist Divisions, Boards, Committees, trusts, Synods, Circuits, Societies, Associations, and any other person or persons, whether incorporated or not, now or hereafter, holding trust funds for any religious, charitable, benevolent, educational and social purpose of the Methodist Church of New Zealand, under the several particular (sub) account names and numbers, and empowers the Board to use one only (sub) account to offset credit balances in the remaining (sub) accounts to a limit not exceeding eighty (80) percent of the combined credit balances, and to request the Trading Bank concerned to arrange overdraft facility in accordance with this resolution.

Administration

- 5.2.1 The Account shall be managed by the Administration Division.
- 5.2.2 The reporting entity shall be the Board of Administration.

Functions and Purpose

- 5.3.1 The purpose of the Board of Administration -

Special Account is to provide an Investment Fund of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa. Under the Connexional Banking Arrangement, an offset account is held making funds available for investment with the Church on temporary or short-term loans to Parishes or Church Funds and in various other short-term deposits as funds permit.

- 5.3.2 Net income generated is made available to the Church through the Connexional Budget.

Education of Ministry

- 6.1.1 There shall be a Trinity College Council - Ministry Education Fund.
- 6.1.2 The Trinity College Council is incorporated under the Charitable Trusts Act 1957 as the Methodist Theological College Council.

Administration

- 6.2.1 The Fund shall be managed by the Administration Division on information and instructions supplied by Trinity College Council.
- 6.2.2 The reporting entity is the Trinity College Council.

Functions and Purpose

- 6.3 The purpose of the Trinity College Council - Ministry Education Fund is to provide funding for theological education and ministerial training within the Methodist Church of New Zealand.

Mission Resourcing

- 7.1.1 There shall be a Mission Resourcing Board - Mission Resourcing Fund which shall include the Development Fund Ministries.
- 7.2.1 The Fund shall be managed by the Administration Division on information and instructions supplied by Mission Resourcing.
- 7.2.2 The reporting entity is the Mission Resourcing Board of the Methodist Church of New Zealand.

Functions and Purpose

- 7.3 The purpose of the Mission Resourcing Board - Mission Resourcing Fund is to support the Church by resourcing and strengthening existing churches, Parishes, and faith communities, and encouraging the development of new ventures.

Church Building and Loan Fund

- 8.1.1 There shall be a Church Building and Loan Fund.
- 8.1.2 The Fund shall be derived from gifts, grants, bequests, investment income, deposits from the sale of property and other sources as from time to time

determined by the Board and/or the Conference.

- 8.1.3 The Fund shall include the Development Fund - Properties, established from Church Building and Loan Fund resources for the purpose of providing grants for Parish property development

Administration

8.2.1 The Fund shall be managed by the Administration Division except that in the case of the Development Fund - Properties, grants are made on the recommendation of the Methodist Connexional Property Committee.

8.2.2 The reporting entity is the Board of Administration.

Functions and Purposes

8.3.1 To provide loan facilities and development grants for financial assistance to Parishes and Divisions of the Church for approved building projects, and the replacement of debts or Church property.

8.3.2 The Board of Administration, through the Methodist Connexional Property Committee, shall receive applications for, and from time to time decide upon, the amounts and conditions of loans.

Connexional Budget Account

9.1.1 There shall be a Connexional Budget Account to receive and disburse funds raised as authorised and in a manner as from time to time determined by the Conference and/or by the Council of Conference on behalf of the Conference.

9.1.2 The Connexional Budget Account is supported by monetary commitment by Parishes to service the wider outreach of the Church.

Administration

9.2.1 The Account shall be managed by the Board of Administration, on information and instructions from the Council of Conference.

9.2.2 The reporting entity is the Council of Conference.

Functions and Purpose

9.3 To enable the Church to act connexionally in its mission and service.

Connexional Expenses Fund

10.1.1 There shall be a Connexional Expenses Fund which shall be funded as determined by Conference from time to time.

10.1.2 The Connexional Expenses Fund is financed from the Connexional Budget Account to administer various Connexional commitments.

Administration

10.2.1 The Fund shall be managed by the Board of Administration, on information and instructions from the Council of Conference

10.2.2 The reporting entity shall be the Council of Conference.

Functions and Purpose

10.3.1 Disbursements from the Fund, limited to the maximum provision within the Connexional Budget for each category are:

- (a) The expenses of the Conference;
- (b) All costs of Conference of:
President and Vice-President
President's Chaplain
Council of Elders
- (c) Travel costs to Conference of:
Ex-President and ex Vice-President
President-Elect and Vice-President-Elect
Secretary of Conference
President's Legal Adviser
Ordinands
Facilitator of the Ordinands Retreat
Members of Tauwiwi Strategy and Stationing
Hui Poari Representative(s) to Conference
Members of Council of Conference
Office Staff
- (d) Travel costs for members to attend:
Tauwiwi Strategy and Stationing
Council of Conference
- (e) President's other travel, supply, and incidental expenses
- (f) Vice-President's other travel, supply, and incidental expenses
- (g) Legal Expenses
- (h) Standing Committees of the Conference costs.
- (i) Non-stationed Stipend costs.
- (j) Provisional matching meeting travel costs.
- (k) Connexional Stationery.
- (l) Travel costs of representatives of the Conference to the annual meetings of the NDCU, and Forum of Cooperative Ventures.
- (m) Expenses of such Special Committees as set up by the Conference.
- (n) Travel expenses of the Council of Elders.
- (o) Other disbursements as may from time to time be authorised.

10.3.2 The Fund shall provide for the accumulation of a sum to be held for contingencies to be

used with the approval of the President on the recommendation of the Board of Administration.

Connexional Fire Insurance Fund

- 11.1.1 There shall be a Fund called The Methodist Church of New Zealand Connexional Fire Insurance Fund.
- 11.1.2 The Methodist Church of New Zealand Connexional Fire Insurance Fund is registered under the Charitable Trusts Act 1957.
- 11.1.3 The Fund shall be derived from the following sources:
- (a) income from commissions and other earnings from insurance arrangements;
 - (b) gifts, legacies and grants;
 - (c) income from properties and investments;
 - (d) other sources as from time to time may be determined by Conference.

Administration

- 11.2.1 The Fund shall be managed by the Administration Division.
- 11.2.2 The reporting entity shall be the Board of Administration.

Functions

- 11.3 The functions of the Fund shall be to:
- a) provide or assist in the provision of insurance arrangements for the Church for the rebuilding, repairing and replacing of Churches and other places of religious worship, schoolrooms, dwelling houses and other buildings on Church lands, other property of the Church, and the furniture and furnishings and other appurtenances belonging to or used in connection therewith, in case of any accidental loss or damage happening thereto, or to any part of same;
 - (b) be charged with losses in case the Board of Administration's insurance expenses exceed the income from insurance arrangements;
 - (c) meet administration and management losses on insurance arrangements of the Board.

General Purposes Trust Board Inc

- 12.1.1 There shall be a General Purposes Trust Board.
- 12.1.2 The General Purposes Trust Board is incorporated under the Charitable Trusts Act 1957.
- 12.1.3 The members of the Board of Administration shall be ex-officio the members of the General Purposes Trust Board.

Administration

- 12.2.1 The Fund shall be managed the Administration Division.
- 12.2.2 The reporting entity shall be the Board of Administration.

Functions and Purpose

- 12.3 The purpose of the Trust Board is to act as trustee for individual Trusts, and to administer these funds in accordance with the terms of each Trust.

Methodist Provident Society Ltd

Society wound up and closed 27/3/2003

Mission and Ecumenical Fund

- 13.1.1 There shall be a Mission and Ecumenical Fund.

Administration

- 13.2.1 The Fund shall be managed by the Administration Division on information and instructions given by the Mission and Ecumenical Board.
- 13.2.2 The reporting entity shall be the Mission and Ecumenical Board.

Functions and Purpose

- 13.3 The purpose of the Mission and Ecumenical Fund is to provide income for the various activities of Mission and Ecumenical Board.

New Zealand Methodist Trust

Association (Inc)

- 14.1.1 There shall be a New Zealand Methodist Trust Association (Inc) appointed annually by Conference.
- 14.1.2 The New Zealand Methodist Trust Association (Inc) is incorporated under the provisions of the Charitable Trusts Act 1957.

Administration

- 14.2.1 The Board of the Association is appointed annually by the Conference.
- 14.2.2 The funds of the Association shall managed by the Administration Division.
- 14.2.3 The reporting entity is the Board of the New Zealand Methodist Trust Association.

Functions and Purpose

- 14.3.1 The Association is authorised to receive funds by way of deposits from groups under the general direction of the Conference of the Methodist Church of Aotearoa New Zealand, and to invest these funds in selected commercial investments for the benefit of its depositors.

14.3.2 The functions and powers of the Association shall be those set out in Appendix A-1. of this Law Book.

PACT 2086 Trust

15.1.1 There shall be a PACT 2086 Trust.

15.1.2 The PACT 2086 Trust is incorporated under the Charitable Trusts Act 1957.

Administration

15.2.1 The PACT 2086 Trust Board shall comprise those persons who are members from time to time of the Board of the New Zealand Methodist Trust Association (Inc).

15.2.2 The funds of the Trust shall be managed by the Administration Division.

15.2.3 The reporting entity is the Board of the PACT 2086 Trust.

Functions and Purpose

15.3.1 The purpose of the PACT 2086 Trust (Inc) is to hold and accumulate investments so as to provide for redevelopment of the Queen Street, Auckland, property when this reverts to the Methodist Church of New Zealand in the year 2086, at the end of the 100 year lease. (see Appendix A-5, 6. 1. 1)

15.3.2 The objects of the Trust shall be those set out in Appendix A-5 of this Law Book.

Presbyters & Deacons Retirement

Housing Fund

16.1 There shall be a Presbyters and Deacons Retirement Housing Fund.

Administration

16.2.1 The Fund shall be managed by the Administration Division.

16.2.2 The reporting entity shall be the Board of Administration.

Purposes and Functions

16.3.1 To provide limited assistance to Presbyters and Deacons at retirement for their housing requirements.

16.3.2 The terms and purposes upon which such finance is available shall be as Conference from time to time approves.

Presbyters, Deacons and Lay Workers

Loan Fund

17.1.1 There shall be a Presbyters, Deacons and Lay Workers Loan Fund.

17.1.2 The Fund shall be derived from gifts, bequests, investment income and such other sources as from time to time determined by the Board and/or the Conference.

Administration

17.2.1 The Presbyters, Deacons and Layworkers Loan Fund shall be managed by the Administration Division.

17.2.2 The reporting entity shall be the Board of Administration.

Functions and Purpose

17.3.1 To provide a limited source of finance for loans to Presbyters, Deacons, and Layworkers of the Church.

17.3.2 The term and terms of such loans shall be as from time to time determined by the Board.

Removal Expenses Fund

18.1 There shall be a Removal Expenses Fund which shall be funded as determined by the Conference from time to time.

Administration

18.2.1 The Fund shall be managed by the Administration Division in accordance with these provisions and in accordance with guidelines as from time to time determined and published by the Board.

18.2.2 The reporting entity shall be the Board of Administration.

Functions and Purposes

18.3.1 The functions of the Fund shall be:

- (a) to defray the costs of removal of Deacons, Minita-a-iwi and Presbyters appointed by the Conference to Methodist Circuits/Parishes as hereinafter provided;
- (b) to contribute as a grant-in-aid in exceptional circumstances on the recommendation of the Synod and Mission Resourcing towards the removal expenses of Presbyters and Deacons appointed to Union and Cooperating Parishes and Cooperative Ventures;
- (c) to defray the costs of removal of accepted candidates for the ministry to the place of training;
- (d) to defray the costs of removal of a Supernumerary from the Circuit/Parish of appointment at the time of retirement to the place of retirement in New Zealand. (If the Supernumerary wishes to reside outside New Zealand, to defray expenses to the place of departure from New Zealand. These provisions shall apply at the discretion of the Board to removals either prior to or following

actual retirement.);

- (e) to defray the costs of removal of a Minister transferring to the Conference from the place of entry into New Zealand to the place of appointment;
- (f) to defray the removal expenses to their first place of residence in New Zealand of the spouse and dependent children of a Minister who has died in the active work provided such removal takes place following the Conference at which the death is reported and prior to the beginning of the next Connexional Year, or in other circumstances at the discretion of the Board.

18.3.2 Removal expenses shall be paid only on account of a Deacon, Minita-a-iwi, Presbyter and the spouse and dependent children.

18.3.3 Removals shall normally be in ways that are efficient and at least cost to the Fund.

18.3.4 Removal within the bounds of a Circuit/Parish by appointment of the Conference but not otherwise shall be a charge upon the Fund.

18.3.5 All Ministers applying to be removed from their Circuits/Parishes before the expiry of four years and all Circuits/Parishes seeking a change of Minister before the expiry of four years, shall pay a proportion of their removal expenses, namely seventy-five percent if they remove after one year; fifty percent if they remove after two years; twenty-five percent if they remove after three years - provided always that the Conference on the recommendation of the Stationing Committee may direct that the full amount be paid by the Fund.

Supernumeraries Benevolent Fund

19.1 There shall be a Supernumeraries Benevolent Fund.

Administration

19.2 The Fund shall be administered by the Board of Administration.

Functions and Purpose

19.3 The functions of the Fund shall be to:

- (a) supplement the annuities of Supernumeraries or of Widows of Ministers when it is the judgement of the Board that it is necessary or proper;
- (b) afford help in other cases which in the judgement of the Board are specially deserving.

Supernumerary Fund

20.1.1 There shall be a Supernumerary Fund of the Methodist Church of New Zealand.

20.1.2 The Supernumerary Fund is registered on the register of managed investment schemes under the Financial Markets Conduct Regulations 2014 as a restricted legacy superannuation scheme.

20.1.3 The Trustee of the Supernumerary Fund shall be Methodist Church of New Zealand – Te Hāhi Weteriana Superannuation Trustee Limited (see Appendix B-1).

Administration

20.2.1 The Supernumerary Fund shall be managed by Methodist Church of New Zealand – Te Hāhi Weteriana Superannuation Trustee Limited.

20.2.2 The Board of Administration as the shareholder of the Methodist Church of New Zealand – Te Hāhi Weteriana Superannuation Trustee Limited will ensure that appropriate Directors are appointed (see Appendix B-1).

20.2.3 The reporting entity shall be the Board of Administration.

Functions and Purpose

20.3 The Fund is a Defined Benefit Scheme to provide retirement and other benefits to Presbyters and Deacons of the Methodist Church of New Zealand and their nominated beneficiaries

Te Taha Māori

21.1 There shall be a Te Taha Māori Fund.

Administration

21.2.1 The Fund shall be managed by Te Taha Māori.

21.2.2 The reporting entity shall be Te Taha Māori.

Functions and Purpose

21.3 The purpose of the Te Taha Māori Fund is to provide income for the various activities of Te Taha Māori.

Touchstone

22.1 There shall be a Touchstone Fund.

Administration

22.2.1 The Fund shall be managed by the Administration Division.

22.2.2 The reporting entity shall be the Board of Methodist Publishing Board.

Functions and Purpose

22.3 The purpose of the Touchstone Fund is to provide income for the publication of the monthly newspaper of the Methodist Church of New Zealand.

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Section 11(A) Organisations

INTRODUCTION

The Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa incorporates within its life and work a number of organisations, whose aims and objects, while having a particular focus, are in general accord with the traditions and the ethos of Methodism. Membership of these organisations is of a voluntary nature. In some instances the organisations are officially recognised by the Conference by having the right to be represented at Conference, by being required to make a report to Conference, and by having their financial statements included in the Conference Journal.

A.1 NEW ZEALAND METHODIST WOMEN'S FELLOWSHIP

Constitution

1.1.1 There shall be a New Zealand Methodist Women's Fellowship (herein after called 'NZMWF' or 'the Fellowship') responsible to the Conference of the Methodist Church of New Zealand Te Hāhi Weteriana O Aotearoa [hereinafter called 'Conference'].

1.1.2 The aim of the Fellowship, shall be:

- (a) To unite members in prayer, study, fellowship and service, encouraging them to make a Christian witness in home, church and community;
- (b) To support the work of Methodist and Uniting churches;
- (c) To encourage an informed interest in worldwide mission and evangelism.

1.1.3 Membership shall be open to all who desire to further the aim of the Fellowship.

1.1.4 The Constitution of NZMWF enables each MWF [hereinafter called 'District'] of NZMWF to have the flexibility to operate its own affairs within the context of Methodist law as prescribed by the Methodist Church of New Zealand, Te Hāhi Weteriana O Aotearoa.

Local Women's Fellowship

1.2.1 In each Methodist and Uniting Church there shall normally be at least one Fellowship affiliated to the NZMWF.

1.2.2 The Officers of each Local Women's Fellowship Executive shall be the President, Vice-President, and Treasurer, or two Facilitators and a committee of such other members as shall be required. The normal term of office shall not exceed three years in the same role.

1.2.3 An Annual Meeting shall be held no later than 15 July at which the officers and executive committee shall be elected. It shall receive the written annual reports and financial statements, presented to the standard required by the Methodist Law Book, and shall submit the same to the District Executive and to the Parish Council. The Presbyterian of the Church shall have the right to preside thereat.

1.2.4 The Annual Meeting shall appoint a representative to the local Parish Meeting / Council and such other parish and local representatives as required [e.g. National Council of Women, Church Women United, World Day of Prayer, Parish Family Committee, Pastoral Committee etc.] The Annual Meeting shall also appoint no fewer than two members to take responsibility for the reporting of District Events (Rally Days, combined services etc) to the local Fellowship.

1.2.5 In Uniting Congregations the group shall be known locally as 'The Women's Fellowship' or some other suitably inclusive name.

1.2.6 At the local level Fellowships shall be open to men by agreement and invitation.

MWF District

1.3.1 In each Synod there shall be an Executive or Executives of the NZMWF that shall have the oversight of the work of the Fellowships within such Synod. Ecumenical cooperation is encouraged.

1.3.2 The Officers of the District Executive shall be President, Vice President, Secretary and Treasurer, and a Committee of no fewer than three others, usually covering the roles of: Distributing Secretary, Liaison Officer, and link persons for Programmes, Missions, National Council of Women, and Uniting Congregations.

1.3.3 The Officers shall be elected at the annual meeting and shall normally hold office for a period of three consecutive years. An officer may be re-elected to another position within the executive for up to a further three years. The District Executive shall be responsible for District events, such as Rally Days, social events and combined services. There shall normally be no fewer than three District Meetings a year. All Fellowship members shall be welcome at these functions.

1.3.4 The Annual Meeting of the District shall be held not later than August. It shall receive the written annual reports and financial statements, presented to the standard required by the Methodist Law Book, from each local Fellowship, hold an election of officers, and appoint representatives to Convention and Synod, one of whom is normally the District President.

The Annual meeting shall make such other district appointments as are required e.g. National Council of Women, Church Women United etc. It shall submit a written annual report and financial statements, presented to the standard required by the Methodist Law Book, to the National Executive and to the District Synod.

1.3.5 Where there are no affiliated Fellowships, or if members are unable to attend, those who so desire may become 'Associate Members' by paying fees direct to the District Treasurer.

Convention

1.4.1 There shall be a Convention of the NZMWF that shall determine and direct general policy. It shall consider the work of the Fellowship and its financial position. It shall normally meet biennially. In any year in which no Convention is held there shall be a meeting of the National Council.

1.4.2 Convention shall consider the annual reports and financial statements, remits, notices of motion, and any other matters referred to it by: District Executives, National Executive, National Council or Convention.

1.4.3 The Officers of Convention shall be: a President, two Vice-Presidents, a Secretary and a Treasurer. [The Treasurer may be from outside MWF.]

1.4.4 Convention shall consist of:

- (a) The Officers and Members of the National Executive Committee.
- (b) Convenors of NZMWF National Committees.
- (c) A South Pacific Area World Federation representative, if living in New Zealand.
- (d) The President, Secretary, and Treasurer of each District Executive.
- (e) One District member representative for each 100 financial members or fraction thereof [District membership representation shall circulate round the Fellowships with due consideration to urban and rural groups].
- (f) Four Executive representatives from the Samoan Women's District plus one membership representative for each 100 financial members or fraction thereof.

(g) Four Executive representatives from the Tongan Women's District plus one membership representative for each 100 financial members or fraction thereof.

(h) Four Executive representatives from the Fijian Women's District plus one membership representative for each 100 financial members or fraction thereof.

1.4.5 There shall be a National Executive Committee of Convention which shall consist of its Officers and such other members as may be required, not exceeding ten (10) in total, who shall be installed at Convention and shall hold office for two years. It shall implement the decisions of Convention and have general oversight of the Fellowship. It may co-opt such resource persons as are required for a limited time. The National Executive Committee shall be stationed in a District for two years. Each year it shall prepare written reports and financial statements, presented to the standard required by the Methodist Law Book, which shall be presented to either Convention or National Council.

1.4.6 Business shall normally be done by consensus. [Refer to NZMWF General Guidelines Leaflet no.1 2006 for procedure]

1.4.7 Votes by proxy are not acceptable. Any non-attending District may prepare a statement to be read during the appropriate business session. Such a statement must be in the hands of the National Executive before the start of Convention, or read on behalf of that District by another District during the session.

1.4.8 Each year a written report and financial statement, presented to the standard required by the Methodist Law Book, shall be submitted to Conference.

National Council

1.5.1 There shall be a National Council of the Methodist Women's Fellowship that meets in the year when there is no Convention. It shall normally meet every other year.

1.5.2 The National Council shall consist of:

- (a) The Officers and Members of the National Executive Committee as appointed by the President in the preceding year.
- (b) Convenors of NZMWF National Committees.
- (c) A South Pacific Area World Federation representative, if living in New Zealand.
- (d) The President of each District Executive or her duly appointed substitute.
- (e) Four Executive representatives from the

Samoan Women's District.

- (f) Four Executive representatives from the Tongan Women's District.
- (g) Four Executive representatives from the Fijian Women's District.

1.5.3 A District may request an observer be present at the National Council Meeting. Expenses shall be met by the District that person represents.

1.5.4 National Council shall consider the annual written reports and audited financial statements, recommendations, notices of motion, and any other matters referred to it by District Executives, the National Executive Committee or by Convention.

Any non-attending District may prepare a statement to be read during the appropriate business session. Such a statement must be in the hands of the National Executive before the start of National Council, or read on behalf of that District by another District during the session.

1.5.5 Business other than changes to the Constitution or selection of the new National President shall normally be done by consensus. [Refer to NZMWF General Guidelines Leaflet no.1 2006 for process]

1.5.6 Nominations for National President shall be in the hands of the National Executive by 30 June in the year of National Council; the President to be elected at National Council. Nominations shall be submitted by District Executives with the consent of the nominee and in consultation with the District of which she is a member.

1.5.7 Profiles of nominees shall be circulated to all Districts prior to the National Council meeting.

1.5.8 In the event of no nomination being received by 30 June, National Executive shall:

- (a) Inform Districts of the position.
- (b) Initiate approaches to suitable nominees through the nominee's District Executive.
- (c) Provide profiles of nominees to all Districts before or after National Council where applicable.

1.5.9 Votes by proxy are not acceptable, other than when voting for a new President.

Finance

[For Guidelines refer to 'NZMWF Finance Guidelines Leaflet no.2 2006']

1.6.1 There shall be an annual membership fee determined by Convention.

Convention sets fees payable to it and to District Executives.

Fees are payable to the District Treasurer on a membership basis.

1.6.2 The financial year for Local Fellowships shall end by June 30 each year.

1.6.3 The financial year for Districts shall end by June 30 each year.

1.6.4 The national financial year for NZMWF shall end on June 30 each year.

1.6.5 No District shall be entitled to representatives at Convention or National Council if annual membership fees have not been paid by June 30 of that year.

1.6.6 Each year the National Executive shall present financial statements, presented to the standard required by the Methodist Law Book, to the Conference after Convention or Council.

General

1.7.1 Convention shall have the power to amend the Constitution of the Women's Fellowship by a three-fifths vote of financial members provided three month's written notice of its intention so to do has been given to all Districts and Local Fellowships. Before coming into force such amendments shall receive the approval of the Conference.

1.7.2 Should the Constitution be amended the National Executive shall date, print, and forward to all Districts, a supplementary sheet, or complete reprint, updating the Constitution and Guidelines of the NZMWF.

1.7.3 NZMWF shall appoint two representatives to attend Conference. In the year of the Convention these are normally the President and the Immediate Past President. In the alternate year they shall normally be the President and one other member of the National Executive.

1.7.4 The NZMWF is the legal successor of the New Zealand Women's Guild Fellowship and the Methodist Women's Missionary Union.

1.7.5 The NZMWF shall report annually to Conference.

1.7.6 NZMWF shall be bound by any decision of Conference.

Dissolution

National: Should the NZMWF be wound up, all properties and funds held by or on behalf of the NZMWF will be transferred to the Methodist Church of New Zealand Te Hāhi Weteriana O Aotearoa and held

in trust for future national endeavours of Methodist women.

District: Should a District amalgamate with another District, the funds and property shall be transferred to the amalgamated District. Should a District cease to exist, the funds and property shall be transferred to the National NZMWF.

Local: Should a Local Fellowship go into recess, it shall notify the District and National Executives. Local Fellowships may dispose of funds and property as members so wish. However, any funds raised for a specific purpose shall be used for that purpose. Minute books, annual reports, annual financial statements and any important historical documents shall be retained for archival purposes within the parish.

A.2 EVANGELICAL NETWORK

A.3 THE METHODIST ALLIANCE

The Founding Document of the Methodist Alliance

The Methodist Alliance is a formal alliance of all Methodist Missions, parish and community based social services and Trusts.

Vision: A just and inclusive society in which all people flourish

Mission: The Methodist Alliance is grounded in the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa's commitment to Te Tiriti o Waitangi and the bicultural journey. The Treaty of Waitangi is the covenant establishing our nation on the basis of a power-sharing relationship, and will guide how the Methodist Alliance undertakes its mission.

The Mission of the Methodist Alliance is to commend and affirm the journey from ka mate (death in the midst of life) to ka ora (life in the midst of death) and will be nourished by our Methodist theological understandings.

Goals: The Methodist Alliance will:

- Work towards a bicultural future for Aotearoa New Zealand
- Support the work of members, through the promotion of best practice and high ethical and professional standards
- Leverage the collective skills, experience, imagination and resources to work towards building a just and inclusive society
- Increase the visibility of the work being undertaken by the Methodist Church of New Zealand/ Te Hāhi

Weteriana o Aotearoa, and the capacity to influence public policy

- Ensure that the voice of those without power is heard and that the conditions that perpetuate injustice are confronted
- Adhere to, and action, the Social Principles of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa
- Enable members to work openly and collectively
- Celebrate the diversity of its members
- Undertake any other tasks as given to it by Methodist Conference

The Methodist Alliance, in carrying out its objectives, shall at all times conform with the Laws and Regulations of the Church and with any decisions of the Conference, and accordingly all provisions of this founding document shall be subject to such Laws and Regulations and any such Conference decision from time to time.

Membership: Membership is open to all social services that run in conjunction with all parts of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa. It includes:

- All Methodist Missions
- Any Methodist and Cooperating Venture/Union parishes who are engaged in social service or community work
- Any Trusts and Community based social services associated with a Methodist or Cooperating Venture/Union Church (with a Methodist component).

All members must meet the rights and obligations of membership.

Theological Principles

As part of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa, the following theological principles underpin our work:

We believe:

- God has called us to stewardship of all of creation and we recognise God's loving presence among all people at all times. It is the love of God that empowers us in our struggles towards justice and unity and calls us to stand in solidarity with those who are struggling
- that Christ leads us to affirm the dignity and worth of every human being
- that we are bound in covenant relationship with

tāngata whenua and we seek to live as people of the Treaty

- that for us the Good News of Jesus Christ contains the message that will promote effectively the regeneration and reconstruction of society
- in the words of John Wesley,
 - » that our faith in God means loving God with all our heart, soul and strength and loving every soul that God has made
 - » there is no holiness but social holiness; personal holiness is for changing the world, not just the individual
- in the integrity and the inter-dependence of all creation and therefore we are required to live as stewards of life and work in connected way
- that all of life is infused with an inherent dignity and worth in the sight of God and we seek engagement in activities which transform dehumanising and depersonalising social behaviour
- that together with others, we are called to bring hope, work for equity and justice and challenge unjust systems and structures

Values are derived from these principles and include:

- **Respect for people** – and every person’s unique value
- **Inclusive of all** – ensuring that appropriate services recognise the diversity of peoples
- **Social justice** – inequality, unfairness and exclusion will be challenged
- **Integrity** - actions speak louder than words
- **Partnership** – strength is found in cooperation
- **Empowerment** – every person deserves the chance for choice and change
- **Sustainability** – we are here for the long haul

Code of Conduct²⁶

As part of being a member of the Methodist Alliance, all members agree to the Alliance’s Code of Conduct, and commit themselves to adhere to it.

1. How we work as organisations

As members of the Methodist Alliance, we commit ourselves in the following ways:

- uphold the vision, mission and values of the Alliance

- commit to best practice in all of our work
- to be a learning organisation; reflecting and growing
- aspire always that our work is community and client-led
- meet any professional requirements of appropriate professional bodies
- follow all legal requirements for our work
- ensure that staff and volunteers are treated fairly and with dignity and that the requirements of employment legislation are met
- adhere to all Health and Safety requirements
- be transparent in all financial matters and adhere to required accounting practice
- act with the highest integrity in our work
- co-brand with the Methodist Alliance logo according to the co-branding policy

2. How we work together

In working together as members of the Methodist Alliance, we commit ourselves to:

- respect the mandate of each organisation and associated governance and management structure
- support each other to provide the best quality service within available resources
- look for opportunities to collaborate, strengthen and profile each other’s work
- be transparent with each other, including making available strategic plans, appropriate reports and financial documents
- contribute to the Methodist Alliance as appropriate through participation in forums, sharing analyses, learnings and resources
- raise any concerns about the work of a member organisation directly with the member if possible. If not, follow the Methodist Alliance’s disputes resolution mechanism to address the concern or conflict.

3. Report annually on activities and financial position to the Steering Group.

4. On request make available to the Steering Group all external audits.

5. Rights of Membership include

Members of the Methodist Alliance have the right to:

- participate in the forum of the Methodist Alliance
- participate in other meetings and working groups of the Methodist Alliance

²⁶ The Code of Conduct will be further developed by the founding members of the Alliance.

- use the Methodist Alliance logo in accordance with the co-branding policy and use the resources and programmes of the Methodist Alliance
- Seek support from subject matter experts within the membership
- Provide information for submissions.

Obligations of Membership

Every member organisation (Parish or Mission) will continue to have their own governance body which sets and oversees their organisation's strategic direction.

Members of the Methodist Alliance must:

- adhere to the Alliance Code of Conduct
- participate in the Alliance as appropriate
- co-brand with the name and logo of the Methodist Alliance (according to the co-branding policy)
- make a financial contribution to the work of the Alliance (according to a sliding scale of fees that will not preclude any organisation from participating).

Decision making

Decision making will be by consensus in accordance with the practice of The Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa. Processes will be developed to ensure that decisions are able to be made in a timely manner.

Governance

The Methodist Alliance is accountable to the Conference of the Methodist Church of New Zealand/Te Hāhi Weteriana o Aotearoa. It will be governed by:

1. Alliance Forum

This forum provides an opportunity for all members to participate. It will be held every second year, with the following purposes:

- An opportunity to celebrate the work that is being done by individual members and collectively as the Methodist Alliance
- An opportunity to network, learn from each other and explore possible new joint initiatives together
- Evaluating key and emerging work and organisational issues for different Alliance members
- Provide space to reflect theologically on the work of the Alliance members and the issues being addressed by them
- Review Aotearoa/NZ context, including changes in Government policy
- Recommend to the Conference any changes to the founding documents of the Alliance
- Approve the overall strategic direction of the Alliance

The Alliance Forum will usually be held every second year during the year when there is no Methodist Conference and will rotate to different parts of the country to enable maximum participation from members.

2. Steering Group/Committee

The Steering Group is appointed by the Methodist Conference. Ideally it will include an appointed number of Chairs and Executive Directors (or equivalent) from the Missions, people from cultural and geographical Synods, Parish Community Workers, representation from Te Taha Māori (as they determine) and others with appropriate skills. Members of this group will be both lay and ordained and come from different geographical regions and would reflect the diversity of the Alliance membership. They would be responsible for bringing concerns/issues from the regions or groupings, but are not delegates or bound representatives; rather they are there for the good of the whole Alliance.

Functions of the Steering Group would include:

- Ensuring implementation of the Strategic Plan
- Acting as employer for any Alliance staff
- Receiving reports from Alliance working groups
- Identifying new pieces of work to be undertaken
- Setting annual budget; receiving financial reports and monitoring finances
- Brand management
- Establishing Alliance policy and protocols
- Accepting new members
- Setting the annual financial contributions from members
- Reporting to Conference
- Appointing a Convenor from the membership
- Maintain general oversight of Methodist appointees to New Zealand Council of Christian Social Services.
- General oversight of community and social services in the Methodist Church through:
 - » auditing governance and quality standards for Missions and other Church community and social services;
 - » property advice and recommendations, in regards to the social service aspects, to the Methodist Connexional Property Committee of the Board of Administration, and investment strategy advice in consultation with the;

- » administration of community and social service funds and bequests (specifically the Family Support Fund and the Everill Orr Training Fund);
- » oversight of national marketing and promotion of Methodist social services.

National advocacy through:

- monitoring trends in social policy and services;
- identifying areas for research and options for obtaining the information required;
- developing a strategy and protocols for national advocacy;
- working in partnership with other Conference committees, partner churches, and community agencies.

3. Secretariat

A small Secretariat will support the coordination and administration of the Alliance.

Functions would include:

- Building relationships with, and networking of, Alliance members
- Coordination of the Alliance work programme
- Ensuring that the Alliance is continuously engaged in theological reflection and discourse
- Providing pastoral care to Alliance members as required
- Being a link between the Alliance and the Connexion
- Providing administrative support for Alliance meetings
- Facilitating support for groups in the Church who wish to begin, review or change their social services work
- Supporting/co-ordinating bids for national contracts
- Providing support to any Alliance workgroups
- Facilitating information sharing
- Handling and directing external enquiries and relationships
- Overseeing brand management, communications and marketing

The location of the Secretariat can be flexible. However, the Coordinator will need to have a strong and visible presence amongst other Connexional leaders (Auckland and Christchurch) as well as a regular presence in Wellington to meet with other Sector leaders and with Government.

Funding the Alliance

The Alliance's costs will be set out in an annual budget prepared by the Steering Group and discussed with members each year. The budget will be funded by the Alliance members according to a sliding scale fee structure. Initially, this will be:

1. Organisations with an income under \$100,000 per annum will contribute \$100 per year
2. Organisations with an income between \$100,000 and \$250 000 will contribute \$150 per year
3. Organisations with an income greater than \$250,000 per year will contribute a percentage of the Alliance's costs based on the size of their own income.

This Document

This Founding Document is a 'living document,' meaning that it will be further refined as the Methodist Alliance grows and develops. Changes will be discussed at the Methodist Alliance Forum, and recommended to the Methodist Conference.

A.4 WESLEY HISTORICAL SOCIETY (NEW ZEALAND)

(Registered under the Charitable Trusts Act 1957)

CONSTITUTION

Name and Registered Office

- 1.1 The name of the Society shall be "WESLEY HISTORICAL SOCIETY (NEW ZEALAND)", hereinafter referred to as "the Society".
- 1.2 The registered office of the Society shall be in the office of the Administration Division of the Methodist Church of New Zealand, situated at Morley House, 25 Latimer Square in the city of Christchurch, or at such other place as may be determined by the Society.

Objects

- 2 The objects of the Society are to:
 - (a) encourage and promote the study of the origins and development of Methodism in New Zealand, and in its missionary outreach in the Pacific;
 - (b) contribute to an informed understanding of the interaction between Māori, Pacific, Pakeha, and people from other ethnic groups within Aotearoa New Zealand;
 - (c) be mindful of local and general history, and of narrative and interpretive history;
 - (d) assist in the discovery, collection, and preservation of documents and other materials relative to New Zealand

- Methodism, and in particular its early history;
- (e) accumulate accurate information relative to such history;
 - (f) assist in the identification of places of importance in the early history of Methodism in New Zealand, and to take steps to have such places officially recognised under the provisions of the “Historic Places Act 1954”;
 - (g) make known appropriate information to members of the Society, and others, by such means as may be considered suitable, including essays, lectures, pilgrimages, and Proceedings of the Society;
 - (f) encourage the publication of historical material related to the Methodist Church in accordance with the objects of the Society;
 - (g) act in association with churches and other organisations of world-wide Methodism, or otherwise, in the production and dissemination of appropriate historical information;
 - (h) affiliate with any organisation having objects altogether or in part similar to those of the Society.

Membership

- 3.1 The membership of the Society shall consist of such persons as applied for membership, have paid their subscription(s), and are enrolled as members of the Wesley Historical Society.
- 3.2 There shall be four classes of Members:
- (a) Members, being those persons interested in the history of the Methodist Church of New Zealand who desire to further the interests of the Society, and who pay their membership subscription;
 - (b) Associate Members, being organisations who desire to receive publications of the Society, whose applications are approved, and who have paid their membership subscription.
 - (c) Joint Members, being partners, who pay a joint membership subscription, and who, while being both regarded as members, shall be jointly entitled to receive one set of the Society’s publications and to have one vote at any meeting of the Society.
 - (d) Honoured Members, being those who have made a significant contribution to the Society or to historical research which has been recognised by their election to this status by either the Annual Meeting or the Executive.

- 3.3 The rates of subscription shall be as from time to time fixed by a Meeting of the Society, payable at such time as the Meeting shall fix, and is payable in advance.

Administration

- 4.1 The affairs of the Society shall be administered by:
- (a) the Annual Meeting;
 - (b) the Executive.
- 4.2 The Executive shall administer the affairs of the Society, within the policy laid down by the Annual Meeting, and in conformity with the Rules of the Society. It shall carry out its responsibilities as follows:
- (a) the Executive shall consist of a President, Secretary, Treasurer, and not fewer than five (5) nor more than ten (10) other members, all of whom shall be elected at the Annual Meeting of members of the Society;
 - (b) if deemed advisable by the Annual Meeting, the offices of Secretary and Treasurer may be held by one person;
 - (c) the Chairperson of the meetings of the Executive shall be the President, or a member appointed by the Executive;
 - (d) the quorum for meetings of the Executive shall be five (5) members;
 - (e) in the event of a vacancy occurring in the personnel of the Executive during its term of office, the Executive may fill such vacancy until the next Annual Meeting;
 - (f) the location of the Executive shall be determined by the Annual Meeting;
 - (g) the newly elected Executive shall assume office at the conclusion of the Annual Meeting at which it is elected, and shall function until the election of its successor;
 - (h) the President for the time being of the Methodist Church of New Zealand shall be ex officio Patron of the Society;
 - (i) an Auditor of the Society’s financial accounts shall be elected at each Annual Meeting;
 - (j) the Executive shall prepare the Annual Report to be submitted to the Annual meeting, and to the Conference of the Methodist Church of New Zealand.
- 4.3 There shall be a Publications and Editorial Committee appointed annually by the Executive. Its tasks shall be to:
- (a) consider general issues of publications policy;
 - (b) call for contributions for publication in the Journal and/or Proceedings of the Society;

- (c) receive and facilitate the appraisal of contributions offered for publication;
- (d) make recommendations to the Executive regarding the publication of contributions;
- (e) support the Editor in preparing material for publication;
- (f) maintain a high quality of historical research, analysis, and presentation in publications;
- (g) promote the sale and widespread availability of the Society's publications.

Meetings

- 5.1 The Society may meet anywhere in New Zealand in a general meeting, either convened by the Executive, or by the Secretary, upon the requisition of not fewer than twenty (20) Members. The Secretary shall be responsible for giving 14 days' notice of every meeting of the Society to the Members thereof.
- 5.2 All general meetings of the Society shall be conducted as follows:
- (a) the membership of any general meeting shall consist of all Members who are present thereat;
 - (b) the quorum for a meeting shall be twelve (12) Members;
 - (c) all meetings shall be presided over by the President of the Society. In the event of the President not being present, the meeting shall appoint one of its number to be a Chairperson;
 - (d) the Chairperson of the meeting shall have a casting vote as well as a deliberative vote;
 - (e) only Members of the Society shall be entitled to vote at a meeting.
- 5.3 A general meeting, called the Annual Meeting of Members, shall be held at the location and during the period of the Annual Conference of the Methodist Church of New Zealand. Fourteen (14) days' notice of the place and time, and proposed business of the Annual Meeting shall be notified to Members.
- 5.4 The business of the Annual Meeting shall include the consideration of the Annual Report of the Executive, the Annual Statement of Accounts (which shall have been previously audited and signed by the Auditor), and any notices of motion and general business that may be introduced, and the election of officials and the Executive, and the Auditor.

General

- 6.1 The financial year of the Society shall begin on the first day of July, and end on the thirtieth day of June, or such other dates as may be determined by the Society from time to time.
- 6.2 The Society may invest any of its moneys in conformity with the requirements of the "Trustee Act 1908", or in any fund of the Methodist Church of New Zealand, which has been approved by its Conference. The Society may, with the prior consent of Conference, borrow money on the security of any real or personal property of the Society, or on guarantee or otherwise.
- 6.3 The Society's banking accounts shall be operated upon jointly by any two of the signatories appointed by the Executive. The Treasurer and Secretary shall normally be two of those signatories.
- 6.4 No Rule of the Society shall be added, amended, or rescinded except by a two-thirds majority of members present at, and voting at, an Annual Meeting. Notice in writing of such proposed addition, amendment, or rescission, shall be given to the Secretary of the Executive at least two calendar months before the date of the next Annual meeting.
- 6.5 No alteration or amendment of this Constitution shall be valid or in force unless it is approved by the Conference of the Methodist Church of New Zealand.
- 6.6 In the event of the winding-up of the Society, its property and funds shall be disposed of as decided upon by the final meeting of the Society; provided that at least thirty (30) days' written notice of such meeting, and stating its purpose, shall have been given to Members. No decision to wind up the Society shall be valid or in force unless it is approved by the Conference of the Methodist Church of New Zealand.

A.5 TE TAHA MĀORI PROPERTY TRUST

(Registered under the Charitable Trusts Act 1957)

CONSTITUTION

Name and Date

- 1 (a) The name of the Trust is the Te Taha Māori Property Trust.
- (b) This Constitution is dated the 30th day of November 2010.

Interpretation

- 2 In this Constitution unless there is something

in the subject or context inconsistent with the following definitions:-

“The Trust” means the Te Taha Māori Property Trust.

“The Church” means the Methodist Church of New Zealand, Te Hāhi Weteriana O Aotearoa.

“The Conference” means the Conference of the Church.

“The President” means the President of the Methodist Mission Church of New Zealand and includes any person or persons for the time being authorised by Conference to perform and carry out the duties of President.

“The Board” means the Board of Management set up under this Constitution.

“Distributable Surplus” is the sum determined by the trustees each year as being the funds available after there have been sufficient funds invested from the previous year’s income to enable the capital assets of the trust to maintain growth at least at the rate of inflation for the previous year as determined by the Reserve Bank of New Zealand

then the singular shall include the plural and the masculine shall also include the feminine and neuter genders and vice versa.

Objects and Purposes

3 The Trust is established for the furtherance in New Zealand of the religious, charitable, social and educational work of that part of the Church known as Te Taha Māori and to that end it may:

- (a) Receive, hold, lease, manage or administer all property of the Church held for the benefit of Te Taha Māori, real or personal, including reversionary rights that may attach to any property, from time to time transferred to, purchased, or vested in the Trust.
- (b) Arrange, promote or manage the development or redevelopment of any real property vested in the Trust.
- (c) Invest, and reinvest, any funds of the Trust in such investments or securities as the Church shall approve, promote or recommend from time to time or alternatively in accordance with the Trustee Act 1956
- (d) To pay the distributable surplus or such part thereof as it deems appropriate, to Te Taha Māori and the receipt of the Tumuaki shall be sufficient discharge of the Trust’s obligation to ensure the funds will be used to further the

religious, charitable, social and educational work of Te Taha Māori.

- (e) Do any such other acts or things as are incidental, conducive or ancillary to the attainment of any of these objects, or which the Church delegates to, or requests, the Trust to carry out in furthering its exclusively charitable purposes.

The Board

- 4 (a) In order to carry out its objects, the Trust shall be managed and administered by the Board.
- (b) The Board shall comprise four (4) persons appointed by Conference together with the Tumuaki Taha Māori or the Tumuaki’s successor in title. There is nothing to prevent the Executive Officer of the Trust being appointed as a trustee.
- (c) All meetings, processes and proceedings of the Board shall be in accordance with the provisions of this constitution.
- (d) The affairs and investments of the Trust shall be managed on its behalf by the Board, which shall administer and apply them in implementing the objects of the Trust.

Powers

- 5 (a) Subject to any rules, laws or regulations from time to time, current, made, approved or promulgated by or on behalf of the Conference which the Board is obliged to observe, perform or keep, the Board shall have power to invest the whole or any part of its funds or assets in investments authorised by this Constitution in such securities as the Church shall authorise from time to time for the investment of trust funds or alternatively in accordance with the Trustee Act 1956, and without limiting the generality of this provision the Board shall have the following specific powers:-
 - (b) To manage and administer the property and business of the Trust in furthering and promoting the furtherance of its objects provided in this constitution.
 - (c) To pay the distributable surplus or such part thereof as deemed appropriate to Te Taha Māori.
 - (d) Notwithstanding sub paragraph (c) above the Board may, if it believes it to be necessary to attain the objects of this Trust, pay the whole of the previous year’s net income to Te Taha Māori provided however such a payment shall not take place more than twice within any 5 year period and that all creditors of

- the trust have been paid prior to any such payment.
- (e) To purchase, hold, lease, take on lease or licence, maintain, repair, improve, administer, develop or redevelop any real or personal property or any estate or interest in such property, including building or construction as the Board may decide.
 - (f) To sell or otherwise dispose of any freehold or leasehold interest in property held by the Board on such terms and conditions as the Board thinks fit including power to permit such part of the purchase price as it thinks fit to remain owing on security of any property sold, secured by a mortgage or charge notwithstanding that except for the provisions of this clause such security might not constitute an authorised Trustee investment.
 - (g) To invest any property real or personal from time to time held by or vested in the Board in any manner authorised by this constitution or approved by the Church and, in particular, and without limiting the generality of this clause, to:-
 - (i) invest on first mortgage of the interest of the Lessee under any lease in perpetuity or lease with the right of renewal of such lease, in excess of 21 years of any land where all terms and conditions to be observed, performed or kept in terms of the lease have been complied with, and the lease is not liable to forfeiture in respect of default in complying with any such terms or conditions and the Lessee is entitled, under such lease, to compensation or adequate protection in respect of all improvements on the land which are made by the lessee or in which the lessee has any interest.
 - (ii) invest in Commercial Bills drawn on or accepted or endorsed by any Trading, Merchant or Trustee Bank, or by any company listed on a recognised Stock Exchange.
 - (iii) invest in any shares, debentures, secured or unsecured notes, Local Authority or Government Stock or other securities listed on any recognised Stock Exchange.
 - (iv) retain any company shares or debentures transferred to the Trust by any person, Board or Corporation and to take up, whether for cash or otherwise, any further such shares or debentures as may be offered to existing holders.
 - (v) deposit money or property in the New Zealand Methodist Trust Association, or in or through any Board or Body administering funds of the Church.
 - (vi) open and operate such accounts with such Trading or Savings banks, whether in New Zealand or overseas, as the Board shall decide.
 - (h) To accept by way of gift, devise, or bequest, real or personal property of any kind in New Zealand or elsewhere, and to hold and invest such property for the purposes of furthering the objects of the Trust.
 - (i) All monies received by or on behalf of the Trust shall be paid into the Board's account(s) with the bank(s) which the Board shall appoint as its banker(s) from time to time, and all payments made by, or on behalf of, the Trust shall be to hold and administer any real or personal property transferred devised or bequeathed to the Board or in any other manner vested in the Board for special purposes or trusts in connection with any Methodist Church or any Church Trust, Organisation or Division of the Church.
 - (j) To transfer all or any part of the property, assets, liabilities and obligations of the Board to any corporation or person for the purposes of any joint venture or working arrangement which the Board is authorised to enter into.
 - (k) To raise money with or without giving security, on mortgage, charge or other instrument whether by bank overdraft or otherwise and on such security and terms over such part or parts of the property of the Trust as the Board shall deem expedient, provided the Church's approval process for the raising of funds has been followed.
 - (l) To subdivide all or any land vested in the Trust and to form, make, and dedicate any roads or streets thereon and to make and carry out arrangements with local Authorities with regard to the construction of any and other matters connected with such roads, streets, or access, or any such subdivision.
 - (m) To farm, cultivate or plant and tend any type of crop, including forestry, on any of the land or property of the Trust and carry out all acts and things reasonably necessary or desirable from time to time for the proper husbandry, management and harvest of any crop or forest, and the stocking and management of any farming operation of the Trust.
 - (n) To enter into any contract or contracts with any public body, company, body corporate

or person, notwithstanding that any of its members may be interested therein, provided that before any such contract is authorised by the Board, the member so interested shall disclose to the Board the nature of such interest, and that such member shall refrain from voting in respect of the making of that contract and that, if that member does so vote, the vote of that member so interested shall be void.

- (o) To pay or reimburse all reasonable and proper expenses incurred by Board members, its officers, or staff, in or about the management or administration of the affairs of the Trust.

Banking

- 6 (a) All monies received by or on behalf of the Trust shall be paid into the Board's account(s) with the Bank(s) which the Board shall from time to time appoint as its banker(s), and all payments made by, or on behalf, the Trust shall be by cheques signed as may from time to time be decided by the Board.

Accounts

- 7 (a) (The financial year of the Trust shall end on the 30th day of June each year, unless and until Conference shall otherwise decide.
- (b) The Board shall cause full financial records and reports to be maintained and kept in accordance with appropriate and relevant reporting standards. The financial reports shall be audited at least annually by a member of the Institute of Chartered Accountants of New Zealand holding a current certificate of public practice. Following adoption by the Board, the audited accounts shall be submitted to the Conference next following the end of the Trust's financial year.
- (c) The Board shall keep all proper books of accounts.

Reporting

- 8 (a) The Board shall forward an annual report to Te Taha Māori in time to enable it to report to the Conference next following the close of its financial year.

Officers and Staff

- 9 (a) The Board shall appoint a secretary who shall also be its Executive Officer, and who shall have such powers and duties as the Board from time to time determines, and who shall be responsible to the Board.
- (b) The Board may appoint such other or additional officers or staff as it shall from time to time be considered necessary or

appropriate to adequately, properly and promptly carry through the Trust's objects, and tasks delegated by the Board.

- (c) The Board shall define the duties of the Executive Officer and of all persons appointed to any other staff position by the Board, and shall have power to dismiss or remove upon such terms and conditions as it thinks fit any Officer or other staff.
- (d) All staff shall other than the Executive Officer, be responsible, through the Executive Officer, to the Board, and usually have either individual or collective employment contracts.
- (e) The responsibility for ensuring that all secular law relating to employment of staff is complied with shall rest:
 - (i) in the case of the Executive Officer, with the Board, and
 - (ii) in the case of any other staff, which the Board through the Executive Officer.

Seal

- 10 (a) The Board shall have a Seal which shall be in the custody of the Board. The seal shall not be used except with the authority of the Board and its affixing shall be witnessed by at least two Board members.

General

- 11 (a) The Board shall at all times comply with the Laws and Regulations of the Church, and no action shall be performed by the Board, nor shall its resources be used for any purpose which is liable to bring reproach upon the Church.
- (b) The Board is, and shall remain, incorporated under the Charities Act 2005 or any amendment on re-enactment of that Act.

Limitation of Liability

- 12 (a) No member of the Board shall be answerable or liable for any loss or damage occasioned by any action or omission of the Board or any Committee of the Board, so long as that member acts honestly, in good faith, and without wilful neglect or default.
- (b) The Board shall not be liable for any loss arising from, out of, in connection with, or in relation to the fall in the capital value of any investment lawfully made, acquired or retained by the Board in accordance with this constitution.

Amendments

- 13 (a) Any provision of this constitution which does not amend, rescind or affect the exclusively charitable nature of the Trust, may from time to time be rescinded, amended, or added to by the Conference.

Winding Up

- 14 (a) Upon the termination or winding up of the Trust, its net assets shall vest in the Church and be distributed for such charitable purposes of the Church within New Zealand as the Conference shall then decide.

Decisions of the Conference

- 15 (a) Any decision of the Conference respecting any provision of this constitution or the administration of the trusts provided for in this constitution shall be binding on the Board.

Section 11(B) – Entities Incorporated Under Acts of Parliament

- 1.1 No Trust, Society or Board, claiming allegiance, authority or connection with the Methodist Church of New Zealand, incorporated under an Act of Parliament shall be recognised by the Church unless the approval of Conference has been given to its formation, and its Constitution.
- 1.2 The powers of all Boards or Societies of the Church, whether or not registered under the Charitable Trusts Act or other Act of Parliament, and whether it is stated in their respective Constitutions or not, are in all cases subject to and liable to observe, perform and keep the Laws and Regulations of the Church as from time to time in force. (see 5.1.1)
- 1.3.1 Where property is held by an Incorporated body it shall be administered on behalf of the Conference in accordance with its Constitution and subject to the Laws and Regulations of the Methodist Church of New Zealand.
- 1.3.2 Notwithstanding anything in any Constitution of an Incorporated Board to the contrary, the provisions set down regarding the necessary consents of the Conference, through the Board of Administration, shall apply. (see 9.9.1 - 9.9.5)
- 2.1 The following trusts, societies, and boards, incorporated under Acts of Parliament, are authorised by Conference to act on its behalf within the terms of their respective constitutions:

2.2.1 THE NEW ZEALAND METHODIST TRUST ASSOCIATION

Authorised by Conference 1976 and incorporated under the Charitable Trusts Act 1957 on 23 August 1977. (see Appendix A-1)

Trustees under the Methodist Model Deed of New Zealand 1887 are authorised to transfer funds and investments to the New Zealand Methodist Trust Association.

2.2.2 BOARD OF ADMINISTRATION OF THE METHODIST CHURCH OF NEW ZEALAND

Authorised by Conference 1977 and incorporated under the Charitable Trusts Act 1957 on 27 April 1978. (see Appendix A-2)

2.2.3 THE RANIMATEA MĀORI COLLEGE TRUST BOARD

Authorised by Conference 1945 and incorporated under the Religious, Charitable and Educational Trusts Act 1908 on 22 October, 1946. Now under the Charitable Trusts Act 1957.

2.2.4 SUPERNUMERARY FUND BOARD OF THE METHODIST CHURCH OF NEW ZEALAND

Incorporated under the Religious, Charitable and Educational Trusts Act 1908 on 1 July 1913. The Fund operates under the Supernumerary Fund Trust Deed 1990. (see Appendix B-1)

2.2.5 THE METHODIST CHURCH FIRE INSURANCE FUND

Authorised by Wesleyan Methodist Conference 1898 and incorporated under the Religious, Charitable and Educational Trusts Act 1908 on 14 June 1917. Now under the Charitable Trusts Act 1957.

2.2.6 THE METHODIST ALLIANCE

Each Methodist Mission is separately incorporated.

- (a) **Methodist Mission Northern**
Established 1885 as Helping Hand Mission and incorporated under the Charitable Trusts Act 1957 on the 1 July 1974.
- (b) **Wesley Wellington Mission**
Established as “The Wesley Church (Wellington Circuit) Social Services Trust Board 19 December 1949 and subsequently amended to Wesley Social Services Trust Board (Inc.). Incorporated under the Charitable Trusts Act 1957 on the 24 January 1978.

- (c) **Christchurch Methodist Central Mission**
Authorised by Conference 1949 and Incorporated under the Charitable Trusts Act 1957 on 21 June 1974.
- (d) **Dunedin Methodist Mission (Methodist Mission Southern)**
Established by Conference 1890 and incorporated under the Charitable Trusts Act, 1957 on 26 November 1976.
- (e) **Palmerston North Methodist Social Services Trust**
- (f) **Hamilton Methodist Social Services Trust**
- (g) **Sinoti Samoa**
- (h) **Vahefonua Tonga Methodist Mission Charitable Trust**
- (i) **Tamahere Eventide Home Trust**
- (j) **Airedale Property Trust**
- (k) **The Lifewise Trust**

2.2.7 WELLINGTON CHARITABLE AND EDUCATIONAL ENDOWMENTS TRUST

Conference 1916 authorised the promotion of a Bill and the Trust was created under the Wellington Methodist Charitable and Educational Trusts Act 1916, Local No. 13, together with Amendment to the Act 1974. (see Appendix E-2 and E-2A)

The purposes of the Trust are for the benefit, maintenance, or education of:

- children and youth being descendants of the Native or Māori race of New Zealand;
- orphan and needy children and youth of any other race being British subjects.

2.2.8 THE JAMES AND MARTHA TROUNSON BENEVOLENT FUND

The Trust was established on 15 October 1928, authorised by Conference 1928 to be incorporated under the Religious, Charitable and Educational Trusts Act, 1908. (Now under the Charitable Trusts Act 1957.)

The purposes of the Trust are to assist:

- widows and children of Ministers of the Church;
- Supernumerary Ministers in ill health or special need;
- members and adherents in good standing of the Church who through ill-health, misfortune, or loss of property are in special need.

2.2.9 ROBERT GIBSON TRUST

Set up under the terms of a scheme approved by the High Court of New Zealand dated 29 September 1964. Incorporated under the Charitable Trusts Act 1957 on 2 August 1965.

The purposes of the Trust are to:

- assist the Manaia Methodist Church maintain the Robert Gibson Memorial Hall;
- assist with the care of dependent children in the North Island;
- provide bursaries:
 - (a) for students to attend Wesley College, and
 - (b) for students to attend University;
- assist the Church's work among children and youth.

2.2.10 WESLEY HISTORICAL SOCIETY (NEW ZEALAND)

Established on 24 February 1930, registered under the Religious, Charitable and Educational Trusts Act, 1908 on 9 December 1954. Now under the Charitable Trusts Act 1957. Constitution revised and approved by Conference 1986. (see Appendix A-4)

2.2.11 WESLEY TRAINING COLLEGE

The College is a body corporate established by the Methodist Charitable and Educational Trusts Act 1911 together with Amending Acts of 1914, 1971, and 1976. (see Appendices E-1, E-1A, E-1B, E-1C)

The purpose of the Trust is the support and upkeep of the College as a multi-racial combined day and boarding school.

2.2.12 P.A.C.T. 2086 TRUST

Established by Conference 1987 and incorporated under the Charitable Trusts Act 1957. (see Appendix A-5)

2.2.13 METHODIST PUBLISHING

Incorporated under the Charitable Trusts Act 1957 on the 2nd February 1989.

2.2.14 THE METHODIST GENERAL PURPOSES TRUST BOARD

Authorised by Conference 1930 and incorporated under the Religious Charitable and Educational Trusts Act 1908 on 20 March 1930. Now under Charitable Trusts Act 1957.

- (a) The Methodist General Purposes Trust Board shall hold and administer any real or personal property transferred, devised or bequeathed to the

Board or in any other manner vested in the Board for special purposes or trusts of the Conference of the Methodist Church in New Zealand and for any Parish, Trust, Fund, Organisation, Board or Division of the Methodist Church of New Zealand, and whether such purposes and trusts be wholly for such purposes or partially for such purposes, and partially for other purposes not connected with the Methodist Church of New Zealand.

- (b) The members of the Board of Administration shall be ex officio members of the General Purposes Trust Board and the Chairman of the Board of Administration shall be its Chairman.
- (c) The Constitution of the Board of Administration shall be deemed to be the Constitution of the Board.
- (d) Subject however in all cases to any Trusts specifically declared in respect of any real or personal property vested in the Board, the Board shall have such powers of sale, exchange, lease or mortgage as the case may be in respect of any real or personal property vested in the Board as the Board shall from time to time determine.
- (e) Subject to the aforesaid Trusts and in the absence of provisions to the contrary, the Board may at its discretion provide for a sum not exceeding twenty percentum of the income earned each year by funds or properties under its administration to be added to the capital of each particular fund.
- (f) Subject to the aforesaid Trusts and in the absence of provisions to the contrary the Board shall be entitled to a commission on the income earned by funds and properties under its administration of such reasonable amount as the Conference at its discretion may from time to time approve.
- (g) Within the General Purposes Trust are the following Trusts and Funds:
 - (1) **Winstone Memorial Trust Fund**
The purposes of the Fund are to:
 - (a) augment the stipends of ministers receiving less than the standard stipend;
 - (b) assist Supernumerary ministers and their widows.
 - (2) **Oldham Trust**
The purpose of the Trust is to provide grants to assist ministers in studying overseas.
 - (3) **Mabel Morley Trust**
The purpose of the Trust is to assist women workers of the Church, others engaged in ministry in ill health, and the Supernumerary Fund. Grants are to be determined by the Administration Division.

- (4) **F W Walters**
The purpose of the Fund is to provide grants towards the work of the Church in New Zealand and Overseas, Otorohanga Parish, Waikato-Bay of Plenty Synod and the Church Building and Loan Fund.
- (5) **William Walters Family Trusts**
The purpose of the Fund is to provide grants for the work of the Trinity College, for the work of the Church and other charitable agencies in New Zealand and overseas, and for Oikocredit (Ecumenical Development Cooperative Society).
- (6) **Morgan Trust**
The purpose of the Trust is to provide grants for the Ecumenical and Mission Committee, Ministry Resourcing, and child care in Christchurch.
- (7) **W E D Beale Charitable Fund**
The purpose of the Fund, administered by the Administration Division, is for charitable purposes, to assist ministers, and for training for missionary work.
- (8) **Bradley Trust**
The purpose of the Trust is to enable research projects, in-depth studies and forward planning for the outreach and mission of the Church.
- (9) **Kingswood Trust**
The purposes of the Trust are to:
 - (a) provide grants to assist with work among youth, in the North Canterbury District;
 - (b) assist ministers and supernumeraries in special need.

The grants are made in consultation with the settlor.
- (10) **Thorndon Trust**
The purposes of the Trust are to assist local and District projects within the Wellington District and to assist Connexional funds or projects.
- (11) **P.A.C. Archives, Research Material And Systems Endowment Fund**
The purpose of the Fund is to establish promote and facilitate adequate provision of personnel, premises and research facilities for the historical and archival records of the Methodist Church of New Zealand (or any successor thereto).
- (12) **P.A.C. Resource Person/Christian Education Lectureship Endowment Fund**
The purpose of the Fund is to provide leadership and resources, in persons or

material, in the areas of Christian Education and Evangelism within the life of the Methodist Church of New Zealand (or any successor thereto).

(13) P.A.C. Media and Communications Endowment Fund

The purpose of the Fund is to promote and facilitate communication and communications and the flow of information both within the life of the Methodist Church of New Zealand (or any successor thereto) and by and between the Church and the Community.

(14) Prince Albert College Trust Fund
(see Appendix A-5)

(15) Astley-Ford Trust

A fund to assist with training costs related to ministry which for the time being shall be used after consultation between the settlor and Administration Division.

(16) M.A. Duder Estate

A fund administered by the Administration Division for use in assisting ministers and any other persons who have been full or part-time workers within the Methodist Church, and/or for their families.

(17) F.A.Parker Estate

A fund managed by the Administration Division, for media and communications purposes, the distribution to be made through the Communications Committee.

(18) Special Purposes Fund

A fund made up of various legacies left to the Church without specific direction, to be used by the Administration Division for charitable purposes, especially the support of ministers.

(19) C.H.Virtue Trust (Second)

A fund managed by the Administration Division and administered in consultation with the Principal, Trinity Theological College, for the overseas training of ministers seeking to specialise in the education of youth.

(20) Ministries Fund

A fund managed by the Administration Division on behalf of Synods, for use by those Synods in new and innovative forms of ministry within their regions.

(21) Stipend Subsidy Endowment

An endowment fund established by a grant from P.A.C. Fund. The purpose of the fund is to subsidise the continued provision of ministry in parishes during times of long-service or long-term sick leave of ministers. The fund is administered by Mission Resourcing.

(22) Undesignated Legacies

By direction of the 1980 Conference the distributable income of this fund is available each year to the Conference through the Board of Administration.

Section 11(C) – Trinity Methodist

Theological College

CONSTITUTION

1.1 Within the Methodist Church of New Zealand there shall be a Theological College whose name shall be Trinity Methodist Theological College and its motto “Spiritus ubi est ardet” which may be expressed in English, Māori, Fijian, Samoan and Tongan.

1.2 The College shall be under the control and superintendence of the Conference, through Trinity College Council.

AIMS AND OBJECTIVES

- 2.1 The aims and objectives of the College shall be:
- To create and maintain a responsive, flexible and sustainable learning environment that:
- (a) prepares a range of people for Methodist leadership;
 - (b) prepares participants and graduates for different types and levels of practical ministry, including ordained, lay, community, mission;
 - (c) resources a variety of continuing education opportunities including conferences, publishing, and educational intensives;
 - (d) develops a strong capital asset base through the implementation of a capital management plan;
 - (e) has effective, efficient and cost effective accommodation, bursary and other business processes.
 - (f) In our context this will include:
 - (i) To provide quality adult education in theology and ministry relevant to the Treaty-based context in Aotearoa New Zealand and in Oceania.
 - (ii) To provide educational opportunities relevant to the needs, backgrounds, and goals of individual students, whatever their cultural or theological background.
 - (iii) To maintain educational programmes which are relevant for Māori and Pacific Island students in particular and are on the other hand relevant to the needs of Māori and Pacific communities in Aotearoa New Zealand.

- (iv) To provide educational opportunities relevant to the needs of the Methodist Church of New Zealand and other interested church or related bodies.

LAY MINISTRY EDUCATION

- 3.1 Trinity College shall establish programmes for education for lay ministry. They shall be controlled by the Trinity College Council and be under the oversight of the Principal.

STUDENTS FOR MINISTRY

- 4.1 The Trinity College Council shall from time to time adopt rules and regulations relating to allowances and the curriculum.
- 4.2 Each accepted candidate is responsible for their studies and ministry to the Trinity College Council through the Principal until ordination.
- 4.3 Each accepted candidate for the presbyterate shall normally undergo a course of training, and serve a term of probation in a Parish prior to ordination. The normal term of training, including probation, shall be five years.
- 4.4 Each accepted candidate for the diaconate will normally be trained under the oversight of the Principal.
- 4.5 The Trinity College Council, on the acceptance of a candidate by Conference shall, on the recommendation of the Principal and the Student Review Panel, determine the nature and setting of the candidate's preparation for ordination.

ECUMENICAL AND EDUCATIONAL

PARTNERSHIPS WITH OTHER INSTITUTIONS

- 5.1 The College may, subject to decision of the Conference, share facilities with, or otherwise enter into, an educational relationship with other theological colleges or educational institutions.
- 5.2 Where the Methodist Church has entered into cooperative work with any other Church or Churches in ministerial education, Methodist staff members remain ultimately responsible to the Conference.
- 5.3 Where the Methodist Church has entered into cooperative work with any other Church or Churches, Methodist involvement in the making of staff appointments shall be a prerequisite.

GOVERNANCE

- 6.1 The College shall be under the governance of the Trinity College Council.

- 6.2 The Trinity College Council shall, as the Trustees of the Methodist Theological College Council in terms of its incorporation under the Religious, Charitable and Educational Trusts Act 1908, hold all its lands and funds upon the Trusts declared by the Deed of Trust. (see Appendix D-6)

- 6.3 Trinity College Council will consist of five members, of whom up to two may be non-Methodist, plus a chairperson, and appointed annually by the Conference.

- 6.4 Trinity College Council shall meet at least quarterly.

- 6.6 All meetings of Trinity College Council shall be convened by notice in writing, addressed to each member at the member's last known place of abode or business.

- 6.7 Not less than seven clear days' notice shall be given of any meeting called for the purpose of considering any proposal to sell, mortgage, lease, or otherwise dispose of any land vested in the Council or to acquire by lease or purchase any land for the benefit of the College.

SUB-COMMITTEES OF TRINITY COLLEGE

- 7.1 Trinity College Council may set up appropriate sub-committees and shall determine their several functions.

Student Review Panel and Academic Committee

- 7.2.1 Trinity College Council delegates to the Principal the authority to convene and manage all functions and decisions of the Student Review Panel and Academic Committee whose functions shall be as follows.

- 7.2.2 Terms of Reference: Student Review Panel.

- 7.2.2.1 Membership of the Student Review Panel: Directors of Mission Resourcing, Tumuaki, Principal (chair), up to two lay members appointed by Trinity College Council and Administrator and Academic Registrar for records.

- 7.2.2.2 Meeting purposes: To determine the nature and setting of the candidate's preparation for ordination during College training and the probationers programme. Against the background of the Church's commitment to its bicultural journey, each student preparing for ordination shall pursue a programme of study under the direction of and to the satisfaction of the Principal and the Student Review Panel. The course of study for those preparing for:

- (a) the presbyterate will normally include study in each of biblical studies, Christian thought

and history, the history, theology and praxis of Methodism, pastoral care, the practice of ministry, homiletics, and liturgics;

- (b) the diaconate will include biblical and theological studies, and such other studies as will prepare them for their particular serving ministry;
- (c) Special courses may be devised to meet the needs of individual students, and prior learning shall be taken into account;
- (d) no student shall enter upon any course without the consent of and approval by the Principal and the Student Review Panel of all the subjects proposed;
- (e) if the marital status of an accepted candidate is to change, the Principal shall be advised at the earliest possible date in order that any housing or financial or other implications of such a change as they may affect the Church may be considered;
- (f) receive regular reports on candidates progress from parish placements, academic progress, and other such reports as are required by the Principal;
- (g) receive regularly each year the Portfolios of candidates in College and on probation;
- (h) ensure that Trinity College expectations are met as laid out in the Ministry Formation Handbook and Student Handbook, and Probationers Programme Handbook. The criteria for ministry suitability are the criteria for ordination approved by Conference, 1991;
- (i) the Student Review Panel may, in consultation with the Principal, require an oral or written examination of any student to determine academic progress and/or ministry suitability;
- (j) the Student Review Panel may, in consultation with the Principal, discontinue students from Trinity College and its programmes.

7.2.3 Terms of Reference: Academic Committee

7.2.3.1 Membership: Principal, Academic staff, and Academic Registrar.

7.2.3.2 Functions of the Academic Committee:

- (a) To review annually the overall shape of the curriculum of Trinity College programmes to ensure compliance with NZQA and MCNZ requirements.
- (b) To review each semester:
 - (i) Academic progress of all students.
 - (ii) Review of achievement and educational

outcomes to ensure consistency of graduate outcomes.

- (iii) Ensure correct assessment and moderation procedures are in place and standards met for all programmes offered.
- (iv) Ensure that Trinity College expectations are met as laid out in the Trinity College student handbooks.
- (v) Ensure consideration of cross crediting, credit transfer and recognition of prior learning procedures are in place and standards met.
- (vi) Awarding of student bursaries.

The terms of reference for the Bursaries Panel are: Arrange housing, bursary and tuition expense assistance, and such other allowances as are determined by Trinity College Council.

STAFF

- 8.1 The Principal shall be a Presbyterian in Full Connexion (see 5.3.6.1) who:
 - (a) is the leader of a team of educators, and is qualified to teach at tertiary level;
 - (b) supervises the overall work of Trinity College and the facilitation of Ministry Education for professional development;
 - (c) fosters sense of community in the life of the College and ensures adequate pastoral care of students and staff;
 - (d) promotes and fosters ministry preparation appropriate to the needs of the Methodist Church of New Zealand;
 - (e) ensures the Church's requirements are met by students and those seeking reception into Full Connexion and ordination, including the keeping of records relating to the studies of each student (see 2.4.1ff);
 - (f) assists the Council and faculty to work at educational and ministry preparation strategies which fit these needs;
 - (g) advocates and promotes the work of the College and Ministry Education within the tertiary educational context to the benefit of the Church;
 - (h) is available to the life of the Church as a resource person in education and ministry;
 - (i) is a member of the Tauwiwi Strategy and Tauwiwi Stationing;
 - (j) is a resource person to the Council of Conference.
- 8.2 Staff members may be appointed by the Conference to the Ranston or Wesley Lectureships

according to the procedures for making Connexional Resource appointments. (see 6.7.1ff)

- 8.3 The appointment of a stationed presbyteral Methodist staff member made during the academic year, or in partnership with another Church, shall require the concurrence of the President and shall be confirmed by the following Conference.
- 8.4 In the event of any vacancy in the College presbyteral Staff arising during the year the Council, shall after consulting the President, arrange for the carrying on of the work till the following Conference.
- 8.5 Where Trinity College has entered into cooperative work with any other Church or Churches in ministerial education, Methodist presbyteral members remain ultimately responsible to the Conference.
- 8.6 Where the Trinity College has entered into cooperative work with any other Church or Churches, Methodist involvement in the making of joint staff appointments shall be a prerequisite.

TRINITY COLLEGE FELLOWSHIP

- 9.1 There shall be Trinity College Fellowships, the recipients of which shall be elected by the Trinity College Council, in recognition of their having rendered significant service to the College, either academically or in some other capacity.
- 9.2 The roll of living holders of Trinity College Fellowships shall not exceed ten.
- 9.3 Election shall be made by the Trinity College Council on at least a two-thirds vote of those present at a Board meeting, following any procedures of consultation which the Council shall decide from time to time. The name of any person proposed as a holder of a Trinity College Fellowship shall; be brought forward at any meeting after two months notice has been given.
- 9.4 Each person elected shall receive a suitable scroll signed by the Chairperson of the Trinity College Council.
- 9.5 All elections of Fellowship holders shall be reported to the following Conference, and, if appropriate, their title shall be shown following their name in the List of Stations.
- 9.6 The Council may, if it so decides, remove any name from the list, upon four months' notice, by a majority of not less than four-fifths of those present at a meeting, at which not less than two-

thirds of the members of the Council are present.

- 9.7 Persons who are holders of Trinity College Fellowships may be consulted on matters affecting the life and work of the College in whatever way seems appropriate to the Council.

Appendix to Section 11(C)

Partnership Agreement

Between the Anglican Church in Aotearoa, New Zealand, and Polynesia and the Methodist Church of New Zealand, Te Hāhi Weteriana o Aotearoa, involving the constituent colleges of The College of St John the Evangelist – Te Rau Kahikatea, The College of the Southern Cross, and the College of the Diocese of Polynesia – and Trinity Methodist Theological College, together with their respective Governing Boards.

The Anglican and Methodist Churches in New Zealand here agree to work together in partnership in the activities of theological education and ministry formation on the site of St John's College, Meadowbank. On this site, role of Te Rau Kahikatea as katikati is recognised and respected.

The partnership expresses the spirit of the 1952 Lund Principle:

Should not our churches ask themselves whether they should not act together in all matters except those in which deep differences of conscience compel them to act separately?"

The partnership also recognises the particular context of theological education in Aotearoa New Zealand and Oceania, and shall incorporate acknowledgement of and respect for this context in its structures and life. Central to this contextual response is the bicultural commitment of the Anglican and Methodist Churches, based on the Treaty of Waitangi. The structures and life of the partnership shall express this bicultural commitment.

This partnership and commitment will be expressed in worship, honouring the traditions of both churches. Students will be encouraged to experience and appreciate the ethos and heritage of each others' churches and cultures.

On the Meadowbank site, Kinder Library symbolises the partnership and shall function in ways which recognise its role as library and archival resource for both the Anglican and Methodist churches.

There shall also be a Joint Faculty within this partnership. That Joint Faculty is made up of those

members of the teaching staff whose function it is to teach papers and courses which are available to students of both churches.

It is a partnership in one place, carried out through the lives and activities of the constituent colleges of the College of St John the Evangelist and Trinity Methodist Theological College on this site. Each of these colleges has its own governing body – St John’s College Board of Oversight and the Trinity College Council of the Methodist Church – accountable to and responsive to their respective churches.

Within the partnership, the rights of both churches shall be respected. Nothing shall be decided or defined which shall conflict with such rights or with such responsibilities of each church for the selection, education, and care of its students.

The way in which this partnership is worked out in programmes, structures, responsibilities, and financial

arrangements shall be agreed to from time to time, and may set out in schedules attached to this Agreement. Ongoing responsibility for the functioning of the partnership will be with the Heads of Colleges and the Joint Policy Committee.

Signed by

Primate

on behalf of the Anglican Church in Aotearoa, New Zealand, and Polynesia

Date 30.3.01

President

on behalf of the Methodist Church of New Zealand

Date 17.4.01

List of Appendices

(a) Boards and Trusts

- A-1 N.Z. Methodist Trust Association
- A-2 Board of Administration
- A-3 PACT 2086 Trust
- A-4 Prince Albert College Trust Fund
- A-5 Methodist Church Of New Zealand Trusts Act 2009

(b) Supernumerary fund

- B-1 Supernumerary Trust Deed (amended to May 1997)

(c) Property

- C-1 Primitive Methodist Temporal Affairs 1879 Private No.2
- C-2 Wesleyan Methodist Church Property Trust Act 1887 Private No.4
- C-2A Wesleyan Methodist Church Property Trust Act 1887 - Amendment Act 1892 Pvte No.2
- C-2B Wesleyan Methodist Church Property Trust Act 1887 - Further Amendment Act 1896 Pvte No.1
- C-2C Wesleyan Methodist Church Property Trust Act 1887 - Amendment Act 1993 Pvte No.2
- C-3 The Methodist Model Deed of New Zealand 1887 - Printed with all amendments to November 1968. Amendments since this date are printed at the end of the Deed.

(d) Constitutional

- D-1 Methodist Conference Act 1876 (39 & 40 Vict)
- D-2 Plan of Union between the Wesleyan Methodist Churches of New Zealand, United Methodist Free Churches of New Zealand, and the Bible Christian Churches of New Zealand, 31st December 1895
- D-3 Methodist Church of Australasia in New Zealand Act 1902 No.49

- D-4 Independent Conference of New Zealand - Adopted by the General Conference of the Methodist Church of Australasia, May 1910
- D-5 Methodist Church of New Zealand Act 1911 Local No.21
- D-6 Declaration of Union signed in the Town Hall, Wellington, 6th February 1913
- D-7 Certificate of Registrar of Supreme Court as to Union having been effected, 17th February 1913
- D-8 Methodist Union Act 1913 Pvte No.3

(e) Educational

- E-1 Methodist Charitable and Educational Trusts Act 1911 Local No.1
- E-1A Methodist Charitable and Educational Trusts Amendment Act 1914
- E1-B Methodist Charitable and Educational Trusts Amendment Act 1971 Pvte
- E1-C Methodist Charitable and Educational Trusts Amendment Act 1976 Pvte
- E1-D Methodist Charitable and Educational Trusts Amendment Act 1988 Pvte
- E-2 Wellington Methodist Charitable and Educational Trusts Act 1916 Local No.13
- E2-A Wellington Methodist Charitable and Educational Trusts Amendment Act, 1974 Pvte
- E-3 The Methodist Theological College - Deed of Trust, March 1927, with amendment
- E-4 Methodist Theological College Edson Trust Extension Act 1928 Pvte. No.2

Appendices

Appendix A-1

Deed of Variation of the Constitution of the New Zealand Methodist Trust Association²⁷

Constitution of the New Zealand Methodist Trust Association

(Including amendments to November 2021)

NAME

1. The name of the Association shall be the New Zealand Methodist Trust Association.

INTERPRETATION

2. In this Constitution unless there be something in the subject or context inconsistent therewith:

The Association means the New Zealand Methodist Trust Association.

The Church means the Methodist Church of New Zealand/ Te Hāhi Weteriana o Aotearoa.

The Conference means the Conference of the Methodist Church of New Zealand/ Te Hāhi Weteriana o Aotearoa.

The President means the President of the Methodist Church of New Zealand/ Te Hāhi Weteriana o Aotearoa and includes any person or persons for the time being authorised by Conference to perform and carry out the duties of President.

The Board means the Board of Management set up under this Constitution.

Trustee or Trustees means and includes Trustees of Church properties under the Methodist Model Deed 1887, Quarterly Meetings of Circuits, Union Parishes, or other Cooperative Ventures, Churches, Trust Boards, Associations, Committees, Institutions, Departments, Divisions and any person or persons whether incorporated or not, now or hereafter holding funds for any religious, charitable, benevolent, educational and social purposes of the Methodist Church of New Zealand.

Audio-Visual Technology where used in this Constitution includes but is not limited to Whatsapp, Skype and Zoom applications and web platforms and audio-visual technology that the Chair may decide to utilise, from time to time.

Balance Date means 30 June or any other date adopted from time to time by the members of the Board as the end of the Association's Financial Year.

Chair means the member of the Board appointed in accordance with clause 4 (iii).

Common Fund means the common fund referred to in clause 7 that comprises a Long-term fund and a Short-term fund.

Constitution means this constitution of the New Zealand Methodist Trust Association and any subsequent variations to this constitution and the schedules and appendix referenced within those amendments.

Financial Year means any year or other accounting period ending on the Balance Date.

Member of the Board means the member or members of the Board for the time being of the Association and, where the members of the Board of the Association have incorporated as a board under the Charitable Trusts Act 1957, either the members of the Board acting as a board or the member or members of the Board for the time being constituting the board, as the context requires.

²⁷ Conference 2020

Secretary means the person appointed in accordance with clause 5 (ii).

Special Meeting means any meeting other than an ordinary meeting or annual meeting of the Board of the Association, pursuant to clause 4 (x).

Working Day means any day (other than a Saturday or Sunday) on which registered trading banks are open for business in Christchurch, New Zealand.

Clauses: references to clauses are references to this Constitution's clauses.

Defined Expressions: expressions defined in the main body of this Constitution have the defined meaning in the whole of this Constitution including the background.

Gender: references to one gender includes other genders.

Headings: section, clause and other headings are for ease of reference only and do not form any part of the context or affect this Constitution's interpretation.

Negative Obligations: any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done.

No Limitation: references to anything of a particular nature either before or after a general statement do not limit the general statement unless the context requires.

Parties: references to parties are references to parties to this Constitution.

Persons: references to persons include references to individuals, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities in each case whether or not having separate legal personality.

Plural and Singular: singular words include the plural and vice versa.

OBJECTS

3. The objects for which the Association is established are for the furtherance in New Zealand of the religious, charitable, and educational work of the Church and to that end:
 - (i) To amalgamate at its discretion in one Common Fund all descriptions of securities and money forming the funds from time to time under the control of the Board and to

invest the same in terms of this Constitution in such manner as the Board shall from time to time authorise in order to provide an Investment service to the Church.

- (ii) To invest such funds as are transferred to the Association in the name of the Association in terms of the Powers of Investment hereinafter contained and to hold and administer these in accordance with this Constitution.
- (iii) To accept by way of gift devise or bequest real or personal of any kind in New Zealand or elsewhere and to hold and invest such property for the purpose of the Association.
- (iv) To accept transfers of funds held upon trust or otherwise for the Church.
- (v) To raise or borrow money by the acceptance of deposits from Trustees either with or without security and with or without interest on such conditions of repayment as may be determined by the Board from time to time.
- (vi) To deal with the income derived from the Common Fund in the manner set out hereafter.
- (vii) To assist and advise the Church in matters relating to investment policy and investment management, the consideration of, and decision-making on, commercial property transactions referred to the Board by the Church, including without limitation, the review and update from time to time of the Socially Responsible Investment Policy.
- (viii) To do all such other acts or things as are incidental or conducive to the attainment of the above objects or any of them.

THE BOARD

4. The affairs of the Association shall be managed by the Board.
 - (i) The Board shall consist of not less than six (6) and not more than twelve (12) members, at least two of whom shall be Ministers of the Church, appointed by the Conference. The General Secretary of the Church shall be a member ex officio, and shall be included as one of the twelve (12) members of the Board.
 - (ii) The Chair of the Board shall be appointed for a term of three (3) years by the Board at its first meeting after the conclusion of the Association's financial year where the preceding Chair's term of appointment or terms of appointment have ended as the case maybe, or has been caused to end in accordance with the terms of this Constitution, and they shall preside at all

meetings of the Board at which they are present and in their absence the Board may appoint its own Chair.

- (iv) A quorum for any meeting of the Board is a majority of the members of the Board. No business shall be carried out unless a quorum is present.
- (v) Should a vacancy occur in the membership of the Board during the interval between Conferences, the President on the recommendation of the Board shall have power to fill such vacancy provided the person so appointed shall hold office only until the next Conference unless re-appointed by the Conference.
- (vi) The proceedings of all meetings not only of the Board but also of its Committees shall be in accordance with the Standing Orders set forth in the Laws and Regulations of the Church.
- (vii) The Board shall meet at such time and place as it may decide and shall have power to make such terms and conditions for internal management with power to revoke amend or alter the same as it may think fit for carrying on the work of the Board under this Constitution or any future amendment thereof.
- (viii) No member of the Board will be liable for any loss to the Common Fund arising from any act or omission of the member of the Board unless it is attributable to that member of the Board's own dishonesty or gross negligence or to the wilful commission or omission of any act known by that member of the Board to be a breach of trust.

A. Subject to clause 4(viii), despite:

4(viii)A (a) **Section 30:** the provisions of section 30 of the Trusts Act 2019; and

4(viii)A (b) **Professional Trustees:** the likelihood that the members of the Board will from time to time include persons whose profession, employment or business is or includes acting as a trustee or investing money on behalf of others;

the care, diligence and skill to be exercised by those persons will not be that required by section 30 of the Trusts Act 2019 but will at all times be the care, diligence and skill that a prudent person of business would exercise in managing the affairs of others.

B. No member of the Board will be bound to take, or be liable for failure to take, any proceedings against any other member of the Board or former member of the Board for any breach or alleged breach of trust committed by that other member of the Board or former member of the Board.

C. Subject to clauses 4.14 and 4.14A, a member of the Board will be chargeable only for any money, which that member of the Board has received. For the purposes of this clause, a member of the Board is deemed to have received money even if not actually paid to that member of the Board if that money has been credited in account, reinvested, accumulated, capitalised, carried to any reserve, sinking or insurance fund, or otherwise dealt with on that member of the Board's behalf.

(ix) Meetings of the Board shall be convened by notice in writing specifying the time and place of such meeting and signed by the Executive Officer or other proper officer, provided always that in case of an emergency, notice may be given to a member personally or by telephone.

(x) Special Meeting: Any two members of the Board may at any time require the Board to convene for a Special Meeting.

A. Notification for Special Meeting: The Chair or Secretary will ensure that all members of the Board are notified of each Special Meeting in writing, which shall specify the place, date and time at which the Special Meeting is to be held, and business to be conducted at the meeting. Only the current members of the Board shall be entitled to receive notification of a Special Meeting. Written notice shall be hand-delivered, posted or sent by email or other forms of electronic mail to each member of the Board at least five (5) Working Days before the date of the Special Meeting.

B. An irregularity in the giving of notice of a meeting under clause 4 (ix) and 4 (x) is waived if each member of the Board either attends the meeting without protest as to the irregularity or agrees (whether before, during or after the meeting) to the waiver.

(xi) Where in the joint opinion of the Chair and the Executive Officer a particular matter can

be dealt with without a formal meeting such matter may be referred to each member by post or telephone. A decision by a simple majority of the Board communicated by post or by telephone to the Executive Officer on any issue so dealt with shall be as valid and effectual as if passed at a formal meeting of the Board.

- (xii) The Board and every Committee or Sub-committee shall keep Minutes of its meetings setting out a complete and accurate record of the business transacted at such meetings.
- (xiii) The Board may from time to time appoint any two (2) or more members of the Board to be a committee or sub-committee as it may deem necessary or expedient and may depute or refer to them such powers and duties of the Board as the Board may determine, which in the opinion of the Board will further the charitable purposes of the Association. Such Committees and Sub-Committees shall periodically report their proceedings to the Board at the next meeting of the Board that follows the meeting of the Committee or Sub-Committee. Subject to these rules and to any directions from time to time given by the Board, every such committee or sub-committee may regulate its own procedure but a quorum at any meeting of the committee or sub-committee shall be a majority of its members for the time being.
- (xiv) The Board may from time to time make, amend or repeal such by-laws and regulations consistent with this Constitution as it shall think expedient for the internal management of the Board or any part of the administration controlled by or for the Board.
- (xv) The Board shall not be responsible for seeing to the application by any Trustees of any moneys paid by the Board to such Trustees and the receipt of such Trustees for such payments shall be a full and sufficient discharge to the Board for such moneys so paid.
- (xvi) The Board shall not be liable for any loss arising from and out of or in connection with or in relation to any fall in the capital value of any investment lawfully made or acquired or retained by it.
- (xvii) Each member of the Board or former member of the Board is entitled to be indemnified by the Association against all actions, proceedings, claims, damages, losses, demands, calls, liabilities, costs (including legal costs) and expenses (together called

“liabilities”) suffered or incurred by that member of the Board or former member of the Board in connection with the Association, except to the extent that those liabilities are due to:

- (a) That member of the Board or former member of the Board’s own dishonesty; or
 - (b) the member of the Board’s gross negligence; or
 - (c) That member of the Board’s or former member of the Board’s wilful commission or omission of an act known by that member of the Board or former member of the Board to be a breach of trust.
- (xviii) The following persons shall not hold office as a member of the Board:
- (a) Youth: an individual who is under the age of 18 years;
 - (b) Bankruptcy: an individual who is an undischarged bankrupt or who is a discharged bankrupt but is prohibited by the Court from engaging in any form of business activity;
 - (c) Criminal Conviction or Sentence: a person who has been:
 - (i) Crime Involving Dishonesty: convicted of any crime involving dishonesty, within the meaning of section 2(1) of the Crimes Act 1961, and sentenced for that crime within the last seven years; or
 - (ii) Other Offences: convicted of any offence punishable by a term of imprisonment of three (3) or more months, or sentenced to imprisonment for any offence, unless that person has:
 - (1) Pardon: obtained a pardon; or
 - (2) Service of Sentence: served, or otherwise suffered, the sentence imposed on that person; provided that that person will not be disqualified from appointment as a member of the Board, or may continue to hold office as a member of the Board, but will be deemed to have taken leave of absence, until the expiry of the time for appealing against the conviction or sentence of imprisonment, and if there is

an appeal against conviction or sentence, until the appeal has been determined;

- (d) Disqualification from Company Positions: a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under the Companies Act 1993, the Financial Markets Conduct Act 2013 or the Takeovers Act 1993;
 - (e) Mental Disorder: a person with a mental disorder within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
 - (f) Incapacity: a person who is subject to a property order made under the Protection of Personal and Property Rights Act 1988 or whose property is managed by a trustees corporation under section 32 of the Protection of Personal and Property Rights Act 1988; or
 - (g) Charities Act Order: a person who is subject to an order made under the Charities Act 2005 disqualifying the person from being an officer of a charitable entity.
- (xix) A member of the Board shall cease to hold office if:
- the Conference does not renew or objects in any way to the member of the Board's appointment as a member of the Board;
 - the member of the Board becomes ineligible for appointment as a member of the Board pursuant to clause 4 (xviii) of this Constitution;
 - the member of the Board resigns by written notice to the Board;
- A member of the Board may retire or resign from the Association by giving no less than twenty (20) Working Days written notice to the remaining members of the Board and such notice shall take effect from the date specified in the notice or, if there is no date specified, on the expiry of twenty (20) Working Days from the date the letter was sent.
- On the retirement or resignation of office of any member of the Board, the members of the Board shall record such fact in the minute book of the Association.
- the member of the Board completes their term of office without being reappointed;

the member of the Board is absent without leave for three (3) consecutive ordinary meetings of the Board;

in the opinion of all the other members of the Board expressed in a resolution, the member of the Board should cease to hold office as a member of the Board; or

the member of the Board dies while holding office as a member of the Board.

- (xx) A member of the Board may hold office for a term of three (3) years from the date of appointment but, subject to clauses 4 (xviii) and 4 (xix), shall be eligible for re-appointments of two (2) further terms of three (3) years.
- (xxi) The Chair may hold office for a term of three (3) years from the date of appointment but, subject to clauses 4 (xviii) and 4 (xix), shall be eligible for re-appointments of two (2) further terms of three (3) years. The President may re-appoint the Chair for a further term of three (3) years on the recommendation of the Board so that the term of the Chair shall be no more than four (4) terms of three (3) years.
- (xxii) A meeting of the Board may be held where one or more of the members of the Board are not physically present at the meeting, provided that:
 - (a) All persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or Audio Visual Technology or other forms of communication;
 - (b) Notice of the meeting is given to all the members of the Board in accordance with the procedures agreed from time to time by the Board and such notice specifies that members of the Board are not required to be present in person at the meeting;
 - (c) If, during the course of the meeting, a failure in communications prevents clause 4 (xxii) (a) from being satisfied and such failure results in a quorum not being met, the meeting shall be suspended until condition 4 (xxii) (a) is satisfied again. If such condition is not satisfied within thirty (30) minutes from the interruption, the meeting shall be deemed to have been adjourned, to a date, time and place as advised by the Chair.
- (xxiii) Any meeting held where one or more of the members of the Board is not physically

present shall be deemed to be held at the place specified in the notice of meeting provided at least one a member of the Board is present at such place. If no member of the Board is present at such place, the meeting shall be deemed to be held at the place where the Chair of the meeting is located.

- (xxiv) A resolution in writing of the Board, signed or assented to by email or other form of visible or other electronic communication by the members of the Board shall be valid and effectual as if it had been passed at a meeting by the Board. Any such resolution may consist of several documents in like form each signed by three or more members of the Board.
- (xxv) Any resolution of the members of the Board may be rescinded or varied from time to time by the Board at any subsequent meeting by the same majority as was necessary to pass the resolution being rescinded or varied.
- (xxvi) The Board may, by a motion decided by all remaining members of the Board, terminate a member of the Board's position on the Board if it believes that such action is in the best interests of the Board.
 - (a) All members of the Board shall be given notice in writing of the motion at least twenty (20) Working Days before the meeting at which such motion is intended to be put.
 - (b) In exercising the power of removal, the members of the Board must:
 - (i) Act reasonably, having regard to the purposes of the Association;
 - (ii) If the removal of the member of the Board reduces the number of members of the Board on the Board below six (6), appoint a new member or members of the Board to ensure that there are an appropriate number of members of the Board in accordance with the Constitution.
- (xxvii) On every appointment, reappointment, removal or cessation of office of any member of the Board from the Board, the Board must cause an entry to that effect to be recorded in the Board's minutes.
- (xxviii) Should the number of members on the Board ever fall below six (6) then the remaining members of the Board shall have no power until another member of the Board or members of Board are appointed and until such additional member or members have

been appointed (so that there are at least six (6) members of the Board) no other powers hereunder may be exercised.

OFFICERS

- 5. (i) The Executive Officer of the Association shall be such person as shall be appointed by the Board. Normally he shall be the General Treasurer and/or Finance Manager of the Church.
- (ii) The Board shall also appoint a Secretary and shall have power to appoint such other or additional officers as shall from time to time be deemed expedient. It shall define the duties of any persons appointed to any position created by the Board.
- (iii) The Board shall have power to dismiss or remove upon such terms and conditions as it thinks fit any Officers or other Servants.
- (iv) The Chair of the Board may resign from holding the position by notice of twenty (20) Working Days in writing to the Board.
- (v) On the occurrence of the event set out in clause 5 (iv), the Board shall appoint another Chair in accordance with clause 4 (ii) who shall only preside as the Chair of the Board for the remainder of the term of the then Chair.

POWERS

- 6. The Board shall have the following powers:
 - (i) To receive from Trustees moneys or investments held by such persons upon trust for any religious, charitable, benevolent, educational or social trusts or purposes within the Church throughout New Zealand.
 - (ii) To hold moneys so paid and investments so transferred to it in the Common Fund.
 - (iii) To invest any moneys so received and any investment purchased or acquired by it in investments authorised by these presents or by law for the investment of trust funds.
 - (iv) In addition to but not in substitution for the powers of investment conferred on Trustees under and by virtue of the Trustee Act 1956 or any amendments thereof or any Act passed in substitution thereof or any other Acts now and hereafter passed conferring powers upon Trustees at its absolute discretion to invest the whole or any part of the Common Fund aforesaid whether at the time in a state of investment or not in the following manner:
 - (a) To purchase any interest in freehold or leasehold property.

- (b) To sell any freehold or leasehold property or any interest therein for the time being owned by the Board upon such terms and conditions as the Board in its absolute discretion thinks fit and may permit such part of the purchase price as it thinks fit to remain owing on it secured by a mortgage over such property or interest sold notwithstanding that except for the provisions of this clause such mortgage would not be a Trustee investment.
- (c) To invest in first mortgage of the interest of the Lessee under any lease in perpetuity or lease with the right of perpetual renewal, or any other lease for an unexpired term (including any right of renewal thereof) in excess of 21 years of any land where all conditions of improvement required under the lease have been complied with, and the lease is not liable to forfeiture in respect of default in complying with the aforesaid conditions and the Lessee is entitled under his lease to compensation or adequate protection in respect of all improvements on the land which are made by him or in which he has any interest.
- (d) To invest in contributory first mortgage of land or any interest therein either directly in its own name or through a nominee provided that the total amount secured by any such mortgage shall not exceed two-thirds of the value of the property against which such mortgage is secured as certified by a registered valuer.
- (e) To invest in Commercial Bills drawn on or accepted or endorsed by any trading bank, company or by any merchant bank listed on any Stock Exchange of New Zealand.
- (f) To invest in any shares, debentures or other securities that is party to a listing agreement with a registered exchange (within the meaning of section 2(1) of the Securities Markets Act 1988), or on such other recognised Overseas Stock Exchange as the Board may from time to time approve, and to retain any company shares or debentures transferred to the Board by any person or Trustee, and to take up whether for cash or otherwise any further such shares or debentures as may be offered to existing holders.
- (g) To underwrite or subunderwrite the issue of shares or debentures or other securities of any company in which the Board is authorised to invest.
- (h) To make and advance to the Trustees of any property held on the terms of the Methodist Model Deed on such terms as the Board thinks fit as may be requisite or necessary in and for the due execution and accomplishment of the trusts and purposes of such property or any of them.
- (i) To sell, exchange, vary or transpose any investments from time to time held by it and re-invest the proceeds of the sale thereof.
- (j) To make advances with or without security to other Methodist Church Funds Organisations and Trustees on such terms as it thinks fit.
- (k) To make deposits with any bank legally carrying on business in New Zealand or any savings institution and with such registered Trustee Companies and Building Societies, Local Authorities and other bodies and companies as it thinks fit.
- (v) To transfer all or part of the property, assets, liabilities and engagements of the Board to any person or persons for the purposes of any joint venture or working arrangement which the Board is authorised to enter into.
- (vi) To lease and take on lease any property upon and subject to such terms and conditions as the Board in its absolute discretion shall think fit.
- (vii) To raise money on mortgage by way of loan or bank overdraft and to mortgage, pledge or give security over any part or parts of the property of the Association.
- (viii) To issue debentures, debenture stock, bonds and securities of all kinds and to frame, constitute and secure the same as may seem expedient with full power to make the same transferable by delivery or by instrument of transfer or otherwise and either perpetual or terminable and either redeemable or otherwise and to charge and secure the same by Trust Deed or otherwise on the property of the Association.
- (ix) To set up and maintain a reserve fund which shall be applied in making good any losses of capital or in making good

- depreciation of the Association's assets.
- (x) To sub-divide all or any of the lands vested in the Association and lay-off, make, dedicate or form any roads or streets thereon and to make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets.
 - (xi) To repair, improve and maintain all or any of the property of the Association.
 - (xii) To erect buildings
 - (xiii) To cultivate and manage any of the lands or properties of the Association and do all acts and things incidental thereto.
 - (xiv) To enter into any contract or contracts with any public body company, body corporate or person, notwithstanding that any of its members may be interested therein, provided that before any such contract is authorised by the Board, the member of the Board who in any way, whether directly or indirectly, has a material interest in any contract or proposed contract or arrangement or dealing with the Association shall disclose the nature of that interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting.
 - (a) A member of the Board required to disclose an interest by this clause 6 (xiv) may be counted in a quorum present at a meeting but shall not vote in respect of the matter in which the member is interested (and if the member does so vote the vote shall not be counted).
 - (b) If any question shall arise at any meeting as to the materiality of a member of the Board's interest or as to the entitlement of any member of the Board to vote and such question is not resolved by the member of the Board voluntarily agreeing to abstain from voting, such question shall be referred to the Chair of the meeting whose ruling in relation to any such member shall be final and conclusive except in a case where the nature or extent of the interest of the member of the Board concerned has not been fairly disclosed.
 - (xv) To open and operate any account with any trading or savings bank, and to make arrangements with any bank for any of the members of the Board and/ or any delegate(s) named in writing by the Board to operate on any of the Board's accounts at that bank, and to deposit all or part of the Common Fund in any currency in a savings or other interest or non-interest bearing account with any bank, trust, company or other financial or investment institution in any jurisdiction in the world.
 - (xvi) (a) Subject to clause 6 (xvi) (c), any member of the Board being a person engaged in any profession, business or trade is entitled, with the prior consent of the Conference, to be paid all usual professional, business and trade charges for services provided by that person or that person's employee or partner in connection with the Association including acts, which a member, not being in any profession, business or trade, could have done personally.
 - (b) Subject to clause 6 (xvi) (c), each member of the Board is entitled to such remuneration for services provided as may be reasonable having regard to that member of the Board's duties and responsibilities and to any remuneration paid to that member of the Board in accordance with clause 6 (xvi) above for those services. For avoidance of doubt, members of the Board that are Ministers of the Church on a full stipend shall not be entitled to remuneration for services as members of the Board under this clause however members of the Board that are Ministers of the Church that receive less than the full stipend shall be entitled to remuneration for services as members of the Board under this clause.
 - (c) Any payment to a member of the Board referred to in clauses 6(xvi) (a) and 6(xvi) (b) must not exceed fair market value for services provided and shall at all times be consistent with the

laws, regulations, policies and procedures determined by the Conference of the Church from time to time. No member of the Board receiving such payment and no person associated with such member of the Board may:

- (i) Take part in any deliberations or proceedings relating to that payment; or
 - (ii) In any way determine or materially influence directly or indirectly the nature or amount of that payment or the circumstances in which it is to be paid.
- (d) Each member of the Board is entitled to be indemnified against, and reimbursed for, all travel, hotel and other expenses properly incurred in connection with the Association.
- (xviii) To raise money for any of the purposes of the Association by all lawful means, including the conduct of fundraising campaigns.
- (xix) To appoint any person as an investment manager to invest and manage all or any investments forming part of the Common Fund on such terms as the Board thinks fit, such terms to include a regular review of the investment manager's management of the investments.
- (xx) Subject to the Socially Responsible Investment Policy, to hold any part of the Common Fund uninvested and in any currency for so long as the Board thinks fit without being liable for any loss due to devaluation or any foreign exchange or other governmental restriction.
- (xxi) To postpone the sale of any real or personal property forming part of the Common Fund for so long as the Board thinks fit without being liable for any resultant loss to the Common Fund.
- (xxii) To let any real and personal property at such rent and on such terms and conditions including (without limitation) as to an option to purchase or surrender as the Board thinks fit.
- (xxiii) To insure any insurable property up to its full insurable value, or at the Board's option, up to its full replacement value,

against such risks as the Board thinks fit.

- (xxiv) To employ and pay a person or persons to be an agent or attorney of the Board and to authorise them to exercise or perform any or all of the functions of the members of the Board except Excluded Functions on such terms and conditions as the Board thinks fit provided that such authorisation is given in writing and such arrangements are kept under review. For the purposes of this clause, Excluded Functions means a function that is, or is related to:
- (a) the exercise of a discretion to pay, apply or appropriate or decide to pay, apply or appropriate, the whole or any part of the Common Fund;
 - (b) the exercise of a discretion to determine whether any payment from the Common Fund is a payment from income or capital;
 - (c) the exercise of a discretion to determine whether any payment received by the members of the Board should be appropriated to income or capital;
 - (d) a right conferred on the Board to apply to the Court; or
 - (e) a right to delegate the exercise of the Board's functions.
- (xxv) To vary, assign, novate, waive, terminate or otherwise deal with on such terms as the Board thinks fit any contract, commitment, arrangement or understanding to which the Board is party.
- (xxvi) To do all other lawful things that may from time to time be necessary or desirable in their opinion for the carrying out of the objects of the Association.

COMMON FUND

7. There shall be one Common Fund comprised of a "Long-term Fund" and a "Short-term Fund".
- (i) The "Long-term Fund" shall mean the investment fund in which moneys are lodged for a term of not less than two years and which may be withdrawn therefrom at any time after the expiry of the said period of two years and after the Trustees concerned shall have given to the Board not less than 12 months' notice in writing of their desire to withdraw the amount specified in such notice.

- (ii) The “Short-term Fund” shall mean the investment fund in which moneys are lodged for any less term than two years and may be withdrawn at any time by the Trustee concerned giving to the Board not less than two months’ notice in writing of their desire to withdraw the amount specified in such notice.
- (iii) Any Trustee depositing money with or transferring assets to the Association shall nominate how much (if any) thereof shall be invested in the Long-term Fund and how much (if any) thereof shall be invested in the Short-term Fund.
- (iv) (a) The costs of acquiring and of disposing and of valuing any asset forming part of the Long-term Fund shall be paid out of the capital thereof and any costs of administration of the Long-term Fund shall be paid out of the income arising from the Long-term Fund.
- (b) The assets comprising the Long-term Fund (other than investments in any fee simple or leasehold interest in real property) shall be valued as at the annual balance date in each year and any investments in any fee simple or leasehold interests as at the annual balance date not less than once in every three years by an independent valuer appointed by the Board, provided always in any year in which such any asset is not valued by an independent valuer the value for the purposes of the next succeeding paragraph (c) of this sub-clause (v) shall be the purchase price thereof (excluding any costs incurred in the acquisition thereof) if no value thereof has been made by an independent valuer of the latest value thereof made by an independent valuer.
- (c) As at the annual balance date in each year the aggregate costs of acquiring and disposing and valuing of any asset forming part of the Long-term Fund incurred during the preceding year shall be deducted from the aggregate value of all the assets comprised in the Long-term Fund as at the annual balance date and the balance thereof is hereinafter referred to as the capital value of the Long-term Fund, provided always that for the purposes of calculating the capital value of the Long-term Fund any costs incurred in valuing any assets as at an annual balance date shall be deemed to have been incurred immediately prior to such annual balance date.
- (d) The Board shall in each year calculate the percentage of gain or loss in the capital value of the Long-term Fund during the year preceding the annual balance date and shall credit or debit the capital account of each and every Trustee having funds invested in the Long-term Fund on the annual balance date with such percentage as at the annual balance date.
- (e) In the event of any Trustee withdrawing any capital from the Long-term Fund the value of the investment of such Trustee shall be the value thereof as determined at the last annual balance date prior to the date of withdrawal after such percentage has been credited or debited in accordance with the provisions of the preceding paragraph (d) of this sub-clause (iv).
- (f) All income arising from the Long-term Fund shall be first applied in or towards any administration costs charged against the Long-term Fund pursuant to the provisions of sub-clause (vi) of this Clause 7. The balance of such income after adjustment in term of Clause 7(vii) shall be divisible amongst and paid to the Trustees having investments therein in due proportion according to the same ratio as the capital value of the investments of each Trustee bears to the capital value of the Long-term Fund. The Board in its absolute discretion may from time to time declare and pay income at any date between one annual balance date and the next succeeding balance date, provided always in the event of any Trustee withdrawing capital from the Long-term Fund save and except when the withdrawal date coincides with the annual balance date the Board shall not be bound to pay any income in respect of such capital so withdrawn which has accrued since the date upon which the Board has last calculated the income of the Long-term Fund for the purpose of paying income to Trustees having investments therein.
- (v) All the income (including any capital gain) arising from the Short-term Fund shall first be applied in or towards the cost incurred by the Board in the acquisition or disposition or

valuation of any investment forming part of the Short-term Fund and any administration costs charged against the Short-term Fund pursuant to the provisions of sub-clause (vi) of this Clause 7 and in or towards the recoupment of any capital loss suffered in the Short-term Fund. The balance of such income shall be divisible after adjustment in terms of Clause 7 (vii) amongst and paid to the Trustees having funds therein in due proportion in accordance with the same ratio as the capital invested of each Trust therein bears to the total capital therein at the date at which the Board shall cause such balance of income to be calculated, provided always in respect of any capital withdrawn from the Fund the Trustee shall not be entitled to participate in the division of any income which has accrued to the Short-term Fund since the date upon which the balance of income was last calculated, provided further the Board shall cause the balance of the income of the Short-term Fund to be calculated on not less than four days in each calendar year at approximately equal intervals upon such dates as the Board in its absolute discretion shall from time to time determine.

- (vi) For the purposes of paragraph (f) of sub-clause (iv) and sub-clause (v) of this Clause 7 the Board in its absolute discretion shall apportion as it thinks fit between the Long-term Fund and the Short-term Fund any costs incurred by it in administering the Funds which in the opinion of the Board are not specifically attributable either to the Long-term Fund or the Short-term Fund and such costs so apportioned shall be charged against the Funds respectively.
- (vii) The Board shall decide what proportion (if any) of the income of the Long-term Fund and of the income of the Short-term Fund, after costs of administration have been deducted, will in any accounting year be carried over for distribution in the ensuing year.

FUNDS

- 8. (i) The Board shall have control of all its moneys and shall have full power to administer and apply the same for effecting the objects of the Board.
- (ii) All moneys received by and on behalf of the Association shall be paid into the Board's account with the Bank which the Board may from time to time appoint, and all payments

made by or on behalf of the Board shall be made by cheques signed as may from time to time be appointed by the Board.

- (iii) The Board shall keep full and correct records and accounts of all their receipts, credits and payments, assets, liabilities and transactions and all other matters necessary for showing the true state and condition of the Association.
- (iv) The financial year of the Association shall end each year on the 30th day of June, or such other date as may be determined by the Board.
- (v) The statement of Income and Expenditure and the Annual Balance Sheet, with the details of the result of operations shall be prepared and shall be duly audited. These shall be confirmed and adopted by the Board and submitted to the meeting next following the end of the financial year.
- (vi) The Board shall each year forward a report to each of the Synods of the Church and to the Conference next following.

SEAL

- 9. The Board shall have a Common Seal which shall be in the custody of the Board and shall not be used except with the authority of the Board and its affixing shall be performed in the presence of and accompanied by the signatures of three (3) members of the Board, which will be sufficient evidence of authority to affix the seal; and recorded in a seal register retained for such purpose.

DOCUMENTS AND AGREEMENTS

- A. Subject to clause 9A (i) and 9B, following a resolution of the Board approving the execution of any document or agreement, the signature of two (2) members of the Board on such approved document or agreement will bind the Association.
 - (i) Following a resolution of the Board approving the execution of any document relating to the audited financial statement of the Association, the signature of two (2) members of the Board, one of whom must be the Chair, on such approved document will bind the Association.

DEEDS

- B. Following a resolution of the Board approving the execution of any document which is required by law to be executed as a deed, the common seal of the Association must be placed on the approved document in accordance with clause 9.

GENERAL

10. (i) The Board shall in carrying out its objects at all times conform to the laws of the Church and no actions shall be performed by the Board nor its resources used for any purpose which is liable to bring reproach upon the Church.
- (ii) The Board shall make application for the Association to be incorporated under the provisions of the Charitable Trusts Act 1957.
- (iii) If any provision in this Constitution conflicts with the instruction, direction or decision of the Conference, then the decision of the Conference shall prevail.

AMENDMENTS

11. Any provisions of this Constitution may from time to time be rescinded, amended, altered or added to by the Conference provided no rescission, amendment, alteration or addition alters the exclusively charitable nature of the Association.

WINDING UP

12. Upon the termination or winding up of the Association all the then assets subject to any existing liabilities, shall vest in the Church and be disposed of by the Conference.
 - A. The Board may wind up the Association at any time with the approval of the Conference of the Church.
 - B. If at any time, the objects of the Association outlined under clause 3 of this Constitution shall fail or if for any other reason, the objects outlined under clause 3 of this Constitution shall become wholly frustrated and incapable of being carried out, then with the approval of the Conference of the Church, the Board shall proceed to wind up the Association.

DECISIONS OF CONFERENCE

13. (i) Any decision of the Conference respecting any provision of this Constitution and the administration of the trusts of the Board shall be binding on the Board.
- (ii) Any sanction, approval or directions of and by the Conference required in the terms of this Constitution shall be sufficient if given or made by or on behalf of the Conference by the Board of Administration of the Church or of any Committee exercising the function of the said Board of Administration appointed by that Conference.

NO PRIVATE PROFIT

14. Nothing expressed or implied in this Constitution will permit:
 - (a) The Board's activities; or
 - (d) Any business carried on by or on behalf of or for the benefit of the Board;in connection with the Association, to be carried on for the private profit of any individual.

REFERENCES

15. In this Constitution, unless the context requires otherwise, or specifically stated, reference to any law, legislation, or legislative provision includes any statutory modification, amendment, or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision whether before or after the date of this Constitution.

CONFLICT OF INTEREST MANAGEMENT

REGIME

16. Regime: The Board will follow the conflict management regime contained in this clause for managing and resolving actual, potential or perceived conflicts of interest or interest and duty in respect of the members of the Board of the Association.
- 16.1 Disclosure: A member of the Board shall disclose to the Board immediately after they become aware, the details of any:
 - (a) actual conflict;
 - (b) potential conflict; or
 - (c) reasonable apprehension that a circumstance of conflict exists,in respect of their appointment as member of the Board of the Association with any material interest and/or duty outside of the Association.
- 16.2 Uncertainty: For the avoidance of doubt, in the event a member of the Board is uncertain whether an actual, potential or perceived conflict exists, they shall disclose the conflict issue to the Board for determination pursuant to this clause 16.
- 16.3 Chair may Initiate process: If at any time the Chair holds a reasonable apprehension that a circumstance of conflict (whether actual, potential or perceived) may exist, the Chair may initiate the process pursuant to clause 16.5 below.
- 16.4 Meeting: In the event the Board receives a disclosure from a member of the Board, or a conflict concern initiated by the Chair or otherwise in respect of a conflict issue, the Board shall hold a

Special Meeting to determine whether an actual or potential conflict exists or is perceived to exist. The Board shall have regard to the following factors in determining whether a conflict exists:

- (i) The nature, extent and circumstances of the potential conflict; and
- (ii) The extent to which the potential conflict impacts or may impact on:
 - (i) the ability of the member of the Board to perform their functions and duties pursuant to this Constitution; and
 - (ii) the ability of the Association to execute its functions pursuant to this Constitution.

16.5 Action: In the event an actual or potential conflict exists or is perceived by the Board to exist, the Board shall proceed to determine what actions it should take (if any) to resolve or mitigate the conflict issue.

16.6 Contract or arrangement: Notwithstanding clause 16.5 above, if any member of the Board is in any way Interested (directly or indirectly) in or with any contract, arrangement or undertaking to be entered into by or on behalf of the Board, or in which the Association is or may be in any way concerned or involved (Transaction):

- (a) The member of the Board shall disclose the nature and extent of the member of the Board's interest in the Transaction to the Board; and
- (b) The member of the Board shall not be entitled to:
 - (i) be included in the quorum of that part of the meeting at which the matter relating to the Transaction arises and/or the Transaction itself is discussed;
 - (ii) vote in any consideration of the Transaction by the Board;
 - (iii) sign any document relating to the Transaction on behalf of the Association; or
 - (iv) do anything else as a member of the Board in relation to the Transaction, as if they were not interested in the Transaction.

For the avoidance of doubt, any Transaction dealt with in this clause 16.6 remains a conflict issue subject to this clause 16.

16.7 Decision binding: A member of the Board affected by a conflict issue shall be subject to and bound by the decision of the Board to the extent of such limitations or restrictions in their capacity as a

member of Board as the Board may reasonably determine.

16.8 Transparent process: The Board agrees and acknowledges that the conflict management regime contained in this clause will be implemented in a manner that achieves transparency of process and ensures the confidence of all parties involved.

16.9 Professional advice: The Board may take professional advice in respect of a conflict issue if and when considered necessary by the Board.

16.10 Prompt attention: The Board agrees and acknowledges that any claim of a conflict of interest or any process undertaken by the Board to determine or otherwise resolve or mitigate a conflict issue must be undertaken in a prompt and timely fashion and in accordance with the processes outlined in this clause and the law.

DISPUTE RESOLUTION

17. In the event of any dispute under this Constitution, the parties will:

- (a) promptly give full written particulars of this dispute to all other parties; and
- (b) cooperatively enter into discussions to try and resolve the dispute.

17.1 No Resolution: If the dispute is not resolved within ten (10) Working Days of written particulars being given (or any longer period agreed to by the parties), the dispute will be referred to mediation. If mediation is unsuccessful, a party may seek resolution through the Courts should an alternative procedure for dispute resolution not be provided in the Methodist Church of New Zealand Trusts Act 2009 and the Trusts Act 2019.

17.2 Exception: This clause 17 does not apply to an application by either party for urgent interlocutory relief.

INCORPORATION

18. The Board shall at all times ensure the Association remains registered as an incorporated charitable trust board under and in compliance with, the Charitable Trusts Act 1957 and shall remain registered with Charities Services.

GOVERNING LAW

19. This Constitution shall be governed by the laws of New Zealand and the members of the board submit to the non-exclusive jurisdiction of all courts having jurisdiction in New Zealand.

SEVERANCE

20. If any provision of this Constitution is found to be illegal, invalid or unenforceable, that provision shall be read down to the extent necessary and reasonable in all circumstances to give it a valid operation or partial character. If any provision cannot be so read down, that provision will be void and severable and the remaining provisions will not in any way be affected or impaired.

17. Appendix A-2

Constitution of the Board of Administration of the Methodist Church of New Zealand

NAME

1. The name of the Board is the “Board of Administration of the Methodist Church of New Zealand”.

INTERPRETATION

2. In this Constitution unless inconsistent with the context,

The “Administration Division” means the Administration Division of the Church;

“Board” means the board set up under this Constitution;

“Church” means the Methodist Church of New Zealand (**Te Hāhi Weteriana O Aotearoa**);

“Connexion” and “Connexional” means and refers to the Church as an entity and to the Connexional Office, funds, and/or administration and Administration Division of the Church;

“Conference” means the Conference of the Church;

“President” means the President of the Church for the time being, and includes any person or persons for the time being authorised by

Conference to perform and carry out the duties of the President;

The “General Secretary” means the General Secretary of the Church;

“Presbyter” means and includes ordained Ministers and probationers of the Church;

“Lay Worker” means and includes any person not a Presbyter or Deacon employed for any purpose of the Church, and includes all or any full or part time staff employed (including unpaid and voluntary workers) by any entity responsible to Conference;

“Deacon” means a member of the Diaconate of the Church;

“Trustee” or “trustees” means and includes Trustees of Church properties under the Methodist Model Deed of New Zealand 1887, Quarterly Meetings of Circuits, Parish Councils, Union Parishes, or other Cooperative ventures, Churches, Trust Boards, Associations, Committees, Institutions, Divisions and any person or persons whether incorporated or not, now or hereafter holding funds on trust for any purpose of the Church;

REGISTERED OFFICE

3. The Registered Office of the Board, at the date of this Constitution, is at Morley House, 25 Latimer Square, Christchurch 1. The place of the Registered Office may be changed by the Board with the approval of Conference.

INCORPORATION

4. The Board is, and until otherwise decided by Conference, shall remain incorporated under the Charitable Trusts Act 1957, or any Act passed in substitution for that Act.

OBJECTS

5. The objects for which the Board is established are to:
 - 5.1 promote the religious, charitable, benevolent, educational, social or administrative purposes of the Church and particularly to promote knowledge and understanding of the outworking of the Church's life and mission;
 - 5.2 provide leadership and guidance to the Church in matters affecting its basic policy, its day-to-day administration, the management of funds, the growth and development of properties and trusts of the Church;
 - 5.3 exercise a pastoral role with Presbyters, Deacons and Lay Workers, in particular in matters affecting their personal financial position and in their relationship to the funds of the Church and with Presbyters, Deacons and Lay Workers of the Church in matters affecting finance and administration at Parish, District, Synod and Connexional levels;
 - 5.4 in conjunction with Synod and Parish Superintendents conserve and extend the interests of the Church;
 - 5.5 facilitate the implementation of such policies as Conference entrusts to it;
 - 5.6 serve the interests of the various Boards and Committees whose funds are administered the Administration Division;
 - 5.7 provide for the collection and housing of Conference and Church records and archives;
 - 5.8 ensure that adequate arrangements are made for the holding of Conference;
 - 5.9 provide financial guidance, accounting services and administration for funds of the Church and accounting service for those funds managed by the Administration Division;
 - 5.10 act on behalf of Conference as the holder of title and registered proprietor of such real property of the Church as is vested in the name of the Board;
 - 5.11 carry out such general and other administrative, financial and management functions as may from

time to time be delegated or entrusted to it by Conference;

- 5.12 carry out such other acts or things as are incidental, conducive or necessary to the proper management of any function of property of Conference, the Board, the Connexion, or the Trustees or to any of the objects specified in this Constitution or subsequently delegated or entrusted to the Board by Conference, provided that no object, power or function specified elsewhere in this Constitution shall be construed so as to limit the generality of this clause.

POWERS

6. Without limiting the generality of, and pursuant to, Clause 5, the Board shall have all the following powers, to:
 - 6.1 amalgamate at its discretion in on or more Common Funds securities and money forming the funds from time to time under the control of the Board and to invest the same in terms of this Constitution in such manner as the Board shall from time to time authorise with full power within any Common Fund to designate any particular fund or funds held on specific trusts;
 - 6.2 hold any property interest or estate freehold or leasehold, real, chattel or incorporeal, upon such terms and conditions as the Board shall think fit, or apply to any particular property in its own name or otherwise;
 - 6.3 appoint such Committees to deal with such parts of the work of the Board as are from time to time delegated to each Committee by the Board;
 - 6.4 accept transfers of funds held upon trust or otherwise from any part of the Church;
 - 6.5 receive from Trustees moneys or investments held by such persons upon trust for any religious, charitable, benevolent, educational or social trust or purpose of the Church and to place and hold moneys so paid and investments so transferred to it in any Common Fund;
 - 6.6 invest such funds as are purchased or acquired by or transferred to, the Board, or are in the name of the Board in terms of the investment powers in this Constitution, and to hold and administer these in accordance with this Constitution;
 - 6.7 deposit with and/or invest through any Board of Body administering funds of the Church;
 - 6.8 accept by way of gift devise or bequest real or personal property of any kind in New Zealand or

- elsewhere and to hold and invest such property as set out in this Constitution;
- 6.9 hold and administer any real or personal property transferred devised or bequeathed to the Board, or in any other manner vested in the Board, for special charitable purposes or trusts in connection with any Methodist church or any Church Trust, organisation or Board of the Church, whether such purposes and trusts be wholly for such purposes or partially for other charitable purposes not connected with the Church;
- 6.10 raise or borrow money by the acceptance of deposits from Trustees either with or without security and with or without interest on such conditions of repayments as may be determined by the Board from time to time;
- 6.11 take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be expedient for the purposes of procuring contributions to the funds of the Board or the Church or towards any joint venture by way of donations, annual subscriptions or otherwise;
- 6.12 deal with the income derived from any funds or investments;
- 6.13 ensure that the Laws and Regulations of the Church regarding retirement funds and retirement of Presbyters, Deacons, their widows and dependents children and Lay Workers are complied with;
- 6.14 provide assistance in the provision of transport for Presbyters, Deacons, Lay Workers, Parishes and Boards of the Church;
- 6.15 provide such assistance to Presbyters, Deacons, their widows or dependents children, or any Workers employed by the Church as Conference from time to time shall determine;
- 6.16 defray such costs of removal to or from appointments of Presbyters, Deacons or Lay Workers as shall from time to time be determined by Conference;
- 6.17 facilitate and implement such policies of Conference as are entrusted to it;
- 6.18 serve the interests of the various Boards and Committees appointed by Conference;
- 6.19 provide for the collection and housing of Conference and Church records and archives;
- 6.20 administer all Church funds which are the responsibility of the Board;
- 6.21 assist in such manner as Conference shall from time to time determine in providing homes for Presbyters, Deacons or Lay Workers on their retirement;
- 6.22 assist in the purchase, erection and maintenance of, and additions to, all Church property, and in the repayment of debts on Church property, and give such oversight to Church property as shall from time to time be determined by Conference;
- 6.23 in addition to but not is substitution for the powers of investments contained in the Trustee Act 1956 or any amendments thereof, or any Act passed in substitution therefore or any other Acts now or subsequent to the date of this Constitution passed conferring powers upon trustees, which powers are thereby conferred on the Board, the Board shall in its absolute discretion have power in respect of the whole or any part of any Common Fund, whether at the time in a state of investment or not to:
- (i) purchase and hold any interest in freehold or leasehold property;
 - (ii) subject to clause 8(1)(v), sell any property or any interest in property for the time being owned by or vested in the Board upon such terms and conditions as the Board in its absolute discretion thinks fit, and permit such part of the purchase price as it thinks fit to remain owing on it secured by a mortgage over such property or interest sold notwithstanding that except for the provisions of this clause such mortgage might not be authorized for the investment of trust funds;
 - (iii) invest in first mortgage of the interest of the Lessee under any lease in perpetuity or lease with the right of perpetual renewal, or any other lease for an unexpired term (including any right of renewal) in excess of 21 years, over any land where all conditions of improvement required under the lease have been complied with, and the lease is not liable to forfeiture in respect of default in complying with any conditions, and the Lessee is entitled under the relevant lessee to compensation or adequate protection in respect of all improvements on the land which are made by the lease or in which the lessee has any interest;
 - (iv) invest in first mortgages of land or any interest therein, either directly in its own name or through a nominee or group investment fund provided that the total amount secured by any such mortgage shall

- not exceed a prudent percentage (as decided by the Board either generally or specifically) of the value of the property against which such mortgage is secured as certified by a registered valuer;
- (v) invest in Commercial Bills drawn on or accepted or endorsed by any trading bank, company or by any merchant bank that is party to a listing agreement with a registered exchange (within the meaning of section 2(1) of the Securities Markets Act 1988);
 - (vi) invest in any share, debentures or other securities listed on the New Zealand or any other recognised Stock Exchange, and to retain any Company share or debentures transferred to the Board by any person
 - (vii) underwrite, or sub underwrite, the issue of shares or debentures or other securities of any Company in which the board is authorised to invest;
 - (viii) make loans or advances to the Trustees of any property held in terms of the Methodist Model Deed of New Zealand, 1887, or held for or on behalf of the Church or to any entity holding property for or on behalf of the Church, or any Church-related purpose, on such terms and/or securities as the Board thinks fit as the Trusts and purposes or any other in respect of such property;
 - (ix) sell, exchange, vary or transpose any investments from time to time held by it and re-invest the proceeds of any disposal;
 - (x) make advances, with or without security, to Parishes, Boards, Trustees, Presbyters, Deacons or Lay Workers on such terms as it thinks fit;
 - (xi) make deposits with any Bank legally carrying on business in New Zealand or any Savings Institution or with such registered Trustee Companies, Building Societies, local Authorities or other Bodies, Entities or Companies as it thinks fit;
 - (xii) make deposits with or through the New Zealand Methodist Trust Association or any other Board, Entity or Body administering funds of the Church.
- 6.24 transfer all or any part of the property, assets, liabilities or responsibilities of the Board to any person or persons for the purposes of any joint venture or working arrangement which the Board is authorised to enter into;
- 6.25 lease or take on lease, any property upon and subject to such terms and conditions as the Board in its absolute discretion thinks fit;
- 6.26 subject to Clause 8(1)(v), raise money on mortgage by way of loan or Bank overdraft, and mortgage, ledge or give security over any part or parts of the property of the Board;
- 6.27 issue debentures, debenture stock, bonds or securities of all kinds, and frame, constitutes or secure the same as may seem expedient with full power to make the same transferable by delivery or by instrument of transfer or otherwise, whether perpetual or terminable, redeemable or otherwise, and charge and secure the same by Trust Deed or otherwise on the property of the Board;
- 6.28 set up and maintain a Reserve Fund for the making good of any losses of capital or depreciation in value of the Board's assets;
- 6.29 sub-divide all or any of the lands vested in the Boards and lay-off, make, dedicate or form any roads or streets, and, make and carry out arrangements with Local Authorities with regards to the construction of, or any other matters connected with, such roads or streets;
- 6.30 repair, improve and maintain all or any of the property of the Board, or held by the Church or by trustees, or otherwise, on behalf of Conference;
- 6.31 erect buildings and equip the same;
- 6.32 cultivate and manage any of the lands or properties of the Board and do all acts and things incidental thereto;
- 6.33 enter into any contract or contracts with any public body, body corporate or person, notwithstanding that any of its members or such person, may be interested therein, provided that before any such contract is authorised by the Board, the member so interested shall disclose to the Board the nature of that interest and shall refrain from voting in respect of the making of that contract or contracts, and that, if the member does so vote, the vote shall not be counted;
- 6.34 pay all reasonable and proper expenses of members of the Board and its officers;
- 6.35 pay all expenses incurred in or about the administration of the funds and affairs of the Board;
- 6.36 make such reasonable and proper charges for, and recover the disbursements of management of, any fund or funds administered on behalf of the Church and for any other services rendered as the Board shall from time to time determine;
- 6.37 give or enter into such guarantees as are approved by Conference.

FUNDS AND BANKING

- 7.1 The Board shall have control of all its moneys, funds, investments and assets, and shall have full power to administer and apply the same in effecting the objects of the Board.
- 7.2 All moneys received by or on behalf of the Board shall be paid into such of the Board's accounts with its banker(s) as the Board from time to time directs.
- 7.3 The Board shall have power to open and operate accounts in the name either of itself or of any fund it administers in any Bank carrying on business in New Zealand. All cheques drawn on any Board Bank account or withdrawals therefrom shall be signed by such person or persons (never less than two in number) as the Board from time to time authorises.
- 7.4 The Board shall cause full and property financial records to be kept in accordance with relevant accounting standards applicable to the Board.
- 7.5 The financial year of the Board shall end each year on the 30th day of June, or such other date as may from time to time be determined by the Board or Conference.
- 7.6 For all entities for which the Board is responsible to Conference, it shall cause financial records and reports to be kept and maintained in accordance with appropriate and relevant financial reporting standards. The financial reports shall be audited by a member of the Institute of Chartered Accountants of New Zealand holding a current certificate for public practice. These shall be received and following adoption by the Board shall be submitted to the Conference next following the end of the financial year.
- 7.7 Where the Board undertakes accounting services for entities which choose to engage the Connexional Office or Administration Division of the Church, or the Board, to keep and maintain their financial records and/or prepare their financial statements, but for which the Board is not responsible to Conference, the Board shall cause financial records to be kept and maintained in accordance with appropriate and relevant reporting standards, and in accordance with any contract or arrangement with the entity for which the accounting services are being provided. Any accounts falling within this clause shall not be received or adopted by the Board, and, unless having any such accounts audited is specifically a Board responsibility, the Board shall not be responsible to have any such accounts audited.

HOLDING TITLE

- 8.1 In relation to the power to hold title set out in clause 6.2, the Board shall:
- (i) hold on behalf of the Conference, and have vested in it, title to all property not vested in other Incorporated Boards or held by trustees under the Methodist Model Deed of New Zealand 1887, and shall hold such property on the same trusts as are set forth in the Methodist Model Deed of New Zealand 1887;
 - (ii) sign in accordance with this Constitution all documents from time to time required in respect of property vested in it;
 - (iii) delegate such of its functions as it shall from time to time decide to Committees or Sub-Committees of the Board;
 - (iv) at the request of any Board of trust or as authorised by Conference administer any property;
 - (v) have no power to mortgage or otherwise charge, to sell or otherwise dispose of any property vested in it held on behalf of Conference for any Parish, Board or Trust, or on a particular trust, except at the specific written request or with the written consent of such Parish, Board or Trust, or on the specific direction of Conference, and then only for the specific purposes of the Parish, Board or Trust concerned.
- 8.2 The Board shall, on behalf of Conference, receive and consider, and make recommendations to conference upon, any consent or approval required in respect of any property matter whether such property is vested in the Board, another Incorporated Board of the Church, or in Trustees under the Methodist Model Deed of New Zealand 1887, or is held in any other manner on behalf of the Church.
- 8.3 The Board may, either generally or specifically, delegate as it sees fit any of its functions relating to consent on behalf of Conference on any property matter.
- 8.4 In dealing with consent or approval matters relating to property the Board shall:
- (i) facilitate the property concerns for the local Church and Parish by encouraging the working out of basic mission strategy and planning for the creative use of buildings to enhance both worship and mission;
 - (ii) ensure that Conference requirements relating to buildings are followed;
 - (iii) carry out the functions set out in this clause

- in co-operation and consultation with any appropriate property or Model Deed Trustees, Parish Meeting(s) and Synod Property Advisory Committees of the Church;
- (iv) seek appropriate advice when dealing with commercial, quasi-commercial or investment property, or properties that may have commercial or investment potential;²⁸
 - (v) Seek the advice of The Methodist Alliance, or any successor to it, in carrying out the functions set out in this clause when dealing with a property which is for any social service purpose of the Church
 - (vi) provide an advisory service on all aspects of property management, maintenance, development or re-development for the Church;
 - (vii) carry out such other function as may from time to time be necessary, or assigned or delegated to it by Conference.
- 8.5 The Board shall ensure that title to all Church property is in order and provide for the safe custody of documents.
- 8.6 The Board shall from time to time:
- (i) publish guidelines concerning the Church's property holding and procedures;
 - (ii) encourage the researching of the history of Church land;
 - (iii) ensure that before the sale or purchase of any Church land, its history has been researched.
- 8.7 Whenever the Board, a the holder of tile to any property on behalf of Conference for any Parish, Board or Trust of the Church, executes any security over that property,
- (i) as a condition precedent to executing such security documentation the Board may require from such Parish, Board or trust such indemnity in the form it considers reasonably appropriate regarding actual or potential liabilities arising in terms of the security to be executed, and
 - (ii) whether or not a specific indemnity is given, the parish, Board or Trust shall indemnify the Board in respect of all or any liability, cost or other expense arising from such security.

THE BOARD

9. The following provisions shall apply with respect to the Board.

- 9.1 The Board shall be appointed by conference and shall consist of not more than 12 members, at least one-third of whom shall be Presbyters or Deacons of the Church, and of which at least three reside in the area of New Zealand where the Connexional office is situated. The General Secretary of the Church shall be an Ex Officio member and shall be included as one of the number forming the Board.
- 9.2 The Board shall review its Board each year and having determined its recommended position for the ensuing year, shall submit its recommendations to Conference for appointment. A member of the Board who has been absent without leave from one half or more of the Board's meetings during the year shall be ineligible for appointment for the following year.
- 9.3 The Chairperson of the Board for the ensuing Connexional year shall be appointed by the Board at its first meeting after Conference, and shall preside at all meetings of the Board at which the Chairperson is present. In the Chairperson's absence, the Board may appoint its own Chairperson. If a Deputy Chairperson has been appointed, that person shall normally act as Chairperson in the absence of the Chairperson;
- 9.4 A quorum of the Board shall be a majority of the board present in person, or, in the event of a meeting by electronic connexion, taking part by telephone or other electronic means;
- 9.5 Should a vacancy occur in the membership of the Board during the interval between Conferences, the President on the recommendation of the Board shall have power to fill such vacancy, provided the person so appointed shall hold office only until the next Conference unless re-appointed by Conference.
- 9.6 The proceedings of all meetings of the Boards and its Committees shall be in accordance with the Laws and Regulations of the Church;
- 9.7 The Board shall meet at such time and place and in such manner and by such means as it may decide, and shall have power to make such rules for internal management with power to revoke amend or alter the same as it may think fit for carrying on the work of the Board under this Constitution, or any amendment thereto;
- 9.8 Meetings of the Boards shall be convened by written notice, which may be in the minutes for a previous meeting, and normally not less than seven (7) days prior to the meeting date specifying the time and place of the meeting, and usually the business to be considered, except that in

²⁸ Conference 2020

case of an emergency, notice may be given to a member personally, by telephone or by electronic communication. It shall be at the discretion of the Board as to whether the failure to comply strictly with the provisions of this clause shall invalidate the proceedings at any meeting.

- 9.9 The Chairperson may, or the Executive Officer upon the requisition in writing of not fewer than three members of the board shall, convene a special meeting of the Board. At least three (3) days prior notice specifying the time and place of, and where possible, the business to be considered at that special meeting shall be given to each Board member. The non-receipt of notice of a special meeting by any member shall not alone invalidate the proceedings at any meeting. A record of the business transacted shall be kept and presented to the next ordinary meeting of the Board.
- 9.10 Where in the joint opinion of the Chairperson and the Executive Officer a particular matter can be dealt with without a formal meeting, such matter may be referred to each member by post, or telephone or electronic communication. A decision by a simple majority of the board communicated by post, telephone or electronic communication to the Executive Officer on any issue so dealt with shall be as valid and effectual as if passed at a formal meeting of the Board.
- 9.11 The Board shall ensure that Minutes are kept of all its meetings, including meetings pursuant to the preceding sub-clause 10, setting out a complete and accurate record of the members present or participating and the business, including all decisions, transacted at each meeting.
- 9.12 Pursuant to Clause 6(3), the Board may from time to time appoint such Committees or Sub-committees as it deems necessary or expedient. The Board may delegate to a Committee such powers and duties of the Board as the Board may decide. Each Committee and Sub-committee shall periodically report its proceedings to the Board and shall conduct its business in accordance with any directions of the Board.
- 9.13 The Board shall not be responsible for seeing to the application by any Trustees of any moneys paid by the Board to such Trustees and the receipt of such trustees, or of their proper officer, for any such payment shall be a full and sufficient discharge to the Board for moneys so paid.

EXECUTIVE OFFICER

10. The General Secretary of the Church shall be the executive officer of the Board and shall lead the Administration Division.

STAFF

- 11.1 The Board, through its Executive Officer shall employ, on such terms and conditions as it thinks fit, such persons, other than those appointed by Conference, as it considers appropriate in order to carry out the duties and responsibilities set out in this Constitution.
- 11.2 All staff employed shall:
- (i) be responsible through its Executive Officer to the Board, and
 - (ii) usually have either individual or collective employment contracts.
- 11.3 The Executive Officer shall be responsible to ensure that all secular law relating to the employment of staff is complied with.

REGULATIONS

12. The Board may from time to time make, amend, or repeal rules or regulations, consistent with this Constitution, as it thinks expedient for the internal management of the Board or any committee or institution under the control of the Board.

SEAL

13. The Board shall have a Seal which shall be in the custody of the Executive Officer and shall not be used except with the authority of the Board and its affixing shall be witnessed by at least two Board members.

LIMITATIONS OF LIABILITY

- 14.1 No member of the Board shall be answerable or liable for any loss occasioned by an action of the Board so long as that member acts honestly, in good faith and without wilful neglect or default.
- 14.2 The Board shall not be liable for any loss arising from, out of, or in connection with, or in relation to any fall in the capital value of any investment lawfully made, acquired or retained by it.

AMENDMENTS

15. Any provision of this Constitution may from time to time be rescinded, amended, altered or added to by Conference.

GENERAL

- 16.1 An annual report shall be submitted to each Conference.
- 16.2 The Board shall in carrying out its objects at all time conform with the Laws and regulations of the Church and no action shall be taken or performed by the Board its resources be used for any purpose which is liable to bring reproach upon the Church.

CONFERENCE

- 17.1 Any decision of the Conference respecting any provision of this Constitution and the

administration of the Trust reposed in the Board shall be binding on the Board.

- 17.2 The Board shall have no power to do anything which is outside the powers of Conference.

WINDING UP

18. Upon the termination or winding up of the Board, its net assets shall be the property of the Church and be at the disposition of Conference.

Incorporated under the provisions of the Charitable Trusts Act, 1957 at Christchurch on 27th April, 1978

18. Appendix A-3

Deed of Variation of the Constitution of the PACT 2086 Trust²⁹

Constitution of PACT 2086 Trust

NAME AND DATE

- 1.0 The name of the Trust shall be the PACT 2086 Trust.
- 1.1 This Constitution, is dated 21 October 1987.

INTERPRETATION

- 2.0 In this Constitution unless there be something in the subject or context inconsistent therewith:-

The Trust means the PACT 2086 Trust.

The Church means the Methodist Church of New Zealand Te Hāhi Weteriana o Aotearoa.

The Conference means the Conference of the Methodist Church of New Zealand Te Hāhi Weteriana o Aotearoa.

The President means the President of the Methodist Church of New Zealand Te Hāhi Weteriana o Aotearoa and includes any person or persons for the time being authorised by

Conference to perform and carry out the duties of President.

The Board means the Board of Management set up under this Constitution.

Audio-Visual Technology where used in this Constitution includes but is not limited to Whatsapp, Skype and Zoom applications and web platforms and audio-visual technology that the Chair may decide to utilise, from time to time.

Balance Date means 30 June or any other date adopted from time to time by the members of the Board as the end of the Trust's Financial Year.

Chair means the member of the Board appointed in accordance with clause 4.2.

Constitution means this constitution of the PACT 2086 Trust and any subsequent variations and amendments to this constitution and the schedules and appendix referenced within those amendments.

Financial Year means any year or other accounting period ending on the Balance Date.

Member of the Board means the member or members of the Board for the time being of the Trust and, where the members of the Board of the Trust have incorporated as a board under the Charitable Trusts Act 1957, either the members of the Board acting as a board or the member or members of the Board for the time being constituting the board, as the context requires.

²⁹ Conference 2021

Property means real or personal property of any kind and includes any right or interest in such property and anything in action.

Secretary means the person appointed in accordance with clause 5.0.

Special Meeting means any meeting other than an ordinary meeting or annual meeting of the Board of the Trust, pursuant to clause 4.8.

Trust Fund means any Property, which may be paid to or held under the control of or vested in or acquired by the Board for the Trust from any source on or after the date of this Constitution and whether by way of gift, bequest, devise, purchase, exchange or otherwise.

Working Day means any day (other than a Saturday or Sunday) on which registered trading banks are open for business in Christchurch, New Zealand.

Clauses: references to clauses are references to this Constitution's clauses.

Defined Expressions: expressions defined in the main body of this Constitution have the defined meaning in the whole of this Constitution including the background.

Gender: references to one gender includes other genders.

Headings: section, clause and other headings are for ease of reference only and do not form any part of the context or affect this Constitution's interpretation.

Negative Obligations: any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done.

No Limitation: references to anything of a particular nature either before or after a general statement do not limit the general statement unless the context requires.

Parties: references to parties are references to parties to this Constitution.

Persons: references to persons include references to individuals, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities in each case whether or not having separate legal personality.

Plural and Singular: singular words include the plural and vice versa.

OBJECTS

- 3.0 The objects for which the Trust is established are for the furtherance in New Zealand of the religious, charitable, social and educational work of the Church and to that end:
- 3.1 To receive, hold, manage and administer all property both real and personal transferred to or vested in the Trust from time to time, and in particular the property referred to in clause 6. 1. 1 of this Constitution.
- 3.2 To promote the development or redevelopment of any real property owned or held by the Trust for the purposes of the Trust, and in particular the property referred to in clause 6. 1. 1 of this Constitution.
- 3.3 To invest and reinvest any funds or monies of the Trust held from time to time.
- 3.4 To administer any interest in real property including reversionary rights that may attach thereto for the purposes of the Trust and for the benefit of the Church.
- 3.5 To do any such other act or thing as is incidental, conducive or ancillary to the attainment of any of the above objects.

THE BOARD

- 4.0 The Trust shall be managed and administered by the Board.
- 4.1 The Board shall comprise those persons who are the members from time to time of the Board of the New Zealand Methodist Trust Association.
- 4.2 The Chair of the Board shall be appointed by the Board at its first meeting after the conclusion of the Trust's financial year and shall preside at all meetings of the Board, but if absent the Board may appoint a Chair for that meeting. Unless a different Chair is appointed by the Board, the Chair of the New Zealand Methodist Trust Association shall without further or other appointment be the Chair of the Board.
- 4.3 A quorum for any meeting of the Board is a majority of the members of the Board present in person. No business shall be carried out unless a quorum is present.
- 4.4 Subject to clause 4. 1, should a vacancy occur in the membership of the Board during the interval between Conferences, the President on the recommendation of the Board shall have power to fill such vacancy, provided the person so appointed

shall hold office only until the next Conference unless re-appointed by that Conference.

- 4.5 Proceedings of all meetings not only of the Board but also of its Committees shall be conducted in accordance with the Standing Orders set forth in the Laws and Regulations of the Church.
- 4.6 The Board shall meet at such time and place and in such manner as it may decide and shall have power to make such terms and conditions for internal management or administration with power to revoke amend or alter the same as it may think fit for carrying out the work of the Board under this Constitution or any amendment thereof.
- 4.7 Any meeting of the Board shall be convened by notice in writing or by such other form of notice as the Board may from time to time decide specifying the time, place and manner of such meeting and signed by the Executive Officer or other proper officer, provided always that in case of an emergency, notice may be given to a member personally, by telephone or by other reasonable means.
- 4.8 Special Meeting: Any two members of the Board may at any time require the Board to convene for a Special Meeting.
- A Notification for Special Meeting: The Chair or Secretary will ensure that all members of the Board are notified of each Special Meeting in writing, which shall specify the place, date and time at which the Special Meeting is to be held, and business to be conducted at the meeting. Only the current members of the Board shall be entitled to receive notification of a Special Meeting. Written notice shall be hand-delivered, posted or sent by email or other form of visible or other electronic communication to each member of the Board at least five (5) Working Days before the date of the Special Meeting.
- B An irregularity in the giving of notice of a meeting under clause 4.7 and 4.8A is waived if each of the members of the Board either attends the meeting without protest as to the irregularity or agrees (whether before, during or after the meeting) to the waiver.
- 4.9 The non-receipt of notice by any member of a meeting or special meeting shall not invalidate the proceedings at that meeting.
- 4.10 Where in the joint opinion of the Chair and the Executive Officer a particular matter can be dealt with without a formal meeting such matter may be

referred to each member individually. A decision by a simple majority of the Board communicated by post, telephone or other reasonable means to the Executive Officer on any issue so dealt with shall be as valid and effectual as if passed at a formal meeting of the Board.

- 4.11 The Board and every Committee or Sub-Committee shall keep Minutes of each meeting setting out a reasonably complete and accurate record of the business transacted at such meeting.
- 4.12 The Board may from time to time appoint any two or more members of the Board to be a committee or sub-committee as it may deem necessary or expedient and may depute or refer to them such powers and duties of the Board as the Board may determine, which in the opinion of the Board will further the charitable purposes of the Trust. Such Committees and Sub-Committees shall periodically report their proceedings to the Board at the next meeting of the Board that follows the meeting of the Committee or Sub-Committee. Subject to these rules and to any directions from time to time given by the Board, every such committee or sub-committee may regulate its own procedure but a quorum at any meeting of the committee or sub-committee shall be a majority of its members for the time being.
- 4.13 The Board may from time to time make, amend or repeal such by-laws or regulations consistent with this Constitution as it shall think expedient for the internal management or administration of the Board.
- 4.14 No member of the Board will be liable for any loss to the Trust Fund arising from any act or omission of the member of the Board unless it is attributable to that member of the Board's own dishonesty or gross negligence or to the wilful commission or omission of any act known by that member of the Board to be a breach of trust.
- A Subject to clause 4.14, despite:
- (a) Section 30: the provisions of section 30 of the Trusts Act 2019; and
- (b) Professional Trustees: the likelihood that the members of the Board will from time to time include persons whose profession, employment or business is or includes acting as a trustee or investing money on behalf of others;
- the care, diligence and skill to be exercised by those persons will not be that required by section 30 of the Trusts Act 2019 but will at all times be the care, diligence and skill that a prudent person

of business would exercise in managing the affairs of others.

- B No member of the Board will be bound to take, or be liable for failure to take, any proceedings against any other member of the Board or former member of the Board for any breach or alleged breach of trust committed by that other member of the Board or former member of the Board.
- C Subject to clauses 4.14 and 4.14A, a member of the Board will be chargeable only for any money, which that member of the Board has received. For the purposes of this clause, a member of the Board is deemed to have received money even if not actually paid to that member of the Board if that money has been credited in account, reinvested, accumulated, capitalised, carried to any reserve, sinking or insurance fund, or otherwise dealt with on that member of the Board's behalf.
- 4.15 Each member of the Board or former member of the Board is entitled to be indemnified out of the Trust Fund against all actions, proceedings, claims, damages, losses, demands, calls, liabilities, costs (including legal costs) and expenses (together called "liabilities") suffered or incurred by that member of the Board or former member of the Board in connection with the Trust, except to the extent that those liabilities are due to:
- (a) That member of the Board or former member of the Board's own dishonesty; or
 - (b) the member of the Board's gross negligence; or
 - (c) That member of the Board's or former member of the Board's wilful commission or omission of an act known by that member of the Board or former member of the Board to be a breach of trust.
- 4.16 The following persons shall not hold office as a member of the Board:
- (a) **Youth:** an individual who is under the age of 18 years;
 - (b) **Bankruptcy:** an individual who is an undischarged bankrupt or who is a discharged bankrupt but is prohibited by the Court from engaging in any form of business activity;
 - (c) **Criminal Conviction or Sentence:** a person who has been:
 - (i) **Crime Involving Dishonesty:** convicted of any crime involving dishonesty, within the meaning of section 2(1) of the Crimes Act 1961, and sentenced for that crime within the last seven years; or
 - (ii) **Other Offences:** convicted of any offence punishable by a term of imprisonment of three (3) or more months, or sentenced to imprisonment for any offence, unless that person has:
 - (1) **Pardon:** obtained a pardon; or
 - (2) **Service of Sentence:** served, or otherwise suffered, the sentence imposed on that person; provided that that person will not be disqualified from appointment as a member of the Board, or may continue to hold office as a member of the Board, but will be deemed to have taken leave of absence, until the expiry of the time for appealing against the conviction or sentence of imprisonment, and if there is an appeal against conviction or sentence, until the appeal has been determined;
- (d) **Disqualification from Company Positions:** a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under the Companies Act 1993, the Financial Markets Conduct Act 2013 or the Takeovers Act 1993;
 - (e) **Mental Disorder:** a person with a mental disorder within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
 - (f) **Incapacity:** a person who is subject to a property order made under the Protection of Personal and Property Rights Act 1988 or whose property is managed by a trustees corporation under section 32 of the Protection of Personal and Property Rights Act 1988; or
 - (g) **Charities Act Order:** a person who is subject to an order made under of the Charities Act 2005 disqualifying the person from being an officer of a charitable entity.
- 4.17 A member of the Board shall cease to hold office if:
- (a) the Conference does not renew or objects in any way to the member of the Board's appointment as a member of the Board;
 - (b) the member of the Board becomes ineligible for appointment as a member of the Board pursuant to clause 4.16 of this Constitution;
 - (c) the member of the Board resigns by written

- notice to the Board;
- (i) A member of the Board may retire or resign from the Trust by giving no less than twenty (20) Working Days written notice to the remaining members of the Board and such notice shall take effect from the date specified in the notice or, if there is no date specified, on the expiry of twenty (20) Working Days from the date the letter was sent.
 - (ii) On the retirement or resignation of office of any member of the Board, the remaining members of the Board shall record such fact in the minute book of the Trust.
- (d) the member of the Board completes their term of office without being reappointed;
 - (e) the member of the Board is absent without leave for three (3) consecutive ordinary meetings of the Board;
 - (f) the member of the Board is removed by the Conference;
 - (g) in the opinion of the Conference following the receipt of the opinion of all the other members of the Board expressed in a resolution, the member of the Board should cease to hold office as a member of the Board; or
 - (h) the member of the Board dies while holding office as a member of the Board.
- 4.18 A member of the Board may hold office for a term of three (3) years from the date of appointment but, subject to clauses 4.16 and 4.17, shall be eligible for re-appointments of two (2) further terms of three (3) years.
- 4.19 The Chair may hold office for a term of three (3) years from the date of appointment but, subject to clauses 4.16 and 4.17, shall be eligible for re-appointments of two (2) further terms of three (3) years. The President may re-appoint the Chair for a further term of three (3) years on the recommendation of the Board so that the term of the Chair shall be no more than four (4) terms of three (3) years.
- 4.20 A meeting of the Board may be held where one or more of the members of the Board is not physically present at the meeting, provided that:
- (a) All persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or Audio Visual Technology or other forms of communication;
 - (b) Notice of the meeting is given to all the members of the Board in accordance with the procedures agreed from time to time by the Board and such notice specifies that members of the Board are not required to be present in person at the meeting;
 - (c) If, during the course of the meeting, a failure in communications prevents clause 4.16(a) from being satisfied and such failure results in a quorum not being met, the meeting shall be suspended until condition 4.16(a) is satisfied again. If such condition is not satisfied within thirty (30) minutes from the interruption, the meeting shall be deemed to have been adjourned, to a date, time and place as advised by the Chair.
- 4.21 Any meeting held where one or more of the members of the Board is not physically present shall be deemed to be held at the place specified in the notice of meeting provided at least one a member of the Board is present at such place. If no member of the Board is present at such place, the meeting shall be deemed to be held at the place where the Chair of the meeting is located.
- 4.22 A resolution in writing of the Board, signed or assented to by email, or other form of visible or other electronic communication by the members of the Board shall be valid and effectual as if it had been passed at a meeting by the Board. Any such resolution may consist of several documents in like form each signed by three or more members of the Board.
- 4.23 Any resolution of the members of the Board may be rescinded or varied from time to time by the Board at any subsequent meeting by the same majority as was necessary to pass the resolution being rescinded or varied.
- 4.24 Should the number of members on the Board ever fall below six (6) members then the remaining members of the Board shall have no power until another member of the Board or members of Board are appointed and until such additional member or members have been appointed (so that there are at least six (6) members of the Board) no other powers hereunder may be exercised.
- 4.25 The Board may, by a motion decided by all remaining members of the Board seek the consent of the Conference, to terminate a member of the Board's position on the Board if it believes that such action is in the best interests of the Board.
- (a) All members of the Board shall be given notice in writing of the motion at least twenty (20) Working Days before the meeting at

which such motion is intended to be put.

- (b) In exercising the power to seek the consent of the Conference to terminate a member of the Board's position on the Board, the other members of the Board must:
 - (a) Act reasonably, having regard to the purposes of the Trust;
 - (b) If the removal of the member of the Board reduces the number of members of the Board on the Board below six (6), appoint a new member of the Board or members of the Board to ensure that there are an appropriate number of members of the Board in accordance with the Constitution.

4.26 On every appointment, reappointment, removal or cessation of office of any member of the Board from the Board, the Board must cause an entry to that effect to be recorded in the Board's minutes.

OFFICERS

- 5.0 The Board shall appoint a Secretary who shall have such powers and duties as the Board shall from time to time determine and who shall be answerable to the Board.
- 5.1 The Executive Officer (if any) of the Trust shall be such person as shall be appointed by the Board and shall have such powers and duties as the Board shall from time to time determine and who shall be answerable to the Board.
- 5.2 The Board may appoint such other or additional officers as shall from time to time be deemed expedient. It shall define the duties of any person appointed to any position created by the Board, and determine to whom any such officer is answerable.
- 5.3 The Board shall have power to dismiss, or remove from office, upon such terms and conditions as it thinks fit, any person appointed or employed by it.
- 5.4 The Chair of the Board may resign from holding the position by notice of twenty (20) Working Days in writing to the Board.
- 5.5 On the occurrence of the event set out in clause 5.4, the Board shall appoint another Chair in accordance with clause 4.2 who shall only preside as the Chair of the Board for the remainder of the term of the then Chair.

POWERS

- 6.0 Subject to any rules, laws or regulations from time to time, current, made, approved or promulgated

by or on behalf of the Conference which the Board is obliged to observe, perform or keep, the Board shall have power to invest the whole or any part of its funds or assets in investments authorised by this Constitution or by law whether by the Trustee Act 1956 or any amendment thereof or otherwise, for the investment of trust funds, and without limiting the generality of the foregoing, the Board shall have the following specific powers:-

- 6.1 To manage and administer the property and business of the Trust and to promote the furtherance of its objects.
 - 6.1.1 In particular, and without limiting the generality of clause 6.1, to administer and protect the Trust's interest as registered proprietor of the fee simple of the land comprised and described at the date of this Constitution in Certificates of Title Volume 762, Folios 103, 105, 106 and 107 and Volume 4D Folio 1483 and Volume 4 D, Folios 1481 and 1482 (North Auckland Registry) and as Lessor in terms of lease number 639378 registered over the said land.
 - 6.1.2 Until the expiry or other determination of the lease referred to in clause 6.1.1, (or any other instrument in furtherance or substitution therefor) to direct the investment of the assets of the Trust to provide a fund to facilitate the clearance and/or redevelopment of the said land and to that end, to capitalise the net income received by the Trust in each year, and to invest such additional capital in terms of the powers of investment provided in this Constitution.
- 6.2 To purchase, hold, lease, maintain, repair, improve, administer, develop or redevelop any real or personal property or any estate or interest therein, including any building or construction.
- 6.3 To sell any freehold or leasehold property or any interest therein for the time being held by the Board upon such terms and conditions as the Board thinks fit including power to permit such part of the purchase price as it thinks fit to remain owing on security of such property so sold secured by a mortgage or charge notwithstanding that except for the provisions of this clause such mortgage would not be a Trustee investment.
- 6.4 To invest on first mortgage of the interest of the Lessee under any lease in perpetuity or lease with the right of perpetual renewal, or any other lease for an unexpired term (including any right of renewal thereof) in excess of 21 years of any land where all terms and conditions to be observed, performed or kept in terms of the lease have been complied with, and the lease is not liable

- to forfeiture in respect of default in complying with any such terms or conditions and the Lessee is entitled under such lease to compensation or adequate protection in respect of all improvements on the land which are made by the lessee or in which it has any interest.
- 6.5 To invest in contributory first mortgage of land or any interest therein either directly in its own name or through a nominee Provided that the total amount secured by any such mortgage shall not exceed two-thirds of the value of the property against which such mortgage is secured as certified by a Registered Valuer.
- 6.6 To invest in Commercial Bills drawn on or accepted or endorsed by any Trading, Merchant or Trustee Bank, or by any company that is party to a listing agreement with a registered exchange (within the meaning of section 2(1) of the Securities Markets Act 1988).
- 6.7 To invest in any shares, debentures or other securities listed on any recognised Stock Exchange and to retain any company shares or debentures transferred to the Board by any person or Board or corporation and to take up whether for cash or otherwise any further such shares or debentures as may be offered to existing holders.
- 6.8 To deposit money or property in the New Zealand Methodist Trust Association or invest through any Board or Body administering funds of the Church.
- 6.9 To accept by way of gift devise or bequest real or personal property of any kind in New Zealand or elsewhere and to hold and invest such property for the purposes or objects of the Trust.
- 6.10 To hold and administer any real or personal property transferred devised or bequeathed to the Board or in any other manner vested in the Board for special purposes or trusts in connection with any Methodist Church or any Church Trust, Organisation or Division of the Church, and whether such purposes and trusts be wholly for such purpose or partially for such purposes, and partially for other purposes not connected with the Church.
- 6.11 To invest any property real or personal from time to time held by or vested in the Board in such manner as shall be approved by or on behalf of the Conference.
- 6.12 To transfer all or any part of the property, assets, liabilities and obligations of the Board to any corporation or person for the purposes of any joint venture or working arrangement which the Board is authorised to enter into.
- 6.13 To lease and take on lease any property upon and subject to such terms and conditions as the Board shall think fit.
- 6.14 To raise money with or without giving security on mortgage charge or other instrument whether by bank overdraft or otherwise and on such security and terms over such part or parts of the property of the Trust as the Board shall deem expedient.
- 6.15 To issue debentures, debenture stock, bonds or securities of any kind and to frame, constitute and secure the same as may seem expedient with full power to make the same transferable by delivery or by instrument of transfer or otherwise and either perpetual or terminable and either redeemable or otherwise and to charge or secure the same by Trust Deed or otherwise over such property of the Trust or such part or parts thereof as the Board shall deem expedient.
- 6.16 To subdivide all or any of the lands vested in the Trust and to form, make, and dedicate any roads or streets thereon and to make and carry out arrangements with Local Authorities with regard to the construction of and other matters connected with such roads or streets, or any such subdivision.
- 6.17 To farm or cultivate any of the land or property of the Trust and do all acts and things ancillary thereto.
- 6.18 To enter into any contract or contracts with any public body company, body corporate or person, notwithstanding that any of its members may be interested therein, provided that before any such contract is authorised by the Board, the member of the Board who in any way, whether directly or indirectly, has a material interest in any contract or proposed contract or arrangement or dealing with the Trust shall disclose the nature of that interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting.
- (a) A member of the Board required to disclose an interest by this clause 6.18 may be counted in a quorum present at a meeting but shall not vote in respect of the matter in which the member is interested (and if the member does so vote the vote shall not be counted).
- (b) If any question shall arise at any meeting as to the materiality of a member of the Board's interest or as to the entitlement of any member of the Board to vote and such question is not resolved by the member of the Board voluntarily agreeing to abstain from voting, such question shall be referred

to the Chair of the meeting whose ruling in relation to any such member shall be final and conclusive except in a case where the nature or extent of the interest of the member of the Board concerned has not been fairly disclosed.

- 6.19 To open and operate any account with any trading or savings bank, and to make arrangements with any bank for any of the members of the Board and/or any delegate(s) named in writing by the Board to operate on any of the Board's accounts at that bank, and to deposit all or part of the Trust Fund in any currency in a savings or other interest or non-interest bearing account with any bank, trust, company or other financial or investment institution in any jurisdiction in the world.
- 6.20 (a) Subject to clause 6.20 (c) below, any member of the Board being a person engaged in any profession, business or trade is entitled, with the prior consent of the Conference, to be paid all usual professional, business and trade charges for services provided by that person or that person's employee or partner in connection with the Trust including acts, which a member, not being in any profession, business or trade, could have done personally.
- (b) Subject to clause 6.20 (c) below, each member of the Board is entitled to such remuneration for services provided as may be reasonable having regard to that member of the Board's duties and responsibilities and to any remuneration paid to that member of the Board in accordance with clause 6.20 (a) above for those services. For the avoidance of doubt, members of the Board that are Ministers of the Church on a full stipend shall not be entitled to remuneration for services as members of the Board under this clause however members of the Board that are Ministers of the Church that receive less than the full stipend shall be entitled to remuneration for services as members of the Board under this clause.
- (c) Any payment to a member of the Board referred to in clause 6.20 must not exceed fair market value for services provided and shall at all times be consistent with the laws, regulations, policies and procedures determined by the Conference of the Church from time to time. No member of the Board receiving such payment and no person associated with such member of the Board may:
- (i) Take part in any deliberations or proceedings relating to that payment; or

- (ii) In any way determine or materially influence directly or indirectly the nature or amount of that payment or the circumstances in which it is to be paid.
- (d) Each member of the Board is entitled to be indemnified against, and reimbursed for, all travel, hotel and other expenses properly incurred in connection with the Trust.
- 6.21 To pay all expenses incurred in or about the management or administration of the affairs of the Board.
- 6.22 To raise money for any of the purposes of the Trust by all lawful means, including the conduct of fundraising campaigns.
- 6.23 To appoint any person as an investment manager to invest and manage all or any investments forming part of the Trust Fund on such terms as the Board thinks fit, such terms to include a regular review of the investment manager's management of the investments.
- 6.24 Subject to the Socially Responsible Investment Policy, to hold any part of the Trust Fund uninvested and in any currency for so long as the Board thinks fit without being liable for any loss due to devaluation or any foreign exchange or other governmental restriction.
- 6.25 To postpone the sale of any real or personal property forming part of the Trust Fund for so long as the Board thinks fit without being liable for any resultant loss to the Trust Fund.
- 6.26 To let any real and personal property at such rent and on such terms and conditions including (without limitation) as to an option to purchase or surrender as the Board thinks fit.
- 6.27 To insure any insurable property up to its full insurable value, or at the Board's option, up to its full replacement value, against such risks as the Board thinks fit.
- 6.28 To employ and pay a person or persons to be an agent or attorney of the Board and to authorise them to exercise or perform any or all of the functions of the members of the Board except Excluded Functions on such terms and conditions as the Board thinks fit provided that such authorisation is given in writing and such arrangements are kept under review. For the purposes of this clause, Excluded Functions means a function that is, or is related to:
- (a) the exercise of a discretion to pay, apply or appropriate or decide to pay, apply or

appropriate, the whole or any part of the Trust Fund;

- (b) the exercise of a discretion to determine whether any payment from the Trust Fund is a payment from income or capital;
- (c) the exercise of a discretion to determine whether any payment received by the members of the Board should be appropriated to income or capital;
- (d) a right conferred on the Board to apply to the Court; or
- (e) a right to delegate the exercise of the Board's functions.

6.29 To vary, assign, novate, waive, terminate or otherwise deal with on such terms as the Board thinks fit any contract, commitment, arrangement or understanding to which the Board is party.

6.30 To do all other lawful things that may from time to time be necessary or desirable in their opinion for the carrying out of the objects of the Trust.

FUNDS

7.1 The Board shall have control of all its monies and property, real or personal, and shall have full power to manage, administer and apply the same for effecting the objects of the Trust.

7.2 All monies received by or on behalf of the Trust shall be paid into the Board's account with any Bank which the Board may from time to time have current, and all payments made by or on behalf of the Board shall be by cheque or by such other method as the Board shall approve, signed or authenticated as from time to time authorised by the Board or by the Church.

7.3 The Board shall keep full and correct records and accounts of all their receipts, credits and payments, assets, liabilities and transactions and all other matters necessary for showing the true state and condition of the Trust.

7.4 Unless the Board shall otherwise decide, the financial year of the Trust shall end each year on 30 June.

7.5 A statement of Income and Expenditure and a Balance Sheet, shall be prepared and audited annually. Accounts shall be presented to the Board for approval and following approval and adoption by the Board, shall be submitted to the Conference following the close of that financial year.

7.6 The Board shall each year report to the Conference.

SEAL

8.0 The Board shall have a Common Seal which shall be in the custody of the Board and shall not be used except with the authority of the Board and its affixing shall be performed in the presence of and accompanied by the signatures of two (2) members of the Board, which will be sufficient evidence of authority to affix the seal; and recorded in a seal register retained for such purpose.

A Subject to clause 8A (i) and 8B, following a resolution of the Board approving the execution of any document or agreement, the signature of two (2) members of the Board on such approved document or agreement will bind the Trust.

- (i) Following a resolution of the Board approving the execution of any document relating to the audited financial statement of the Trust, the signature of two (2) members of the Board, one of whom must be the Chair, on such approved document will bind the Trust.

DEEDS

8B Following a resolution of the Board approving the execution of any document which is required by law to be executed as a deed, the common seal of the Trust must be placed on the approved document in accordance with clause 8.

GENERAL

9.0 The Board shall in carrying out its objects at all times conform with the Laws and Regulations of the Church, and no action shall be performed by the Board nor its resources be used for any purpose which is liable to bring reproach upon the Church.

9.1 The Board shall make application for the Trust to be incorporated under the provisions of the Charitable Trusts Act 1957.

9.2 There may be retained with this Constitution, but not forming part of it, an explanatory memorandum setting forth some of the reasons certain provisions have been included, with the intention that such reasons shall be given full weight and consideration if at any time any change in any provision of this Constitution is being considered.

AMENDMENTS

10.0 Subject to clause 13.0, the Conference may from time to time a majority of not less than two thirds, make alterations or additions to the terms and

provisions of this Constitution PROVIDED THAT:

- 10.1 no such alteration or addition will detract from the exclusively charitable nature of the Trust, provide for the private profit of any members of the Board or organisations or result in the distribution of its assets on winding up or dissolution for any purpose that is not charitable; and
- 10.2 no such alteration or addition to the terms and provisions of this Constitution that specifically relate to or concern the ability of the members of the Board or the Trust or the Conference or the Church to wind up and/or distribute the assets of the Trust may be made unless:
- (a) The Board at two Special Meetings held not less than six (6) months apart has approved such change and it has been approved by the Conference by a majority of not less than two thirds, or
 - (b) The Conference in two (2) consecutive Conferences has approved such change, on each occasion by a majority of not less than two thirds. On the second consideration of any change, the Conference shall receive and consider the report of the Board regarding the proposed change.
- 10.0A For the avoidance of doubt, all such alteration or addition to the terms and provisions of this Constitution that is not limited by clauses 10.1 and 10.2 above, shall be made by the Conference from time to time.
- 10.0B The provisions and effect of this clause 10.0 shall not be removed from this Constitution and shall be included and implied into any deed replacing this Constitution.

WINDING UP

- 11.0 The Trust shall not be wound up unless the procedures provided by clause 10.2, 10. 2. 1 or 10. 2. 2 hereof have been carried through and a decision in accordance with such procedures has been made to wind up the Trust.
- 11.1 Upon the termination or winding up of the Trust, all the then assets, subject to any existing liabilities, shall vest in the Church and be disposed of by the Conference but having regard to the purposes and objects of the Trust as set forth in this Constitution.
- 11A The Board may wind up the Trust at any time with the approval of the Conference of the Church.
- 11B If at any time, the objects of the Trust outlined

under clause 3 of this Constitution shall fail or if for any other reason, the objects outlined under clause 3 of this Constitution shall become wholly frustrated and incapable of being carried out, then with the approval of the Conference of the Church, the Board shall proceed to wind up the Trust.

DECISIONS OF THE CONFERENCE

- 12.0 Subject always to the provisions of clause 10. 2 hereof:
- 12.1 Any decision of the Conference respecting any provision of this Constitution or the management or administration of the Trust by the Board shall be binding on the Board.
- 12.2 Any sanction, approval or direction of or by the Conference required in terms of this Constitution shall be sufficient if given or made by or on behalf of the Conference by such Board or Committee authorised by Conference for such purpose.
- 12.3 If any provision in this Constitution conflicts with the instruction, direction or decision of the Conference, then the decision of the Conference shall prevail.

NO PRIVATE PROFIT

- 13.0 Nothing expressed or implied in this Constitution will permit:
- (a) The Board's activities; or
 - (b) Any business carried on by or on behalf of or for the benefit of the Board;
- in connection with the Trust, to be carried on for the private profit of any individual.

REFERENCES

- 14.0 In this Constitution, unless the context requires otherwise, or specifically stated, reference to any law, legislation, or legislative provision includes any statutory modification, amendment, or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision whether before or after the date of this Constitution.

CONFLICT OF INTEREST MANAGEMENT REGIME

- 15.0 Regime: The Board will follow the conflict management regime contained in this clause for managing and resolving actual, potential or perceived conflicts of interest or interest and duty in respect of the members of the Board of the Trust.
- 15.1 Disclosure: A member of the Board shall disclose to the Board immediately after they become aware,

the details of any:

- (a) actual conflict;
- (b) potential conflict; or
- (c) reasonable apprehension that a circumstance of conflict exists, in respect of their appointment as member of the Board of the Trust with any material interest and/or duty outside of the Trust.

15.2 Uncertainty: For the avoidance of doubt, in the event a member of the Board is uncertain whether an actual, potential or perceived conflict exists, they shall disclose the conflict issue to the Board for determination pursuant to this clause 15.

15.3 Chair may Initiate process: If at any time the Chair holds a reasonable apprehension that a circumstance of conflict (whether actual, potential or perceived) may exist, the Chair may initiate the process pursuant to clause 15.5 below.

15.4 Meeting: In the event the Board receives a disclosure from a member of the Board, or a conflict concern initiated by the Chair or otherwise in respect of a conflict issue, the Board shall hold a Special Meeting to determine whether an actual or potential conflict exists or is perceived to exist. The Board shall have regard to the following factors in determining whether a conflict exists:

- (a) The nature, extent and circumstances of the potential conflict; and
- (b) The extent to which the potential conflict impacts or may impact on:
 - (i) the ability of the member of the Board to perform their functions and duties pursuant to this Constitution; and
 - (ii) the ability of the Trust to execute its functions pursuant to this Constitution.

15.5 Action: In the event an actual or potential conflict exists or is perceived by the Board to exist, the Board shall proceed to determine what actions it should take (if any) to resolve or mitigate the conflict issue.

15.6 Contract or arrangement: Notwithstanding clause 15.5 above, if any member of the Board is in any way Interested (directly or indirectly) in or with any contract, arrangement or undertaking to be entered into by or on behalf of the Board, or in which the Trust is or may be in any way concerned or involved (Transaction):

- (a) The member of the Board shall disclose the nature and extent of the member of the Board's interest in the Transaction to the Board; and

- (b) The member of the Board shall not be entitled to:
 - (i) be included in the quorum of that part of the meeting at which the matter relating to the Transaction arises and/or the Transaction itself is discussed;
 - (ii) vote in any consideration of the Transaction by the Board;
 - (iii) sign any document relating to the Transaction on behalf of the Trust; or
 - (iv) do anything else as a member of the Board in relation to the Transaction, as if they were not interested in the Transaction.

For the avoidance of doubt, any Transaction dealt within this clause 15.6 remains a conflict issue subject to this clause 15.

15.7 Decision binding: A member of the Board affected by a conflict issue shall be subject to and bound by the decision of the Board to the extent of such limitations or restrictions in their capacity as a member of the Board of the Trust as the Board may reasonably determine.

15.8 Transparent process: The Board agrees and acknowledges that the conflict management regime contained in this clause will be implemented in a manner that achieves transparency of process and ensures the confidence of all parties involved.

15.9 Professional advice: The Board may take professional advice in respect of a conflict issue if and when considered necessary by the Board.

15.10 Prompt attention: The Board agrees and acknowledges that any claim of a conflict of interest or any process undertaken by the Board to determine or otherwise resolve or mitigate a conflict issue must be undertaken in a prompt and timely fashion and in accordance with the processes outlined in this clause and the law.

DISPUTE RESOLUTION

16.0 In the event of any dispute under this Constitution, the parties will:

- (a) promptly give full written particulars of this dispute to all other parties; and
- (b) cooperatively enter into discussions to try and resolve the dispute.

16.1 No Resolution: If the dispute is not resolved within ten (10) Working Days of written particulars being given (or any longer period agreed to by the parties), the dispute will be referred to

mediation. If mediation is unsuccessful, a party may seek resolution through the Courts should an alternative procedure for dispute resolution not be provided in the Methodist Church of New Zealand Trusts Act 2009 and the Trusts Act 2019.

- 16.2 Exception: This clause 16.0 does not apply to an application by either party for urgent interlocutory relief.

GOVERNING LAW

- 17.0 This Constitution shall be governed by the laws of New Zealand and the members of the Board submit to the non-exclusive jurisdiction of all courts having jurisdiction in New Zealand.

SEVERANCE

- 18.0 If any provision of this Constitution is found to be illegal, invalid or unenforceable, that provision shall be read down to the extent necessary and reasonable in all circumstances to give it a valid operation or partial character. If any provision cannot be so read down, that provision will be void and severable and the remaining provisions will not in any way be affected or impaired.

IN WITNESS THIS DEED IS DULY EXECUTED.

The common seal of the Conference of The Methodist Church of New Zealand Te Hāhi Weteriana o Aotearoa is hereunto affixed in the presence of the President of The Methodist Church of New Zealand Te Hāhi Weteriana o Aotearoa:

Common Seal

Witness:

Signature

Full name of the President

19. Appendix A-4(A)

Price Albert College Trust Fund

This Deed is made the 16th day of December 1988

Between the trustees set forth in the Schedule hereto being the trustees for the time being of the Prince Albert College Trust and trustees under "The Methodist Model deed of New Zealand 1887" (hereinafter together with their respective successors and assignees called "the Trustees") of the one part

And the Methodist General Purposes Trust Board, a Board duly incorporated under the Charitable Trusts Act 1957 having its registered office at Christchurch (hereinafter together with its successors and assignees called "the Board) of the second part

WHEREAS:-

1. The Trustees are the trustees of the Prince Albert College Trust, a Trust under the said Model Deed under the Conference (hereinafter called "the Conference") of the Methodist Church of New Zealand (hereinafter called "the Church").
2. The Board is a board also under the Conference of the Church, which holds funds on behalf of the Church.
3. The Trustees, with the consent of the Conference endorsed hereon, wish to vest in the Board the Trust Fund upon and subject to the trusts and upon the terms imposed by this Deed, to be held by the Board upon such trusts and terms.
4. Both parties hereto acknowledge that distributions of the income to be made from time to time by the PAC Distribution Group (being the group set up by the Conference in terms of this Deed), are to be in accord with the then current understandings and priorities for Mission from time to time of the Church and will always have regard to:
 - (a) Biblical teaching relating to the Christian use of money, and
 - (b) John Wesley's sermons on wealth and the use of money, and
 - (c) The commitment of the Church to a Bicultural Church and Society, and
 - (d) Such guidelines for distribution as are from time to time approved or decided upon by the Conference.
5. The parties hereto acknowledge that the content of this Deed shall be binding upon them, and that it is intended that the Conference pass appropriate resolutions to ensure that the content of this Deed is fully observed, performed, and kept as a document binding upon the Conference, the Church and the parties hereto.

NOW THEREFORE THIS DEED WITNESSES

AS FOLLOWS:-

1. The Trustees have paid to the Board the sum of Sixteen Million Dollars (\$16,000,000), together with all capital accretions and additions thereto (herein called "the Trust Fund") which capital sum shall be held by the Board upon and subject to the trusts, and for the purposes and upon the basis, appearing in this Deed.
2. The Board shall:-
 - 2.1 Hold the Trust Fund in perpetuity on behalf of the Conference and the Church, the fund to be called the "PAC Trust Fund".
 - 2.2 Arrange for the net distributable annual income earned by the Trust Fund each year to be distributed by the PAC Distribution Group, on behalf of the Conference, as provided by this Deed.
 - 2.3 Maintain the investment of the Trust Fund in the Long Term D Fund of the New Zealand Methodist Trust Association so long as that investment is deemed by the Board to be appropriate for the Trust Fund and the Church continues to promote and approve investment in such Fund PROVIDED that if the investment in such Fund is terminated, the Board shall have power to invest and administer the Trust Fund in such investments as are from time to time authorised for the investment of funds held by the Board.
3. The PAC Distribution Group shall be constituted as a Connexional Standing Committee of the Conference and shall comprise such persons as the Conference shall from time to time appoint and shall be responsible, (subject to the provisions set forth in this Deed) to distribute the nett distributable income of the Trust Fund each year and shall have such other functions, powers and duties as the Conference shall from time to time determine, and shall report annually to the Conference.
4. The Board shall each year determine the net distributable income from the Trust Fund. In

calculating such net distributable income the Board shall:-

- 4.1 Make full and proper allowance for all reasonable expenses or charges relative to the administration, investment or distribution of income from the Trust Fund, and
 - 4.2 Make due and proper provision for payment of all proper taxes assessments or other charges payable levied or due in respect of the Trust Fund or any income deriving therefrom, and
 - 4.3 Have full power in any income year to make accrual to the capital of the Trust Fund by making provision out of the income of an amount not exceeding twenty percent (20%) thereof in any one year as an accrual to capital, and
 - 4.4 Be entitled to charge such proper and reasonable commission (not exceeding five percentum (5%) per annum of the gross income) upon the gross income of the Trust Fund for administering the Trust Fund.
- 5.1 No change in any provision of this Deed shall be valid unless it has been approved by a resolution passed by a majority of not less than two thirds of those voting, at two consecutive Conferences and, between such Conferences, the proposed change shall be referred to each Synod of the Church, to the PACT 2086 Trust and to the Board, whose reports shall be made to the second Conference considering the proposed change.
 - 5.2 Subject to Clause 5.1, any provision of this Deed may be altered at the instance of either the Conference or the Board, but neither the Board nor the Conference shall have power to vary the exclusively charitable nature of the Trust Fund or to distribute or pay out any part of the capital of the Trust Fund.



20. Appendix A-4B

Price Albert College Trust Fund (1988 Conference Res., page 665, Nos. 2 - 5)

2.
 - 1) Conference accepts as Touchstones for determining the distribution of the net income:
 - our Church's current understandings and priorities of Mission
 - Biblical Teaching relating to the Christian use of money.
 - Wesley's Sermons on Wealth and the use of money.
 - Commitment to the Bicultural Church and Society.
 - 2) Conference believes these Touchstones to be essential and basic to the way in which the P.A.C. distribution group distributes money from the Prince Albert College Trust.
3. Conference adopts as Guidelines for distribution:
 - The distribution must take account of the current issues of the day concerning the Church and its Mission in society.
 - Funding to be for innovative, creative use, in the furtherance of the Mission of the Church, at local, synod, national or international level.
 - The whole or any major part of the net distributable income, in any year, may be allocated to a particular project or purpose.
 - Each 7th Year the net distributable income be used outside the life of the Church.
 - That during that 7th year, the Church take the opportunity to review the distribution processes, and the effect the availability of this money has had on the life of the Church.
 - The P.A.C. distribution group may receive applications but shall have freedom of initiative.

4. Conference hereby constitutes as a Standing Committee of Conference the P.A.C. Distribution Group:
 - 1) Membership of the Group:
Ex-President (Chairperson)
General Secretary (Secretary)
7 members.
 - 2) 2 persons from the distribution group to retire annually, except that the initial appointment of the group will be for 2 years.
 - 3) The group will meet at least 2 - 3 times a year, with the suggestion that it be live in.
 - 4) Synods, Parishes and all groups who have representation in Conference will be invited to send Nominations for vacancies on the P.A.C. Distribution Group to the General Secretary.
 - 5) There will be formed an Appointment Committee comprising 4 people nominated by the Māori Division and 4 persons nominated by the Methodist General Purposes Committee, and appointed by the President.
- 6) The Appointment Committee will recommend the membership of the P.A.C. Distribution Group and will report its nominations to Conference through the General Purposes Committee.
- 7) Any future appointments to the P.A.C. Distribution Group will be made on the recommendation of the Appointment Committee, after considering nominations from throughout the Church.
- 8) Should a vacancy occur during the year, the President may make an interim appointment, after consulting with Māori Division and General Purposes Committee. Such an appointment will remain in place until the next annual appointment.
5. 1) Conference authorises the P.A.C. Distribution Group to distribute the net distributable income after 31 March each year.
- 2) The P.A.C. Distribution Group shall report annually to Conference.



21. Appendix A-5

Methodist Church of New Zealand Trusts Act 2009

Methodist Church of New Zealand Trusts Act 2009

Private Act 2009 No 3

Date of assent 17 December 2009

Commencement see section 2

Preamble

- (1) The Methodist Church of New Zealand holds real and personal property on trust for—
 - (a) objects or purposes directly or indirectly associated with or relating to the Methodist Church; or
 - (b) furthering social services, hospital or residential care, or educational needs directly or indirectly associated with the Methodist Church:
- (2) The Methodist Church of New Zealand also holds trust funds for—
 - (a) the purposes of Methodist orphanages or Methodist children's homes in New Zealand; and
 - (b) the care, welfare, or benefit of persons being cared for, or formerly cared for, in those orphanages or children's homes:
- (3) The Methodist Church of New Zealand wishes—
 - (a) to have an alternative process to that under

the Charitable Trusts Act 1957 to vary the trusts referred to in recital (1); and

- (b) to have the objects or purposes of the trusts referred to in recital (2) widened to take account of changes in policy and law relating to the care of children and young persons:

- (4) The objects of this Act cannot be achieved without legislation:

The Parliament of New Zealand therefore enacts as follows:

1. **Title**
This Act is the Methodist Church of New Zealand Trusts Act 2009.
2. **Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3. **Purpose**

The purpose of this Act is to—

- (a) provide an alternative process to that under the Charitable Trusts Act 1957 to vary certain trusts relating to the Methodist Church; and
- (b) widen the objects or purposes of trust funds and trust properties relating to Methodist orphanages or Methodist children's homes.

4. **Interpretation**

In this Act, unless the context otherwise requires,—

Board means the Methodist General Purposes Trust Board incorporated under the Charitable Trusts Act 1957

Church or Methodist Church means the Methodist Church of New Zealand recognised as an independent Conference under the Methodist Church of New Zealand Act 1911

Conference means the Annual Conference of the Methodist Church
General Secretary means the executive officer of the Board of Administration of the Methodist Church
laws and regulations means the laws and regulations of the Methodist Church
legal adviser means a barrister and solicitor of the High Court of New Zealand in active practice

President—

- (a) means the President of the Methodist Church; and

- (b) includes any person or persons authorised by the Conference to perform and carry out the duties of the President

President's legal adviser means the legal adviser to the President appointed by the Conference each year under the laws and regulations

property—

- (a) means every type of property; and
- (b) includes—
 - (i) every type of estate and interest in property; and
 - (ii) money

Tumuaki means the person appointed to the Hui Poari to lead the tāngata whenua, Te Taha Māori within the Methodist Church.

Part 2

Variation of Church trusts

5. **Meaning of trust property**

In this Part, unless the context otherwise requires, trust property means any property held on trust on behalf of the Church or any part of the Church for either or both of the following types of objects or purposes (whether or not the property is invested pending its application for an object or purpose):

- (a) an object or purpose directly or indirectly associated with or relating to the Church or the whole or any part of any synod, parish, rohe, connexional division, mission, board, committee, congregation, association, or group of the Church; or
- (b) an object or purpose of promoting and furthering social services, hospital or residential care, care for the elderly, or educational needs directly or indirectly associated with or relating to the Church.

6. **Part additional to provisions of Charitable Trusts Act 1957**

- (1) The provisions of this Part are in addition to the provisions of the Charitable Trusts Act 1957 so that a trust that may be varied under that Act can be varied under this Part.
- (2) However, this Part does not apply to trust property in respect of which, before or after this Act comes into force,—
 - (a) a scheme has been approved by the High Court or the Attorney-General under Part 3 or 4 of the Charitable Trusts Act 1957; or
 - (b) an application has been made for such approval and has not been withdrawn.

7. Scheme for application or disposal of trust property

- (1) This section applies if—
- (a) it is impossible, impracticable, or inexpedient to carry out the object or purpose of the trust on which any trust property is held; or
 - (b) the amount of any trust property available is inadequate to carry out the object or purpose of the trust on which the trust property is held; or
 - (c) the object or purpose for which any trust property is held has already been carried out.
- (2) The trustee of the trust property may prepare, or cause to be prepared, a written scheme for the application or disposal of the trust property for some other charitable object or charitable purpose or combination of charitable objects or charitable purposes of a kind specified in the definition of a trust property in section 5.

8. Preparation of scheme for application or disposal of charitable trust property

If a scheme prepared under section 7 relates to trust property that is held for a charitable purpose within the meaning of Part 3 of the Charitable Trusts Act 1957,—

- (a) the scheme must provide for the application or disposal of the trust property for an object or purpose of a kind specified in the definition of trust property in section 5; and
- (b) the trustee of the trust property in preparing the scheme, the committee or legal adviser (authorised or appointed under section 9) in considering and reporting on the scheme, and the Conference in deciding whether to approve the scheme, must act in accordance with the rules of law that would be applied by the High Court on application made to it under Part 3 of the Charitable Trusts Act 1957 if the scheme were submitted to the High Court under that Part of that Act.

9. Submission of scheme to committee or legal adviser

- (1) A trustee must submit a scheme prepared under section 7 to—
- (a) a committee authorised by the Conference to consider schemes under this Part; or
 - (b) a legal adviser appointed by the Conference.
- (2) The committee referred to in subsection (1)

(a) must comprise—

- (a) the President; and
- (b) the immediate past President; and
- (c) the General Secretary; and
- (d) the President's legal adviser; and
- (e) the Tumuaki.

10. Statement giving full information

A scheme submitted under section 9 must be accompanied by—

- (a) a statement giving full information about the reasons for the proposed application or proposed disposal of the trust property; and
- (b) a copy of the trust instrument (if any).

11. Notice of scheme

(1) As soon as practicable after receiving the scheme, the committee or legal adviser to whom it is submitted must advise the trustee as to—

- (a) the persons, bodies, or organisations (if any) to whom written notice of the scheme must be given; and
- (b) the manner (if any) in which public notice of the scheme must be given.

(2) Notice of the scheme must be given by the trustee in accordance with the advice of the committee or legal adviser.

(3) A notice under subsection (1)(a) must—

- (a) be accompanied by a copy of the scheme and the statement and trust instrument (if any) referred to in section 10; and
- (b) state that the person, body, or organisation to whom the notice is given may, within 60 days after the receipt or publication of the notice, make written objections to, or make written representations concerning, the scheme to the committee or legal adviser; and
- (c) specify an address to which any written objections or representations may be sent.

(4) A notice under subsection (1)(b) must—

- (a) specify where a copy of the scheme and the statement and trust instrument (if any) referred to in section 10 are available for inspection; and
- (b) state that any person, body, or organisation may, within 60 days after the receipt or publication of the notice, make written objections to, or make written representations concerning,

- the scheme to the committee or legal adviser; and
- (c) specify an address to which any written objections or representations may be sent.
12. **Notice to Attorney-General of scheme prepared under this Part**
- (1) If a scheme is prepared under this Part, the committee or legal adviser must send to the Attorney-General—
- (a) written notice of the scheme; and
- (b) copies of the statement and trust instrument (if any) referred to in section 10.
- (2) The Attorney-General may, within 90 days after receipt of the notice, make written objections to, or make written representations concerning, the scheme to the committee or legal adviser.
13. **Committee or legal adviser must provide copies of objections and representations**
- The committee or legal adviser must provide to the trustee copies of any written objections and any written representations received by the committee or legal adviser within the period specified in section 11(3)(b) or (4)(b) or section 12(2).
14. **Committee or legal adviser must have regard to objections and representations by Attorney-General**
- (1) The committee or legal adviser must have regard to any written objections and any written representations made by the Attorney-General within the period specified in section 12(2).
- (2) If the Attorney-General objects to the scheme on the ground that the scheme is not one that should be approved by the High Court under Part 3 of the Charitable Trusts Act 1957, the Conference must not approve the scheme.
15. **Consideration by committee or legal adviser of scheme and any objections or representations**
- (1) The committee or legal adviser—
- (a) must consider the scheme and any written objections and any written representations received by the committee or legal adviser within the period specified in section 11(3)(b) or (4)(b) or section 12(2); and
- (b) may remit the scheme to the trustee of the trust property for consideration of and agreement to any changes recommended by the committee or legal adviser.
- (2) The committee or legal adviser must—
- (a) prepare a report on the scheme with any amendments that the trustee of the trust property agrees to; and
- (b) submit to the Conference—
- (i) the report prepared under paragraph (a); and
- (ii) the scheme; and
- (iii) any objections or representations made in relation to the scheme.
16. **Conference may approve scheme**
- (1) After considering the report, scheme, and any submissions or representations submitted to it under section 15(2)(b), the Conference may approve the scheme.
- (2) A scheme approved by the Conference has effect according to its tenor despite the terms of the instrument that created the trust.
- (3) This section applies subject to section 14(2).

Part 3

Trusts for orphanages and children's homes

17. Application

- (1) This Part applies in relation to all charitable trust funds and trust properties that, on or after the commencement of this Act, are vested in trustees—
- (a) for the purposes of Methodist orphanages or Methodist children's homes in New Zealand; or
- (b) for the care, welfare, or benefit of persons being cared for, or formerly cared for, in Methodist orphanages or Methodist children's homes in New Zealand.
- (2) However, this Part does not apply in relation to a trust fund or property that has no general charitable intention.

18. Orphanage or children's trusts

- (1) Every trust fund and trust property to which this Part applies is to be held for charitable purposes relating to the welfare of children in New Zealand.
- (2) However, if any trust fund or trust property to which this Part applies is held for the purposes of, or in connection with, a specific Methodist orphanage or Methodist children's home, subsection (1) applies in relation to the trust fund or trust property only if it is

impossible, impracticable, or inexpedient to give effect to those purposes.

- (3) This section applies despite the terms on which a trust fund or trust property is held.

19. Power to transfer trust funds and trust properties

- (1) A trustee of trust funds or trust properties to which this Part applies may pay or transfer the whole or any part of the funds or properties to the Board to be held by the Board as trustee.
- (2) The Board may apply the funds or property as if the funds or property were funds or property held under section 18.
- (3) Subsection (2) applies even though the powers of application conferred by this Act in relation to the funds or property are wider than the powers conferred by any instrument creating the trust.
- (4) The Board may invest and amalgamate funds transferred to it under subsection (1) with other trust funds held by the Board and to which this Part applies.
- (5) On and from the payment or transfer of funds or properties to the Board under this section,—
- (a) the trustee making the transfer or payment is not liable for the proper application of the capital or income of the funds or properties; but
- (b) the Board is liable for the proper application and administration of the capital and income of the funds or properties—
- (i) in accordance with the instruments creating the trusts; but
- (ii) subject to the modifications made to the trusts by this Act.

20. Appointment and removal of trustees

- (1) The Conference (or any board, society, or person authorised by it under the laws and regulations) may appoint and remove trustees of any trust funds or trust properties to which this Part applies.
- (2) The Conference may not exercise the power under subsection (1) unless the trustees concerned have first been consulted about the proposed appointment or removal of trustees.
- (3) This section applies only if the Conference would not otherwise have the power to appoint and remove the trustees.

21. Power to act together with other persons

The Board may, for the purposes of section 18 or 19, join or act in association with any other persons or bodies of persons in doing any act or thing which, in the opinion of the Board, will be for the welfare of children in New Zealand.

Part 4

Miscellaneous provisions

22. Protection of purchasers and others

A purchaser, vendor, mortgagee, lessee, or other person to or with whom any sale, exchange, mortgage, or lease is made under this Act is not under a duty to inquire—

- (a) whether any trustee or authorised trust board has authority or power to enter into the transaction; or
- (b) whether the transaction is consistent with the trusts on which the property is held; or
- (c) whether any authority required by this Act to be given has been duly given; or
- (d) otherwise as to the propriety or regularity of the transaction; or
- (e) as to the application of any money received by the trustee or authorised trust board on the transaction.

23. Costs and charges

The costs, charges, disbursements, and expenses of preparing, promoting, and passing this Act may be paid by the Board out of income from the trust funds or trust properties transferred to it under Part 3.

Legislative history

| | |
|------------------|---|
| 28 April 2009 | Introduction (Bill 29-1) |
| 6 May 2009 | First reading and referral to Finance and Expenditure Committee |
| 2 November 2009 | Reported from Finance and Expenditure Committee (Bill 29-2) |
| 18 November 2009 | Second reading |
| 9 December 2009 | Third reading |
| 17 December 2009 | Royal assent |

22. Appendix B-1

(a) Supernumerary Trust Deed – 2017

PARTIES

1. Methodist Church Of New Zealand - Te Hāhi Weteriana Superannuation Trustee Limited (Trustee)
2. The Conference of the Methodist Church of New Zealand (Church)

BACKGROUND

- A The Supernumerary Fund of the Methodist Church of New Zealand (Fund) was established by the Church and came into operation on 1 July 1913. It is currently governed by a consolidated trust deed dated 1 February 1990 as subsequently amended on 17 May 1996, 8 May 1997, 14 December 1998, 31 May 2001, 7 December 2007, 12 December 2009, 12 March 2012, and 20 September 2016 (Trust Deed).
- B The Fund is currently a registered superannuation scheme under the Superannuation Schemes Act 1989 (1989 Act).
- C Under section 4(1) of the Financial Markets (Repeals and Amendments) Act 2013, the 1989 Act was repealed on 1 December 2014.
- D Under clause 18(1) of Schedule 4 of the Financial Markets Conduct Act 2013 (Act) a superannuation scheme registered under the 1989 Act shall continue to be registered under the 1989 Act during the transition period under the Act as if the Act had not been enacted.
- E Under clause 19 of Schedule 4 of the Act the transition period for the Fund (Transition Period) is the period commencing on 1 December 2014 and ending on the close of the day before the earlier of the following dates:
- (a) the date that the issuer of the Fund elects; or
 - (b) 1 December 2016.
- F By the end of the transition period, the Fund must comply with the governance requirements of the Act and be registered under the Act. One of these governance requirements is that the Trust Deed must comply with the requirements of the Act.
- G The Trust Deed is the governing document of the Fund.
- H The procedures for amending the Trust Deed are contained in clause 15.1 of the Trust Deed and provide that the Trustee, on instruction from the Church, may at any time amend all or any of the provisions of the Trust Deed subject to the requirements contained in that clause. The Church has instructed the trustee to amend the Trust Deed as outlined in this Deed.
- I The Trustee will be the issuer and manager of the Fund under the Act.
- J The Trustee has elected 30 September 2016 as the date the Transition Period shall end (Effective Date).
- K The Trustee is satisfied that this Deed when it takes effect will comply with the requirements of the Act.

THIS DEED WITNESSES

- A The Trust Deed for the Fund is hereby altered with effect from the Effective Date by substituting the clauses of this Deed to the extent that the provisions of the Trust Deed for the Fund after this Deed are those set forth in the clauses of this Deed.
- B The Fund is constituted upon the terms set out in this Deed which shall be binding on the Trustee, the Board of Administration of the Methodist Church of New Zealand, the Church and the Members.

1.0 ESTABLISHMENT OF FUND

- 1.1 A pension fund known as THE SUPERNUMERARY FUND OF THE METHODIST CHURCH OF NEW ZEALAND established by the Church and in operation since 1 July 1913 shall continue to operate in terms of this Deed with effect from the Effective Date.
- 1.2 Contributions made pursuant to this Deed, the property for the time being representing the same and the income thereof, together with the Fund existing on 1 February 1990 along with gifts, legacies and grants shall constitute the Fund and shall be held by the Trustee upon trust to apply the same for the purposes of paying the pension and other benefits provided by this Deed. The Trustee is designated to manage the Fund in accordance with the provisions of this Deed and the Act.

1.3 For the avoidance of doubt and to ensure compliance with the FMC Act, the principal purpose of the Fund is to provide retirement benefits directly or indirectly to individuals.

2.0 DEFINITIONS

2.1 In the Deed:

- (a) where the context permits words denoting the masculine gender include the feminine;
- (b) words denoting the singular number include the plural and vice versa;
- (c) headings are for convenience of reference only and shall not affect the interpretation of this Deed;
- (d) words and expressions defined are indicated by capital letters for convenience. The absence of a capital letter shall not alone imply that the word or expression is used with a different meaning from that given by its definition;
- (e) any reference to a statute (or any part of a statute) shall, subject to any other provisions of this Deed, include a reference to any regulation made under the statute and to any subsequent modification or re-enactment of the statute or regulation; and
- (f) unless the context requires otherwise a reference to a "person" includes a reference to a company, trust, firm, partnership, joint venture, the trustees of another scheme, the State or an agency of State or government, a state owned enterprise and any other incorporated or unincorporated body (in each case whether or not having separate legal personality).

2.2 "Act" means the Financial Markets Conduct Act 2013.

2.3 "Actuary" means a person who is a Fellow of the New Zealand Society of Actuaries appointed by the Trustee to advise it regarding the Fund.

2.3A "AML Exemption Notice" means the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 Ministerial exemption notice granted to the Trustee, the Presbyterian Church Property Trustees of the Presbyterian Church of Aotearoa New Zealand and the Anglican Church Pension Board dated 13 March 2014, as amended from time to time.

2.4 "Auditor" means Qualified Auditor appointed as auditor of the Fund under clause 18.5.

2.5 "Candidate for the Ministry" means a candidate for the ministry of the Church.

2.5A "Chartered Accountant" has the meaning given in the Act.

2.6 "Church" means the Methodist Church of New Zealand.

2.7 "Conference" means the governing body of the Church.

2.8 "Connexional Year" means a year ending on the 31st day of January.

2.9 "Division" means a Division of the Church.

2.9A "Deed" means this trust deed governing the Supernumerary Fund of the Methodist Church of New Zealand, as amended from time to time.

2.10 "Employer" means the notional relationship of the Church or any Board, Mission, Division, Trust, District, Parish, Incorporated Society, other agency of the Church and other bodies with whom a Member of the Fund serves as recognised by the Church in its List of Stations.

2.10AA "Financial Markets Legislation" has the meaning set out in Section 6(1) of the Act.

2.10AB "FMA" means the Financial Markets Authority.

2.10AC "FMC Regulations" means the Financial Markets Conduct Regulations 2014.

2.10A "Fund" means the scheme known as The Supernumerary Fund of the Methodist Church of New Zealand established 1 July 1913 and which is intended to be registered on the register of managed investment schemes under the Act as a restricted legacy superannuation scheme.

2.10B "Fund Property" means all property, rights and income of the Fund.

2.10C "Fund Year" means any period of 12 months ending on 31 January in any year or on such other date as may be determined by the Trustee from time to time.

2.10D "in-house asset" has the meaning given in section 176(3) of the Act.

2.10E "Investment Manager" means such person or persons (if any) to whom the Trustee has contracted the investment of some or all of the Fund.

2.10F "Issuer Obligations" has the meaning given in the Act.

2.10G "Licenced Independent Trustee" means a licensed independent trustee under section 131 of the Act whose licence covers the Fund and who is

- independent under section 131(3) of the Act.
- 2.11 “Member” means a Minister or Minister in Training or Probationer or other person engaged in ministry as from time to time determined by the Church who has been admitted to membership of the Fund.
- 2.12 A “Full Member” means a Minister or Minister in Training or Probationer or other person engaged in ministry as from time to time determined by the Conference who is not a Fifty Percentum Member, or a Nominal Member.
- 2.13 A “Fifty Percentum Member” means a Minister or Minister in Training or Probationer or other person engaged in ministry as from time to time determined by the Conference who does not receive the standard stipend and who has elected to receive benefits at half rate.
- 2.13A “New Member” means a Member who became a Member on or after 1 January 1996.
- 2.13BA “New Supernumerary” means a Supernumerary who was a New Member and who has retired.
- 2.14 “Nominal Member” in any Connexional Year means a Member who has chosen not to contribute to the Fund in that Connexional Year and who by virtue of a nominal subsidy contribution from the Member’s Employer is entitled to the appropriate death in service benefit.
- 2.15 “In Full Connexion with the Conference” means having continuing membership of the Conference with acceptance of its polity and discipline with responsible mutuality within the Laws and Regulations of the Church.
- 2.16 “Law Book” means the Laws and Regulations of the Church.
- 2.16A “Master Fund” has the meaning given to it in the Tax Act.
- 2.17 “Minister” is a generic term referring to a Minister as commonly understood and includes Presbyters, Deacons and Home Missionaries of the Church and other persons engaged in ministry as from time to time determined by the Conference.
- 2.18 “Minister in Training” is a person accepted for training for the ministry of the Church.
- 2.18A “Nominated Beneficiary” means a person or persons (and if more than one the benefit shall be paid in the shares specified by the New Member, Single Member, New Supernumerary or Single Supernumerary and failing any such determination in the shares determined by the Trustee in its absolute discretion) nominated in writing by the New Member, Single Member, New Supernumerary or Single Supernumerary provided however that in the event of a New Member, Single Member, New Supernumerary or Single Supernumerary renominating, the person or persons last nominated in writing by the New Member, Single Member, New Supernumerary or Single Supernumerary to the Trustee shall be deemed to be the New Member’s, Single Member’s, New Supernumerary’s or Single Supernumerary’s Nominated Beneficiary (or Nominated Beneficiaries as the case may be).
- 2.19 “Normal Date of Retirement” means the end of the Connexional Year during which a Member attains sixty-five (65) years of age.
- 2.20 “Parish means a Parish or other designated station and/or place of appointment as listed on the List of Stations of the Conference.
- 2.21 “Probationer” is a candidate accepted for the Ministry who has been appointed by the Church to a Parish or Division.
- 2.21AA “Qualified Auditor” has the meaning given in the Act.
- 2.21AB “Registrar” has the meaning given to it in the Act.
- 2.21AC “Related Party” has the meaning given in section 172 of the Act.
- 2.21AD “Related Party Benefit” has the meaning given in section 172 of the Act.
- 2.21AE “Relevant Law” means all laws applicable to the Trustee and/or the Fund at applicable points in time and which may include, without limitation, the Financial Markets Conduct Legislation, the FMC Regulations, and any methodologies or frameworks issued by the FMA under such legislation.
- 2.21A “Resignation Benefit” means the benefit a Member receives under clause 7.1.1 on resigning from the Ministry of the Church or ceasing to be recognised as a Minister in Full Connexion with the Conference.
- 2.21B “Single Member” means a Member who does not have a spouse.
- 2.21C “SIPO” means the statement of investment policy and objectives for the Fund in the form and containing the contents required by the Act.

- 2.21D “Special Resolution” has the meaning given to it in the Act.
- 2.22 “Stipend” means the standard stipend payable to Ministers as from time to time determined by the Conference.
- 2.22A “Superannuation Fund” has the meaning given to it in the Tax Act.
- 2.22B “Superannuation Scheme” has the meaning given to it in the Act.
- 2.23 “Supernumerary” means a Member who has retired.
- 2.23A “Single Supernumerary” means a Supernumerary who does not have a spouse.
- 2.23B “Tax Act” means the Income Tax Act 2007.
- 2.23C “Trustee” means the trustee appointed in accordance with clause 10 and includes any successors thereof.
- 2.24 “Unavailable for Stationing” means that a Member is not able to accept an appointment on the Station Sheet of the Conference.
- 2.25 “Vacancy” means an unfilled appointment on the Station Sheet of the Conference until filled by the induction of a Minister.
- 2.26 “Years of Contribution” means the number of years of contribution by a Member to the Fund, which may include parts thereof (rounded to the nearest full calendar month).

3.0 MEMBERSHIP

- 3.1 All Ministers and Probationers of the Church shall be eligible for membership of the Fund. The Trustee at its discretion may accept a Minister in Training into membership of the Fund.
- 3.2 Membership shall be obtained by a person making application in the prescribed form to the Trustee and being accepted by the Trustee as a Member.
- 3.3 Each Member receiving a standard stipend shall be a Full Member unless in exceptional circumstances granted exemption by the Conference.
- 3.4 Each Minister receiving less than 70% of the standard stipend may elect to become either a Full Member or a Fifty Percentum Member or elect to be a Nominal Member of the Fund.
- 3.5 The membership of any new Member shall commence on the first day of February in the year of joining.

3.6 Every person eligible for membership of the Fund shall before becoming a Member be advised in writing in accordance with the Act of details of the Fund and of the principal rights and benefits under this Deed.

3.7 From 1 February 2010, the Fund is closed to new Members.

4.0 CONTRIBUTIONS

4.1.1 Each Full Member shall contribute seven and one-half percentum (7½%) of Stipend as defined in Clause 2.22 in such frequency as is determined by the Trustee and made in accordance with the AML Exemption Notice.

4.1.2 The Employer of the Full Member shall contribute an amount equal to ten percentum (10%) of that Member’s Stipend as paid.

4.1.3 If through any cause a Vacancy occurs contributions as paid by the Employer for a Full Member or Fifty Percentum Member shall continue to be paid during the Vacancy.

4.1.4 In the case of each Fifty Percentum Member the Member’s and the Employer’s contributions paid into the Fund shall in total be equal to eight and three-quarters percentum (8¾%) of the Stipend and the Member and the Employer shall agree with the Trustee as to the relative proportions contributed by the Member and the Employer. The contribution of the Member shall be not less than three and three 4-quarters percentum (3¾%) of the Stipend and must be made in accordance with the AML Exemption Notice.

4.1.5 The Parish or other employing body served by a Nominal Member shall make a contribution to the Fund equal to 2% of stipend as defined in Clause 2.22 of this Deed, to assist in the provision of death in service, in terms of Clause 6 and also long term sickness, or disability benefits or a hardship benefit in terms of Clause 10.9 made at the discretion of the Trustee.

4.2.1 Member’s and Employer’s contributions shall be paid in monthly instalments or such other frequency and manner as may be decided by the Trustee provided those contributions are made in accordance with the AML Exemption Notice.

4.2.2 If any contribution or instalment shall be unpaid for one month after the due date for the payment thereof it shall be deemed to be in arrears and the Member and/or Employer shall pay interest on the amount so in arrears or unpaid at the rate from time to time fixed by the Trustee provided that any interest paid is paid in accordance with the AML

Exemption Notice. The Trustee in its discretion may remit the interest or any part thereof on Member's contributions and/or Employer's contributions in arrears.

- 4.3 Unless otherwise determined by the Church a Member who has been granted permission by the Church to be Unavailable for Stationing shall be responsible for both the Member's and Employer's contributions provided that any contributions are made in accordance with the AML Exemption Notice. Alternatively the Member may elect not to contribute to the Fund for that Connexional Year;

PROVIDED THAT where the Member is responsible for the Employer's contributions the amount payable in respect of those contributions shall be net of any superannuation scheme withholding tax the Employer would otherwise have been liable to pay.

- 4.4 Any Member who has contributed forty (40) Years of contribution shall if continuing in the employment of the Church be exempt from payment of any further Member contributions.
- 4.5.1 Any Member who wishes to be credited with additional Years of Contribution shall be entitled to do so by making such contribution as the Trustee on the recommendation of the Actuary shall determine, provided that any additional contributions are made in accordance with the AML Exemption Notice.
- 4.5.1A A Member who has received a Financial Hardship Benefit under Clause 7A.1 and wishes to be credited with some or all of the Years of Contribution debited when the Financial Hardship Benefit was paid shall be entitled to do so by making a contribution calculated in accordance with the following formula:

$$\frac{A \times B}{C} + D + E$$

The amount paid by the Member under this clause shall be apportioned between Employer Contributions and Member Contributions in such manner as the Trustee determines.

Where:

A = The number of Years of Contribution the Member wishes to buy back

B = Total Financial Hardship Benefit paid to the Member

C = The number of Years of Contribution debited when the Financial Hardship Benefit was paid

D = Interest at the earnings rate of the Fund determined by the Trustee on the recommendation of the Actuary from the date of payment of the Financial Hardship Benefit to the date of payment by the Member under this clause

E = Any administration fee as determined by the Trustee.

- 4.5.2 Subject to Relevant Law, the Trustee may accept on behalf of a Member such amount as the Member wishes to be transferred to the Fund from another superannuation scheme. Any amount so transferred shall be applied to provide the Member with such additional Years of Contribution as the Trustee on the recommendation of the Actuary shall determine. The amount transferred shall be considered as Member's contributions to the Fund. Any transfers made to the Fund must be made in accordance with the AML Exemption Notice.
- 4.5.3 If a Member is granted additional Years of Contribution in terms of this Clause 4.5 then such Years of Contribution will not be included in those counted when determining in terms of Clause 7 hereto such Member's Benefit on Resigning from the Ministry of the Church.
- 4.6 When the Church has approved of Study Leave for any Member the Trustee may approve up to two (2) years Study Leave counting as full Years of Contribution subject to the payment of personal contributions only, provided that those contributions are made in accordance with the AML Exemption Notice.

5.0 BENEFITS

- 5.1 A Member may elect to superannuate:
- 5.1.1 Not sooner than the end of the Connexional Year in which the Member attains fifty-five (55) years of age but not later than the end of the Connexional Year in which the Member attains sixty-five (65) years of age provided that retirement before the normal date of retirement has the consent of the Church, or
- 5.1.2 After forty years of contribution to the Fund, but not later than age 65, or
- 5.1.3 With the consent of the Trustee after consideration of medical evidence and as a result of disabling sickness or accident whereby the Member is unable permanently to exercise ministry.
- 5.2.1 Each Supernumerary currently receiving a pension shall continue to do so and each Full Member becoming a Supernumerary at the Normal Date of Retirement after 31 January 1989 shall be entitled

to an annual pension of one hundred and eighty-one dollars and eighty-three cents (\$181.83) for each Year of Contribution. The Trustee may from time to time after considering the advice of the Actuary alter the figure of one hundred and eighty-one dollars and eighty-three cents (\$181.83).

Whenever such an alteration is effected the Trustee shall adjust all pensions currently being paid accordingly.

5.2.2 Subject to clause 5.2.2A, when a Full Member retires prior to the Normal Date of Retirement the annual pension shall be based on Years of Contribution and calculated in accordance with Clause 5.2.1 but reduced by 2 per centum (2%) for each year that the date of retirement precedes the Normal Date of Retirement.

5.2.2A The reduction in the annual pension for Full Members required to be applied under clause 5.2.2 above shall not apply to those Full Members who have served more than 40 years of service prior to the date of their retirement. Any additional cost to the Fund, as determined by the Trustee taking advice of the Actuary, arising from the application of this clause 5.2.2A shall be met by the Church.

5.2.2B Any pension payable under this Deed may with the consent of the Member be commuted in any circumstances and/or manner the Trustee, in its absolute discretion, shall determine after considering the advice of the Actuary.

5.2.3 When the application of a Member to become a Supernumerary has been approved by the Conference the Member may elect either to receive the pension calculated as stated in Clause 5. 2. 1. or 5.2.2. or to commute for a lump sum no more than twenty-five per centum (25%) of the pension and receive a reduced pension PROVIDED THAT

- (i) if the pension does not exceed five hundred and twenty dollars (\$520) per annum then the whole of the pension may be commuted;
- (ii) Members who were contributing prior to the 5 August 1982 may in addition commute for a lump sum up to fifty per centum (50%) of a pension based on the annual rate of pension as at 31 January 1983 of one hundred and twenty dollars and fifty-one cents (\$120.51) for each Year of Contribution and reduced in accordance with Clause 5.2.2 if appropriate and receive a further reduced pension;
- (iii) for Members who were contributing prior to 5 August 1982 if the difference between the pension before any commutation and 75% of the pension based on the annual rate of pension as at 31 January 1983 of one

hundred and twenty dollars and fifty-one cents (\$120.51) for each Year of Contribution and reduced in accordance with Clause 5.2.2 if appropriate is less than five hundred and twenty dollars (\$520) per annum as hereinabove provided then the whole of the pension may be commuted; and

- (iv) for any commutation for a Member who was not a New Member the Church shall pay to the Fund, on a basis agreed with the Trustee on the advice of the Actuary, the amount of the commutation amount that represents the contingent cost of an amount the Church may have to pay on the death of a Member under clause 5.4.4.

5.3 The benefits for each Fifty Per centum Member shall be half those calculated in the manner stated in Clauses 5. 2. 1 and 5. 2. 2 and 5. 2. 3.

5.4.1 The pension payable to the surviving spouse of a Supernumerary or the Nominated Beneficiary of a New Supernumerary or Single Supernumerary shall be sixty per centum (60%) of the pension which the Supernumerary, New Supernumerary or Single Supernumerary was receiving PROVIDED THAT for the period of three (3) months following the date of the death of the Supernumerary, New Supernumerary or Single Supernumerary the pension payable to the spouse or the Nominated Beneficiary (whichever is appropriate) shall be not less in total than the pension payable to the Supernumerary, New Supernumerary or Single Supernumerary at the date of the Supernumerary's, New Supernumerary's or Single Supernumerary's death. Each surviving spouse receiving a pension at the date of this Deed shall continue to do so.

5.4.2 The pension payable to the surviving spouse of a Member other than a New Member or to the Nominated Beneficiary of a New Member or Single Member who dies while employed in active work for the Church shall be sixty per centum (60%) of the pension which the Member, New Member or Single Member would have received had he or she contributed to the Fund if the Member, New Member or Single Member had lived to age sixty-five (65) years.

5.4.3 The pension payable to the surviving spouse of a Member or the Nominated Beneficiary of a New Member or Single Member who was not contributing at the date of death shall be sixty per centum (60%) of the pension which the Member, New Member or Single Member would have received at sixty-five (65) for each year of actual contribution.

- 5.4.4 Where any death benefit is payable to a Nominated Beneficiary of a Single Member or a Single Supernumerary, the amount payable shall be actuarially determined following the death of the Single Member or Single Supernumerary. The Church shall pay to the Fund, and on a basis agreed with the Trustee, an amount to fund the benefit payable so as to ensure that the benefits that may in due course flow from or are attributable to membership of the Fund at the date of payment are not adversely affected by any such payment.
- 5.5 In the case of:
- (i) a surviving spouse other than a first partner in marriage who was the junior of the Member other than a New Member by more than five (5) years; or
 - (ii) each Nominated Beneficiary who was the junior of a New Member, New Supernumerary or a Single Supernumerary by more than five (5) years;
 - (iii) the Trustee shall deduct from the pension an amount equivalent to one dollar (\$1) percentum per annum for every year by which juniority exceeded five (5) years.
- 5.5.1 (i) Pensions shall be paid by equal monthly instalments not later than the fifteenth day of each month in each year. Such payments shall commence:-
- (1) For a Supernumerary or New Supernumerary not later than the fifteenth day of the month following the date on which the Member was made a Supernumerary or the New Member was made a New Supernumerary (whichever is appropriate).
 - (2) For the spouse of a Supernumerary or Nominated Beneficiary of a New Supernumerary or for the spouse of a Member or Nominated Beneficiary of a New Member (whichever is appropriate) not later than the fifteenth day of the month following the date of decease of the said Supernumerary or New Supernumerary or the said Member or New Member respectively.
- (ii) The Trustee may from time to time pay bonuses in addition to pensions such bonuses to be determined by the Trustee after considering the advice of the Actuary.
- 5.5.2 (i) Notwithstanding anything else contained herein but subject to Clause 5.5.2(ii) the total amount of any benefits payable to a Supernumerary, New Supernumerary or Single Supernumerary and where applicable to the spouse of a Supernumerary or Nominated Beneficiary of a New Supernumerary or a Single Supernumerary shall not be less than ten (10) times the amount of the initial annual pension payable to a Supernumerary, New Supernumerary or Single Supernumerary (whichever is appropriate) in terms of clause 5.2.1 or clause 5.2.2 whichever is appropriate.
- (ii) In the event that a New Member, Single Member, New Supernumerary or Single Supernumerary has nominated more than one Nominated Beneficiary the amounts payable to the Nominated Beneficiaries shall be actuarially equivalent to each other, and in total to the amount that would have been payable had there only been one Nominated Beneficiary as determined by the Trustee after considering the advice of the Actuary .
- 5.6 (i) The sum representing the commutation referred to in Clause 5.2.3 shall be raised by the Trustee and shall be applied by it to the purposes and in the manner according to its decision upon receipt of a discharge and undertaking on the form prescribed that such sum together with such remaining annuity is or will be accepted in full satisfaction of all present and future claims upon the Fund by the Member, the Member's spouse, the Member's children or by the New Member or the New Member's Nominated Beneficiary or by the Single Member or the Single Member's Nominated Beneficiary (whichever is appropriate).
- (ii) If a Member dies after execution of the said discharge but while the sum representing the commutation or some part thereof remains to be paid out the commutation shall be carried to completion as if the Member had not so died.
- 5.7 If a Member dies before becoming a Supernumerary or after applying for commutation but before the discharge referred to in Clause 5.6 has been completed the Member's spouse or if the Member is a New Member or a Single Member, the New Member's Nominated Beneficiary or the Single Member's Nominated Beneficiary (whichever is appropriate) shall (mutatis mutandis) have the same right (subject to the same conditions) to apply for commutation of the Member's interest as provided in Clause 5.2.3.
- 5.8 Any Member who is granted permission by the

Conference to transfer to another Church may with the consent of the Trustee in its absolute discretion either:

- (i) remain a member of the Fund and elect to contribute or not contribute to the Fund; or
- (ii) subject to Relevant Law, transfer the value of the Member's interest in the Fund to another Superannuation Scheme.

5.9 If a Member is unable to continue in the Ministry as a result of disabling sickness or accident, the Trustee after consideration of the medical evidence and the Member's financial position and with the aim to protect the living standard of the Member and dependants up to the level of that enjoyed by Members receiving the standard stipend of the Church, may at its absolute discretion give financial relief.

Any payments made in accordance with such decision of the Trustee shall not commence until three months after the date on which the Member became unable to continue to exercise ministry and shall not exceed 21 months of Stipend in total value.

5.10 If a Member becomes a Supernumerary under Clause 5.1.3 as a result of disabling sickness or accident, the Member shall be entitled to receive a lump sum equal to the amount which would have been payable in accordance with Clause 6 hereof had the Member died on the date the Member became a Supernumerary.

6.0 BENEFIT ON DEATH IN SERVICE

6.1.1 If a Member dies in active service any death benefit payable from the Fund shall be paid by the Trustee directly to the surviving spouse of the Member who was not a New Member or a Single Member or if the Member was a New Member or a Single Member to his or her Nominated Beneficiary or if there be no surviving spouse or Nominated Beneficiary (whichever is appropriate) the benefit shall be paid (subject to Clause 6.1.2) to the Member's personal legal representatives.

6.1.2 Notwithstanding Clause 6.1.1, any death benefit payable from the Fund may if there be no surviving spouse or Nominated Beneficiary (whichever is appropriate) be paid by the Trustee directly to the children of the deceased Member and each of such children shall receive such proportion of the said death benefit as the Trustee at its absolute discretion shall decide PROVIDED THAT any benefit so allotted to a child who is aged less than twenty (20) years at the date of the Member's death shall be retained and held upon trust by the

Trustee and accumulated at such rate of interest as the Fund may receive until such child attains the age of twenty (20) years and during such period of retention the Trustee may apply such of the said benefit as the Trustee at its absolute discretion shall decide towards the maintenance and education of the child. Any balance remaining of the benefit on the date the child attains the age of twenty (20) years shall be paid by the Trustee directly to the child on that date. Any amount remaining of the said death benefit after allotments to children as described herein shall be paid by the Trustee to the member's personal legal representatives.

6.2 When a Full Member who was contributing to the Fund at the date of death dies prior to retirement a death benefit of two and one-half (2.5) times the Stipend shall be paid.

6.3 When a Full Member, who was listed as being unavailable for Stationing and who was not contributing to the Fund at the date of death and for whom the Employer was not contributing to the Fund at the date of death, dies prior to retirement, a death benefit of two and one-half percentum (2.5%) of the benefit in Clause 6.2 for each Year of Contribution shall be paid PROVIDED THAT if the period of non-contribution prior to the date of death does not exceed twelve (12) consecutive calendar months then notwithstanding the provisions of this Clause 6.3 the death benefit in respect of such Full Member shall be two and one-half (2.5) times Stipend.

6.4 When a Fifty Percentum Member dies prior to retirement a death benefit of one-half of that applicable to a Full Member shall be paid.

6.5 Upon the death of a Member's spouse the Member shall within three (3) months notify the Trustee of the date of the Spouse's death.

6.6 A Minister who has chosen in any Connexional Year to be a Nominal Member and who dies prior to retirement during such Connexional Year shall be entitled to a death in service benefit which is the same as that for a Fifty Percentum Member.

7.0 BENEFIT ON RESIGNING FROM THE MINISTRY OF THE CHURCH

7.1.1 Subject to clause 7A.4, if a Member resigns from the ministry of the Church or for any cause ceases to be recognised as a Minister in Full Connexion with the Conference then unless invited by the Trustee to remain a Member of the Fund while ceasing to contribute the Member will be entitled to receive:

- (i) a refund of the Member's contributions together with interest thereon at a rate determined by the Trustee each year, after considering the advice of the Actuary, plus
- (ii) two percentum (2%) of the Employer's contributions as credited to the Member for each Year of Contribution for the first five (5) Years of Contribution of the Member together with interest thereon at a rate determined by the Trustee each year after considering the advice of the Actuary, plus
- (iii) six percentum (6%) of the Employer's contributions as credited to the Member for each Year of Contribution for those Years of Contribution in excess of five (5) of the Member together with interest thereon at a rate determined by the Trustee each year, after considering the advice of the Actuary provided that not more than fifteen (15) of such Years of Contribution shall apply in respect of this Clause 7.1.1(iii).

7.1.2 If the Member who is not a New Member withdraws after reaching age 50 (fifty) the amount arising, if any, in respect of Employer's contributions in excess of seventy-five percentum (75%) of the annual rate for the year ended 31 January 1983 plus interest thereon, shall be paid in the form of an annual pension of equivalent value as certified by the Actuary. The pension shall be subject to the same terms and conditions contained in Clause 5 (mutatis mutandis) as though the Member had become a Supernumerary on the date the Member become entitled to benefit under this Clause 7 PROVIDED THAT the Member may request that the annual pension be commuted for a lump sum payment of equivalent value as certified by the Actuary;

PROVIDED FURTHER THAT should a Member who is entitled to an annual pension under this Clause die before payment of the annual pension commences, the amount arising shall be paid in accordance with Clause 6.1.1 (mutatis mutandis) as though the Member had died in active service.

7.2 Subject to Relevant Law, if the Member so requests and the operators of the other scheme agree, the Trustee shall transfer the benefit payable under Clause 7.1 for the Member's benefit to another Superannuation Scheme or to a scheme that is operated outside New Zealand PROVIDED THAT if the Member transfers to the superannuation scheme of another Church outside of New Zealand then the Trustee may at its discretion transfer to that scheme a benefit calculated in terms of Clause 7.1 above as if the

Member had at the time of transfer completed twenty (20) Years of Contribution.

- 7.3 In the case of a Fifty Percentum Member for whom Member's and Employer's contributions have been received by the Fund in terms of Clause 4.1.4 the Trustee shall have power to increase the refund of the Employer's contributions as the Trustee in its absolute discretion shall decide.
- 7.4 A refund of Member's contributions with or without the payment of interest thereon and of the Employer's contributions in full or in part shall determine the Member's interest, that of the spouse of a Member who is not a New Member and that of a Nominated Beneficiary and membership of the Fund shall cease.
- 7.5 No Member may receive a withdrawal benefit until the Member ceases to be a Member.

7A.0 FINANCIAL HARDSHIP BENEFIT

7A.1 A Member shall, on giving written notice to the Trustee, be entitled to a Financial Hardship Benefit subject to the Trustee in its absolute and sole discretion satisfying itself that the Member has suffered or is suffering significant financial hardship. The amount of the Financial Hardship Benefit shall be an amount specified by the Member and agreed to by the Trustee but shall not exceed the amount to which the Member would have received if he or she had been entitled to a Resignation Benefit at the date of the Member's notice.

7A.2 On payment of a Financial Hardship Benefit under this Clause 7A a Member's contributions with interest in respect of that period prior to the payment of the Financial Hardship Benefit for the purposes of calculating any future benefits will be recalculated in accordance with the following formula:

$$\frac{A}{C \times (1 - B)}$$

Where:

C = The Member's contributions together with interest at the rate determined by the Trustee at the date of payment of a Financial Hardship Benefit

A = The amount of Financial Hardship Benefit paid to a Member

B = Payment the Member would have been entitled to receive under a Resignation Benefit under Clause 7.1.1 at the date of payment of the Financial Hardship Benefit.

7A.3 On payment of a Financial Hardship Benefit under this clause 7A the Employer's contributions with interest for the purposes of calculating any future benefits will be calculated in accordance with the following formula:

$$\frac{A}{C \times (1 - B)}$$

Where:

C = The amount of Employer's contributions together with interest at the rate determined by the Trustee at the date of payment of a Financial Hardship Benefit

A = The amount of Financial Hardship Benefit paid to a Member

B = Payment the Member would have been entitled to receive under a Resignation Benefit under clause 7.1.1 at the date of payment of the Financial Hardship Benefit.

7A.4 Subject to Clause 7A.5, following payment of a Financial Hardship Benefit under this Clause 7A a Member's Years of Contribution in respect of the period prior to the payment of calculating any future benefits under clause 5 or clause 6 will be calculated in accordance with the following formula:

$$\frac{A}{C \times (1 - B)}$$

Where:

C = Years of Contribution calculated under Clause 2.26 at the date of payment of the Financial Hardship Benefit, including any adjustments made under Clause 4.5.1, 4.5.1A or any previous application of this clause 7A.4

A = Amount of Financial Hardship Benefit paid to the Member

B = Payment the Member would have been entitled to receive under a Resignation Benefit on resigning from the Ministry of the Church or ceasing to be recognised as a Minister in Connexion with the Conference.

7A.5 Clause 7A.4 will only apply to a Resignation Benefit under clause 7.1.1 if a Member has made a full withdrawal of the amount they were entitled to under clause 7.1.1 at the date of the Member's notice.

8.0 PROHIBITION AGAINST ALIENATION

8.1 No Member or Supernumerary may assign, charge, alienate or borrow against the security of the

Member's or Supernumerary's benefits under this Fund.

9.0 BANKRUPTCY OR INCAPACITY

- 9.1 (a) In the event of a Member, Supernumerary or other beneficiary who joined the Fund before 1 April 1990 becoming bankrupt then all benefits to which such Member, Supernumerary or other beneficiary is entitled in the Fund shall be forfeited to the Fund.
- (b) Notwithstanding any other provision of the Deed but subject to Clause 9.1(c) each Member, Supernumerary or other beneficiary who joined the Fund on or after 1 April 1990 shall be deemed to have a contingent interest in any benefit payable under the Fund which has not become unconditionally vested in the Member, Supernumerary or other beneficiary (whichever is appropriate) in accordance with the Deed. Provided that:
- (i) Such contingent interest shall continue until the interest becomes vested in the Member, Supernumerary or other beneficiary or in accordance with the terms of the Deed or until the Member, Supernumerary or other beneficiary becomes bankrupt, whichever shall first occur.
- (ii) In the event that a Member, Supernumerary or other beneficiary becomes bankrupt prior to any contingent interest in any benefit payable under the Fund becoming unconditionally vested in the Member, Supernumerary or other beneficiary then, the Member, Supernumerary or other beneficiaries contingent interest in that part of any benefits payable under the Fund which are attributable to contributions made by the Employer or to any moneys transferred from, or contributed to the Fund by, any third party in respect of the Member, Supernumerary or other beneficiary (and which are not by the terms of such transfer or contribution, deemed to be contributions made by the beneficiary) shall be forfeited.
- (c) The Trustee shall in its absolute discretion apply in respect of such Member, Supernumerary or other beneficiary an amount not exceeding the amount of the benefit which has been forfeited under this Clause 9.1 for the maintenance support or otherwise for the benefit of the Member, Supernumerary or other beneficiary or such

of their dependants as the Trustee may in its discretion determine.

- 9.2 In the event of a Member, Supernumerary or other beneficiary becoming an incapable person or becoming by reason of mental health age or infirmity or any combination thereof incapable in the opinion of the Trustee to satisfactorily manage the Member's, Supernumerary's or other beneficiary's affairs then the Trustee may administer any benefits on the Member's, Supernumerary's or other beneficiary's behalf.

10.0 TRUSTEE

10.1 Methodist Church Of New Zealand - Te Hāhi Weteriana Superannuation Trustee Limited is the trustee of the Fund.

10.1A The power of appointment of a new trustee (in place of a trustee which has been removed from or has retired from office in accordance with Clause 10.1C below) is vested in the Board of Administration of the Methodist Church of New Zealand. Any new trustee must be a single body corporate.

10.1B The Trustee shall be a single body corporate and the directors or members must include at least one Licensed Independent Trustee.

10.1C The office of trustee shall become vacant if:

- (a) the Trustee, if appointed under Clause 10.1A, resigns office as trustee by notice in writing addressed to the Board of Administration of the Methodist Church of New Zealand;
- (b) an order is made or an effective resolution is made for winding up (other than for the purposes of reconstruction or amalgamation) of the Trustee or the Trustee is placed in liquidation or receivership or under statutory management;
- (c) the Trustee is removed from office by the Board of Administration of the Methodist Church of New Zealand in accordance with the Act;
- (d) is substituted by the court under the Act.

10.1D No retirement or removal or replacement of the Trustee under Clause 10.1C will take effect unless:

- (a) all functions and duties of the Trustee's position as trustee of the Fund have been performed; or
- (b) the court consents.

10.1E No retirement or removal or replacement of the Trustee under Clause 10.1C will take effect until a new trustee has been appointed pursuant to Clause

10.1A and such new trustee has executed the deed referred to in clause 10.1F below and all of the investments of the Fund have been transferred to the new trustee or the new trustee's custodian.

10.1F Any new trustee must forthwith upon appointment execute a deed in such form as the Board of Administration of the Methodist Church of New Zealand may require whereby the new trustee undertakes to the Board of Administration of the Methodist Church of New Zealand and the Members, Supernumeraries and Beneficiaries to be bound by all the covenants on the part of the former trustee under this Deed from the date of such appointment.

10.1G In the event of the retirement or removal or replacement of the Trustee under Clause 10.1C, the Trustee must promptly comply with the directions of the Board of Administration of the Methodist Church of New Zealand in relation to the transfer to the new trustee appointed in accordance with this Clause 10 of the Fund's assets, all Fund records and other relevant documentation.

10.1H If for any reason, the board of directors of any body corporate appointed to act as trustee of the Fund does not include a Licensed Independent Trustee, the provisions of the Act shall apply in relation to the appointment of a person to fill the vacancy in the office until a substitute appointment may be made under this Deed.

10A.0 TRUSTEE'S POWERS AND DISCRETIONS

10A.1 The Trustee (acting as the manager of the Fund) has responsibility for those functions and duties of a manager under the Act unless the Act or the FMC Regulations otherwise provide.

10A.2 The Trustee is responsible for performing the following functions:

- (a) managing Fund property and investments; and
- (b) administering the Fund.

10A.3 The Trustee must:

- (a) act honestly in acting as a manager;
- (b) in exercising any powers or performing any duties as a manager:
 - (i) act in the best interests of Members;
 - (ii) treat Members equitably;
 - (iii) not make use of information acquired through being the manager in order to:
 - (A) gain an improper advantage for itself or any other person; or
 - (B) cause detriment to the Members.

- 10A.4 The Trustee must also carry out the functions of a manager in accordance with this Deed, the SIPO, and all other Issuer Obligations.
- 10A.5 The Trustee must in exercising any powers or performing any duties, exercise the care, diligence and skill that a prudent person of business would exercise in the same circumstances.
- 10A.6 Any Trustee whose profession or business is or includes acting as a trustee or investing money on behalf of others must, in exercising any powers or performing any duties, exercise the care, diligence and skill that a prudent person engaged in that profession would exercise in the same circumstances.
- 10.2 The Trustee may open and operate on such bank accounts as it thinks fit.
- 10.3 The Trustee may authorise any person or persons to act as their delegate to perform any act, or exercise any discretion within the Trustee's power. The authorisation must be written. The Trustees must comply with Clauses 11A.1 and 11A.2 and with the requirements of the Act where they contract out all or some of their functions of holding the assets of the Fund. The Trustees may include provisions to protect and assist those dealing with any delegate in the authorisation as the Trustees see fit. Subject to Clauses 11A.1 and 11A.2, the delegate may be a related party of the Trustee. The authorisation of a delegate may include rights to be indemnified for liabilities or expenses incurred in relation to the performance of the delegate's contracted functions. The Trustee remains liable for the acts or omissions of a delegate.
- 10.4 The Trustee may pay any debts or claims upon such proof if any as it thinks sufficient, accept any composition or security real or personal for any debts due to the Fund allow time for payment thereof compromise compound or submit to arbitration all debts accounts claims and things whatsoever relating to the Fund and for all or any of the purposes aforesaid may enter into give and execute all such deeds, documents, writings, agreements, instruments of composition, releases, and other things as it shall deem expedient without being responsible for any loss occasioned thereby. The Trustee may obtain any professional advice it considers necessary.
- 10.5 After meeting all current claims upon the Fund the Trustee shall from time to time invest all moneys as hereafter provided.
- 10.6 The Trustee shall submit to each annual Conference a report of its operations during the year together with the annual audited statements of the financial position of the Fund. The report shall include a statement of the amount received from Member's and Employer's contributions and from levies and the respective amounts in arrears. It shall also state the number of Members spouses and others who are beneficiaries of the Fund.
- 10.6A The Trustee must, in accordance with Relevant Law, prepare and provide reports to the FMA that contain the information that is required by the FMC Regulations.
- 10.7 Subject to the Act, the Trustee shall not be answerable or liable for:
- (i) any loss or damage occasioned by an action of the Trustee so long as the Trustee acts in good faith and without wilful neglect or default.
 - (ii) the neglect or default of any actuary, solicitor, banker, accountant, broker, employee or other agent employed in good faith by the Trustee.
- 10.7A The Trustee may be indemnified for liabilities or expenses incurred in relation to the performance of the Trustee's obligations as issuer of the Fund PROVIDED THAT such rights must only be available in relation to the proper performance of duties under sections 143(1) and 144 of the Act.
- 10.7B If the Trustee has reasonable grounds to believe that the Trustee has contravened, may contravene or is likely to contravene any of its Issuer Obligations in a material respect then the Trustee must, as soon as practicable:
- (a) report the contravention or possible contravention to the FMA; and
 - (b) advise the FMA of the steps (if any) that the Trustee has taken or intends to take in light of the contravention or possible contravention and the date by which the steps were taken or are to be taken.
- 10.8 The Trustee shall have the right to act at its discretion in any matters not specifically provided for in this Deed but consistent therewith provided that such acts shall not override or contravene the provisions of the Act. Any such actions shall be recorded in the annual report to the Church.
- 10.9 In keeping with the mutuality of the Fund the Trustee may in its absolute discretion give relief in cases of hardship befalling any Member of the Fund or Supernumerary or dependants.
- 10.10 Neither the Trustee nor any other party to this Deed may take any action against a Licensed Independent Trustee by reason of the Licensed

Independent Trustee having made a report or disclosure to the FMA under the conditions of the Licensed Independent Trustee's licence.

(ii) is not the same person as, or associated with, the Trustee (other than by virtue of the custodianship).

11.0 INVESTMENT

11.1A The Trustee may appoint any Investment Manager to invest the assets of the Fund.

11.2 The Trustee must develop a written SIPO for the Fund that complies with the Act. Such SIPO may be altered by the Trustee from time to time subject to the requirements of the Act and all moneys available for investment in the Fund shall be invested in accordance with the SIPO.

11.3 The Trustee must lodge the SIPO and any alteration thereto with the Registrar to the extent required by the Act.

11.4 Any appointment by the Trustee of an Investment Manager must be in writing. The Trustee must comply with the requirements of the Act where they contract out all or some of their functions as manager of the Fund. The Trustee may include provisions to protect and assist those dealing with any Investment Manager in the terms of appointment as the Trustee sees fit. An Investment Manager may be a related party of the Trustee. The Trustee may appoint brokers or dealers appropriate for carrying out transactions in relation to the assets of the Fund. The terms of appointment of an Investment Manager may include rights to be indemnified for liabilities or expenses incurred in relation to the performance of the Investment Manager's contracted functions. The Trustee remains liable for the acts or omissions of an Investment Manager.

11.4 If the Fund is invested in another Superannuation Fund or in a Master Fund then the Trustee may, to the extent permitted by the Tax Act, transfer any expenditure incurred by the Fund to that Superannuation Fund or Master Fund in accordance with the provisions of the Tax Act.

11A.0 CUSTODIANSHIP OF FUND PROPERTY

11A.1 The Trustee shall hold the Fund Property in one of the following ways:

- (a) by a body corporate that is the sole corporate trustee of the Fund; or
- (b) by a body corporate to whom the Trustee has contracted the holding of the Fund Property and who:
 - (i) is a body corporate that the Trustee believes, on reasonable grounds, to be appropriate to hold, and safeguard the Fund Property; and

11A.2 Subject to Clause 11A.1(b), the Trustee may contract out the holding of the Fund Property to another person provided that the Trustee:

- (a) takes all reasonable steps to:
 - (i) ensure that the function is performed by that person in the same manner and subject to the same duties and restrictions as if that person were performing it directly;
 - (ii) monitor the performance of that function; and
- (b) is jointly and severally liable with that person (and any other person who has contracted out the function) for the performance of that function in accordance with clause 11A.2(a).

12.0 BORROWING

12.1 The Trustee may at any time and from time to time borrow or raise money for any of the purposes of the Fund and secure the repayment of moneys so borrowed and interest thereon by mortgage or charge over all or any of the assets of the Fund and no lender shall be concerned to enquire as to whether the necessity for any such borrowing has arisen or as to the purposes for which it is required or as to the application of the money borrowed.

13.0 ADMINISTRATION

13.1 The Trustee shall record in its minutes resolutions relating to the Fund and maintain such records of Members and Supernumeraries and other beneficiaries in such form as it may determine in accordance with and as required by Relevant Law.

13.2 The Trustee shall cause the financial position of the Fund to be investigated and reported upon by the Actuary at intervals not exceeding three (3) years. The Actuary shall embody the results of each such actuarial investigation in a written report to the Trustee who shall report thereon to the next Conference. The Trustee must ensure the report of the Actuary is received no later than 7 months after the date as at which the financial position of the Fund was examined. The Trustee shall furnish a copy of the Actuary's report to the FMA as soon as practicable.

13.3 If the Actuary's report shows an actuarial deficiency then unless the Conference agrees to require such further Church contributions as the Actuary shall certify to be necessary to discharge such deficiency the Trustee shall after consultation with the Actuary

and to the extent necessary to discharge such actuarial deficiency reduce the annuities payable in such manner as shall be agreed upon.

- 13.4 All reasonable and proper expenses of the Trustee and its officers and all expenses incurred in or about the administration of the Fund shall be met by the Fund.

14.0 GENERAL

- 14.1 A copy of this Deed shall be kept by the Trustee and a copy shall be available for inspection by any Member, Supernumerary or other Beneficiary.
- 14.2 No Member, Supernumerary or other Beneficiary shall have any claim against the Church or its property or funds in respect of any moneys payable pursuant to the provisions of this Deed.
- 14.3 The Fund shall be a New Zealand currency fund and nothing in this Deed shall require the Trustee to make any payments other than in New Zealand and in New Zealand currency.
- 14.4 The Church and every Member, Supernumerary and other beneficiaries under this Deed shall furnish to the Trustee such information as it shall require in order to fulfil its duties under this Deed.
- 14.5 Each Member, Supernumerary or other beneficiary shall be given as soon as practicable after request an estimate of their benefits in the Fund.
- 14.6 A Member shall supply the Trustee with the name and date of birth of the spouse or in the case of a New Member, the New Member's Nominated Beneficiary (whichever is appropriate) and such other information as relates to the Fund.
- 14.7 It is intended that this Deed be legally enforceable as between the Trustee, the Members, Supernumeraries and Beneficiaries in receipt of a benefit under this Fund.

15.0 AMENDMENTS

- 15.1 The Trustee may on instruction from the Church from time to time by instrument in writing repeal, rescind, amend, alter, or add to any of the provisions of this Deed or any amendments thereof PROVIDED THAT
- (a) no amendment shall be made which would adversely affect any Member's interest in the Fund at the date of amendment without the written consent of the Member.
 - (b) any proposed amendment affecting the financial basis of the Fund shall be submitted to and reported upon by the Actuary.

- (c) notice of motion therefore shall have been first referred to the Trustee for its consideration and thereafter considered by the Conference Committee dealing with the Fund and the motion shall have been carried by not less than two-thirds of those present and voting in the Conference. Where financial considerations are involved the Trustee shall have power to obtain a report from the Actuary of the Fund as to whether such proposal is likely in his judgement to affect the stability of the Fund.
- (d) Any amendment shall be in accordance with the requirement of the Act.

15.2.1 Notwithstanding Clause 15.1, the Trustee may vary benefits at any future time to take account of changes in taxation that may arise later (other than as a result of the passing of the Income Tax Amendment Act 1989).

15.2.2 No reduction in benefits pursuant to Clause 15.2.1 shall be made until:

- (a) The FMA has been provided with a copy of an opinion of an Actuary confirming that the reductions are no more than are necessary to make the benefits of the Fund secure, and the FMA has confirmed in writing to the Trustee that he or she agrees with that opinion; and
- (b) The FMA has confirmed in writing to the Trustee that he or she is satisfied that the reductions in benefits are equitable as between all Members and other beneficiaries.

16.0 WINDING UP

16.1 If the Church resolves that the Fund shall be wound up or the court directs that the Fund be wound up pursuant to section 211 of the Act:

- (a) the Trustee shall provide for the rights of Supernumeraries and other beneficiaries receiving a pension from the Fund by the purchase of annuities for such sums in respect of each Supernumerary and other beneficiary as shall be determined by the Actuary; and
- (b) the Trustee shall after deducting costs and expenses of winding up distribute any moneys remaining thereafter to the Members in proportion of their retirement benefit rights certified as accrued by the Actuary as at the date of winding up PROVIDED THAT any amount arising in respect of Employers contributions in excess of the annual rate for the year ended 31 January 1983, if any, plus interest thereon payable to a Member other than a New Member or a Single Member

who has attained age fifty (50) at the date of dissolution shall not be paid in cash but applied in the purchase of an annuity subject to the same terms and conditions as pensions granted under Clause 7.1.2 hereof.

- (c) No part of the assets of the Fund may revert to any person who is not a 'scheme participant' (as defined in the Act) (including the Church or any employer of a person who is a Member) without the prior written consent of the FMA.

16.2 The Trustee shall, to the extent required by Relevant Law:

- (a) within 10 working days after a winding up resolution or an order by the court that the Fund be wound up is made, give a copy of any order or resolution to the FMA;
- (b) within four months after the date on which the winding up takes effect, ensure that the final financial statements of the Fund as at the date on which the winding up takes effect, are prepared in accordance with generally accepted accounting practice and audited;
- (c) within 20 working days after the final financial statements have been audited ensure that:
 - (i) a copy of those financial statements are sent to the FMA and to every person who was a Member of the Fund immediately before it was wound up; and
 - (ii) advise the FMA and the Members in writing as to the manner in which the remaining assets of the Fund (if any) are to be distributed;
- (d) shall inform the FMA of the date on which the distribution of assets is completed.

17.0 MINIMUM BENEFIT

17.1 The value of the benefit payable to or in respect of a Member on the Member ceasing to be a Member for any reason shall not be less than the Member's own contributions to the Fund.

18.0 FINANCIAL INFORMATION

18.1 The Trustee shall ensure there are kept at all times accounting records that:

- (a) correctly record the transactions of the Fund;
- (b) will enable the Trustee to ensure that the financial statements of the Fund comply with generally accepted accounting practice and any prescribed requirements; and
- (c) will enable the financial statements of the

Fund to be readily and properly audited.

18.2 In keeping or causing the accounting records to be kept under Clause 18.1:

- (a) the Trustee must have appropriate systems of control and oversight;
- (b) the Trustee must keep such accounting records at a suitable location accessible to the Trustee, the Auditor and the FMA; and
- (c) the provisions of Part 7 of the Act must be complied with.

18.3 Subject to Relevant Law, the Trustee must ensure that within 4 months after the end of each Fund Year, financial statements that comply with generally accepted accounting practice are:

- (a) completed in relation to the Fund and that Fund Year; and
- (b) dated and signed on behalf of the Trustee.

18.4 The Trustee shall ensure that, within 4 months after the end of each Fund Year:

- (a) the Fund's financial statements for that Fund Year are audited and reported on by the Auditor in accordance with the requirements of the Act; and
- (b) those financial statements, together with the Auditor's report on those financial statements, are delivered to the Registrar for lodgement.

18.5 A person or a firm of Chartered Accountants selected by the Trustee must be appointed Auditor of the Fund provided that such person or firm of Chartered Accountants is licensed under the Auditor Regulation Act 2011 and meets the requirements of Relevant Law.

18.6 The Trustee must:

- (a) within 4 months after the end of each Fund Year, prepare an annual report on the affairs of the Fund during that Fund Year; and
- (b) within 28 days after the annual report is prepared:
 - (i) send to every Member:
 - (A) a copy of the annual report; or
 - (B) a notice containing the statements required by the FMC Regulations; and
 - (ii) lodge the annual report with the Registrar.

18.7 The Trustee must also provide a copy of the annual report to the Conference and to the Actuary within 28 days after the annual report is prepared.

19.0 VALUATIONS

- 19.1 The Trustee may instruct a valuer or other expert to value any Fund Property. The costs of those valuations must be paid out of the Fund.
- 19.2 In the case of Fund Property which is listed on any stock exchange the value must be determined by reference to:
- (a) the last listed sale price on the day upon which the valuation is being made;
 - (b) if no sale price was listed for that day, then the last bid or buying price on that day; or
 - (c) at the option of the Trustee, the amount certified by a firm of stockbrokers or other dealers in the relevant market.
- 19.3 For any deposit, the value must be determined by reference to the principal amount of the deposit.
- 19.4 For interests in a collective investment scheme not listed on a stock exchange, the value must be determined by reference to the amount obtained by multiplying the redemption price of each such interest by the total number of interests of that class comprised in the collective investment scheme.
- 19.5 For policies of life insurance held by the Fund for investment purposes, the value must be determined by reference to the amount obtained by multiplying the surrender price of each interest in the policy by the total number of interests of that class comprised in the policy.
- 19.6 For any interest in a derivatives contract, the value must be determined by reference to the net profit or loss (after allowing for deposits, margin calls, costs and other disbursements in respect of the acquisition or disposal of the derivatives contract as estimated by the Trustee) which would have been realised in respect of that derivatives contract by executing a transaction at the official closing quotation of a derivatives market on that day in respect of equivalent contracts.
- 19.7 For any put option granted to the Fund, the value must be determined by reference to the excess (if any) of the price receivable upon exercise of the put option or upon the sale of the put option (if such sale is permitted by the terms), whichever is the greater, over the sum of all costs and expenses incurred in entering into or holding the put option and the fair value of the property the subject of the put option as determined by a valuer.
- 19.8 For any call option granted to the Fund, the value must be determined by reference to the excess (if any) of the fair value of the property the subject

of the call option, as certified by a valuer, over the sum of all costs and expenses incurred in entering into or holding the call option and the price payable upon exercise of the call option.

- 19.9 For bills of exchange, promissory notes, negotiable certificates of deposit, and any other property not otherwise dealt with in this Clause 19, the value must be determined by reference to the cost of acquisition.
- 19.10 Where the Trustee considers in its absolute discretion that the application of the principles of valuation set out in this Clause should not, or do not, apply to the valuation of any Fund Property, the Fund Property must be valued by reference to any other principles as determined by the Trustee, provided that the valuation method used is applied on a consistent basis over time.

20.0 RELATED PARTY BENEFITS

- 20.1 Subject to Clause 20.2, the Trustee (and any investment manager, administration manager or other person to whom the Trustee has contracted out some or all of its functions as manager) must not enter into a transaction that provides for a Related Party Benefit to be given.
- 20.2 Clause 20.1 does not apply to a transaction or series of transactions if one of the following applies and the Trustee (with the consent of the Licensed Independent Trustee) certifies to that effect:
- (a) the transaction is or series of transactions are in the best interests of the Members; or
 - (b) section 174 of the Act applies to the transaction or transactions or all Related Party Benefits to be given; or
 - (c) the transaction is or series of transactions are approved by or contingent on approval by a Special Resolution of the class of Members affected or potentially affected by the transaction or transactions.
- 20.3 Subject to Relevant Law, the Trustee (or any person to whom the Trustee has contracted out some or all of its functions as a manager) must not acquire any new in-house asset if, as a result of the acquisition, the Fund would have, or increase, an in-house asset ratio of 5% or more in relation to any Related Party or Member.

21.0 MEETINGS

- 21.1 When required by Relevant Law, the Trustee shall call a meeting of Members in the manner and on the basis set out in the Act and the FMC Regulations. A meeting of Members shall be conducted in accordance with Relevant Law.

22.0 REGISTERS

- 22.1 A register of Members, Supernumeraries and Beneficiaries must be kept by the Trustee in a form and manner required by the Act.
- 22.2 Such register may be in electronic form and compiled by a delegate of the Trustee in a manner approved by the Trustee.
- 22.3 The following details shall be entered on the register:
 - (a) names and addresses of each Member, Supernumerary and Beneficiary;
 - (b) date on which the Member, Supernumerary or Beneficiary became a Member, Supernumerary or Beneficiary (as the case may be); and
 - (c) such other information as the Trustee requires or as is required by the Act.
- 22.4 The Trustee must ensure that the register is audited at intervals of not more than 12 months or as required by and in accordance with the provisions of the Act.
- 22.5 The Trustee must advise the Registrar of the place where its registers are kept and of any change in that place. Changes must be advised to the Registrar within 10 working days of the change in place.

23.0 INTENTION TO BE LEGALLY BINDING

- 23.1 It is intended that this Deed be legally enforceable as between the Trustee, the Members, Supernumeraries and Beneficiaries in receipt of a benefit under this Fund.

EXECUTION AND DATE

This deed was executed on 2016

Signed by:

The Conference of the Methodist Church of New Zealand:

I, Tovia Aumua, the President for the time being of the Conference of the Methodist Church of New Zealand for and on behalf of the said Conference by affixing my seal of office:

Signature of the President

Methodist Church of New Zealand - Te Hāhi Weteriana Superannuation Trustee Limited as Trustee by:

Signature of director

Name of director

Signature of director

Name of director

23. Appendix C-1

(a) Primitive Methodist Temporal Affairs Act 1879 1879 No.2 (Private)

19th December 1879

An ACT to regulate the Temporal Affairs of the Religious Society denominated Primitive Methodists.

WHEREAS in or about the year one thousand eight hundred and forty-four a society of the Primitive Methodist Connection was duly established at New Plymouth, in the Colony of New Zealand, by the late Reverend Robert Ward, under and by virtue of the powers and privileges delegated to him in that behalf by the Conference of the said Connexion duly held at Lynn Regis, in the County of Norfolk, in England, in the year one thousand eight hundred and forty-four: And whereas it is expedient to make provision for creating a succession of properly-qualified trustees according, as nearly as may be to the usages and regulations of the said Connexion as declared and set forth in the deed poll and model deed of the said Connexion, and for defining as nearly as may be the manner in which the trusts affecting any property of the said Connexion may be fulfilled, and generally for the conduct of the temporal affairs of the said Connexion and the management of any property thereof:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. Short Title of this Act is "The Primitive Methodist Temporal Affairs Act 1879".
2. From and after the passing of this Act the trustees of all Primitive Methodist churches, chapels, ministers' dwellings, schoolrooms, burial-grounds, glebe lands, or other property in the Colony of New Zealand, shall be elected and appointed in the manner following, that is to say:

A special meeting of the minister or ministers, the leader or leaders of the classes, the The society stewards, the members of the quarterly meeting, and any such other persons as the station committee may appoint, shall be convened by the superintendent minister of the station for the time being within whose jurisdiction such church,

chapel, school, or minister's dwelling is intended to be built, or where the burial-ground or glebe land or other land or property belonging to the said Connexion shall be situated, and the persons composing such meeting or the majority of them shall put in nomination any number of persons not less than five or more than ten, being members of or friendly to the said Primitive Methodist Connexion.

3. The time and place for holding every such meeting as aforesaid shall be publicly notified in the church or chapel, or the usual place of worship, in which the said meeting is to be held, during the time of Divine service on the Sunday preceding the said intended meeting.
4. The superintendent minister shall lay such nomination as aforesaid before the ensuing quarterly meeting of the station as aforesaid for its approval, and, in the event of the non-approval thereof by such quarterly meeting, then such election shall take place de novo, and so on from time to time until such approval be obtained.
5. The superintendent minister for the time being, lawfully appointed and recognized by the Annual Synod Meeting or Conference of the said Primitive Methodist Connexion in the colony aforesaid as the superintendent minister of the station as aforesaid, shall, ex officio, be entitled to be present at and to take part in the proceedings of and have a vote at all meetings of the trustees, or other meetings concerning the affairs of the church, chapel, minister's dwelling, school, or other property of the said circuit or station.
6. In case the said superintendent minister shall be unable to attend such meeting, his colleague, or any one of his colleagues in the ministry belonging to the same station with himself, being nominated by such superintendent minister, shall be entitled to be present and to take part in the proceedings of and have a vote at all such meetings as aforesaid, in like manner as the said superintendent minister might have acted and voted if personally present; and no such meeting shall be held without one of the said ministers being present thereat.
7. At any meeting held under or by virtue of this Act the persons present at such meeting and entitled to vote thereat, or the majority of them, shall choose a chairman or president of such meeting, and shall decide any question or matter proposed at such meeting and respecting which

votes shall be given: And, in case the votes shall be equally divided, then the chairman or president of such meeting shall give the casting vote, which casting vote he shall have in addition to the vote he shall be otherwise entitled to; and all acts and deeds done and executed in pursuance of any such decision as aforesaid shall be good and valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said Primitive Methodist Connexion or in the same meeting.

8. Whenever any freehold, leasehold, or other property has been acquired or hereafter shall be acquired by or on behalf of the Primitive Methodist Connexion or any society thereof, or subject to any trust for the said Primitive Methodist Connexion or any society thereof, or for individuals composing the same, such conveyance, assignment, or other assurance shall not only vest the freehold or leasehold or other property thereby conveyed, assigned, or otherwise assured, in the party or parties named therein, but shall also effectually vest such freehold or leasehold or other property in their successors in office for the time being and the old continuing trustees, if any, jointly, or, if there be no old continuing trustees, then in such successors for the time being solely chosen and appointed in the manner provided or referred to in or by this Act, or in or by such conveyance, assignment, or other assurance, or in any separate deed or instrument declaring the trust thereof, upon such and the like trusts, and with and under and subject to the same powers and provisions as are contained or referred to in such conveyance or assignment or other assurance, or in any such separate deed or instrument upon which other assurance whatsoever, anything in such conveyance, assignment, or other assurance, or in any separate deed or such property is held, and that without any transfer, assignment, conveyance or instrument contained to the contrary notwithstanding: Provided always that in case of any appointment of a new trustee or trustees, or of the conveyance of the legal estate in any such property being made as hereinbefore was by law required, the same shall be valid and effectual to all intents and purposes as if this Act had not been passed.
9. For the purpose of preserving evidence of every such choice and appointment of a new trustee

or new trustees, and of the person or persons in whom such property shall so from time to time become legally vested, every such choice and appointment of a new trustee or new trustees shall be made to appear by some deed under the hand and seal of the chairman of the meeting at which such choice and appointment shall be made, and shall be executed in the presence of such meeting and attested by two or more credible witnesses, which deed may be in the form of or to the effect of the Schedule to this Act annexed, or as near thereto as circumstances will allow, and may be given and shall be received in evidence in all Courts and proceedings in the same manner and on the like proof as deeds, and shall be evidence of the truth of the several matters and things therein contained.

10. It shall be lawful for any person or persons to whom any lands or hereditaments or other property shall have been or shall or may be hereafter granted or conveyed by the Crown, or any person or persons whomsoever, for any estate or interest upon trust for the said Primitive Methodist Connexion or any society thereof, and for the survivors or survivor of such persons, or their or his heirs or assigns, and he or they are hereby authorized and required at any time, at the request of the quarterly meeting of the station made in writing and signed by his chairman and secretary, to convey the said trust, premises, lands and hereditaments to the trustees to be nominated and elected according to the provisions of this Act for the station in which the said trust, premises, lands, and hereditaments shall be situate, and to their heirs and assigns, in order that the said trust, premises, lands, and hereditaments may be fully and completely vested in such trustees, their heirs and assigns, upon the trusts, and for the ends intents and purposes, and with, under, and subject to the powers, provisions, agreements and declarations mentioned, expressed, and declared in a model deed of the said Primitive Methodist Connexion on the second day of April, one thousand eight hundred and sixty-four:

Provided always that it shall be lawful for any one or more person or persons to whom any such lands or other property shall have been originally granted or conveyed upon trust for the said religious society to act as new trustees or trustee, if and when duly nominated and elected as aforesaid for that purpose, and the said trust, premises, lands, and hereditaments may be vested in or retained by him or them either alone or in conjunction with another trustee or other trustees in the same manner as if he or they had been

originally a trustee or trustees of the said land so required to be conveyed as aforesaid,

11. If any trustee shall neglect to act, or shall be absent from the said colony, or shall cease to reside within one hundred miles of the church or chapel, dwelling, schoolroom, burial-ground, or other land or hereditaments for which he is such trustee for more than twelve months in succession, or shall become bankrupt or a confirmed lunatic, or shall cease to be a member of the said Primitive Methodist Connexion, or shall become otherwise disqualified within the meaning of this Act, the said trustee shall be deemed to have resigned his trusteeship.
12. Whenever and so often as the number of such trustees shall by death, resignation, incapacity, or refusal to act, or through any means or causes whatsoever, be reduced to the number of three, so many suitable persons as shall, together with such of the old trustees as shall continue in the trust, be required to make up in the whole the original number of trustees, shall be forthwith elected in the manner hereinbefore prescribed: Provided that the number of such trustees may be increased if the trustees for the time being or the majority of them think it expedient.
13. If a sufficient number of the new trustees shall not have been elected within twelve months after the said trustees shall have been reduced to three as aforesaid, it shall and may be lawful for the synod committee of the Primitive Methodist Connexion in the colony aforesaid, by writing through its secretary, to nominate and appoint a person or persons duly qualified as aforesaid to fill up the vacancy or vacancies as aforesaid, and such appointment shall operate as if the trustee or trustees so appointed had been duly elected in the manner hereinbefore provided.
14. The duties of the said trustees shall be solely confined to the temporal concerns of the said Primitive Methodist Connexion, such as the collection of pew rents, donations, bequests, devises of lands or other property for the erection, maintenance, and repair of the church, chapel, schoolroom, minister's dwelling, or other property for which they shall be appointed, or for a burial-ground or glebe land thereunto annexed: And it is hereby declared that the said trustees shall have no power or authority to dismiss or remove the ministers of any church or chapel to which they are or shall be appointed.
15. It shall be lawful for the trustees of any church or chapel of the Primitive Methodist Connexion

to permit the person or persons hereinafter designated, and such person or persons only, to preach and expound God's Holy Word, and to perform the usual acts of public worship in accordance with the usages of the said Primitive Methodist Connexion in the said church or chapel, that is to say, -

- (a) Such person or persons as shall from time to time be approved by the Annual Synod Meeting in New Zealand or by the Conference of the said Primitive Methodist Connexion.
 - (b) Such other person or persons as the station quarterly meeting of the said Primitive Methodist Connexion, within whose jurisdiction the said church or chapel may be, may appoint to officiate in the said church or chapel in place of the person or persons referred to in the preceding subsection.
16. It shall be lawful for the trustees of any church or chapel, minister's dwelling, schoolroom, or other building of the said Primitive Methodist Connexion, or the majority of them, with the sanction of the synod building committee in the said colony, when and so often as they shall deem it necessary or expedient, to enlarge or alter or take down or remove the said church, chapel, building, or premises, or any part or parts thereof respectively.
 17. It shall be lawful for the said trustees or the majority of them from time to time to mortgage, and for that purpose to appoint, convey, and assure in fee or for any term or terms of years, the lands, tenements, or hereditaments held by them as such trustees as aforesaid, or any part or parts thereof respectively, to any person or persons whomsoever for securing such sum or sums of money as they may consider requisite or necessary for the due execution and accomplishment of any of the trusts vested in them.
 18. Whenever and so often as it shall happen that the glebe or other lands belonging to any church or chapel of the Primitive Methodist Connexion can be advantageously let, it shall be lawful for the said trustees, with the consent in writing of the quarterly meeting of the station in which such church or chapel may be, and of the synod building committee, to let such glebe or other lands upon lease for any term not exceeding twenty-one years, reserving the rents, issues, and profits thereof to the said trustees for the time being: Provided that, if such land be in the possession or occupation of any minister duly appointed to officiate in such church or chapel, such lease shall not be made without his consent.

19. The said trustees shall and may receive and apply the said rents, issues, and profits, or any part thereof, in or towards building or enlarging the church, chapel, or minister's dwelling, or schoolroom, or other buildings to which the glebe or other lands is annexed, or in paying the stipends of the minister or ministers who shall for the time being be employed as aforesaid in the station where such glebe or other land may be situate, or in any other way as the trustees or majority of them with the consent of the said quarterly meeting may think fit.
20. It shall be lawful for the said trustees to collect or gather all and every sum or sums of money which may be due and payable for pews and sittings in such church or chapel for which they may be acting as such trustees, or any other sum or sums of money due on account of the said church or chapel, or of the minister's dwelling, schoolroom, or other building, or other property, burial-ground, or glebe-land annexed thereto, and to sue for the recovery of the same from all persons who shall refuse or fail to pay the same according to the terms of their engagement; and the said trustees, out of the moneys so received or recovered, as far as the same will extend, shall regularly apply the same for the purposes before-mentioned.
21. A general meeting of the trustees for the time being, jointly with the said superintendent minister, shall be held once at least every year in the said church or chapel or some other convenient place, of which meeting due notice shall be given in the said church or chapel during the time of Divine service, or by post seven days at least before such meeting; and at such meeting the said trustees or the majority of them, by their steward or stewards, treasurer or treasurers, shall produce a fair and clear account, with vouchers, showing all moneys received and paid for and on account of the said church or chapel or other Connexional building or property; and where such accounts shall have been properly audited and allowed by the trustees or the majority of them present at the meeting, and signed by the president and secretary of the said trustees' meeting, the said accounts shall be considered audited and passed, and shall be transmitted through the next ensuing quarterly meeting of the station to the secretary of the synod building committee aforesaid.
22. It shall be lawful for the trustees of any lands, tenements, or hereditaments held by them as such trustees, or the majority of them, with the consent in writing of the quarterly meeting of the station in which such lands, tenements, or hereditaments may be, and of the synod building committee, to sell and dispose of the said lands, tenements and hereditaments, or any part thereof, for the best price or prices in money that can reasonably be obtained for the same, and well and effectually to convey and assure the said land or other property so sold to the purchaser or purchasers thereof, his or their heirs and assigns, or as he or she or they shall direct and appoint; and the trustees shall apply the said money arising from the sale of the said land or other property, and which shall be received by the said trustees, in paying off the debt or debts, if any, owing on account of the said trust premises, or apply the same or the residue thereof in such manner for the benefit of the Primitive Methodist Connexion as the trustees, with the approbation of the quarterly meeting of the station in which the said land or other property shall for the time being be situated, shall determine.
23. All lands and real estate or property whatsoever in the Colony of New Zealand which, at the time of the passing of this Act, shall be vested in trustees for the said Primitive Methodist Connexion, shall be subject to the provisions of this Act; and all lands and real estate and property in the said colony which hereafter may be granted, conveyed, or transferred upon trust for the said Primitive Methodist Connexion shall in like manner be subject to the provisions of this Act, whether the conveyance, transfer, or other deed or instrument creating the trust shall so declare or not; and, as regards existing trusts, in all cases where at the time of the passing of this Act there shall be less than three surviving or continuing trustees before the next quarterly meeting of the station, an election of additional trustees shall take place in manner hereinbefore provided, so that the number may be increased to not less than five nor more than ten as aforesaid: Provided always that nothing in this Act contained (other than as regards the election and continuing of a proper succession of trustees) shall be deemed to alter or control any express trust affecting real estate for the benefit of the said Primitive Methodist Connexion; and nothing in this Act contained shall be deemed to deprive any person of any advantage or emolument to which he is now by law entitled.

SCHEDULE

MEMORANDUM OF THE CHOICE AND APPOINTMENT OF NEW TRUSTEES OF THE FOLLOWING PROPERTY, VIZ:-

[Description of property] situate. At a meeting of members of the Primitive Methodist Connexion duly convened and held for that purpose at [or in (name of place)] on [date] and of which [name of Chairman or President A B] was chairman or president.

Whereas the several persons firstly named at the foot hereof were, prior to the date of these presents, trustees of the above-mentioned properties: And whereas at a meeting of the members of the Primitive Methodist Connexion, duly convened and held as aforesaid, a choice and appointment of new trustee was duly made: Now it is hereby declared that the several persons secondly named at the foot hereof are now the trustees in whom the said property has become legally vested.

OLD TRUSTEES

Name

Residence

Occupation

NEW TRUSTEES

Name

Residence

Occupation

In witness whereof I of in the year of our Lord 18..
.the undersigned have hereunto subscribed my name
and affixed my seal this day

A B

Chairman [or President] of the said meeting.

Signed, sealed, and delivered by the said A B, as
Chairman [or President] of the said meeting, at and in
the presence of the said meeting, on the day and year
aforesaid, in the presence of CD, ED.

Appendix C-2

Wesleyan Methodist Church Property Trust Act 1887 PVTE, No. 4

9th December 1887

AN ACT to adapt and assimilate the Trusts of Wesleyan Methodist Church Properties to the present Constitution of such Church in New Zealand, and for other Collateral Purposes

WHEREAS in pursuance of "The Religious, Charitable, and Educational Trusts Act, 1856", a certain deed, bearing date the thirty-first day of October, one thousand eight hundred and fifty-six, was enrolled in the Supreme Court of New Zealand, at Auckland, as the Model Deed of the society denominated Wesleyan Methodists, which deed was also registered in the Register of Deeds Office, at Auckland, as No. 9252A: And whereas most of the lands of the said society have been conveyed or settled upon the trusts of the said deed

as to those lands not under the operation of the Land Transfer Act by means of conveyances referring to the trusts in the said Model Deed, and as to other lands by means of separate declarations of trusts executed by the Trustees of such lands: And whereas such society, denominated Wesleyan Methodists (hereinafter called "the Wesleyan Methodist Church in New Zealand"), has always formed an integral part of the Australasian Wesleyan Methodist Church, as constituted from time to time by the English Wesleyan Methodist Conference: And whereas the said Australasian Wesleyan Methodist Church has now a separate and independent constitution, approved of and adopted by the said English Conference, and now consists of four annual conferences, called respectively the New South Wales and Queensland Conference, the Victoria and Tasmania Conference, the South Australian Conference, and the New Zealand Conference, all being governed by a General Conference, assembling once in every three years, or at such other intervals more or less as it may seem expedient, each such annual Conference having amongst other things the power of appointing its own ministers, a copy of which constitution, and also a copy of the Deed Poll of John Wesley, hereinafter referred to, are set forth in the Schedule to "The

Wesleyan Methodist Model Deed of New Zealand, 1887”, hereinafter particularly mentioned: And whereas by the authority of the General Conference, and with the sanction and approval of the said English Conference, a new Model Deed has been prepared and adopted by the New Zealand Conference, containing trusts and provisions adapted and assimilated to the present constitution of the Wesleyan Methodist Church in New Zealand to the intent that all lands belonging to or held on behalf of such Church may hereafter be held upon such trusts and provisions, and discharged from all present trusts, and the said New Zealand Conference has been duly authorised by the said General Conference, with the approval of the English Conference, to obtain an act of the Legislature of New Zealand for the purposes hereinafter set forth: And whereas such new Model Deed is dated the thirtieth day of September, one thousand eight hundred and eighty-seven, and is made, or expressed to be made between John Edson, chemist and druggist, and Thomas Buddle, solicitor, both of Auckland, in New Zealand, of the one part, and William Griffiths, John Hosking, Thomas Cooke, Richard Arthur, Joseph Liston Wilson, Frederick Lambert Prime, James Wiseman, James Buttle, and Thomas McMaster, therein described of the other part, and is registered in the Deeds Registry Office at Auckland as No. 105415, and deposited in the said office as No. 6322: And whereas it is necessary to obtain power for carrying some of the trusts and provisions contained in such last-mentioned deed into effect, and for providing for the due succession of Trustees without conveyance or transfer, and for creating facilities of proof:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:-

1. The Short Title of this Act shall be “The Wesleyan Methodist Church Property Trust Act, 1887”.
2. In the interpretation of this Act the following terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:-

“English Conference” means the yearly conference of the people called Methodists in England as explained in the said Deed Poll of the twenty-eighth February, one thousand seven hundred and eighty-four, executed by John Wesley and enrolled in the High Court of Chancery in England.

The term “Church lands” includes all lands and premises in New Zealand of whatsoever tenure which now are or which shall at any time hereafter be held in trust for or on behalf of the Wesleyan Methodist Church in New Zealand (unless such lands and premises shall be given, settled,

or otherwise vested upon trust for any special purpose defined in the instrument creating such trusts), together with all rights, easements, and appurtenances whatever relating thereto, and also includes chattels real.

“Authorised representative” of the Wesleyan Methodist Church in New Zealand means such person as may be for the time being appointed in that capacity by the New Zealand Conference, and “Acting Authorised representative” means such person as may be appointed to such office by the President for the time being of the New Zealand Wesleyan Methodist Conference.

The words “Legal proceedings” shall include all proceedings whatever, whether preliminary, initiatory, interlocutory, or final, in any Court of Justice or before any Registrar of Land.

“The New Zealand Conference” means the Annual Conference of the Australasian Wesleyan Methodist Church for the time being embracing within its jurisdiction the Colony of New Zealand, whether alone or combined with another colony, such Annual Conference being duly constituted by the General Conference.

3. All lands held before the commencement of this Act upon the trusts of the said Model Deed so enrolled in the Supreme Court of New Zealand as aforesaid, or otherwise held on behalf of the said Wesleyan Methodist Church in New Zealand, and all Church lands which may at any time or times hereafter be acquired by gift, purchase, devise, bequest, or otherwise shall, after the coming into operation of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same, respectively be held upon the trusts and subject to the provisions of “The Wesleyan Methodist Model Deed of New Zealand, 1887”, aforesaid, and upon and subject to no other trusts or provisions whatever.
4. Where any sale, mortgage, exchange, or lease of any Church land held upon the trusts of “The Wesleyan Methodist Model Deed of New Zealand, 1887”, shall be made in pursuance of and in conformity to such trusts, the transfer, mortgage, exchange, or lease of such land, if under the operation of the Land Transfer Act, shall be as effectual if signed by a majority of the Trustees for the time being of such land named in the Register of Trustees hereinafter mentioned as if such transfer, mortgage, exchange, or lease had been duly signed by all the Trustees or registered proprietors thereof; and in case such land shall not be under the operation of such Statute, the

conveyance, mortgage, exchange, or lease thereof, if executed by a majority of the Trustees for the time being thereof named in such Register of Trustees, shall be deemed to pass the legal estate therein as fully and effectually as if all the trustees in whom the legal estate was vested had joined in, executed, or made such conveyance, mortgage, exchange, or lease: Provided always that such majority of Trustees shall consist of not less than three in number: Provided, also, that any Trustee absent from the colony may join in, make, and execute any such conveyance, transfer, mortgage, exchange, or lease by attorney duly appointed in that behalf.

5. The authorised representative for the time being of the Wesleyan Methodist Church in New Zealand shall keep, or cause to be kept, a Register of Trustees of the several lands for the time being held upon the trusts of "The Wesleyan Methodist Model Deed of New Zealand, 1887" and such register shall be called and inscribed as the Wesleyan Methodist Church Register of Trustees for New Zealand, and shall be in the form or to the effect contained in the Schedule hereto, and such authorised representative shall, with all reasonable despatch, enter or cause to be entered in such Register of Trustees the names and additions of the present Trustees of such lands, with all other particulars indicated by the said Schedule; and such authorised representative shall from time to time, upon the appointment of any new Trustee or Trustees under the provisions of such deed, insert or cause to be inserted in such Register of Trustees the name and addition of such new Trustee or Trustees, and how the vacancy in the trust occurred, whether by death or otherwise, and the date of the appointment of the new Trustee or Trustees, and also of the date of insertion of his or their name or names in such Register of Trustees, and such authorised representative shall sign his name in such Register of Trustees in the proper column, in the same line with the name of every Trustee (old and new), to authenticate the due appointment of each Trustee.
6. On the insertion as aforesaid in the said Register of Trustees of the name or names of any new Trustee or Trustees of any such lands, not under the operation of the Land Transfer Act, held upon the trusts of "The Wesleyan Methodist Model Deed of New Zealand, 1887", the estate in such lands of the Trustee or Trustees in whose place such new Trustee or Trustees shall be appointed shall forthwith vest in such new Trustee or Trustees, solely or jointly, as the case may be, with the old continuing Trustee or Trustees (if any) for the

same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts without any conveyance or assignment whatsoever, and on the insertion as aforesaid in the said Register of Trustees of the name or names of any new Trustee or Trustees of lands under the operation of the said Land Transfer Act, held upon the trusts of the said deed, such new Trustee or Trustees, together with the old or continuing Trustees (if any), shall be deemed the proprietor or proprietors thereof within the meaning of the said Land Transfer Act as if the name or names of such new Trustee or Trustees appeared, or was or were entered as such proprietor or proprietors in the Register Book kept under the provisions of such Land Transfer Act, and as if a certificate of title had been duly issued to him or them, solely or jointly, as the case may be, with the old continuing proprietor or proprietors (if any) for all the estate and interest as the former proprietor or proprietors had therein, and subject to the same trusts without any transfer being made for the purpose, and as to lands under the operation of the Land Transfer Act the Trustees for the time being thereof, registered aforesaid in the said Register of Trustees, shall be deemed the proprietors thereof within the meaning of the same Act, as if the names of such Trustees appeared or were entered as such proprietors in such Register Book, and as if certificates of title had been duly issued to them, but subject to the trusts of "The Wesleyan Methodist Model Deed of New Zealand, 1887", and to any then subsisting mortgage, lien, encumbrance, or lease.

7. A book, purporting to be the Register of Trustees, hereinbefore referred to, shall, on production thereof by the said authorised representative for the time being, or the acting authorised representative for the time being hereinafter mentioned, or by any person appointed for that purpose by either of such persons in writing, be received and taken in all legal proceedings, and on all occasions whatsoever, as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties, but for and against third persons, purchasers, and all others whom it may concern as to who are or were the Trustees of such lands, and also of the vacancies which occurred in the Trusteeship and of the appointments of new Trustees to supply such vacancies, and of the date of the insertion of their names as aforesaid in such Register of Trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section four hereof, and judicial notice shall be taken of such book, and of the signatures of the

authorised representative and acting authorised representative therein, and any extract purporting to be an extract from such Register of Trustees, and certified under the hand of such authorised representative or acting authorised representative for the time being as aforesaid shall be received and taken in all legal proceedings and in all dealings with Church lands before any District Land Registrar, and on all occasions whatsoever as sufficient evidence of the several extracted matters comprised in such extract so far as the same may relate to any particular Church property without the production of such Register of Trustees, and judicial notice shall be taken of the signature of the authorised representative or acting authorised representative to every such extract; and in case of the decease, illness, absence, or temporary incapacity of such authorised representative as aforesaid, some other person may, as hereinafter mentioned, be appointed to act in the place of such authorised representative, but not for a longer period than the next annual meeting of the New Zealand Wesleyan Methodist Conference, and such other person shall be designated the acting authorised representative of the said Church, and such acting representative, during the time for which he shall be so appointed, shall have, perform, and execute all the powers, authorities, and duties of such authorised

8. representative, and shall, underneath his signature in the columns of the said Register of Trustees, insert the word "acting" and shall, underneath his signature to any extract to be made by him from such Register of Trustees, insert the words "acting authorised representative" of the said Church, and the New Zealand Government Gazette, containing a notification by the President for the time being of the said conference of the appointment of such authorised representative, or of such acting authorised representative as aforesaid, shall be sufficient evidence of the due appointment of such authorised representative and acting authorised representative respectively.
9. A printed copy, purporting to be a printed copy of the printed minutes of the English Conference, or of the said General Conference, or of any of the four said annual conferences constituted by such General Conference, or of any annual conferences which may at any time hereafter be duly constituted by the said General Conference respectively shall be taken and received in all legal proceedings and on all occasions whatsoever as prima facie evidence of all resolutions and orders touching or concerning all elections or expulsions, consents, disbursements, delegations,

appointments, and of all acts and proceedings whatsoever of such English Conference, General Conference, or Annual Conference respectively, without the aid of any further proof whatsoever, and a printed copy, purporting to be a printed copy of "The Wesleyan Methodist Model Deed of New Zealand, 1887", and of the Schedule thereto attached, shall also be received and taken in all legal proceedings and on all occasions whatsoever as prima facie evidence of such deed and of the constitution of the said General Conference and of the four said annual conferences and of the aforesaid Deed Poll of John Wesley, without the production of the originals thereof respectively.

10. All mortgages, conveyances, and other dispositions which have heretofore been made or intended so to be by any Trustees, and all appointments of Trustees purporting to have been made in pursuance of the said Model Deed of the thirty-first day of October, one thousand eight hundred and fifty-six, and of the provisions of "The Religious, Charitable, and Educational Trusts Act, 1856", are hereby confirmed and shall be deemed to have been legally and effectually executed and made.
11. It shall be sufficient to cite "The Wesleyan Methodist Model Deed of New Zealand, 1887", by that title.

THE SCHEDULE ABOVE REFERRED TO:

THE WESLEYAN METHODIST CHURCH **REGISTER OF TRUSTEES FOR NEW ZEALAND.**

Folio 1. (words of description, such as "St, John's Church, Ponsonby Road, Auckland".) comprised in conveyance registered in the Deeds Registration Office at
Under number If under the Land Transfer Act comprised in Certificate of Title entered in Register Book, vol. ... , Folio

NUMBER OF TRUSTEES (STATE NUMBER).

| Name of Trustee | Address and Occupation of Trustee | Date of Appointment of new Trustee | Date of insertion of name of New Trustee herein | Signature of authorised Representative | How vacancy occurred in Trust, such as death or the like | How vacancy occurred in Trust, such as death or the like |
|-----------------|--|------------------------------------|---|--|--|--|
| A.B. | Queen Street Auckland, merchant. | | | | Deceased. | |
| C.D. | Similar | | | | Incapacitated | |
| E.F. | “ | | | | Refusal to act. | |
| G.H. | “ | | | | Resignation. | |
| I.J. | “ | | | | Withdrawal from Church | |
| K.L. | “ | | | | Non-adherent. | |
| M.N. | “ | | | | Distance. | |
| O.P. | “ | Dec. 30, 1889 | Jan. 1, 1890 | | | |

- See also Amendment Acts 1892 (Appendix C-2A, 1896 (Appendix C-2B), and 1993 (Appendix C-2C).

Appendix C-2A

Wesleyan Methodist Church Property Trust 1887 - Amendment Act 1892 PVTE, No.2

AN ACT to amend “The Wesleyan Methodist Property Trust Act, 1887.”

WHEREAS it has been found expedient to amend the Act passed by the General Assembly of New Zealand in the year 1887, entitled “The Wesleyan Methodist Church Property Trust Act, 1887.”

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. The Short Title of this Act is “The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892.”

2. In the interpretation of this ACT the following terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:-

“The said Act” shall mean “The Wesleyan Methodist Church Property Trust Act, 1887”

“Church lands”, “Authorised Representative”, “Acting Authorised Representative”, and “the New Zealand Conference” shall have the meanings respectively assigned to them by the said Act.

3. Notwithstanding anything contained in the said Act or in the Model Deed or Deed Poll referred to in the said Act, the New Zealand Conference, by resolution assented to by at least two-thirds of the members for the time being present at a meeting of such Conference, may from time to time -
 - (a) Appoint any of its ministers to the same circuit or office year by year successively for any such number of years not exceeding five years as the General Conference of the

- Australasian Wesleyan Methodist Church or other Conference for the time being exercising supreme jurisdiction in the Colony of New Zealand may have already sanctioned or shall hereafter by resolution sanction: Provided that any such yearly appointment for more than three successive years shall only one made in accordance with such other conditions as such General or other Conference shall have already fixed or may hereafter by resolution determine;
- (b) Make any other alteration in or modification of the said Model Deed or of any schedule thereto, provided the same shall not revoke, alter, or change any of the doctrines of the Wesleyan Methodist Church;
 - (c) Make, alter, or repeal such rules and regulations for the appointment of its ministers and the election of its officers as to it may seem fit.
4. All Church lands now held upon the trusts of the said Model Deed, or otherwise held on behalf of or in trust for the Wesleyan Methodist Church in New Zealand, or which may at any time or times hereafter be acquired by gift, purchase, devise, bequest, or otherwise, shall, immediately upon the coming into operation of this Act, but subject and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same respectively, be held upon the trusts and subject to the provisions of "The Wesleyan Methodist Model Deed of New Zealand, 1887," and any alteration or modification thereof duly authorised under the provisions of this Act, and upon and subject to no other trusts or provisions whatsoever.
 5. Section five of the said Act shall be amended as follows, that is to say: The words "and how the vacancy if any occurred" shall be substituted for the words "and how the vacancy occurred."
 6. The "Authorised Representative" or "Acting Authorised Representative" may at any time issue a certificate in the form, or to the effect in the Schedule hereto under his hand stating who is or are the Trustee or Trustees of any particular Church lands specified therein at the date of such certificate, or who was or were such Trustee or Trustees at any particular date specified in such certificate; and any certificate signed by the Authorised Representative or Acting Authorised Representative under the provisions hereof shall be received in evidence in all legal proceedings and on all occasions whatsoever as prima facie evidence of all matters contained or recited in such certificate, where such certificate is produced; and the "Register of Trustees" provided by the said Act shall on all reasonable occasions be open to the inspection of the members of the said Church and of all others interested therein.
 7. The Authorised Representative or Acting Authorised Representative shall have full power at any time to amend the Register of Trustees by rectifying any error or supplying any omission therein, and shall initial such amendment and affix thereto the date the same was made, but shall not, by erasure or otherwise, render illegible the part so rectified; and the Register so amended shall have all the validity and operation by this Act conferred upon the Register of Trustees.
 8. Section six of the said Act is hereby repealed, and in lieu thereof it is enacted that on the insertion, as in the said Act provided, in the said Register of Trustees of the name or names of any new Trustee or Trustees of any Church lands not under the operation of the Land Transfer Act such Church lands shall forthwith vest in such new Trustee or Trustees solely or jointly as the case may be, with the continuing Trustee or Trustees (if any) for all the estate and interest of the former Trustee or Trustees therein, and upon and subject to the same trusts without any conveyance or assignment whatsoever; and on the insertion as aforesaid in the said Register of Trustees of the name or names of any new Trustee or Trustees of Church lands under the operation of the Land Transfer Act such new Trustee or Trustees, together with the continuing Trustee or Trustees (if any) shall for all purposes be taken to be the Trustee or Trustees for the time being thereof, and the Trustee or Trustees for the time being appearing by the Register of Trustees to be the Trustee or Trustees of any Church lands under the Land Transfer Act shall be entitled to be registered at the District Land Registry Office as the proprietor or proprietors thereof within the meaning of the Land Transfer Act without any formal transfer, and to have a certificate of title issued to him or them, or in his or their name or names, as such proprietor or proprietors, but subject to the trusts of "The Wesleyan Methodist Model Deed of New Zealand, 1887," and to any then subsisting mortgage, encumbrance, lien, or lease appearing on the Land Register-book affecting the same.
 9. Section seven of the said Act shall be amended as follows: Where the word "four" appears in the said section the same shall be omitted, and in lieu thereof the word "five" shall be inserted.

SCHEDULE

I HEREBY certify that (*Here insert the names and addresses of the Trustees for the time being, or for the time specified, as the case may be*), as shown by the Register of Trustees, are (*or were on the day of , 18*), the Trustees of (*Here specify the particular Church lands*).

Dated the day of , 18 .

Authorised Representative
(or Acting Authorised Representative)



Appendix C-2B

Wesleyan Methodist Church Property Trust 1887

Further Amendment Act 1896 Private, No. 1

AN ACT TO VEST IN THE Wesleyan Methodist church in New Zealand the Lands in New Zealand belonging to or held in Trust for the United Methodist Free Churches and the Bible Christian Church, or any of them, and to amend “The Wesleyan Methodist Church Property Trust Act, 1887”, and “The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892”, and for other Collateral Purposes.

WHEREAS an agreement having been made between the following denominations in New Zealand, to wit, the Wesleyan Methodist Church in New Zealand, the United Methodist Free Churches in New Zealand, and the Bible Christian Church in New Zealand, to unite as one Church as and from the second Monday in April, one thousand eight hundred and ninety-six, a plan of union having been formally agreed upon by representatives from each of the governing bodies of the said denominations, and which plan of union is fully set forth in the printed minutes of the New Zealand Conference held at Auckland in the month of March, one thousand eight hundred and ninety-

six: And whereas it is necessary to obtain statutory power for the purpose of vesting in the Wesleyan Methodist Church in New Zealand the lands belonging to or held in trust for the said denominations, namely, the United Methodist Free Churches and the Bible Christian Church, or any of them, and it is desirable also to provide for the vesting of the property of any other Church which may hereafter unite with the said Wesleyan Methodist Church in New Zealand: And whereas it is also necessary to amend “The Wesleyan Methodist Church Property Trust Act, 1887”, and “The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892”:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. The Short Title of this Act is “The Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act, 1896.”
2. In the interpretation of this Act, the following terms shall have the meaning hereinafter respectively assigned to them, unless inconsistent with the subject or context:-

“The principal Act” means and includes “The Wesleyan Methodist Church Property Trust Act, 1887”:

“The Amending Act” means and includes “The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act, 1892”:

“The Model Deed” means and includes “The Wesleyan Methodist Church Model Deed of New Zealand, 1887”, referred to in the principal Act.

3. All lands and property in New Zealand which on the thirteenth day of April, one thousand eight hundred and ninety-six, belonged to or were held in trust for or on behalf of any of the denominations, namely, the United Methodist Free Churches, or the Bible Christian Church, or any of them, shall, as from the said date (but subject and without prejudice to any mortgage, charge, encumbrance, lien, lease, agreement, or other transactions affecting the same respectively), be and be deemed to have been and shall be held upon the trusts and subject to the provisions of the Model Deed, and any alterations and modifications thereof duly authorised, and upon and subject to no other trusts or provisions whatever, and such lands shall be included in the expression “church lands” whenever used in the principal Act, the amending Act, or this Act.
4. All appointments, resolutions, and orders made by the Annual Conference of the year one thousand eight hundred and ninety-six of the New Zealand Wesleyan Methodist Church, in
5. reference to the lands mentioned in the last-preceding section, and the churches, parsonages, and other buildings thereon respectively, shall be and the same are hereby validated.
6. Section three of the amending Act is hereby repealed, and in lieu thereof it is enacted as follows:-

Notwithstanding anything herein, or in the principal Act, or in the Model Deed or Deed Poll referred to therein contained, the New Zealand Conference may from time to time:-

- (1) Appoint any minister being a member of the Conference, or any preacher on trial, to the same chapel or chapels or premises year by year successively for five years, or for such greater number of years as may from time to time be authorised by the General Conference referred to in the principal Act or other Conference for the time being exercising supreme jurisdiction in the Colony of New Zealand: Provided that any such yearly appointment for more than three successive years shall be made only in accordance with such conditions as such General Conference or other Conference shall have already fixed or may hereafter determine:
- (2) Make any other alteration in or modification of the said Model Deed, or of any Schedule

thereto: Provided the same shall not revoke, alter, or change any of the doctrines of the Wesleyan Methodist Church:

- (3) Make, alter, or repeal such rules and regulations for the appointment of its ministers and the election of its officers as to it may seem fit:
 - (4) Provided that this section shall not take effect until approved of by a resolution of the General Conference of the Australasian Wesleyan Methodist church, and that a certificate to the effect that such approval has been given, purporting to be signed by the President of such Conference for the time being, and published in the Gazette, shall be conclusive evidence thereof and of such approval having been given.
7. Section eight of the amending Act is hereby repealed, and in lieu thereof it is enacted as follows:-

All Church lands, whether under the provisions of the Land Transfer Act or not, shall vest in the Trustees thereof for the time being, according to the Register of Trustees referred to in the principal Act, upon and subject to the trusts of the Model Deed, without any conveyance, transfer, or assignment whatsoever; and on the insertion in the said Register of Trustees of the name or names of any new Trustee or Trustees of Church lands under the operation of the Land Transfer Act, such new Trustee or Trustees, together with the continuing Trustee or Trustees (if any), shall for all purposes be taken to be the Trustee or Trustees for the time being thereof; and the Trustee or Trustees for the time being appearing in the Register of Trustees to be the Trustee or Trustees of any Church lands under the Land Transfer Act shall be entitled to be registered at the District Land Registry Office as the proprietor or proprietors thereof within the meaning of the Land Transfer Act without any formal transfer, and to have a certificate of title issued to him or them, or in his or their name or names, as “Trustees under the provisions of “The Wesleyan Methodist Model Deed of New Zealand of 1887 ”, but subject to any then-subsisting mortgage, encumbrance, lien, or lease.

8. If and whensoever any other denomination, Church, or Churches, by a resolution of at least two-thirds of the members entitled to be present at any supreme Conference, assembly, or other meeting of a like nature in New Zealand of any such denomination, Church, or Churches respectively, shall hereafter unite with the said

Wesleyan Methodist Church in New Zealand, then upon the fact of such union, together with the date from which it shall have been agreed that the same shall take effect, being evidenced by a declaration in writing, setting forth such resolution and the voting thereon, and the number of members entitled to be present, under the hands of the President or Chairman and Secretary of such respective Conference, assembly, or meeting, as the case may be, of the uniting denomination, Church, or Churches, filed in the office of the Registrar at Wellington of the Supreme Court of New Zealand, then the provisions of sections

9. three and six hereof shall, *mutatis mutandis*, take effect with regard to the property in New Zealand belonging to or held in trust for or on behalf of such first-mentioned denomination, Church, or Churches, with the substitution of such last-mentioned date for the date mentioned in the said section three; and a certificate by such
10. Registrar of the filing of such declaration shall be sufficient proof of such union having taken effect for all purposes whatsoever.
11. Upon union becoming general between all the Methodist Churches in Australasia, and being effected, and a declaration to that effect made in manner provided by "The Statutory Declarations Act, 1835", by the President for the time being of the General Conference of the Australasian Wesleyan Methodist Church being filed in the said office of the Registrar at Wellington of the Supreme Court of New Zealand, then the Methodist Churches in New Zealand shall, as and from the date agreed on by such uniting Churches, and stated in such statutory declaration, be known as "The Methodist Church of Australasia in New Zealand".
12. A certificate by the Registrar or Deputy Registrar of the Supreme Court of New Zealand at Wellington aforesaid, and notified in the Gazette, to the effect that the declarations referred to in the last two preceding sections, or either of them, have or has been filed as therein respectively provided, the date of such filing, and the contents of such declarations, shall be conclusive evidence thereof, and of the fact of such union as aforesaid having been effected, and the date from which the same is to take effect.
13. Judicial notice shall be taken of the signatures of the President of the General Conference of the Australasian Wesleyan Methodist Churches, and of the President, Chairman, and Secretary of the respective annual Conferences, assemblies, or

meetings referred to in section seven of this Act.

14. Section six of the amending Act is hereby amended by the substitution of the word "conclusive" for the words "*prima facie*", where the said words "*prima facie*" occur in the said section.
15. And whereas the land described in the Schedule hereto is held upon trusts as yet undeclared by deed, and it is contended by certain persons that such land is not held in trust for the denomination known as the United Methodist Free Churches:

Now, it is declared that nothing herein contained shall be deemed to declare that the land mentioned in the Schedule hereto is, at the time of the passing of this Act, held upon trust for the denomination known as the United Methodist Free Churches, or to bring such land within the operation of section three of this Act, unless a Court of competent jurisdiction shall declare that such property is or has been held in trust for or on behalf of the said denomination known as the United Methodist Free Churches.
16. In any action or proceeding to be taken under the provisions of this Act for the purpose of ascertaining the trusts upon which any lands hereinbefore mentioned are or may be held, or whether any lands whatever are or shall be held upon trust for or on behalf of any denomination, Church, or Churches within the meaning of this Act, the President for the time being of the New Zealand Conference of the Australasian Wesleyan Methodist Church shall be nominal plaintiff or defendant as the case may be.

SCHEDULE

ALL that piece of land, being Lot 8 of subdivision of part of Allotment 5, Section 10, Suburbs of Auckland, being the whole of the land comprised in certificate of title, Vol. xxxvii, folio 293, of the Register-book deposited in the Land Transfer Office.

Appendix C-2C

Methodist Church Property Trust Amendment 1993

No. 2 Private

20TH SEPTEMBER 1993

An Act to amend the Wesleyan Methodist Church Property Trust Act 1887.

WHEREAS the method by which what is now the Methodist Church of New Zealand (in this Act called the Church) holds title to land within New Zealand is set out in the Wesleyan Methodist Church Property Trust Act 1887 and its amendments: And whereas questions have arisen whether the practice developed over many years of holding land and the title thereto in ways other than by trustees under the Wesleyan Methodist Model Deed of New Zealand 1887 (in this Act called the Model Deed), particularly by boards under the control of the Conference of the Church (in this Act called the Conference), being boards incorporated under the Charitable Trusts Act 1957, is within the provisions of the said Act and its amendments: And whereas the holding of land and the title thereto by trustees only under the Model Deed is unique to the Church and is no longer considered by the Conference to be currently appropriate, and other means of holding land and the title thereto need to be authorised accordingly: And whereas it is accordingly now considered by the Conference necessary and desirable to resolve that question and to validate the practice of holding of land other than under the Model Deed: And whereas those objects have the approval of the Conference: and whereas those objects cannot be attained otherwise than by legislation:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. This Act may be cited as the Methodist Church Property Trust Amendment Act 1993, and shall be read together with and deemed part of the Act heretofore known as the Wesleyan Methodist Church Property Trust Act 1887 (hereinafter referred to as the principal Act).
2. (1) The principal Act may hereafter be cited as the Methodist Church Property Trust Act 1887.
(2) The Short Title of the principal Act and the Short Titles of –
 - (a) The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892; and
 - (b) The Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act 1896 –are hereby consequentially amended, in each case, by omitting the word “Wesleyan”.
(3) Every reference in any enactment or document whatsoever to any of the said Acts or to the Wesleyan Methodist Church or to Wesleyan Methodist is hereby amended by omitting the word “Wesleyan”.
3. The principal Act is hereby amended by repealing section 3, and substituting the following section:
 - (1) On and after the commencement of this section, all Church lands may, subject to all mortgages, charges, encumbrances, liens, leases, or licenses for the time being affecting them, be held either –
 - (a) By trustees under the provisions of the Model Deed; or
 - (b) With the approval of the Conference, given either generally or in respect of any specified portion or portions of the Church lands, and whether given before or after the commencement of this section, in the name of any Board incorporated
 - (c) under the Charitable Trusts Act 1957, subject to and in accordance with that Act, so long as the trusts on which any Church lands are to be so held are not inconsistent with the trusts of the Model Deed; or
 - (d) In such other manner as the Conference from time to time approves, either generally or in respect of any specified portion or portions of the Church lands, so long as the manner in which any Church lands are to be so held is not inconsistent with the trusts of the Model Deed.
 - (2) “The provisions of –
 - (a) Sections 4, 5, and 7 of this Act; and

- (b) Sections 4, 6, and 7 of the Methodist Church Property Trust Act 1887 Amendment Act 1892; and
- (c) Sections 3 and 6 of the Methodist Church Property Trust Act 1887 Further Amendment Act 1896; and
- (d) Section 6 of the Methodist Union Act 1913 –

Shall apply only in respect of Church lands held under the provisions of the Model Deed in accordance with subsection (1) (a) of this section.”

- 4. If, at any time before the commencement of this section, any Church lands have been held otherwise than by trustees under the provisions of the Model Deed, but in accordance with paragraph (b) or paragraph (c) of section 3 (1) of the principal Act (as substituted by section 3 of this Act), such holding is hereby validated and declared to have been lawful.
- 5. This Act is hereby declared to be a private Act.



Appendix C-3

(a) The Methodist Model Deed of New Zealand

1887

(Printed with all amendments to 2001)

THIS DEED made the thirtieth day of September One thousand eight hundred and eighty seven BETWEEN john edson chemist and druggist and thomas buddle solicitor both of Auckland in the Provincial District of Auckland and Colony of New Zealand (hereinafter called the Vendors) of the one part and william griffiths settler john hosking stonemason thomas cooke cabinetmaker richard arthur auctioneer joseph liston wilson printer frederick lambert prime agent james wiseman saddler james buttle insurance agent and thomas mcmaster draper all of Auckland aforesaid (hereinafter called the Trustees) of the other part

WHEREAS the said Vendors are desirous of conveying the piece or parcel of land hereinafter described to the said Trustees upon the Trusts hereinafter contained

(here follow recitals explaining the origin and formation of the Societies of the people called Methodists, the development of the Conference in England and the formation of the Australasian Conference and the drawing up of the Model Deed.)

NOW THIS DEED WITNESSETH that for divers causes and considerations them thereunto moving, the said Vendors do and each of them doth hereby convey and assure unto the said Trustees all that parcel of land

in the Provincial District of Auckland

(here follows the legal description of the first property in New Zealand held under the Model Deed).

TO HOLD the same unto upon the trusts and to and for the intents and purposes and subject to the powers provisions declarations and agreements in these presents expressed declared or contained or referred to of and concerning the same that is to say

- (1) UPON TRUST as and in such manner as the Trustees for the time being of these presents shall from time to time deem necessary or expedient to erect and build thereon or upon some part thereof and from time to time and at all times hereafter whenever it shall be necessary for the due accomplishment of the trusts of these presents or of any of them to repair alter enlarge and rebuild a church or place of religious worship and a dwelling house or dwelling houses vestry room or vestry rooms schoolroom or schoolrooms and other building or buildings offices conveniences and appurtenances or with or without any of them respectively.
- (2) AND UPON FURTHER TRUST from time to time and at all times after the erection thereof to permit and suffer the said church or place of religious worship with the appurtenances to be used occupied and enjoyed as and for a place of religious worship by a congregation of Protestants of the said people called Methodists in the connexion established by the said John Wesley as aforesaid and for public and other meetings services and other uses held according to the laws and regulations of the Methodist Church of New Zealand hereinafter defined and do and shall from

time to time and at all times hereafter permit and suffer such person and persons as are hereinafter mentioned or designated and such person and persons only to preach and expound God's Holy Word and to perform the usual acts of religious worship therein that is to say such person and persons as shall be from time to time approved and for that purpose duly appointed by the said "Methodist Conference" from time to time held under the rules and regulations of such Conference for the time being. And also such other person and persons as shall be thereunto from time to time duly permitted or appointed according to the laws and regulations of the Methodist Church of New Zealand by the superintendent preacher for the time being of the circuit in which the said church or place of religious worship shall for the time being be situated and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said Conference or under or by virtue of these presents to fill up any vacancy or vacancies at any time occasioned by the death resignation removal or suspension of a preacher or preachers in or during any interval between the sittings of the said Conference but only until the then next Conference and in no case any other person or persons whomsoever. AND IT IS HEREBY DECLARED that the said Conference shall have and exercise as far as regards the said piece of land or ground all the powers rights and authorities as are given to or reposed in the said Yearly Conference under and by virtue of the said Deed Poll as to the chapels or premises therein referred to.

- (3) AND IT IS HEREBY DECLARED that the times and manners of the various services and ordinances of religious worship to be observed and performed in the said church or place of religious worship shall be regulated according to the laws and regulations of the said Methodist Church and that the officiating preacher for the time being whether appointed by the said Conference or permitted or appointed by the said Superintendent preacher for the time being or otherwise permitted or appointed as in these presents is mentioned shall have the direction and conducting of the same worship in conformity nevertheless to the said laws and regulations of the said Methodist Church.
- (4) PROVIDED ALWAYS and it is hereby declared that if at any time or times hereafter the trustees for the time being of these presents or a majority of them at a meeting duly convened or if the stewards or leaders of classes for the time being

of the society of the said people called Methodists assembling at or belonging to the said church or place of religious worship or a majority of them at a meeting duly convened shall believe that any preacher appointed at any time by the said Conference as aforesaid is either immoral erroneous in doctrine or deficient in ability (unless the question of such immorality erroneousness in doctrine or deficiency in ability shall have been previously enquired into and disposed of by the preachers for the time being appointed by the said Conference to the circuits of the district in which the said church or place of religious worship shall for the time being be situated to the satisfaction of a majority of the said trustees for the time being and also to the satisfaction of a majority of the said society stewards and leaders of classes for the time being as aforesaid) then and in every such case it shall be lawful for the trustees for the time being or a majority of them or for the said stewards and leaders of classes for the time being or a majority of them to summon the preachers of the district in which the said church or place of religious worship shall for the time being be situated And also all the trustees stewards and leaders of the circuit in which the said church or place of religious worship shall for the time being be situated to meet in the said church or place of religious worship on a day and hour appointed for that purpose (and of which notice in writing shall at least fourteen days previously be personally served upon the said preachers trustees stewards and leaders or left for or sent by the post to him and them respectively at his and their most usual place or places of abode or business) And the chairman of the district shall be president of the meeting and every preacher trustee steward and leader shall have a single vote and in case of an equality of votes the chairman shall possess the casting vote And if the majority of the meeting adjudge that the accused preacher is immoral erroneous in doctrine or deficient in abilities he shall be considered as removed from the circuit in which the said church or place of religious worship shall for the time being be situated and the District Committee (or District Meeting as the same committee is now generally called) shall as soon as possible thereafter appoint another preacher for that circuit to continue till the ensuing Conference instead of the preacher so removed and shall determine how the removed preacher shall be disposed of till the ensuing Conference and shall have authority to suspend the said preacher from all public duties till the ensuing Conference if judged proper And if any such preacher shall refuse to submit to the above mode of trial in any of the cases above-mentioned he shall be considered as suspended till the

ensuing Conference and the District Meeting shall supply as well as possible the place of the removed or suspended preacher till another preacher be appointed And the preacher thus appointed and all other preachers shall be subject to the above mode of trial And if the District meeting do not appoint a preacher for that circuit instead of the removed or suspended preacher within one calendar month after the said removal or suspension or do not fill up the place of the removed or suspended preacher till another preacher be appointed the majority at a meeting of the said trustees stewards and leaders regularly summoned as aforesaid shall appoint a preacher for the said circuit provided he be a member of the Methodist Church till the ensuing Conference.

- (5) PROVIDED ALWAYS that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's Holy Word or to perform any of the usual acts of religious worship upon the said piece of ground and hereditaments nor in the said church nor place of religious worship and premises nor any of them or any part of parts thereof nor in or upon the appurtenances thereto belonging or any of them or any part of parts thereof who shall maintain promulgate or teach any doctrine or practice contrary to what is contained in certain Notes on the New Testament commonly reputed to be the Notes of the said John Wesley And in the first four volumes of sermons commonly reputed to be written and published by him.
- (6) AND UPON FURTHER TRUST in case a school-room or school-rooms shall be erected or provided upon the said piece of ground or any part thereof as aforesaid or if there shall be no separate school-room or school-rooms and it shall by the trustees for the time being of these presents or the major part of them be thought necessary or expedient to hold and teach a Sunday school or other school or schools in any proper part of the said church or place of religious worship then to permit and suffer a Sunday or other school or schools to be held conducted and carried on from time to time in the said school-room or school-rooms or if it shall be thought necessary or expedient as aforesaid in the said church or place of religious worship as aforesaid but if in the said church or place of religious worship then only at such hours and times as shall not interfere with the public worship of Almighty God therein and in all cases whether in the said church or place of religious worship or not under such government orders and regulations as the said Conference have directed or appointed or shall hereafter from time

to time direct or appoint And also subject always to the proviso hereinbefore contained respecting doctrines.

- (7) PROVIDED ALWAYS that it shall be lawful for the trustees for the time being of these presents or the major part of them when and so often as they shall deem the same necessary or expedient to take down and remove the said church vestry-room or vestry-rooms school-room or school-rooms dwelling-house or dwelling-houses buildings offices conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining or all or any of them or any part of parts thereof respectively for the purpose of building or re-building a church or place of religious worship or for the purpose of building or re-building any other vestry-room or vestry-rooms schoolroom or schoolrooms dwelling-house or dwelling-houses building or buildings offices conveniences appurtenances or enlarging or altering the same respectively or all or any of them so as to render the premises the better adapted to and for the due accomplishment of the trusts intents and purposes of these presents.
- (8) AND IT IS HEREBY DECLARED that from time to time and at all times hereafter it shall and may be lawful to and for the trustees for the time being of these presents or the major part of them to mortgage and for that purpose to appoint convey and assure in fee or for any term or terms of years the said piece of ground church or place of religious worship hereditaments and premises or any part or parts thereof respectively to any person or persons or company for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes of these presents or any of them according to the true intent and meaning thereof.
- (9) NOR SHALL anything in these presents contained or which may be contained in any such mortgage or mortgages extend or be construed to extend unless where the contrary shall with the full knowledge and consent of the said trustees for the time being or the major part of them be therein actually expressed to hinder prevent or make unlawful the taking down removing enlarging or altering the said buildings and premises or any of them respectively as in these presents before mentioned and provided for in that behalf nor in any manner to hinder prevent or interfere with the due execution of the trusts or purposes of these presents or any of them so long as such mortgagee or mortgagees his her and their heirs executors administrators and assigns shall not be in the

actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages anything in these presents contained to the contrary in anywise notwithstanding.

- (10) AND FURTHER that it shall be lawful for the Trustees for the time being of these presents or the major part of them from time to time and at all times hereafter to let the pews and seats in the said church or place of religious worship for such rent or rents, including no or nominal rent if deemed appropriate, reserving as many free seats for the poor where and as the Trustees may think necessary or expedient AND ALSO to let or lease the said piece of ground or any part or parts thereof and any building or buildings that may be erected thereon to any person or persons or company for such rent or rents upon such conditions and for such term of years as to the Trustees for the time being of these presents shall seem expedient AND if there shall be any such dwelling-house or dwelling-houses schoolroom or schoolrooms or any other building or buildings or any of them erected and built as aforesaid then to let or lease the same or any of them at a reasonable rent or rents But in all cases of letting or leasing for any term exceeding seven years only with the consent of the said Conference of the Methodist Church of New Zealand and not otherwise Provided that no lease shall contain any right of renewal without the consent of the said Conference and it shall not be lawful for the Trustee to make any agreement to grant any further or other term during the currency of any lease without the like consent Provided further that the powers of leasing hereby given shall not apply to any land upon which there shall be any church building without such consent as aforesaid And further also if there shall be on the said trust property a cemetery or burial ground to let graves and tombs at a reasonable rent or reasonable rents or to sell graves and tombs at a reasonable price or reasonable prices AND FURTHER that it shall be lawful for the said Trustees, or the major part of them, with such consent as aforesaid to lease the whole or any part of the land vested in them under the provisions hereof for the purpose of conducting mining operations beneath the surface thereof, for such terms not exceeding 99 years at such rent or rents, whether by way of royalty or otherwise, and upon such conditions as the said Trustees or the major part of them shall seem expedient.

- (11) AND ALSO to collect get in and receive the rents profits and income to arise in any manner

from the said premises (excepting moneys which shall from time to time arise from collections or subscriptions duly made therein according to the laws and regulations of the Methodist Church of New Zealand for other purposes than for the immediate purposes of the said trust estate) as and when the same shall from time to time become due and payable but not (excepting as to moneys from time to time received for graves and tombs) by way of anticipation further than for the quarter or half year or year (as may be thought most expedient) immediately following the receipt thereof.

- (12) AND IT IS HEREBY DECLARED that the trustees or trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents profits and income (except as aforesaid UPON TRUST thereout to pay in the first place such duties taxes rates and other outgoings if any) as from time to time shall be lawfully payable in respect of the said premises or any part or parts thereof).
- (13) AND ALSO to pay the costs charges and expenses of insuring and keeping insured the said trust premises against loss or damage by fire in such sum or sums as the said trustees for the time being or the major part of them shall from time to time think proper or expedient and in repairing and keeping the said trust premises in good repair and condition and likewise the interest of all moneys borrowed and then due and owing on security of the said trust premises or of any part or parts thereof by virtue of these presents and then to retain and to reimburse themselves respectively all costs charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents or any of them and in the next place thereout to pay and discharge the necessary costs charges and expenses from time to time incurred in cleaning lighting and attending to the said church or place of religious worship and premises and generally to liquidate any debts costs charges incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents or any of them and not included in any of the provisions aforesaid.
- (14) AND UPON FURTHER TRUST from time to time to pay and apply any surplus money remaining after the due payment of all such lawful debts costs charges incumbrances and expenses as aforesaid (but according and in conformity to the laws and regulations of the Methodist Church of New Zealand) for or towards the support of the preacher or preachers for the time being respectively appointed by the said Conference

or otherwise as aforesaid either in the circuit in which the said church or place of religious worship shall for the time being be situated or in that and some other circuit or circuits or in some other circuit or circuits only for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship or school or churches or places of religious worship or schools appropriated to the use of the said people called Methodists or in building any new church or places of religious worship or schools or preacher's dwelling-house or dwelling-houses or in the purchase of any piece or parcel of land or pieces or parcels of land for the site or sites of any such church or churches or place of religious worship or school or preacher's dwelling-house or houses for the use of the said people called Methodists and which shall be settled upon such or similar trusts and intents and purposes as are in these presents mentioned or in subscribing or giving to any of the general funds objects or charities of the said people called Methodists or for or towards all or any of the purposes objects funds or charities hereinbefore mentioned in such manner as the trustees for the time being of these presents or the major part of them shall from time to time think necessary or expedient.

PROVIDED ALWAYS and it is hereby declared that it shall be lawful and deemed to have been lawful, for the said Trustees, or the major part of them, to invest any such surplus money in any manner authorised by the law for investment of Trust Funds.

AND FURTHER PROVIDED ALWAYS and it is hereby declared that it shall be lawful for the said trustees, or the major part of them, to invest any such surplus money in by or through the New Zealand Methodist Trust Association

- (15) AND IT IS HEREBY DECLARED that it shall be lawful for the trustees for the time being of these presents or the major part of them (although there shall not then be any such surplus money as aforesaid) from time to time to subscribe or give such sum or sums of money as they shall think necessary or expedient and may be conveniently spared from the funds of the said church or place of religious worship for or towards all or any of the purposes objects funds or charities aforesaid.
- (16) AND IT IS HEREBY DECLARED that it shall be lawful for the trustees for the time being of these presents or the major part of them at any meeting to be convened and held as is hereinafter mentioned from time to time and at all times hereafter at their discretion to appoint any person

or persons of decent and sober conduct and good reputation to be a steward or stewards of the said church or place of religious worship and at their will and pleasure to remove and to dismiss such steward or stewards or any of them and the duty of the steward or stewards of the said church or place of religious worship shall be to see and attend to the orderly conducting of the secular business and affairs of the said church or place of religious worship under the direction and superintendence of the trustees for the time being of these presents or the major part of them AND ALSO in like manner to appoint any proper person or persons to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises and at their will and pleasure to remove and dismiss such treasurer or treasurers or any of them.

- (17) AND IT IS HEREBY DECLARED that the trustees and trustee for the time being of these presents shall themselves or by their steward or stewards treasurer or treasurers keep a book or books of accounts in which from time to time shall be plainly legibly and regularly entered an account of every receipt and disbursement by them him or any of them received or made and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof and also of all other documents articles matters and things necessary for the due and full explanation and understanding of the same book and books of accounts and shall also in like manner keep a book or books of minutes in which from time to time shall be plainly legibly and regularly entered minutes of all trustee meetings from time to time held under and by virtue of these presents and of the resolutions passed and of all proceedings acts and business taken and done thereat AND ALSO of all documents vouchers articles matters and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents.
- (18) AND the trustees shall and will from time to time and at all seasonable times hereafter upon the request of the superintendent preacher for the time being of the circuit in which the said church or place of religious worship shall for the time being be situated produce and show forth to him and to every person whom he shall desire to see the same all and every such book and books of accounts and minutes documents articles matters and things and permit and suffer copies or abstracts of or extracts from them or any of them to be made and taken by the said superintendent

preacher or by any person or persons whom he shall from time to time desire to make and take the same.

(19) AND the said book and books of accounts and minutes and all documents articles matters and things relating in anywise to the said trust premises shall at least once in the year and oftener if the said superintendent shall at any time desire and shall give notice thereof in manner hereinafter mentioned be regularly upon a day to be appointed by the said superintendent for the time being or with his concurrence examined and audited by the superintendent and the circuit steward or circuit stewards if more than one for the time being of the circuit in which the said church or place of religious worship shall for the time being be situated at a meeting convened for that purpose and of every such meeting not less than seven days' notice in writing specifying the time place and purpose of such meeting shall and may be given under the direction of the said superintendent for the time being by any one or more of them the said trustees and trustee for the time being to each and every the other and others of them the said trustees and trustee circuit stewards and circuit steward for the time being and either personally served upon him and them respectively or left for or sent by the post to him and them at his and their usual place and places of abode or business.

(20) AND in order to facilitate the auditing of the said accounts minutes documents articles matters and things it shall be lawful for the said superintendent circuit steward or circuit stewards for the time being as aforesaid or either or any of them to appoint in writing a deputy or deputies to act therein for them and him respectively as aforesaid and for that purpose any one or more of them may be the deputy or deputies of the other or others of them the said superintendent circuit steward and circuit stewards.

(21) AND IT IS HEREBY DECLARED that the signatures of all or any of them the said auditors deputies or deputy or of the aggregate majority of them written in the said book and books of accounts and minutes respectively shall be sufficient evidence that all the matters and things relating to the said trust premises which were up to that time included in the said books accounts minutes and documents matters and things were duly examined audited and approved of unless and except so far as the contrary shall be therein by them or by the aggregate majority of them in writing expressed.

(22) AND IT IS HEREBY DECLARED that every meeting for the purpose of taking into consideration the propriety of making any alteration of or any addition to or mortgage or sale of the said church or place of religious worship premises and other buildings and any of the said trust land or property or any part or parts thereof or for contracting any debt upon or on account thereof (other than for the ordinary current expenses thereof) or for letting or leasing the same or any of them as aforesaid or fixing the rents or prices or making or altering rules to ascertain the rents or prices of such graves tombs pews and seats as aforesaid or for appropriating the funds or any part of the funds of the said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof) or for bringing or defending any action or actions suit or suits respecting the said trust estate or premises or any parts thereof or any matter relating thereto or for consenting to the resignation of any trustee or for declaring that any trustee had become incapacitated or had refused to act or had ceased to be an adherent of the Methodist Church or had removed to such a distance as to render it inexpedient for him to remain in such trust or for filling up any vacancy or for appointing any new trustee or for any one or more of such purposes shall be and shall be deemed and taken to be a special meeting and of every such meeting not less than seven days' notice in writing specifying the time place and purpose or purposes of such meeting and signed by at least either two of the trustees for the time being of these presents or by the Secretary of the Board of Trustees when authorised by the superintendent of the circuit or by the superintendent preacher for the time being shall be given to each trustee and the superintendent preacher and either personally served upon them or left for or sent by the post to them at their usual place and places of abode or business.

(23) AND for the purpose of transacting the ordinary business relating to the said church or place of religious worship and premises or for any other purpose relating to these presents or the trusts hereof (except where not less than seven days' notice is expressed or required as hereinbefore is mentioned) a meeting of the trustees for the time being of these presents may be held with the said superintendent for the time being as aforesaid or his deputy so soon as the same can be conveniently convened by notice in writing specifying the time and place of such meeting given and signed by at least either two of the said trustees for the time being or by the Secretary of the Board of Trustees

when authorised by the superintendent of the circuit or by the said superintendent for the time being and either personally served upon or left for or sent by the post as aforesaid to the other and others of them respectively at his and their usual place and places of abode and business.

(24) PROVIDED ALWAYS and it is hereby declared that no meeting held under or by virtue of these presents shall be invalid or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees for the time being of these presents who at the time of any such meeting may be beyond seas or who or whose place or places of abode or business shall not be known to and cannot reasonably be found or discovered by the person or persons who is or are respectively as aforesaid authorised to give any such notice or notices as aforesaid.

(25) AND IT IS HEREBY DECLARED that at any meeting held under or by virtue of these presents or of the trusts hereof or any of them the votes of the persons present and entitled to vote or the votes of a majority of them shall decide any question or matter proposed at such meeting and respecting which such votes shall be given And in case the votes shall be equally divided then the chairman of such meeting shall give the casting vote he shall have in addition to the vote which he shall be entitled to in his character of trustee superintendent preacher or otherwise.

(26) AND IT IS HEREBY DECLARED that whenever it shall be thought necessary or expedient to do anything in and by these presents directed authorised or made lawful to be done the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined or by the majority of them and if there shall be an even division then by such casting vote as aforesaid and all acts and deeds done and executed in pursuance of any such decision as aforesaid at any such meeting as aforesaid shall be good valid and binding on all persons entitled to vote at the meeting who may be absent or being present may be in the minority and on all other persons claiming under or in pursuance of these presents but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question although holding more than one office at the same time in the society of the said people called Methodists or in the same meeting.

(27) AND IT IS HEREBY DECLARED that the laws and regulations of the Methodist Church of New Zealand in these presents mentioned or referred to are those printed and published in a book entitled the Laws and Regulations of the Methodist Church of New Zealand published under the authority of the Conference of the said church And which authority appears in the minutes of the said Conference and the general usages and practice of the said church and such rules and regulations as may from time to time be made or adopted by the said Conference and printed and published in the minutes thereof but subject at all times to the proviso respecting doctrines in these presents contained.

(28) PROVIDED ALWAYS and it is hereby declared that excepting where the contrary is in these presents expressly declared or provided for the superintendent preacher for the time being of the circuit in which the said church or place of religious worship shall for the time being be situated or his deputy thereunto from time to time by him nominated and appointed in writing under his hand shall be the chairman of and shall preside at and shall have a vote as such superintendent preacher or deputy in all meetings held under or by virtue of these presents but in case the said superintendent preacher for the time being or his deputy to be so appointed as aforesaid shall at any time neglect to attend at any such meeting as aforesaid or if the said superintendent preacher or his deputy appointed as aforesaid shall attend but shall refuse to act as the chairman at any such meeting as aforesaid or if the said superintendent preacher shall not attend at any such meeting and shall neglect to appoint a deputy as aforesaid then and in every and in any of the said cases it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat or for a majority of them to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid and every meeting so held upon any such neglect or refusal of the said superintendent preacher or his deputy as aforesaid shall be a valid and effectual as if the said superintendent or his deputy as aforesaid had been the chairman thereof and had presided thereat.

(29) PROVIDED ALWAYS and it is hereby declared that it shall and may be lawful to and for the trustees or the majority of the trustees for the time being of these presents with the consent of the said Conference of the Methodist Church of New Zealand (such consent to be testified in writing under the hand of the President for the

time being of the said Conference) at any time or times hereafter absolutely to sell and dispose of the said piece of ground church or place of religious worship hereditaments premises and other buildings or such part or parts of the same respecting which such consent in writing as aforesaid shall be given either by public sale or private contract and together or in parcels and either at one and the same time or at different times for such consideration, including no consideration if deemed appropriate, as Conference from time to time approves and also to construct roads create easements receive contracts buy in and resell and well and effectually to convey and assure the piece of ground hereditaments and premises so sold to the purchaser or purchasers thereof his her or their heirs or assigns or as he she or they shall direct or appoint and the piece of ground hereditaments and premises and other buildings so sold and conveyed and assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof his her or their heir heirs executors administrators and assigns freed and absolutely discharged from these presents and from the trusts hereby declared and every one of them.

- (30) AND the trustees and trustee for the time being acting in the trusts of these presents shall apply the money which shall arise from every such sale as aforesaid so far as the same money will extend to the discharge of all the incumbrances liabilities and responsibilities whether personal or otherwise lawfully contracted or occasioned by virtue of these presents or in the due execution of the trusts thereof or any of them and subject thereto either for or towards promoting the preaching of the Gospel amongst the said people called Methodists in the circuit in which the said piece of ground church or place of religious worship premises and other buildings shall for the time being be situated or for the purpose of procuring a larger or more conveniently or eligibly situated piece of ground and church or place of religious worship and premises in the place or stead of the said piece of ground church or place of religious worship hereditaments and premises so sold and disposed of to be settled upon the same trusts and to and for the same ends intents and purposes and with under and subject to the same powers provisoes and declarations as are in and by these presents expressed and contained of such of them as shall be then subsisting and capable of taking effect PROVIDED ALWAYS that the said trustees may appropriate any portion of the said money for the like objects and upon the like trusts in any other circuit or in contributing to any of the general

funds objects or charities of the people called Methodists.

- (31) PROVIDED ALWAYS that if at any time hereafter the income arising from the said piece of ground church or place of religious worship hereditaments and premises shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises and the various current expenses attending the due execution of the trusts of these presents and if the trustees or trustee for the time being of these presents shall desire to retire and be discharged from the burden and execution of the said trusts and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts with the responsibility and liability to be thereby incurred then and in that case if shall be lawful for the trustees for the time being as aforesaid or the major part of them of their own proper authority and without any such consent by the said Conference as aforesaid to sell and dispose of the said piece of ground church or place of religious worship hereditaments and premises or of any part or parts of the same respectively either by public sale or private contract and either together or in parcels and either at one and the same time or at different times for the best price or prices in money that can reasonably be obtained for the same and well and effectually to convey and assure the piece of ground hereditaments and premises so sold with the appurtenances to the purchaser or purchasers thereof his her or their heirs or assigns or as he or they shall direct or appoint and the hereditaments and premises so sold and conveyed and assured as last aforesaid shall thenceforth be held and enjoyed by the purchase and purchasers thereof his her or their heirs executors administrators and assigns freed and absolutely discharged from the presents and the trusts hereby declared and every one of them.
- (32) AND all the money arising from every such last mentioned sale shall be applied disposed of and appropriated as far as the same money will extend to the purposes and in the manner hereinbefore directed with respect to any sale made in pursuance or in consequence of such consent of or by the said Conference as aforesaid BUT IT IS HEREBY DECLARED that no sale shall be made by virtue of this present power or authority unless the trustees for the time being as aforesaid or a majority of them shall give notice in writing to the said Conference or to the President for the time being of the said Conference on or before the

first day of the then next annual meeting of the said Conference of their intention to make such sale and the reasons for the same nor unless the said Conference shall for the space of six calendar months next after the said first day of their said annual meeting refuse or neglect either to give grant or provide the said trustees and trustee for the time being with such pecuniary or other aid assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

(33) AND IT IS HEREBY DECLARED AND PROVIDED that any conveyance transfer mortgage deed or lease purporting to convey transfer mortgage or lease the said piece of ground or any part thereof if duly executed by a majority of the trustees then living shall be as good valid and effectual to and for all intents and purposes as if executed by the whole of the said trustees And it is also declared that the receipt and receipts of a majority of the trustees for the time being shall in all cases of payment made to them or any of them as such trustees as aforesaid be a full discharge to the person or persons entitled to such receipt or receipts for all mortgage moneys purchase moneys or other moneys therein respectively expressed and acknowledged to have been received And the signature of the President for the time being of the said Conference together with the attachment of the seal of the said Conference of the Methodist Church of New Zealand in case such seal exists to any instruments of sale or conveyance of such piece of ground church hereditaments and premises shall of itself be received and taken as sufficient evidence that such sale is in accordance with the rules and regulations of such Conference And in all other cases the receipt of any one or more of the trustees or stewards and treasurers for the time being duly authorised by a majority of the said trustees to sign and give receipts shall be a full discharge to the person or persons entitled to such receipt.

(34) AND IT IS HEREBY DECLARED that it shall not be incumbent on any mortgagee or mortgagees purchaser or purchasers of the said piece or parcel of ground church or place of religious worship hereditaments and premises or of any part or parts thereof respectively to inquire into the necessity expediency or propriety of any mortgage sale or disposition of the said piece of ground church or place of religious worship hereditaments and premises or of any part or parts thereof made

or proposed to be made by the said trustees or trustee for the time being or the major part of them as aforesaid or whether any such notice or notices as aforesaid was or were duly given or was or were valid or sufficient or whether any steward or stewards treasurer or treasurers was or were duly authorised to sign and give receipts as aforesaid nor shall it be incumbent upon any such mortgagee or mortgagees purchaser or purchasers or any of them or for any other person or persons his her or their heirs executors administrators or assigns paying money to such trustees or trustee or to their steward or stewards treasurer or treasurers for the time being as aforesaid to see to the application or to be answerable or accountable for the loss misapplication or nonapplication of such purchase or other money or any part thereof for which a receipt or receipts shall be so respectively given as aforesaid.

(35) AND IT IS HEREBY DECLARED that the trustees or trustee for the time being of these presents shall not nor shall any of them their or any of their heirs executors or administrators or any of them be chargeable or accountable for any involuntary loss suffered by him them or any of them nor any one or more of them for any other or others of them nor for more money than shall come to their respective hands nor for injury done by others to the said trust premises or to any part or parts thereof.

(36) AND IT IS HEREBY DECLARED to be the true intent and meaning of these presents and of the parties thereto that the full number of the trustees of the said trust premises shall not be less than three nor more than thirty and that when and so often as any one or more of the said trustees or of their successors in the said trust shall die be incapacitated from acting refuse to act or resign office as trustee by and with the consent of a majority of his co-trustees or withdraw from or cease to be an adherent of the said Methodist Church or shall remove to such a distance as shall in the opinion of his or their co-trustees expressed by a majority of his co-trustees and entered in their minute book render it inexpedient for him or them to remain in the said trust or if he or they be requested in writing by at least a three-fourths majority of his co-trustees, to resign provided always that no such request to resign shall be made unless it shall first be considered at a special meeting of the trust called for that purpose and that the trustee concerned shall be entitled to be heard on the resolution at the meeting and the place of the trustee or trustees so dying being incapacitated refusing

to act resigning withdrawing from or ceasing to be an adherent of the said church or moving as aforesaid or have been requested to resign as aforesaid shall thereupon become vacant subject however to the provisions next hereinafter set out and may be filled with a successor or successors being a member or members an adherent or adherents of the said church to be nominated by the superintendent preacher having charge for the time being of the circuit in which the said trust premises shall be situate and thereupon appointed by the surviving or remaining trustee or trustees of the said trust or a majority of them if he or they shall think proper to appoint the person or persons so nominated and in case of an equal division of the votes of the trustees present at any meeting of the trustees held for the purpose of such appointment the said superintendent shall have a casting vote in such appointment. And a copy of the resolution so appointing such person or persons to the office of trustee or trustees and signed by such trustee or trustees by the superintendent preacher for the time being and by two of the continuing trustees shall be sent to the Custodian of Deeds for the said Conference Provided always that the trustees shall not consent to the resignation of more than one trustee by any one vote Provided also that notwithstanding the withdrawal by a trustee from being a member or adherent of the said Church his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the trustees present at a duly summoned meeting which declaration it shall be in their power to make on their being convinced that he has withdrawn as aforesaid And if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby not exceeding thirty then the person or persons who it is desired to appoint as such new trustee or trustees shall be nominated and appointed as is hereinbefore provided for the filling of vacancies and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust in every such case it shall and may be lawful for the superintendent preacher aforesaid to nominate and to appoint the requisite number of the trustees of the said trust and the person or persons so nominated and appointed trustee or trustees in either of the said modes of nomination and appointment shall be the legal successor or successors co-trustee or co-trustees of the aforesaid trustees and all capacities powers rights duties estates and interests as are given to or vested in the above named trustees shall be vested in and exercised by the trustees for the time being of these presents.

(37) PROVIDED ALWAYS nevertheless and it is hereby expressly declared that in every such case when the trustees or trustee so withdrawing resigning removing or ceasing to be a member or members adherent or adherents of the said Methodist Church as aforesaid and whose place has been declared vacant as aforesaid shall make request for that purpose in writing to the remaining trustees they the said remaining trustees shall and will within six calendar months next after such request under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request) execute a bond in a sufficient penalty or other obligation to indemnify the trustees or trustee so withdrawing resigning or removing or ceasing to be a member or members of the said Methodist Church or trust as aforesaid and every one of them and every one of their heirs executors and administrators of and from and against the payment of all and every sum and sums of money costs charges and expenses which he they or any of them his their or any of their heirs executors or administrators either separately or jointly with any other trustees or trustee of the said trust premises may be bound engaged or liable to pay in respect to the said piece of land church or place of religious worship and premises or in or about the due execution of the trusts of these presents or in place of such bond or obligation shall procure the trustees or trustee so withdrawing resigning removing or ceasing to be a member or members of the said Church or trust to be effectually released and discharged of and from and against the payment of all such sum or sums of money costs charges and expenses as last aforesaid and from all liability on account or in respect thereof or in otherwise relating thereto Provided always that nothing hereinbefore contained shall be construed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid from being at any future time nominated appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them for appointing a successor or successors of the trustees of these presents Provided always and it is hereby declared that from time to time and at all times hereafter upon the decease of any trustee or trustees for the time being of these presents the surviving trustees or trustee for the time being of these presents shall and will within six calendar months next after request for that purpose in writing made to them or him by the

legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient penalty) or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees who shall make such request as aforesaid his her or their lands tenements goods and chattels of from and against all bonds debts covenants obligations notes judgments claims and demands whatsoever which such deceased trustee or trustees had entered into or become subject or liable to on account or in respect of the said parcel or tract of land church or place of religious worship hereditaments and premises or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them or in place or stead of such bond or other obligation of indemnity shall and will (at the choice and discretion of such surviving trustees for the time being upon such request and at such cost and charges as last aforesaid) cause or procure such legal representative or representatives as aforesaid to be well and effectually released or otherwise discharged of from and against all and every such bonds debts covenants notes judgments claims and demands as last aforesaid and of and from every one of them and every part and parcel thereof respectively.

- (38) PROVIDED LASTLY and it is hereby declared that from time to time and at all times hereafter it shall in all cases be lawful for the trustees for the time being of these presents in special meeting assembled as aforesaid or a majority of them to bring or defend any action or actions suit or suits respecting the said trust estate and premises in the names or name of the trustees or trustee for the time being of these presents And also that if any difference disagreement or dispute shall at any time or times hereafter happen to arise between the trustees or trustee for the time being acting in the trusts of these presents and any other person or persons whomsoever touching or relating to any boundary right privilege light way drain easement or any other matter or thing whatsoever belonging relating or appertaining or supposed believed or claimed to belong relate or appertain to the said piece of ground church or place of religious worship hereditaments premises and other buildings or to any part or parts thereof and claimed or disputed by the party or parties in difference disagreement or dispute then and in every such case it shall be lawful for but not imperative upon the trustees for the time being of these presents or a majority of them in special meeting assembled as aforesaid to refer every or

any such matter or difference disagreement or dispute to arbitration in manner provided by any act of the New Zealand legislature then in force providing for references to arbitration.

FIRST SCHEDULE REFERRED TO

PLAN FOR ANNUAL AND GENERAL

CONFERENCES

(The relevant provisions of this Schedule are all now incorporated in the foregoing Laws and Regulations.)

SECOND SCHEDULE REFERRED TO

CONTAINING DEED POLL OR DEED OF DECLARATION OF THE REV. JOHN WESLEY

(The relevant provisions of this Schedule are all now incorporated in the foregoing Laws and Regulations.)

Signed by the said John Edson and

the said Thomas Buddle in

the presence of

J. EDSON
THOS. BUDDLE
A. HOUGH, Clerk, Auckland

Copies of the Model Deed have been deposited in the various Land Registry Offices in New Zealand as follows:-

Auckland, No. Z83; New Plymouth, No. 99;
Napier, No. 80;

Wellington, No. 2117; Nelson, No. 22; Blenheim,
No. 77;

Hokitika, No. 21; Christchurch, No. 83; Dunedin,
No. 808;

Invercargill, No. 75.

25. Appendix D-1

(a) The Methodist Conference Act 1876 – [39 & 40 VICT.]

An Act to enable the Yearly Conference of the People called Methodists to delegate or confer certain powers to or upon Conferences in Australasia and elsewhere, and to confirm past act in relation thereto; and for other purposes. [27th June 1876]
WHEREAS the said Vendors are desirous of conveying the piece or parcel of land hereinafter described to the said Trustees upon the Trusts hereinafter contained

Whereas on the 28th day of February 1784 the Reverend John Wesley, theretofore fellow of Lincoln College, in the University of Oxford, clerk, duly made and published a deed poll or deed of declaration, which was enrolled in the High Court of Chancery, and wherein after reciting that divers buildings commonly called chapels, with a messuage or dwelling-house or other appurtenances to each of the same belonging, situate in various parts of Great Britain, had been given and conveyed to him, and also by divers other persons from time to time, to certain persons upon trust that the Trustees thereof should permit and suffer the said John Wesley, and such persons as he should for that purpose from time to time nominate and appoint, at all times during his life at his will and pleasure, to have and enjoy the free use of the said premises that the said John Wesley and the persons so appointed by him might therein preach and expound God's Holy Word, and upon a similar trust in favour of his brother Charles Wesley and his nominees during his life, and after the decease of both of them, then that the said Trustees and their heirs and assigns for ever should permit and suffer such persons, and for such time and times as should be appointed at the Yearly Conference of the people called Methodists, and no others, to have and enjoy the said premises for the purposes aforesaid:

And whereas the said deed poll further recites that for rendering effectual the trusts created by the by the said several gifts and conveyances, and that no doubt might arise with respect to the same, the said John Wesley, as donor of the said several premises, had thought it expedient to explain the words "Yearly Conference of the people called Methodists," contained in all the said trust deeds, and to declare what persons were members of the said Conference, and how the succession and identity thereof was to be continued; then the deed declares of

whom the said Conference had always consisted, and further declares that the one hundred persons then named in the deed poll on the day and date of the deed constitute the said Conference, and that they and their successors to be appointed as the deed prescribes, and subject to the regulations therein prescribed, should for ever be taken, construed, and be the Conference of the people called Methodists:

And whereas the said deed poll prescribes that the Conference might admit into connexion with them, or upon trial, any persons whom they should approve to be preachers under the care and direction of the Conference; and the deed prohibits the Conference from appointing any person to the use and enjoyment of the said chapels and premises who is not either a member of the Conference or admitted into connexion with the same, or upon trial, or to appoint any person for more than three years successively to the use and enjoyment of the same chapels and premises, except ordained ministers of the Church of England:

And whereas the following is the 13th article or regulation of the said deed poll:

"And for the conveyance of the chapels and premises already or which may hereafter be given or "conveyed upon the trusts aforesaid, situate in Ireland, or other parts out of the kingdom of Great "Britain, the Conference shall and may, when and as often as it shall seem expedient, but not "otherwise, appoint and delegate any member of members of the Conference, with all or any of the "powers, privileges, and advantages herein-before contained or vested in the Conference, and all and "every the acts, admissions, expulsions, and appointments whatsoever of such member or members of "the Conference so appointed and delegated as aforesaid, the same being put into writing and signed "by such delegate or delegates, and entered in the journals or minutes of the Conference, and "subscribed as after mentioned, shall be deemed, taken, and be the acts, admissions, expulsions, and "appointments of the Conference to all intents, constructions, and purposes whatsoever from the "respective times when the same shall be done by such delegate or delegates, notwithstanding anything "herein contained to the contrary:"

And whereas a copy of the said deed poll is contained in a schedule to this Act, and it is herein-after referred to as "the deed poll of 1784:" and "the Yearly Conference of the people called Methodists" is herein-after referred to as "the yearly Conference:"

And whereas the said John Wesley died in the year 1791, his brother Charles Wesley having previously died:

And whereas, in order to attain uniformity in the deeds of settlement and declaration of trusts of chapels, schoolhouses, and other hereditaments and premises thenceforward to be settled on trusts for the benefit of the said people called Methodists, the Yearly Conference caused to be prepared in the year 1832, “a release of freehold ground for the purposes of a Methodist Chapel, with a declaration of trusts, intended as a model deed, to be referred to in subsequent conveyances,” and the said deed is now known and used and referred to as “the model deed for the settlement of Wesleyan Methodist Chapels”:

And whereas the said model deed, after reciting at length the said deed poll of 1784, conveys the piece or parcel of land, hereditaments, and premises therein described to trustees in trust to build thereon a chapel or place of religious worship, and a dwelling-house or dwelling-houses, vestry room, schoolroom, and other offices and appurtenances, or with or without them, as the Trustees shall deem fit, and upon further trust to permit and suffer the said chapel, with the appurtenances, to be used, occupied, and enjoyed as and for a place of religious worship by a congregation of Protestants of the said people called Methodists, in the Connexion established by the said John Wesley, and for public and other meetings and services held according to the general rules and usage of the said people called Methodists, and to permit and suffer such person and persons only to preach and expound God’s Holy Word, and to perform the usual acts of religious worship therein as shall be from time to time approved, and for that purpose duly appointed by and under the authority of the Yearly Conference from time to time held under the orders and regulations of the said deed poll of 1784; and the said deed enables the Trustees, with the consent of the Conference, testified in writing under the hand of the president thereof for the time being, to sell the premises, and provides for the appropriation of the purchase money:

And whereas since the year 1832 the said model deed has been generally adopted, with only such variation as the circumstances of each case have required for the settlement of Wesleyan Methodist chapels in Great Britain, and it has been so adopted for the settlement of Wesleyan Methodist trust properties in Australasia, in which term is included in this Act the continent of Australia and the several colonies and settlements of the said continent, including New South Wales, South Australia, West Australia, Victoria, and Queensland, and also Tasmania, New Zealand, and the Fiji and other Polynesian Islands:

And whereas an Act was passed in the year 1839 by the Governor and Legislative Council of New South

Wales (2 Victoria, No.7) to regulate the religious affairs of Wesleyan Methodists, Independents, and Baptists, whereby the Trustees appointed under an Act of 1837 (7 William IV., No.3) were authorised to transfer chapels and lands held by them, to new Trustees, to be held upon the trusts stated in any model deed recognised and established by the usages of the particular society;

And whereas in the year 1840 a model deed was prepared for the settlement of Wesleyan Methodist Chapels in New South Wales, which after reciting the foregoing facts, conveys the premises therein comprised upon similar trusts to those declared by the English model deed, and by virtue of which such persons only are authorised to preach and expound God’s Holy Word, and perform the usual acts of religious worship therein, as shall be duly appointed by or under the authority of the Yearly Conference, and similar deeds have been executed in the other Australasian colonies, and under such deeds all the property settled in trust for the people called Methodists in the said colonies is held:

And whereas the Yearly Conference in the year 1854 resolved that the Australasian and Polynesian Missions, then under the direction of the Yearly Conference, should thenceforth be called “the Australasian Wesleyan Methodist Connexion,” for the purposes of which Connexion the Yearly

Conference constituted “the Australasian Conference,” consisting of missionaries who were then members or admitted into connexion with the Yearly Conference, and of such other ministers as should thereafter be received by the Australasian Conference into its own body, subject nevertheless to the maintenance of the doctrine and discipline of the Yearly Conference, and to the power, on the part of the Yearly Conference, to disallow any rules made by the Australasian Conference inconsistent with such doctrine and discipline:

And whereas between the year 1855 and 1873 the Australasian Conference has with respect to Australasia exercised the powers of the Yearly Conference relating to the admission and expulsion of ministers, and has appointed to the use and enjoyment of Wesleyan Methodist Chapels and trust properties in Australasia ministers in connexion with such Australasian Conference, but not strictly in connexion with or expressly appointed by the Yearly Conference, or by any delegate duly appointed by the Yearly Conference, in conformity with the deed poll of 1784:

And whereas in the year 1873 the said Australasian Conference constituted four annual Conferences, severally called the New South Wales and Queensland Conference, the Victoria and Tasmania Conference, the South Australian Conference, and the New Zealand Conference, such Conferences nevertheless being

comprised in and governed by a General Conference assembling once in every three years:

And whereas the minutes of the said Australasian Conference have been transmitted annually to the Yearly Conference, and in the year 1875 the Yearly Conference passed the following resolution:

“Whereas various chapels and other trust properties in Australasia are settled by reference to some deed “or deeds relating to property in Great Britain, and therefore the use of such chapels and other “properties may be held to depend for its validity upon the appointment of this Conference, it is hereby “resolved that the appointments of ministers to the use of such chapels, and other properties made by “any of the Conferences recently held in Australasia, having been now entered in the journal, shall be “and they are hereby respectively taken and had as the acts of this Conference;”

“The Conference hereby approves of those acts of its late president, by which he has sanctioned on its “behalf the sale of several chapels and other trust properties situated in different parts of Australasia “during the past year.”

And whereas doubts have arisen whether the delegation by the Yearly Conference of its powers and authorities to the Australasian Conference, and the subsequent admissions, appointments, and expulsions by the Australasian Conference, have been legal, and it is expedient that such doubts should be removed, subject nevertheless to any right which may have accrued by reason of the proceedings aforesaid:

And whereas societies of the said people called Methodists, in the Connexion established by the said John Wesley, have been formed, to whom it is inconvenient to appoint as delegates members of the Yearly Conference in conformity with the said deed poll of 1784, and it is expedient that provision should be made for the more convenient delegation of all the powers of the yearly Conference, or of such of those powers as the Yearly Conference shall from time to time define:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: (that is to say,)

1. This Act may be cited as “The Methodist Conference Act, 1876.”

2. The resolution herein-before recited of the Yearly Conference held in the year 1875 shall be deemed as valid and effectual for the purposes thereof as if the same were authorised by and in conformity with the deed poll of 1784, or any model deed or conveyance or declaration of

trusts, whereby any land, chapel, or other premises in Australasia has or have been conveyed or settled in trust for the use of the people called Methodists: Provided that this enactment shall not prejudice any rights which may have arisen by reason of want of conformity between the resolution and the deed poll of 1784, or any model deed or conveyance or declaration of trusts, or by reason of the acts or defaults of the Yearly Conference or of any Conference in Australasia.

3. All and every the admissions, expulsions, and appointments heretofore made by the Australasian Conference or approved by it, or by any Conference or other authority constituted by it, shall be as valid and effectual as though the same had been the admissions, expulsions, and appointments of some delegate or delegates duly authorised and appointed by the Yearly Conference in pursuance of the power in that behalf contained in the deed poll of 1784; and the Australasian Conference, and any Conference constituted by them, shall be deemed to have been such delegates of the Yearly Conference for the purposes aforesaid.
4. The Yearly Conference may delegate to or confer upon any Conference or Conferences of the people called Methodists (hereinafter referred to as Local Conferences), already or hereafter to be constituted by the Yearly Conference (elsewhere than in the United Kingdom or Great Britain and Ireland), all or any of the powers, privileges, and advantages which the Yearly Conference is empowered to delegate by virtue of the thirteenth article of the deed poll of 1784; and any such delegation may be made with or without the power of revoking or amending the same; and any such delegation may provide that the acts to be done by virtue thereof shall or shall not require confirmation or approval by the Yearly Conference, or to be entered on the journals or minutes thereof; and every such delegation shall be as valid and effectual for all purposes as if the same were authorised by the said thirteenth article, and not further or otherwise.
5. The Yearly Conference may declare that any persons being members of or admitted into connexion with any Local Conference, or with any Australasian Conference, or upon trial for such admission, shall be eligible for appointment to

the use and enjoyment of any chapels, dwelling-houses, schoolhouses, and premises situate within the limits of such Conference or Conferences in the same manner and to the same extent as if such persons has been admitted into connexion with the Yearly Conference.

6. The Yearly Conference may from time to time delegate any person or persons, being either in connexion with it or being a member or members of any Local Conference, to exercise all or any of the powers mentioned in the thirteenth article herein-before recited of the said deed poll of 1784, and every such delegation shall be as valid and effectual for the purposes of the said article as if the person or persons delegated were a member or members of the Yearly Conference, and not further or otherwise.
7. Provided, and it is hereby expressly enacted, that nothing contained in this Act shall enable the Yearly Conference so to delegate any of its

powers, privileges, and advantages to any Local Conference, or to do or suffer anything whereby any person shall be appointed or approved to the use and enjoyment of any land, chapel, or premises conveyed or settled in trust for or to the use of the people called Methodists who does not conform to the provisions and declarations of the deed poll of 1784, and of any trust deed founded thereon or referring thereto, and who does not conform to the doctrines and the general rules and usage of the people called Methodists.

8. Nothing herein contained shall be deemed to invalidate or repeal the herein-before recited Acts of the Governor and Legislative Council of New South Wales, or anything done or suffered by virtue of the said Acts.

26. Appendix D-2

(a) Plan of Union Between the Wesleyan Methodist Church of New Zealand, the United Methodist Free Churches of New Zealand, and the Bible Christian Churches of New Zealand

WHEREAS the General Conference of the Australasian Wesleyan Methodist Church at its session held in Adelaide, South Australia, in May, 1894, agreed upon and defined a “general constitutional basis”, upon which it was prepared to unite with any or all of the other Methodist Churches, and published the said basis in the Minutes of the Conference (see pages 56 to 63 inclusive).

AND WHEREAS the above named General Conference empowered and authorises “Each Annual Conference to carry into and effect, within its own bounds, at the earliest period found practicable, and on the constitution thus defined, union with any or all of the

other Methodist Churches”, and also resolved that “All financial and business questions arising out of such union should be decided by the Annual Conferences concerned.” (See General Conference Minutes for 1894, Resolution C, page 50). And for the purpose of enabling such union to be carried into effect, provided that the permissive powers of legislation conceded to the Annual Conference by Clause 312 of the Book of Laws should be extended to all the clauses of the proposed constitution in the basis of union; (Minutes 1894, D. page 50) and further provided that until Methodist Union has become general throughout Australasia, the name of the uniting Methodist Churches shall be “The Australasian Wesleyan Methodist Church” (Resolution H, page 51, General Conference Minutes), and also directed that ministers of the other Churches received into the united Church must become members of the Supernumerary Ministers and Ministers’ Widows’ Fund, except in such cases where it can be shown that adequate provision has already been made (Resolution J, page 51, Minutes 1894), and further directed each Annual Conference “pending organic union, and as a method of hastening its approach”, to invite all or any of the other Methodist bodies within its bounds to join in creating a Federal Council of Methodist Churches (Resolution 4, page 52, Minutes 1894).

AND WHEREAS the Connexional Committee of the United Methodist Free Churches, at a meeting held in Leeds, England, on October 19th, 1894, resolved: "That this Committee in the exercise of the powers conferred by the last Annual Assembly, will give the needful consent to Methodist Union in Australia and New Zealand on such terms as our Colonial Churches may approve, provided that satisfactory arrangements are made with respect to those Ministers who are recognised as having status with the British Annual Assembly, and provided also that the financial obligation of those Colonial Churches to the Home Book Room be discharged. Should the union be effected, this Committee earnestly hopes that it will lead to great spiritual prosperity, and to the extension of liberal Methodism in the Colonies. (see New Zealand Wesleyan Minutes for 1895, page 104.)

AND WHEREAS The United Methodist Free Church District Meeting of New Zealand, at a meeting held in Christchurch, February 26th, 1895, adopted the following resolution: "That having regard to the almost unanimous voting of our Circuit Quarterly Meetings, accepting the basis for Methodist Union as formulated by the last General Conference of the Australasian Wesleyan Methodist Churches, and our Annual Assembly, through the Connexional Committee, having signified its consent to the union on any basis approved by our Churches in this colony; this meeting affirms the readiness of our Churches to enter into such a union with the Wesleyan Methodist Church, and any other branch of Methodism in the colony on the basis aforementioned, and earnestly trusts that a full and complete consummation of such union will not be long deferred." (New Zealand Wesleyan Minutes for 1895, page 104.)

AND WHEREAS the said United Methodist Free Churches District Meeting also appointed a Committee "Entrusted with full authority to act in all matters relating to this question on behalf of the District meeting.

AND WHEREAS the Bible Christian Church Annual District meeting held at Addington, in January, 1895, adopted the following resolution: "That we are still in hearty sympathy with the organic union of all the Methodist Churches in Australasia; are prepared to adopt the basis of union laid down by the various Methodist Churches of Victoria, and adopted by the Wesleyan General Conference of 1894 recently held at Adelaide, and respectfully asks our English Conference to allow us to go into the union as soon as the arrangements can be completed." (New Zealand Mins, 1894, pages 104f)

AND WHEREAS a Federal Council, representing the three Churches referred to above, viz.:- Wesleyan Methodist, United Methodist Free Churches, and Bible

Christian Church of New Zealand, was constituted and appointed in harmony with the suggestions of the General Conference of the Australasian Wesleyan Methodist Church, and met during 1894, and obtained full statistics from the Churches concerned of the properties held, cost of the same, debts thereon, of the churches, schools and parsonages erected, the number of church members, Sunday scholars and attendants upon public worship; also the number and status of the ministers and preachers on trial employed, and of the Connexional Funds, etc., in each of the three Churches concerned.

AND WHEREAS the Annual Conference of the Wesleyan Methodist Church held at Nelson in February and March, 1895, on the receipt of a report of its own Committee on Methodist Union, and a statement of the work done by the Federal Council, and having also received and considered the resolutions of the United Methodist Free Churches and Bible Christian Churches recited above, adopted on March 6th, 1895, the following resolutions inter alia, viz.:-

1. That the District Meeting of the United Methodist Free Churches and of the Bible Christian Churches of New Zealand, having by resolutions sent to us intimated their desire for Methodist Union in this colony, and their acceptance of the basis adopted by the General Conference for the purpose, and having further informed us that their Circuit Quarterly Meetings by large majorities concur in the proposal, believing it will be for the advancement of the cause of Christ, and prevent unnecessary strife and waste of labour. The Conference expresses its gratification at the action taken by those Churches, and hereby declares its preparedness to enter into such union as speedily as possible, and remits the further consideration and arrangement of details to a Committee hereafter to be named. (Fifty-four votes were given for this resolution and eleven against, the number present being sixty-five.
2. That the following be the Committee: the President and Secretary of the Conference, Revs. W.Morley, H.R.Dewsbury, P.W.Fairclough, and W.G.Parsonson, with Messrs W.Harris, G.H.Blackwell, J.T.Smith, J.C.Prudhoe, G.J.Smith, M.H.R., C.E.Salter; the following to be corresponding members: Revs. W.Lee, H.Bull, W.Baumber, and J.J.Lewis, with Messrs T.Buddle, J.C.Stephens and W.Moxham (Rev. W.G.Parsonson, Convener). The members of the Committee in and near Christchurch shall be the members of the New Zealand Federal Methodist Council for the year, such Federal Council being constituted as per resolution of General Conference (page 52, Section E).

3. That the Committee be instructed to further consider the schedules now submitted, to confer with the representatives of the other Churches in any case of difficulty, and to obtain any further information necessary. Also to consider and recommend any adjustment of circuit or district boundaries that may be desirable in the working of the united Church, and further to arrange for the terms of payment on which ministers of the United Methodist Free Church and Bible Christian Churches may become members of the Supernumerary and Ministers' Widows' Fund, to take the necessary steps to provide for the secure possession of the properties of the three Churches, and generally in and about the premises so to act in all things as in the opinion of the Committee may best carry out the arrangements for the union.
4. That on receiving proper notice of the consent of the Bible Christian Conference in England to their Churches entering into the union, and on the Committee reporting that all the necessary details have been satisfactorily arranged, and the President of the General Conference having been duly notified, it is hereby resolved that the union shall take effect as and from the second Monday in April, 1896.
5. That for the purpose of carrying out Resolution 4, the members of the Committee in Christchurch, after having conferred with the corresponding members, shall forward the whole plan to the President of the Annual Conference for his signature.
6. That if the plan referred to in the preceding resolution be agreed upon by the three Churches concerned, the United Methodist Free Church and the Bible Christian Church District Meetings shall be invited to send representatives to the Wesleyan Conference of 1896, to confer with it as to any adjustments necessary to be carried into effect for the year. (see New Zealand Wesleyan Minutes, 1895, pages 106 and 107.)

AND WHEREAS the Bible Christian Conference of England has given its consent to the proposed union by the following resolution forwarded through the Connexional Representative, viz.:- "That having received the request of the New Zealand District Meeting to be allowed to amalgamate with other bodies, this Conference gives its consent on the following conditions, viz.:- That all money due to us be re-paid with interest up to date, the grant towards the working account of the District to continue until the consummation of the union; and the grant to Dunedin, as it is not pressing, be no longer proceeded with till a further development of events has taken place." And also by a resolution printed

in the Minutes of the said Conference (pages 46 and 47, Minutes, 1895).

AND WHEREAS the consent and authority of the President of the Annual Assembly of the United Methodist Free Churches and of the Conference of the Bible Christian Churches in England to their representatives in the colony, to sign all documents and to do all acts necessary to fully carry out the union proposed, and to arrange for the transfer of all properties to the united Church has been duly received.

THE FOLLOWING PLAN OF DETAILS of the proposed union is agreed to by the representatives of the three Churches abovenamed, the same to be forwarded to the President of the Wesleyan General Conference in accordance with Resolution 6, page 51 of the Minutes of the General Conference of 1894.

1. CHURCH PROPERTY - All properties and investments now held by or for each of the said three Churches in New Zealand, whether by Trustees, or in the name of individuals where trusts have not yet been declared, together with any benefits intended to be secured to any one of the aforesaid Churches by any deed executed or intended for that purpose, shall be held for the use and benefit of the united Church, and for securing the same the following arrangements are agreed to, viz.: - All the United Methodist Free Church and Bible Christian Church Trustees, or a sufficient majority of the Trustees of each property, shall sign the undertaking sent to them on December 5th, 1895, agreeing, when legislative authority is obtained, to transfer the properties held in trust by them to the united Church, and these undertakings shall be held meantime by the Revs. W. Morley, John Orchard and Mr J.A. Flesher. (N.B.- In the case of Wesleyan Methodist property this is unnecessary, as they are already settled on the Wesleyan Methodist Model Deed of 1887, and the Amendment Act, 1892.) Properties affected hereby are those set forth in the schedule attached and marked "A", together with any others held as above.
2. MINISTERS - That the Ministers and preachers on trial of the three Churches shall have in the united Church the same status which they have in the Churches to which they respectively belong at the date of union; such status as to Wesleyan Ministers being shown in the Minutes of Conference, 1895, pages 129, 130, and 131; and as to the United Methodist Free Churches and Bible Christian Church Ministers in schedule "B" attached.
3. SUPERNUMERARY MINISTERS AND MINISTERS' WIDOWS' FUND - That all Ministers and Preachers on trial named in

schedule "B" aforesaid (with the exception of Rev. S.MacFarlane, who remains as a supernumerary of the United Methodist Free Church Fund in England; Rev. H.B.Redstone, who retains his membership in the same fund; Rev. J.Edwards, who also retains his membership in the same fund and returns to England prior to the union; and Rev. J.Orchard, who retains his membership in the Bible Christian Fund in England) shall be required to become members of the Wesleyan Supernumerary Ministers and Ministers' Widows' Fund, it being agreed that ministers of less than seventeen years standing shall purchase not less than two-thirds of the several benefits which the Fund provides for ministers of their standing in the service and their wives, and ministers of seventeen years standing or over shall purchase not less than one-half of such benefits. That each minister shall pay the amount required to purchase such annuity within three years from the date of union, and, that in case of a breakdown prior to that period, such minister or his widow shall only receive from the Fund such benefits as the amount actually paid by him shall entitle him to. Provided that any minister who shall be able to prove to the authorities of the Fund his inability to pay within three years, shall be allowed five years to complete the payment.

4. CHILDREN'S FUND - That in the united Church a Children's Fund shall be maintained, the income of which shall be raised on the basis at present employed in the Wesleyan Methodist Church, or in such other way as may be agreed upon by the Conference of the United Church, and that payments therefrom at the rates determined from time to time by the General Conference shall be made on behalf of children of all ministers of full connexion, who would be recognised as having claims under the rules of the Wesleyan Fund, such claims dating from the time of union. Schedule "D" shows the claimants for 1896.
5. ARRANGEMENTS FOR 1896 - That in accordance with Resolution No.6 of the New Zealand Wesleyan Conference of 1895, page 107, the United Methodist Free Church and Bible Christian Church District Meetings shall, on this plan being accepted, send to the Wesleyan Conference of 1896, not more than six representatives each. While the Conference is unable to give votes to such representatives it is agreed that these representatives shall confer with the Conference on the questions of re-adjustments of circuits, stations of ministers, Home Missions, and other matters necessary to the working of the Church during the year, in the same manner that

they would if they were ministerial or lay members of the Wesleyan Conference respectively.

6. REPRESENTATION - All circuits recognised or constituted by the Wesleyan Conference of 1896 in association with the representatives aforesaid will be entitled to send representatives to Synods and Annual Conferences thereafter in the same manner that Wesleyan Circuits do now, and as specified in the Book of Laws of the Australasian Wesleyan Methodist Church.

Signed on the 31st day of December, 1895.

| | | |
|------------------|---|---|
| JOHN ORCHARD |) | |
| BARTON H. GINGER |) | Bible Christian Church |
| JOHN J. PENDRAY |) | Chairman |
| J.A.FLESHER |) | Secretary of United Methodist Free Churches, N.Z. |
| J.H.SIMMONS |) | President, |
| DANIEL J. MURRAY |) | Secretary, Wesleyan Methodist Church |

N.B. The Schedules above referred to appear in the Conference Journal.

27. Appendix D-3

Methodist Church of Australasia in New Zealand Act 1902 No. 49

AN ACT to give Statutory Sanction to the Change of Name of the Wesleyan Methodist Church in New Zealand.

WHEREAS the United Methodist Free Churches of Australia and New Zealand, the Bible Christian Churches of Australia and New Zealand, and the Primitive Methodist Church of Australia have entered into an organic union with the Australasian Wesleyan Methodist Church (including therein the Wesleyan

Methodist Church in New Zealand); and it has been agreed that the name of such Church shall be changed to "The Methodist Church of Australasia": And whereas it is expedient to grant statutory sanction to the change of name of the New Zealand branch of the said united Church.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the name, as follows:-

1. The Short Title of this Act is "The Methodist Church of Australasia in New Zealand Act, 1902".
1. From and after the passing of this Act the name of the New Zealand branch of the said united Church shall be "The Methodist Church of Australasia in New Zealand".

28. Appendix D-4

(a) Independant Conference for New Zealand

(Adopted by the General Conference of the Methodist Church of Australasia, May 1910)

PLAN OF SEPARATION

The New Zealand Conference having preferred a request to be constituted an independent Conference, the General Conference, in view of the geographical, national and other special conditions affecting New Zealand, consents unanimously to the constitution of such independent Conference, subject to the consent of each of the six Annual Conferences concerned and the sanction of the Parliament of each of the Australian States and New Zealand upon the following plan:-

NAME OF THE CHURCH

The name shall be "The Methodist Church of New Zealand".

JURISDICTION

The Methodist Church of New Zealand shall have jurisdiction in the Dominion of New Zealand and the dependencies thereof as at present constituted, and such other parts of Australasia as shall from time to time be agreed upon between the General Conference of the Methodist Church of Australasia and the New Zealand Conference.

LAWS AND CONSTITUTION

Subject to the modifications arising from the changes herein provided for, the Laws and Constitution of the Methodist Church of Australasia at the date of the independence of the Methodist Church of New Zealand shall be the Laws and Constitution of the Methodist Church of New Zealand.

POWERS OF THE CONFERENCE

The New Zealand Conference shall, in addition to the powers present possessed by it as an Annual Conference, have within its own jurisdiction all the powers of

and be subject to all the limitations of this General Conference: Provided that no new legislation as to any matter referred to or comprised in Sub-section 1 and 2 of Section 5 of "The Wesleyan Methodist Church Property Trust Act, 1887, Further Amendment Act, 1896" (New Zealand), shall take effect until it has been submitted to the Annual District Synods and confirmed by a resolution passed by a majority of not less than 55 per cent. of the votes of the members present and voting at the next succeeding Conference in New Zealand.

SUPERNUMERARY FUND

1. A separate Supernumerary Fund shall be formed for New Zealand which shall be credited with its share of the Australasian Fund assets, the same to be actuarially determined.
2. It is highly desirable that all Ministers, Supernumeraries, Ministers' Widows, and Probationers in New Zealand should become members of the above Fund, and the General Conference directs that the consent of each person concerned be sought.
3. That all Ministers, Probationers, Supernumeraries, and Widows in connection with the New Zealand Conference be notified not later than June 30, 1910, that they are required not later than March 31, 1911, to intimate their desire to enter the New Zealand Fund or remain in relation to the original Fund.
4. In the event of any Supernumerary or Minister's Widow declining to join the New Zealand Fund, his or her annuity shall continue to be paid from the Supernumerary Fund of the Methodist Church of Australasia.
5. Should any Minister decline to join the New Zealand Fund he shall remain a member of the Supernumerary Fund as at present, and both his personal subscriptions and the Circuit levies shall be paid to the Fund which carries the risk. The amounts to be so paid shall be those fixed from time to time by the General Conference.
6. In regard to those New Zealand Ministers who continue in connection with the Australasian Fund, the Rules and Regulations of the General Conference regarding superannuation shall be observed by the New Zealand Conference.
7. The New Zealand Conference is hereby authorised to make it a condition of being received into full connexion that Probationers shall join the New Zealand Fund.
8. The creation of the separate Supernumerary Fund shall take place as soon as convenient after the

next actuarial investigation has been made for the General Conference of the Methodist Church of Australasia.

9. The Treasurers of the Australasian Fund are hereby directed to appoint Mr D. Carment, F.I.A., as Actuary of the Fund, for conducting the next actuarial investigation, and in the event of his failing to undertake the work the appointment of an Actuary shall be a matter for agreement between the Board of Treasurers and the New Zealand Conference.
10. Funds or securities shall be handed to the Treasurers of the New Zealand Fund at such time and in such portions as may be mutually agreed upon between the officers of the Australasian Fund and those representing the New Zealand Fund.
11. No alteration in the essential principle on which the Fund is administered shall be made for a period of at least ten years after it has been formed.
12. No Minister who, at the time of the actuarial investigation above referred to, shall have made thirty (30) or more annual payments into the Australasian Fund shall be required to pay more to the New Zealand Fund than he would have been required to pay had he remained in the Australasian Fund, nor shall he or his widow, or any Supernumerary or widow then receiving payments from the Australasian Fund be paid less than he or she would have received by remaining in the last-mentioned Fund, provided further that any Minister, Supernumerary, or widow, herein referred to shall be entitled to receive a guarantee from or on behalf of the New Zealand Conference for the fulfilment of this provision.

FOREIGN MISSIONS

1. For the present New Zealand shall continue to support the Foreign Mission Fund of the Methodist Church of Australasia.
2. For the purposes of securing and manifesting the unity of responsibility and effort of the two Churches in regard to Foreign Missions the Board of Missions shall (as now) be appointed by the General Conference of the Methodist Church of Australasia, and there may be associated with the Board three persons nominated by the New Zealand Conference, such persons to have full powers of speaking and acting.
3. Arrangements shall be made for continuing the Foreign Mission deputations to New Zealand, and also for a visit to New Zealand at least once in

three years by one of the Secretaries for Foreign Missions.


4. Ministers entering the Foreign Mission work from New Zealand, so long as they are engaged in the field controlled by the General Conference, shall be subject to the usual conditions governing Missionaries, and the annual payments on their accounts to the Supernumerary Fund shall be paid to the Fund of the New Zealand Church. On their retirement from Mission work they shall be re-transferred to the New Zealand Conference, which shall receive from the Missionary Society the usual allowances paid to Annual Conferences for the settlement of returned Missionaries.
5. The rules and regulations for the employment of Lay Missionaries and Missionary Sisters shall apply to those from New Zealand.
6. Should the New Zealand Conference hereafter desire to take charge of a separate Mission field, whether some part of the present field or a new field, or should the General Conference request it to do so, the arrangements for the same shall be a matter of negotiation between the two Conferences.

MINISTERIAL TRANSFERS

1. From the date of independence facilities shall be given to Ministers who have been transferred to New Zealand to be re-transferred to Australasia under existing transfer conditions should they so desire.
2. Other transfers may be effected from time to time with the consent of the parties concerned without loss of ministerial status, the relation to Connexional Funds to be arranged by the Conference interested, subject to satisfactory medical certificates being supplied.

FRATERNAL RELATIONS

For the purposes of maintaining a fraternal relationship between the Methodist Church of Australasia and the Methodist Church of New Zealand, arrangements may be made for visits of persons appointed by the General Conference of Australasia and the New Zealand Conference respectively.



29. Appendix D-5

Methodist Church of New Zealand Act 1911

1911 No.21 (Local)

AN ACT to sanction the Constitution of the Conference of the Methodist Church of Australasia in New Zealand as an Independent Conference, to amend the Wesleyan Methodist Church Property Trust Act 1887, the Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892, the Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act 1896, the Methodist Church of Australasia in New Zealand Act 1902, and for other Collateral Purposes.

WHEREAS The Methodist Church of Australasia in New Zealand is a branch of the Methodist Church of Australasia, and is governed by an Annual Conference

which is itself subject to the General Conference of the Methodist Church of Australasia; And whereas the General Conference of the Methodist Church of Australasia held at Adelaide in the year nineteen hundred and ten unanimously consented to the constitution of the said Annual Conference of the Methodist Church of Australasia in New Zealand as an independent conference, with the powers mentioned in, and in accordance with and upon and subject to, a plan of independence which is fully set forth in the printed minutes of the said General Conference, subject to the consent of each of the Annual Conferences of the Methodist Church of Australasia – namely, the New South Wales Conference, the Victoria and Tasmania Conference, the South Australia Conference, the New Zealand Conference, the Queensland Conference, and the Western Australia Conference – and the sanction of the Parliament of each of the Australian States and New Zealand: And whereas each of the said Annual Conferences has agreed to the constitution of the said New Zealand Annual Conference as an independent conference aforesaid:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Methodist Church of New Zealand Act, 1911.
2. This Act shall be read with and take effect as part of the Wesleyan Methodist Church Property Trust Act 1887, the Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892, the Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act 1896, the Methodist Church of Australasia in New Zealand Act 1902 (hereinafter called the said Acts).
3. In this Act the following terms shall have the meanings hereinafter assigned thereto respectively, unless inconsistent with the subject or content:-

“Australasian Church” means the Methodist Church of Australasia in New Zealand:

“General Conference” means the General Conference of the Methodist Church of Australasia:

“The plan of independence” means the plan set forth as aforesaid in the printed minutes of the said General Conference of 1910.

“The date of independence” means the date fixed therefor by the President of the General Conference as hereinafter mentioned:

“Book of Laws” means the laws and regulations of the Methodist Church of Australasia as published by the General Conference thereof in book form.
4. The constitution of the Annual Conference of the New Zealand Church as an independent conference, with the powers contained in and in accordance with and upon and subject to the plan of independence hereinbefore referred to, is hereby sanctioned and confirmed.
5. Upon the sanction of the Parliaments of each of the Australian States and New Zealand being obtained to the constitution of such independent conference as aforesaid, the President for the time being of the General Conference may, by writing under his hand, fix a date on which the independence of the Annual Conference of the New Zealand Church shall take effect.
6. A printed copy of the Government Gazette of the Dominion of New Zealand containing a notification fixing the date on which the independence of the Annual Conference of the New Zealand Church is to take effect, and

purporting to be under the hand of the President for the time being of the said General Conference, shall be conclusive evidence in the Dominion of New Zealand of the fact of the constitution as aforesaid of such independent conference and of the date on which it is to take effect.

7. A printed copy of the latest edition of the Book of Laws of the Australasian Church, published by or under the authority of the General Conference and purporting on the face of it to be signed by the President for the time being of the General Conference, shall be taken and received in all legal and other proceedings before any Court of Justice, or before any person having by law or consent of parties authority to hear, receive, and examine evidence, as prima facie evidence of the laws of the said Church for the time being, subject to any alterations thereof or additions thereto shown by the minutes of any General Conference of the said Church held after the publication of the latest edition of such Book of Laws.
8. From and after the date of independence, the New Zealand Church shall be denominated “the Methodist Church of New Zealand”, and shall cease to be governed by the General Conference, and the said Acts and the Model Deed hereinafter mentioned, and all statutes, wills, deeds, judgments, decrees, and orders of any Court, grants, and other documents creating or modifying a trust in favour of the Superintendent of the Wesleyan Mission in New Zealand, the religious society denominated Wesleyan Methodists, the Wesleyan Methodist Church in New Zealand, or the Methodist Church of Australasia in New Zealand, either directly or in augmentation of any fund, or for the benefit of any purpose or enterprise connected with that mission or society or those Churches respectively, or otherwise referring directly or indirectly to that mission or society or those Churches respectively, shall (where the context so allows) be read and construed as if the words “the Methodist Church of New Zealand” were inserted therein in lieu of the words “the Superintendent of the Wesleyan Mission in New Zealand”, “the religious society denominated Wesleyan Methodists”, “the Wesleyan Methodist Church in New Zealand”, “the Australasian Wesleyan Methodist Church”, “the Wesleyan Methodist Church”, and “the Methodist Church of Australasia in New Zealand”, as the case may be, and in the case of the said Model Deed as if the words “the Annual Conference of the Methodist Church of New Zealand” were inserted therein in lieu of the words “the New Zealand Wesleyan Methodist Conference”, and as if all reference

in the operative parts of the said Model Deed to “the people called Wesleyan Methodists” were altered to refer to “the people called Methodists, being members of the Methodist Church of New Zealand”; and the said Book of Laws shall (where the context so allows), from and after the date fixed as aforesaid for such independence to take effect, be read and construed as if the references therein, either expressed or implied, to the New Zealand Church as forming part of the Methodist Church of Australasia and to the New Zealand Conference as being one of the conferences comprised in and governed by the said General Conference had not been contained therein.

9. From and after the date of independence, section six of the Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act 1896, shall be amended by the substitution of the words “the Methodist Model Deed of New Zealand, 1887”, for the words “the Wesleyan Methodist Model Deed of New Zealand of 1887”.
10. Subsection four of section five of the Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act, 1896, is hereby repealed as from the date of independence.

30. Appendix D-6

(a) Declaration of Union

Copy of the Declaration of Union signed in the Town Hall, Wellington, on the 6th Day of February, 1913, between the Methodist Church of New Zealand and the Primitive Methodist Connexion in New Zealand.

WHEREAS at the Annual Conference of the Methodist Church of New Zealand held in the City of Wellington, in the Dominion of New Zealand, this sixth day of February, one thousand nine hundred and thirteen, it has been resolved and agreed that the Methodist Church of New Zealand unite with the Primitive Methodist Connexion (formerly known as the Primitive Methodist Church) in New Zealand upon the terms and conditions set forth and embodied in and incorporated with the Basis of Union prepared by a Joint Committee representing the said Churches, and approved by the Annual Conferences and circuit quarterly meetings thereof, and by the members of the said Primitive Methodist Connexion in New Zealand, and duly consented to by the British Conference of the Primitive Methodist Connexion, a printed copy whereof is attached hereto, and also published in the printed minutes of the Annual Conference of the Methodist Church of Australasia in New Zealand held in the City of Auckland, in the said Dominion, in the months of February and March, one thousand nine hundred and twelve: And whereas at the Annual Conference of the Primitive Methodist Connexion in New Zealand also held in the City of Wellington aforesaid this sixth day

of February, one thousand nine hundred and thirteen, it has also been resolved and agreed that the Primitive Methodist Connexion in New Zealand unite with the Methodist Church of New Zealand upon the terms and conditions set forth and embodied in and incorporated with the said Basis of Union: And whereas it has been agreed by and between the said Churches that such union as aforesaid shall take effect on and from the sixth day of February, one thousand nine hundred and thirteen: And whereas it is advisable that these presents should be executed for the purpose of evidencing the fact of such union as aforesaid:

Now, therefore, it is hereby agreed and declared that the Methodist Church of New Zealand and the Primitive Methodist Connexion in New Zealand shall enter into an organic union as one Church, under the name of “The Methodist Church of New Zealand”, with common laws, common funds, and equal rights, upon the terms and conditions set forth and embodied in and incorporated with the Basis of Union aforesaid; and, further, that the said union shall take effect on and from the said sixth day of February, one thousand nine hundred and thirteen.

Signed for an on behalf of the said Churches this sixth day of February, one thousand nine hundred and thirteen.

Signed on behalf of the Methodist Church of New Zealand by the Reverend Samuel Lawry, President;
SAMUEL LAWRY

the Reverend Charles Henry Laws, Secretary;
C.H. LAWS

the Reverend William Ready, Ex-President;
Wm READY

the Reverend William Gittos, Superintendent of the
Methodist Māori Missions;
WILLIAM GITTOS

and James Arthur Flesher;
J.A. FLESHER

and on behalf of the Primitive Methodist Connexion
by the Honourable Charles Manley Luke, M.L.C.,
President;
CHARLES M. LUKE

the Reverend Charles Ebenezer Ward, Vice President;
C.E. WARD

the Reverend George Knowles Smith, Ex-President;
G. KNOWLES SMITH

and Charles Emanuel Bellringer, Secretary of the
Primitive Methodist Union Committee:
C.E. BELLRINGER

in the presence of -

| | | |
|------------|-------------|--------------|
| LIVERPOOL | H. Youngman | John Dumbell |
| W.F.MASSEY | Wm. Morley | P.W. Jones |
| | | H. Holland |

31. Appendix D-7

(a) Certificate of Registrar of Supreme Court as to Union Having Been Effected in the Supreme Court of New Zealand, Wellington District

In the matter of the Methodist Church of New Zealand
Act, 1911, and the various Acts incorporated therewith.

I, DANIEL GEORGE ARTHUR COOPER, of the
City of Wellington, in the Dominion of New Zealand,
Registrar at Wellington of the Supreme Court of New
Zealand, hereby certify that on this seventeenth day of
February, one thousand nine hundred and thirteen, a
declaration in writing made by Charles Manley Luke, of
the City of Wellington, in the Dominion of New Zealand,
gentleman, President of the Primitive Methodist
Connexion in New Zealand, and Thomas Moor, of
the City of Auckland, in the said Dominion, builder,
Secretary of the said Conference, was filed in the office
of the Registrar at Wellington of the Supreme Court of
New Zealand, and that the following is a true copy of
such declaration:-

In the matter of the Methodist Church of New Zealand
Act, 1911, and the various Acts incorporated therewith.

“We, Charles Manley Luke, of the City of Wellington, in
the Dominion of New Zealand, gentleman, President of

the Conference of the Primitive Methodist Connexion
in New Zealand, and Thomas Moor, of the City of
Auckland, in the said Dominion, builder, Secretary
of the said Conference, hereby jointly and severally
declare:-

1. “That the Conference of the Primitive Methodist
Connexion in New Zealand held at Wellington, in
the said Dominion, on the sixth day of February,
one thousand nine hundred and thirteen, the
following resolution was passed, namely:-

“A basis having been prepared for the union of
the Methodist Church of New Zealand (formerly
designated the Methodist Church of Australasia
in New Zealand) with the Primitive Methodist
Connexion (formerly known as the Primitive
Methodist Church) in New Zealand by a Joint
Committee representing such Churches and
approved by the Annual Conferences and circuit
quarterly meetings thereof, and the members
of the said Primitive Methodist Connexion in
New Zealand and the British Conference of the
Primitive Methodist Connexion having given its
consent to such union, and the Methodist Church
of New Zealand having in Conference assembled
unanimously resolved to unite with the said
Primitive Methodist Connexion in New Zealand, it
is resolved that the Primitive Methodist Connexion
in New Zealand unite with the Methodist Church
of New Zealand upon the terms and conditions
set forth and embodied in and incorporated
with the Basis of Union appearing in the printed
report of such Committee, and published in the

printed minutes of the Annual Conference of the Methodist Church of Australasia in New Zealand held in Auckland in February and March, one thousand nine hundred and twelve, and that such union shall take effect on and from the sixth day of February, one thousand nine hundred and thirteen.

2. "That seventy-five (75) members were entitled to be present at the said Conference, of whom, seventy-two (72) were present at the time the said resolution was passed, all of whom voted in favour thereof.

"And we make this solemn declaration conscientiously believing the same to be true, and

by virtue of an Act of the General Assembly of New Zealand intituled the Justices of the Peace Act, 1908.

"CHARLES M. LUKE,
"THOS. MOOR.

"Severally declared by the above-named Charles Manley Luke and Thomas Moor, at Wellington, this fourteenth day of February, one thousand nine hundred and thirteen, before me-

"J.A.FLESHER

"A Solicitor of the Supreme Court of New Zealand."

Dated at Wellington this 17th day of February, 1913.
D.G.A.COOPER, Registrar

Appendix D-8

Methodist Union Act 1913

1913 No. 3 Private

3rd October 1913

AN ACT to confirm the Union of the Methodist church of New Zealand with the Primitive Methodist Connexion (commonly known as the Primitive Methodist Church) in New Zealand, and to vest in the Methodist Church of New Zealand and assimilate the Trusts of all Lands and Property in New Zealand belonging to or held in Trust for the said Churches or either of them, and for other Collateral Purposes.

WHEREAS an agreement having been made between the Methodist Church of New Zealand and the Primitive Methodist Connexion (commonly known as the Primitive Methodist Church) in New Zealand, to unite as one Church as and from the sixth day of February, nineteen hundred and thirteen, to be called the Methodist Church of New Zealand, under the constitution, terms, and conditions set forth in or incorporated with a basis of union prepared by representatives of the said Churches and accepted by the annual conferences thereof, which basis of union was published in the printed minutes of the annual conference of the Methodist Church of Australasia in

New Zealand, held in the City of Auckland, in New Zealand, in the months of February and March, nineteen hundred and twelve: And whereas, pursuant to such agreement, the members of the annual conferences of the said uniting Churches duly appointed therefore did meet as a united conference in the City of Wellington, in New Zealand, in the month of February, nineteen hundred and thirteen, and transacted and dealt with business and matters, and exercised powers vested in, reserved for or exercisable by the respective conferences of the said Churches: And whereas all Church lands belonging to the Methodist Church of New Zealand are held upon the trusts and subject to the provisions of the Methodist Church of New Zealand Act, 1911, and the various Acts incorporated therewith, or therein referred to, and of the Model Deed therein referred to (hereinafter called the Model Deed): And whereas the Church lands of the Primitive Methodist Church or Connexion, in New Zealand, are held upon the trusts and subject to the provisions of the Primitive Methodist Temporal Affairs Act, 1879, and (where not inconsistent with the provisions of that Act) upon the trusts and subject to the provisions of the Deed Poll and Model Chapel Trust Deed of the Primitive Methodist Connexion, dated the fifth day of February, eighteen hundred and thirty, and executed by Hugh Bourne, James Bourne, and William Clowes, therein described and enrolled in the High Court of Chancery in England: And whereas it is desirable that all Church lands and property in New Zealand belonging to or held in trust for the said uniting Churches, or either or any one of

them, should be vested in the Methodist Church of New Zealand, and the trusts upon which the same are now held assimilated:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Methodist Union Act, 1913.
2. This Act shall be read, construed, and incorporated with the Methodist Church of New Zealand Act, 1911, and the various Acts therein referred to, and the Primitive Methodist Temporal Affairs Act, 1879.
3. In the interpretation of this Act the following terms shall have the meanings hereinafter assigned to them respectively, unless the meaning be inconsistent with the context:-

“The Model Deed” means “The Wesleyan Methodist Model Deed of New Zealand, 1887” referred to and cited in the Wesleyan Methodist Church Property Act, 1887, and its amendments:

“Primitive Methodist Connexion” means the denomination, church or connexion commonly described by that name established in Great Britain in the year eighteen hundred and ten by the late Hugh Bourne and James Bourne:

“Church Lands” includes (when applied to property of the Primitive Methodist Connexion) all lands and premises in New Zealand of whatever tenure and chattels real which now are or which may at any time hereafter be held in trust for or on behalf of the Primitive Methodist Connexion, together with all churches or chapels, dwelling-houses, schools and all other buildings and erections thereon, and also all fittings, fixtures, rights, easements, and appurtenances whatever relating thereto respectively, or therewith usually held and enjoyed:

“Basis of union” means the basis of union prepared by the joint committee of the Methodist Church of Australasia in New Zealand and the Primitive Methodist Connexion in New Zealand sitting in the City of Wellington, in New Zealand, in the month of June, nineteen hundred and eleven, which said basis of union was adopted by the conference of the said uniting Churches, and was published in the printed minutes of the annual conference of the Methodist Church of Australasia in New Zealand, held in the City of Auckland, in New Zealand, in the months of February and March, nineteen hundred and twelve:

“Uniting Churches” means the Methodist Church of New Zealand and the Primitive Methodist Connexion, commonly known as the Primitive Methodist Church in New Zealand.

4. The union of the Methodist Church of New Zealand and the Primitive Methodist Connexion, commonly known as the Primitive Methodist Church in New Zealand, in accordance with and upon and subject to the basis of union hereinbefore referred to, is hereby sanctioned, ratified, and confirmed, and shall be deemed to have taken place on the sixth day of February, nineteen hundred and thirteen.
5. All appointments and admissions made, all acts done, resolutions passed, and orders given by or under the authority of the members of the annual conferences of the said uniting churches, which met as a united conference in Wellington, in New Zealand, in the month of February, nineteen hundred and thirteen, shall be and the same are hereby validated and confirmed.
6. All lands and property in New Zealand which on the sixth day of February, nineteen hundred and thirteen, belonged to or were held in trust for or on behalf of the uniting denominations – namely, the Methodist Church of New Zealand and the Primitive Methodist Connexion or Church in New Zealand – or either of them, shall, as from the said date (but subject and without prejudice to any mortgage, charge, incumbrance, lien, lease, agreement, or other transaction affecting the same respectively), be and be deemed to have been and shall be held upon trust for the Methodist Church of New Zealand upon the trusts and subject to the provisions of the Model Deed and any alterations and modifications thereof duly authorized, and to the provisions of the Methodist Church of New Zealand Act, 1911, and the Acts therein referred to or, incorporated therewith, and upon and subject to no other trusts or provisions whatever; and such lands and property shall be included in the expression “Church lands” wherever used in the said Acts.
7. Whenever by any deed, transfer, will, or other instrument any real or personal property has been or shall be conveyed, transferred, devised, bequeathed, or given to or in trust for or for the benefit of the Methodist Church of New Zealand or the Primitive Methodist Connexion (either generally or in some locality), or to or in trust for or for the benefit of the members, ministers, or adherents of (or any conference, or assembly, or meeting, or fund, institution, or society in connection with) either of the said denominations

or uniting Churches, or is or shall be receivable by or payable to either of the said denominations or uniting Churches, or any minister or officer thereof, every such conveyance, transfer, devise, bequest, or gift shall be construed or take effect as if the Methodist Church of New Zealand had been the church or denomination referred to in the conveyance, transfer, devise, bequest, or gift; and the release or receipt of the president for the time being of the Methodist Church of New Zealand for any

8. such conveyance, transfer, or devise, bequest, or gift, shall be a sufficient discharge to the person delivering, conveying, transferring, or paying the same; and all property so conveyed, devised, bequeathed, or given shall (subject to any directions to the contrary in the said deed,

transfer, will, or other instrument contained) be under the control of the said conference.

9. In any action or proceeding affecting the rights or interests of the Methodist Church of New Zealand in respect of any property (real or personal) in New Zealand, the president for the time being of the conference thereof shall, if the Church or its members ought to be a party or parties as distinct from the trustee or trustees, represent the said Church or the members thereof as plaintiff or defendant as the case may require.
10. Nothing in this Act contained shall deprive any trustee of Church land or Church property of any rights which but for this Act he would have to be indemnified out of the property the subject-matter of the trust in respect of any mortgage, charge, lien, incumbrance, or obligation.

Appendix E-1

Methodist Charitable and Educational Trusts Act 1911

1911 No. 1 Local

21st September 1911

AN ACT to incorporate and confer certain Powers on the Trustees of the Three Kings Institution, and to make other Provisions in regard thereto.

WHEREAS the pieces or parcels of land described in the First, Second, and Third Schedules hereto were granted by the Crown to the persons named, and to be held upon the trusts and for the purposes expressed in those Schedules: And whereas an institution or school established on the land secondly described in the First Schedule hereto, and known as the Three Kings Institution, has been carried on for the part fifty years and upwards under the general superintendence of the authorities from time to time (now the Conference) of what is now called or known as the Methodist Church of Australasia in New Zealand, and the rents and profits from all the said lands have been used in aid of the said institution or school (hereinafter referred to as the

said institution): And whereas it is considered that the efficiency and development of the said institution will be promoted if a site for the same be provided that will be better adapted for agriculture and be otherwise more suitable for the purposes of the said institution, and if provision be made enabling all the lands granted as aforesaid to be turned to better account as endowments in aid of such institution: And whereas it is also desirable that such other provisions should be made concerning the premises as hereinafter appear: And whereas such objects and provisions are not attainable otherwise than by legislation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Methodist Charitable and Educational Trusts Act, 1911.
2. In the construction of this Act, unless the context shall otherwise require, -

“The Conference” means the Conference of the Methodist Church of Australasia in New Zealand.

“The Board” means the Board constituted by this Act.
3. The present trustees of the said lands, and all new members appointed to the Board, whether by way of succession or addition, shall be and they

- are hereby constituted a body corporate under the name of "The Board of the Wesley Training College" having a perpetual succession and a common seal, and capable in law, for the purposes of the trusts to be administered by them and of this Act, of doing and suffering all such things as corporate bodies may do and suffer, and with power to take and hold lands subject to this Act.
4. The present trustees hereby constituted members of the Board are the persons following, that is to say: Frederick Lambert Prime, of Auckland, agent; John Edson, of Auckland, chemist; Thomas Buddle, of Auckland, solicitor; Thomas Allen, of Auckland, gentleman; Thomas McMaster, of Auckland, draper; George Winstone, of Auckland, coal-merchant; Stephen James Ambury, of Auckland, dairyman; Andrew Clarke Caughey, of Auckland, draper; Francis Angus White, of Auckland, mining agent; Frederick Walter Wilson, of Auckland, journalist; James Henry Gunson, of Auckland, grain-merchant; Joseph Henry Simmonds, of Auckland, Methodist minister; George Alfred Buttle, of Auckland, broker; James Edward Wheeler, of Auckland, merchant; Archibald Peak, of Auckland, solicitor; John Veale, of Auckland, settler; William Gittos, of Devonport, Methodist minister.
 5. The Conference may annually appoint some person, whether a member of the Board or not, as Chairman of the Board, who if not already a member shall be ex officio a member of the Board. Anyone so appointed shall be eligible for reappointment, but if not otherwise a member of the Board shall cease to be a member upon ceasing to be Chairman. In the event of the Conference not appointing a Chairman, the Board shall appoint one from their number, and, with the consent of the Conference, may continue to make such appointment annually.
 6. The Chairman shall preside at all meetings of the Board at which he is present. If and while by reason of death or otherwise there is no Chairman, the members of the Board may appoint one of their number to be Acting-Chairman who shall preside at all meetings at which he is present, and shall have the same powers as if he were Chairman of the Board. If at any such meeting such Chairman or Acting-Chairman is not present at the time appointed for holding the same, the members present may choose one of their number to be the Chairman of such meeting, and the member so chosen shall have the same powers at that meeting as if he were Chairman of the Board.
 7. The Board may from time to time consist of any number of members from ten to twenty, including the Chairman.
 8. All members of the Board hereafter appointed, whether by way of succession or addition, shall be appointed by resolution of the Conference. Upon the appointment of any new member or members the President of the Conference shall make a declaration in or to the effect of the form set forth in the Fourth Schedule hereto, countersigned by the secretary of the conference, stating the name or names of the person or persons so appointed, and every such declaration shall be exempt from stamp duty, and without payment of any fee shall be filed on record in the office of the Registrar of the Supreme Court at Auckland within sixty days after such declaration shall have been made, and when so filed shall be conclusive evidence of the matters and things therein stated without proof of any signature thereto.
 9. A copy of any such declaration certified under the hand and seal of the Registrar of the Supreme Court at Auckland shall be evidence in all Courts or for the purpose of evidencing title to any property, and for all other purposes, of the matters and things stated therein, without any proof of the seal or signature of such Registrar.
 10. The Board shall have an office at such place as they shall from time to time fix, and any notice to or legal process against the Board shall be deemed to be duly served if left at such office. Notice of the situation of such office and of any change of its situation shall be published in the Gazette.
 11. The members of the Board may meet together for the despatch of business, adjourn, or otherwise regulate their meetings and proceedings as they may think fit. The quorum of a meeting shall be seven.
 12. The office of a member of the Board shall become and be vacant in each or any of the following cases in addition to death, that is to say:-
 - (a) If the member resigns by notice in writing under his hand:
 - (b) If he refuses to act further:
 - (c) If he ceases to be an adherent of the said Methodist Church:
 - (d) If he removes to an inconvenient distance (of which the Board are to be the sole judges) from the Board's office:
 - (e) If he becomes bankrupt:
 - (f) If he becomes incapacitated to act by lunacy or otherwise:

- (g) If he is absent without leave from four successive meetings of the Board:

And if in each or any such case a resolution is passed by the Board at a meeting thereof declaring the office of such member vacant.

13. Every vacancy occurring in the membership of the Board shall be forthwith reported to the secretary of the Conference, and shall be filled by the Conference at its first session thereafter.
14. Questions arising at any meeting of the Board shall be determined by a majority of votes, and in case of equality of votes the Chairman presiding shall have a second or casting vote.
15. A meeting of the members of the Board for the time being, at which a quorum is present, shall be competent to exercise all or any of the powers, authorities, and discretions for the time being vested in the Board.
16. The Chairman or Acting-Chairman may at any time, and the secretary shall upon the request in writing of any three members, summon a meeting of the Board. Five clear days' notice of every meeting shall be sent by post to each member who is for the time being in New Zealand. The day of posting the notice shall not be reckoned in the five days.
17. The members of the Board may delegate any of their powers to committees consisting of such member or members of their body as they shall think fit. Any committee so appointed shall in the exercise of its powers conform to any directions from time to time given by the Board.
18. The Board shall have power from time to time to make by-laws for the governance of committees, or with respect to the management and staff of the said institutions, or any other matter under the control of the Board.
19. The Board shall keep, or cause to be kept, exact minutes of all their proceedings, and also full and accurate accounts of all their receipts, disbursements, liabilities, and engagements, and shall in the month of January in every year cause the said accounts, made up to the last day of December preceding to be audited by one or more competent auditors. A statement of such accounts signed by the auditor or auditors, together with a report of the year's working, in respect both to the Trust Estate and the said institution, shall be produced at a meeting of the Board to be held in the last week of January in each year. Such statement and report, if and when adopted at such meeting, shall be signed by the Chairman, and a copy of each certified by the Chairman shall be forwarded to the secretary of the Conference to be laid before the Conference at its then next session.
20. The Common Seal of the Board shall be in the custody of the Board's secretary, and all deeds and instruments executed under the common seal of the Board shall be executed at a meeting of the Board, and be authenticated by the signatures of the Chairman and two of the members.
21. All the said lands described in the first three Schedules hereto are hereby vested in and shall be held by the Board, and shall continue to be used and administered by the Board under the general control and superintendence of the Conference, upon the trusts and for the purposes expressed in the Crown grants mentioned in the first three Schedules hereto as modified and supplemented by this Act.
22. In order to render the lands described in the first three Schedules hereto, and any other lands the Board may hereafter acquire, productive of revenue in aid of the said institution, the Board shall have and may exercise in regard thereto all such powers of leasing as are set forth in the Public Bodies' Leases Act, 1908, No. 240; and for that purpose the Board shall be deemed a leasing authority duly constituted under that Act.
23. For the more beneficial exercise of the powers hereby conferred, the Board shall have power from time to time to subdivide all or any of the lands vested in them into portions or allotments, and lay off and dedicate roads and streets thereon, and make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets.
24. The revenues derived or to be derived from the said lands shall be applied in aid of the said institution, and otherwise in the administration of the trusts and purposes aforesaid as modified and supplemented by this Act, and upon or for no other trust or purpose.
25. Subject to the approval of the Conference, the Board shall have power at any time hereafter, when sufficient funds have been raised and are available for the purpose, to acquire by purchase or otherwise an area of land in the Provincial District of Auckland as a site for the said institution and the agricultural and other operations carried on in connection therewith, and to transfer the said institution to the site so acquired and carry on the same there, and to erect all necessary buildings

on such site and equip the same, and to fence, drain, and otherwise improve the said site for the purposes of the said institution and its operations, and to carry out all such other works in connection therewith as shall be requisite or desirable.

26. The site so acquired shall be vested in the Board, and the same, together with the buildings and equipment thereof and the improvements upon and appurtenances to the said site, shall be held, used, and administered by the Board, subject to the control and superintendence of the Conference, upon the trusts and for the purposes expressed in the said Crown grants as modified and supplemented by this Act.

27. If at any time it shall appear that the interests of the said institution would be promoted by the acquisition of land under lease, with or without the right of purchasing the reversionary freehold, the Board shall, with the prior sanction of a resolution passed by the Conference, have power to so acquire land, upon and subject to such covenants and conditions as shall be thought fit, and to provide for and pay the rent and carry out all the other obligations of the lease:

Provided that the land so acquired shall be used in aid and for the purposes of the said institution and for no other purpose.

28. Notwithstanding anything hereinbefore contained, the Board, with the prior sanction of a resolution passed by the Conference, shall have power to sell by auction or by public tender any part or parts of the lands described in the first three Schedules hereto, and any other lands that may from time to time be acquired by the Board:

Provided that the net proceeds to be derived from such sale or sales shall be expended in the purchase in the Board's name of other lands, which shall thereupon be vested in the Board, and be held, used, and administered by them, subject to the control and superintendence of the Conference, upon the trusts and for the purposes expressed in the said Crown grants as modified and supplemented by this Act.

29. The Board shall be competent to take and receive in its corporate name, either by way of gift *inter vivos*, or by way of devise or bequest, any land, money, or other property, either generally for the purposes of the said institution, or for any specific purpose connected therewith; and shall be competent and entitled to hold and administer such land, money, or other property upon the trusts and for the purposes upon and for which the same was given, devised, or bequeathed, and

upon and for no other trust or purpose. But the Conference may at any time by resolution require that such land, money or other property, so far as the same is undisposed-of, shall be vested in trustees appointed by the Conference, to be nevertheless held by such trustees upon and for the same trusts and purposes. And the Board shall, upon such requisition, convey, transfer, and make over such land, money, or other property, so far as the same is undisposed-of, accordingly.

30. All moneys held by the Board for and on behalf of the said institution, and which they may think proper to invest, shall be invested in the name of the Board in all or any such modes of investment for trust funds as are authorized by law, and the income from such investments shall be available and be used in aid of the said institution and otherwise in the administration of the trusts and purposes aforesaid, but upon or for no other trust or purpose.

31. The trusts and purposes upon and for which the said lands described in the first three Schedules hereto are and shall henceforth be held, and upon and for which the said new site when acquired and any other lands hereafter acquired by the Board for the purposes of this Act and so as to be subject thereto shall be held, are and shall be the support and upkeep of the said institution as an institution or school for the maintenance and education of –

- (a) Children and youth being descendants of the Native or Māori race of New Zealand:
- (b) Orphan or needy children and youth of any other race being British subjects:

Provided that the selection of applicants for admission to the said institution, and the term during which they may enjoy the benefits thereof, shall be at the discretion of the Board; and provided also that moderate and reasonable fees may be charged and taken for maintenance and tuition in cases where there is ability on the part of parents or guardians to pay the same, the amount of such fees to be determined in each case by the Board. And the trusts and purposes severally expressed in the said Crown grants are hereby modified and assimilated accordingly.

32. The course of instruction in the said institution shall be that indicated in the Crown grants referred to in the Second Schedule hereto:

Provided that –

- (a) "Instruction in the English language" shall be understood to mean a general course of instruction similar to that for the time being given in the public primary schools of

the Dominion, and, for such scholars as are sufficiently advanced to receive it, a further general course of instruction similar to that for the time being given in the continuation or high schools of the Dominion:

- (b) The industrial training shall include, in addition to domestic work as adapted for boys or girls respectively, instruction and practice in one or more of the following groups of subjects:-
 - (i) Gardening, orchard-work, bee-keeping, and poultry-management:
 - (ii) Agriculture, dairying, and breeding and treatment of stock:
 - (iii) Technical and mechanical trade and crafts.
 - (c) The religious education shall be such as it approved and directed by the Conference.
33. The Conference may from time to time appoint a Principal or Director of the said institution, or may delegate the power to make such appointment to the Board. Any vacancy occurring in that office may be temporarily filled by the Board pending a permanent appointment by the Conference or by the Board. All other masters, instructors, overseers, and employees generally shall be appointed by the Board, who shall also in respect of the said institution make all necessary arrangements for keeping records and accounts, and for audit, inspection, public functions, and reports to the Conference.
34. The President of the Conference for the time being, or his duly appointed deputy, shall be the Visitor of the said institution, and shall have full power and authority to do all those things that pertain to Visitors as often as to him shall seem meet.

SCHEDULES

FIRST SCHEDULE

1. All that allotment or parcel of land being Lot 20 of Section 3 of the Suburbs of Auckland in the Parish of Waitemata, in the County of Eden:
2. All that allotment or parcel of land being Lots 86, 87, 88, 89, 90, 91 and 92 of Suburban Farms, situated in the Parish of Waitemata, in the County of Eden:

Which lands are situated in the Provincial District of Auckland, and are comprised in Crown grants dated the 7th day of October, 1844, and the 1st day of April, 1845, whereby such lands were granted

in trust for the general purposes of the Wesleyan Native Institution therein mentioned to Walter Lawry, Superintendent of the Wesleyan Mission in New Zealand, and to his successors in the superintendence of the said mission.

SECOND SCHEDULE

1. All those allotments or parcels of land situated in the Parish of Waitemata, in the County of Eden, being No. 124 of Section 10 and No. 14 of Section 13, in the Parish of Waitemata, in the County of Eden:
2. All that allotment or parcel of land situated in the Parish of Titirangi, in the County-of-Eden, being No. 87:
3. All those allotments or parcels of land situated in the Suburbs of Auckland, in the Parish of Waitemata, in the County of Eden, being Nos. 93, 118, 119, 122, and 123 of Section 10.

All which lands are in the Provincial District of Auckland, and are comprised in Crown grants dated respectively the 15th day of October, 1850, the 31st day of August, 1850, the 19th day of June, 1852, and the 22nd day of June, 1854, whereby such lands were granted to the Superintendent of the Wesleyan Mission in New Zealand to be held by him and his successors, in trust nevertheless, and for the use and towards the support and maintenance of the school or institution therein mentioned, so long as religious education, industrial training, and instruction in the English language should be given to youth educated therein or maintained thereat.

THIRD SCHEDULE

1. All that piece or parcel of land situated at Aotea, in the Parish of Aotea, in the County of Rutland, in the Provincial District of Auckland, and being Allotment No. 1 on the plan of the said parish, comprised in a Crown grant dated the 28th day of June, 1859, whereby the same was granted to Thomas Buddle, his heirs and assigns, upon trust for the site and endowment of a school for the education of aboriginal Natives and half-castes of New Zealand in connection with the religious society denominated Wesleyan Methodists.
2. And all that piece or parcel of land situated at Kawhia, being Lot 1, in the Parish of Waiharakeke, in the County of Grey, in the Provincial District of Auckland, and bounded as described in a Crown grant dated the 21st day of July, 1859, whereby the said land was granted to Thomas Buddle, his heirs and assigns, upon trust for the

site and endowment of a school for the education of aboriginal Natives and half-castes of New Zealand in connection with the religious society denominated Wesleyan Methodists.

FOURTH SCHEDULE

THE METHODIST CHARITABLE AND EDUCATIONAL TRUSTS ACT, 1911.

Declaration of the President of the Conference of the Methodist Church of Australasia in New Zealand as to Election of Members of the Board of Wesley Training College.

I, the undersigned, President for the time being of the Conference of the Methodist Church of Australasia in New Zealand, do hereby certify and declare that at a session of the Conference of the said Church held at On the Day of

(Here insert name or names, residence, and occupation of member or members now elected)

was (were) duly elected a member (members) of the above-named Board, and that the following persons are now the members of the said Board:

(Here insert names, residences, and occupations of all members of the Board.)

Dated this Day of, 19


Signed:

President
of the Conference of the
Methodist Church of Australasia

Countersigned:

Secretary
in New Zealand

- See also Amendment Acts 1914 (Appendix C-7A), 1971 (Appendix C-7B), and 1976 (Appendix C-7C), and 1988 (Appendix C-7D).



Appendix E-1A

Methodist Charitable and Education Trusts Amendment Act 1914

AN ACT to amend the Methodist Charitable and Educational Trusts Act, 1911.

WHEREAS by the Methodist Charitable and Educational Trusts Act, 1911, certain lands are vested in the Board of the Wesley Training College for the support and upkeep of an institution or school, subject nevertheless to the general control and superintendence of the Conference of the Methodist Church of Australasia in New Zealand (now the Conference of the Methodist Church of New Zealand): And whereas it is considered that the said Board will be better able to administer and fulfil the trusts expressed in the said Act if the powers therein given are more clearly defined, and if such further and additional powers be given as

hereinafter appear: and whereas, in particular, it is considered expedient that a certain area of land covered by native bush, being part of the said Board's property in the vicinity of Waikowhai Park, shall be reserved for use in connection with such park:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Methodist Charitable and Educational Trusts Act Amendment Act, 1914.
2. In this Act, if not inconsistent with the context, -
“The principal Act” means the Methodist Charitable and Educational Trusts Act, 1911:
“The Board” means the Board of the Wesley Training College constituted by the principal Act:
“The Conference” means the Conference of the Methodist Church of New Zealand.
3. Section twenty-five of the principal Act is hereby

amended by adding the words “in the opinion of the Conference” after the word “when” in the second line.

4. The proviso to section twenty-eight of the principal Act is hereby amended by the addition of the following words: “or be expended in making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale-money has been derived; and the power to sell shall be deemed to be a power to sell either for cash or on such terms and conditions as the Board shall deem advisable”.

5. Subject to the approval of the Conference being obtained in every case, the Board shall have and may exercise these further powers, viz:-

(a) Power to mortgage any part or parts of its land:

Provided, however, that such power shall be exercised only for the purposes and in the manner hereinafter mentioned, that is to say:-

(i) To pay the purchase-money or any part thereof for land acquired or to be acquired by purchase, or any money by way of equality of exchange payable for land acquired or to be acquired by exchange, by mortgaging the land so acquired or any other land held on the same trusts.

(ii) To borrow money to be expended in carrying out such works as the Board is authorised by sections twenty-three and twenty-five of the principal Act to carry out and effect, or in otherwise effecting improvements to the Board’s lands or any part thereof, but so that the money borrowed shall be expended upon the land mortgaged or upon other land held on the same trusts.

(iii) To pay off any existing mortgage effected over any part or parts of the Board’s lands by mortgaging such land or any other land held on the same trusts.

(b) Power to exchange any part or parts of its lands for other freehold land in New Zealand, to be held on the same trusts as the land exchanged, and to pay or receive money as equality of exchange, but so that money received as such equality of exchange shall be expended only in the manner provided for the disposal of net proceeds of sales.

(c) Power to lease any part or parts of its lands for any term not exceeding twenty-one years,

or, if leased for building purposes, for any term not exceeding sixty years. Every such lease shall take effect in possession or within six calendar months from the date thereof, and shall reserve such rent and contain such covenants and provisions as the Board may deem reasonable. This power is in addition to the powers given by section twenty-two of the principal Act.

6. Notwithstanding anything contained in the principal Act or in this Act, any sanction, approval, or consent required or authorized by the principal Act or by this Act to be given by the Conference may be given either by the Conference itself or by any person, body, or committee authorized by the Conference either generally or expressly in that behalf.

7. It shall not be incumbent upon any purchaser, vendor, mortgagee, lessee, or other person to or with whom any such sale, exchange, purchase, mortgage, or lease as aforesaid shall be made under the principal Act or this Act to inquire as to the authority or power in any respect of the Board to make any such sale, exchange, purchase, mortgage or lease; and in particular it shall not be incumbent upon any such person to inquire whether the proposed dealing is consistent with the trusts on which the lands or other hereditaments proposed to be dealt with are held, or whether the authority of the Conference, or any person, body, or committee authorized by it, has been given when required by the principal Act or by this Act, or to inquire otherwise as to the propriety or regularity of the transaction, or as to the application of any money received by the Board upon any such sale, exchange, or mortgage.

8. The Board shall have power, subject to the approval of the Conference, to lease that area of land described in the Schedule hereto, and hereinafter called “the reserve”, to the Mount Roskill Road Board for use in connection with Waikowhai Park for a term of fifty years at a nominal rental. Upon the execution of the said lease the reserve shall be deemed for the said term of fifty years to form part of the Waikowhai Park and to be subject, mutatis mutandis, to the provisions of the Waikowhai Park Act, 1911.

9. The Mount Roskill road Board, its successors or assigns, is or are hereby empowered to take on lease as aforesaid and hold the reserve for a term of fifty years, and to pay therefor to the Board, its successors or assigns, such nominal rent as may be agreed upon, and also out of ordinary revenue to expend money in improving and maintaining the

reserve for the benefit of the public in connection with Waikowhai Park.

SCHEDULE

All that piece of land in the Provincial District of Auckland, containing 12 acres 2 roods 12 perches, more or less, being part of Allotment 14 of Section 13 of the Suburbs of Auckland; as shown on a plan deposited in a Survey Office at Auckland under Number 17687.

Appendix E-1B

Methodist Charitable and Educational Trusts Amendment Act 1971

AN ACT to amend the Methodist Charitable and Educational Trusts Act 1911.

WHEREAS the Board of the Wesley Training College is a body corporate established by the Methodist Charitable and Educational Trusts Act 1911 for the purposes of administering property for the support and upkeep of an institution or school, subject nevertheless to the general control and superintendence of what is now the Conference of the Methodist Church of New Zealand: And whereas under section 28 of the Act (as amended by section 4 of the Methodist Charitable and Educational Trusts Act Amendment Act 1914) the Board, with the prior sanction of a resolution passed by the Conference, may sell by way of auction or by public tender certain land held by it but must expend the net proceeds of any such sale in the purchase of other land or in making permanent improvements to or upon land held by the Board upon the same trusts as that from which the sale-money has been derived: And whereas it is desirable and expedient that the Board should have a general power of sale in respect of all or any part of the land held by it and should not be limited to sales by way of auction and public tender: and whereas it is desirable that the Board should be authorised to invest the net proceeds of the sale of any such land in any mode of investment authorised by the law of New Zealand for the investment of trust funds and certain other modes of investment as hereinafter provided: and whereas the Board is required, by section 19 of the Act, to keep full and accurate accounts to be made up to the last day of December

in each year and to present, at a meeting of the Board to be held in the last week of January in each year, a statement of such accounts signed by the auditors of the Board, together with other reports: And whereas the Board desires to alter the requirements of section 19 so that it may make up its accounts and compile its reports as at the 31st day of January in each year and present the reports and the audited accounts at a meeting of the Board to be held within 3 months after the 31st day of January in each year: And whereas the Board of the Wesley Training College has unanimously resolved that legislation be promoted to enable the objects of this Act to be attained: And whereas those objects have the approval of the Conference of the Methodist Church of New Zealand:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Methodist Charitable and Educational Trusts Amendment Act 1971, and shall be read together with and deemed part of the Methodist Charitable and Educational Trusts Act 1911 (hereinafter referred to as the Principal Act).
2. Section 2 of the principal Act is hereby amended by omitting from the definition of the term "The Conference" the words "Australasia in".
3. Section 19 of the principal Act is hereby amended –
 - (a) By omitting the words "in the month of January", and substituting the words "within 3 months after the 31st day of January":
 - (b) By omitting the words "last day of December preceding", and substituting the words "31st day of January":
 - (c) By omitting the words "in the last week" and

substituting the words “within 3 months after the 31st day”.

4. (1) The principal Act is hereby further amended by repealing section 28 (as amended by section 4 of the Methodist Charitable and Educational Trusts Act Amendment Act 1914), and

substituting the following Section:

- 28 (1) Notwithstanding anything hereinbefore contained, the Board, with the prior sanction of a resolution passed by the Conference, may sell, in such manner and on such terms as it thinks fit, any part or parts of any land held by it under any trust imposed on it by this or any other enactment or any instrument.
- (2) Where any land is sold pursuant to subsection (1) of this section, the net proceeds of the sale shall be -
- (a) Expended in the purchase of acquisition in the name of the Board of other land in New Zealand or in making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale-money has been derived including any buildings or other improvements on any such land or in the execution of any works connected with the subdivision, development, improvement, or maintenance of any such land held by the Board including (without in any way limiting the generality of the foregoing) the construction, alteration, repair, renovation, demolition, or reconstruction of or addition to any buildings or other improvements erected or intended to be erected thereon; or
- (b) Invested in the name of the Board in any investments authorised by section 30 of this Act:

Provided that all land so purchased and any such investments shall

be held by the Board on the same trusts that affected the land sold.

- (3) Nothing in this section shall authorise the sale of any land held by the Board in trust for any particular purpose, if the sale of the land is prohibited by the instrument creating the trust.”
- (2) Section 4 of the Methodist Charitable and Educational Trusts Act Amendment Act 1914 is hereby repealed.
5. The principal Act is hereby amended by repealing section 30, and substituting the following sections:
- 30 (1) All money held by the Board for and on behalf of the said institution and which they may think proper to invest shall be invested in the name of the Board in all or any of the following modes of investment:
- (a) In investments authorised for the investment of trust funds by the provisions of Part II of the Trustee Act 1956:
- (b) In the securities of any company, whether incorporated in New Zealand or elsewhere, which are officially listed on a registered exchange’s market (within the meaning of section 2(1) of the Securities Markets Act 1988) and which comprise -
- (i) Ordinary or preference shares, stock, or debentures (including debenture stock and bonds and whether constituting a charge on assets or not); or
- (ii) Secured or unsecured notes, whether registered or unregistered, and whether conveying the right of conversion to shares or not - but excluding -
- (iii) Any shares, stock, debentures or notes, not fully paid up, except such as are, by the terms of issue, required to be fully paid up within 12 months of the date of issue; and
- (iv) Any notes, or any debentures, under or in respect of which any liability to make further advances or payments will remain after the expiration of

- 12 months from the date of acquisition.
- (2) An investment under paragraph (b) of subsection (1) of this section shall not be made in the securities of any company –
 - (a) Unless the company has a paid-up share capital of \$1,000,000 or more; and
 - (b) If the company has not paid a dividend of at least 5 percent, in each complete financial year of the company the last day of which occurred within 5 years before the date of the investment, on all ordinary stock and shares issued by the company, excluding (in respect of the financial year of issue) any stock or shares issued in that financial year after the dividend was declared and any stock or shares on which (in terms of their issue) no dividend or dividends of less than 5 percent are payable in the financial year.
 - (3) For the purposes of paragraph (b) of subsection (2) of this section, a company formed to take over the whole of the business of another company or other companies shall be deemed to have paid the requisite dividend in any financial year, if such a dividend was paid by each such other company in each financial year of that company any part of which fell within the relevant financial year of the company taking over the business.
 - (4) Before making any investment pursuant to paragraph (b) of subsection (1) of this section, the Board shall first obtain and consider proper advice in writing as to the suitability of the proposed investment from a person –
 - (a) Who is reasonably believed by the Board to be qualified by his ability in and practical experience of financial matters, and
 - (b) Who is not a member of the Board, or an officer or employee of the Board or of the company in which it is proposed to make such investment.
 - (5) The Board shall have power to exercise all of the options and other rights to which the Board may become entitled as the holder of any ordinary or preference shares, stock, debentures, or notes and

to sell, exchange, vary, or transpose any investments from time to time held by the Board.

- (6) Nothing contained or implied in this section shall authorise the investment of any part of the said money in the shares or other securities of any company whose business and objects, in the judgment of the Board, conflict with the general rules and usage of the Methodist Church of New Zealand and which are likely to bring reproach upon the Church.

“30A. The income from investments authorised under section 30 of this Act shall be available and be used in aid of the said institution and otherwise in the administration of the trusts and purposes aforesaid, but upon or for no other trust or purpose”.

6. This Act is hereby declared to be a private Act.

Appendix E-1C

Methodist Charitable and Educational Trusts Amendment Act 1976

AN ACT to amend the Methodist Charitable and Educational Trusts Act 1911.

WHEREAS the Board of the Wesley Training College is a body corporate established by the Methodist Charitable and Educational Trusts Act 1911 for the purposes of administering property for the support and upkeep of an institution of school subject nevertheless to the general control and superintendence of what is now the Conference of the Methodist Church of New Zealand: And whereas the Board in fact administers property for the support and upkeep of an institution: And whereas the Board wishes to enter into an integration agreement affecting a part of the institution: And whereas the Board is empowered generally pursuant to the provisions of section 7 (3) of the Private Schools Conditional Integration Act 1975, to enter into an agreement but it is desirable and expedient that the Board should be so specifically empowered: And whereas it has been necessary to restate the special character of the institution and the enrolment policy of the Board for the purposes of an integration agreement: And whereas in terms of an integration agreement there will be established a body to be called the Board of Governors of Wesley College and it is desirable, in order to avoid future confusion of identity between that Board of Governors and the Board, that the name of the Board be changed: And whereas as a result of an integration agreement it appears desirable that sections 31, 32, and 33 of the Methodist Charitable and Educational Trusts Act 1911 be amended and that a new section 17A be added: And whereas it is desirable and expedient that the Board should have an extended power of investment: And whereas the Board of the Wesley Training College has resolved unanimously that legislation be promoted to enable the objects of this Act to be attained: And whereas those objects have the approval of the Conference:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Methodist Charitable and Educational Trusts Amendment Act 1976 and shall be read together with and deemed part of the

Methodist Charitable and Educational Trusts Act 1911 (hereinafter referred to as "the principal Act").

2. In this Act, unless the context otherwise requires, -

"Agreement" or "integration agreement" means an integration agreement made pursuant to the provisions of the Private Schools Conditional Integration Act 1975:

"Board" means the Wesley College Trust Board described in section 3 (1) of this Act:

"Conference" means the Conference of the Methodist Church of New Zealand:

"Institution" means that institution administered by the Board.

3. (1) As from the date on which this Act comes into force the body corporate constituted under section 3 of the principal Act as the Board of the Wesley Training College shall be called Wesley College Trust Board.
(2) All real and personal property whatever held by the Board under its former name is hereby vested without conveyance, transfer, or assignment in the Board under its changed name, subject to all debts, liabilities, encumbrances, charges, liens, and interests (if any) affecting the same. The Board under its changed name shall hold the said real and personal property for the same estate or interest and upon the same trusts and the same functions, rights, powers, duties, and obligations as it held such property under its former name.
(3) The change of name of the Board shall not affect any powers, rights, interests, securities, investments, or obligations of the Board, or render defective any legal proceedings by or against the Board.
(4) On application by the Board under its changed name under seal on such instruments or forms as the Registrar shall approve relating to any estate or interest in any land held by the Board under its former name immediately before the passing of this Act, the Registrar shall record the change of name on all the relevant registers and titles and shall do all other things as are necessary to give effect to this Act:

Provided that it shall not be necessary to

record the change of name against any outstanding duplicate of title.

4. The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. The Board may also delegate and agree to delegate all or any of its powers, duties, and responsibilities in accordance with the provisions of any integration agreement that may be entered into by the Board.”

5. The principal Act is hereby amended by inserting, after section 28 (as substituted by section 4 (1) of the Methodist Charitable and Educational Trusts Amendment Act 1971), the following section:

“28A. The Board shall have power to enter into an integration agreement in respect of such part or parts of the institution and upon such terms as it thinks fit and shall also have power to enter into supplementary agreements varying the terms of that integration agreement.”

6. Section 30 of the principal Act (as substituted by section 5 of the Methodist Charitable and Educational Trusts Amendment Act 1971) is hereby amended by adding to subsection (1) the following paragraph:

“(c) On deposit with any Trust, Association, or Savings Society established by or with the consent of the Conference.”

7. The principal Act is hereby amended by repealing section 31, and substituting the following section:

“31. (1) The Trusts and purposes upon and for which the said land described in the first three schedules of this Act are and shall be held, and upon and for which the said new site when acquired and any other lands and assets now, previously or hereafter acquired by the Board for the purposes of this Act and so as to be subject thereto shall be held, are and shall be the support and upkeep of the institution as a multi-racial boarding school or as a multi-racial combined day and boarding school catering especially for the maintenance and education of as many Māori pupils and of as many disadvantaged pupils (whether orphan, needy, or otherwise disadvantaged and whether male or female) as the Board shall consider proper and expedient:

“Provided that selection of applicants for admission either as a pupil of the institution or as a boarder at any hostel

provided at the institution, and the term during which they may enjoy the benefits thereof, shall be at the discretion of the Board.”

- (2) Moderate and reasonable fees may be charged and taken in cases where there is ability on the part of parents or guardians to pay the same, and the amount of such fees shall be determined in each case by the Board.
- (3) The trusts and purposes severally expressed in the said Crown grants are hereby modified and assimilated accordingly:

“Provided always that if the Board shall have entered into an integration agreement the eligibility of pupils for enrolment at the school forming part of the institution and the right of the Board to charge dues for attendance at the school shall be determined in accordance with that integration agreement.

- (4) The Registrar of Deeds or the District Land Registrar as the case may be shall do all such things as are necessary to give effect to this section.”

8. The principal Act is hereby amended by repealing section 32, and substituting the following section:

“32. (1) The course of instruction provided at the institution shall be in accordance with the curricula and syllabuses prescribed by the Education Act 1964 and regulations made thereunder:

“Provided that the general school programme of the institution shall reflect the special character of the institution as it may be established from time to time.

- (2) If the Board enters into an integration agreement the special character shall be that described in that integration agreement.
- (3) As part of such special character the Board shall ensure that religious observances and religious instruction are provided at the institution in such form and in such manner as shall be approved and directed by the Conference.”

9. Section 33 of the principal Act is hereby amended by adding the following proviso:

“Provided that from and after the date of any

integration agreement entered into by the Board the principal or director and all other staff of the school forming part of the institution shall be appointed in the manner prescribed by that integration agreement or by the Private Schools Conditional Integration Act 1975 should that manner of appointment be different or in conflict

with the foregoing provisions of this section, but in the absence of any such difference or conflict then in accordance with the foregoing provisions of this section.”

10. This Act is hereby declared to be a private Act.

Appendix E-1D

Methodist Charitable and Educational Trusts Amendment Act 1988 003

14th May 1988

AN ACT to amend the Methodist Charitable and Educational Trusts Act 1911.

WHEREAS what is now the Wesley College Trust Board is a body corporate established by the Methodist Charitable and Educational Trusts Act 1911 for the purposes of administering property for the support and upkeep of an institution or school, subject nevertheless to the general control and superintendence of what is now the Conference of the Methodist Church of New Zealand: And whereas the Board with the consent of the Conference wishes to have wider powers of investment than it currently has and has resolved unanimously that legislation be promoted to enable the objects of this Act to be attained: And whereas the objects of the Bill cannot be attained otherwise than by legislation: And whereas those objects have the approval of the Conference:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. This act may be cited as the Methodist Charitable and Educational Trusts Amendment Act 1988, and shall be read together with and deemed part of the Methodist Charitable and Educational Trusts Act 1911 (hereinafter referred to as the principal Act).
2. (1) The principal Act is hereby amended by repealing section 30 (as substituted by

section 5 of the Methodist Charitable and Educational Trusts Amendment Act 1971), and substituting the following section:

30. (1) All money held by the Board for and on behalf of the said institution and which it may think proper to invest shall be invested in the name of the Board in all or any of the following modes of investment:
 - (a) In investments authorised for the investment of trust funds by the provisions of Part II of the Trustee Act 1956:
 - (b) On deposit with any Trust, Association, Board, Provident Society, or Savings Society established by or with the consent of the Conference, or in such interest or interests in real of personal property, securities, or other investments as the Conference may from time to time authorise:
 - (c) On first mortgage of the interest of the lessee under any lease in perpetuity or lease with the right of perpetual renewal, or any other leased for an unexpired term (including any right of renewal thereof) in excess of 21 years of any land where all conditions of improvement required under the lease have been complied with, and the lease is not liable to forfeiture in respect of default in complying with the aforesaid conditions and the lessee is entitled under such lease to compensation of adequate

protection in respect of all improvements on the land which are made by the lessee or in which the lessee has any interest:

- (d) In contributory first mortgage of land or any interest therein either directly in its own name or through a nominee provided that the total amount secured by any such mortgage shall not exceed two-thirds of the value of the property against which such mortgage is secured as certified by a registered valuer:
- (e) In Commercial Bills drawn on or accepted or endorsed by any bank registered under the Reserve Bank of New Zealand Act 1964, or by any company that is party to a listing agreement with a registered exchange (within the meaning of section 2(1) of the Securities Markets Act 1988):
- (f) In the securities of any company whether incorporated in New Zealand or elsewhere, which are In Commercial Bills drawn on or accepted or endorsed by any bank registered under the Reserve Bank of New Zealand Act 1964, or by any company that is party to a listing agreement with a registered exchange (within the meaning of section 2(1) of the Securities Markets Act 1988), and which comprise –
 - (i) Ordinary or preference shares, stock, or debentures (including debenture stock and bonds and whether constituting a charge on assets or not); or
 - (ii) Secured or unsecured notes, whether registered or unregistered, and whether conveying the right of conversion to shares or not; but excluding –
 - (iii) Any shares, stock, debentures, or notes, not fully paid up, except such as are, by the terms of issue, required to be fully paid up within 12 months of the date of issue; and
 - (iv) Any notes, or any debentures,

under or in respect of which any liability to make further advances or payments will remain after the expiration of 12 months from the date of acquisition.

- (2) An investment under paragraph (f) of subsection (1) of this section shall not be made in the securities of any company –
 - (a) Unless the company has a paid-up share capital of \$1,000,000 or more, and
 - (b) If the company has not paid a dividend of at least 5 percent, in each complete financial year of the company the last day of which occurred within 5 years before the date of the investment, on all ordinary stock and shares issued by the company, excluding (in respect of the financial year of issue) any stock or shares issued in that financial year after the dividend was declared and any stock or shares on which (in terms of their issue) no dividends of less than 5 percent are payable in the financial year.
- (3) For the purposes of paragraph (b) of subsection (2) of this section, a company formed to take over the whole of the business of another company or other companies shall be deemed to have paid the requisite dividend in any financial year, if such a dividend was paid by each such other company in each financial year of that company any part of which fell within the relevant financial year of the company taking over the business.
- (4) Before making any investment pursuant to paragraph (f) of subsection (1) of this section, the Board shall first obtain and consider proper advice in writing as to the suitability of the proposed investment from a person –
 - (a) Who is reasonably believed by the Board to be qualified by his ability in and practical experience of financial matters; and
 - (b) Who is not a member of the Board, or an officer or employee of the Board or of the company in which it is proposed to make such investment.
- (5) The Board shall have power to exercise all of the options and other rights to

which the Board may become entitled as the holder of any ordinary or preference shares, stock, debentures, or notes, and to sell, exchange, vary, or transpose any investments, from time to time held by the Board.

- (6) Nothing contained or implied in this section shall authorise the investment of any part of the said money in the shares or other securities of any company

whose business and objects, in the judgment of the Board, conflict with the general rules and usage of the Methodist Church of New Zealand and which are likely to bring reproach upon the church.

- (2) Section 6 of the Methodist Charitable and Educational Trusts Amendment Act 1976 is hereby consequentially repealed.
3. This Act is hereby declared to be a private Act.

Appendix E-2

Wellington Methodist Charitable and Educational Trusts Act 1916

Local No. 13 (Local and Personal)

7th August 1916

AN ACT to incorporate and confer certain Powers on the Trustees of the Wellington Methodist Charitable and Educational Endowments.

WHEREAS the pieces or parcels of land described in the First Schedule hereto were granted by the Crown to the persons named, and have been held upon the trusts and for the purposes expressed in the said First Schedule: And whereas the said trusts have been administered by the trustees thereof under the general supervision of the authorities from time to time (now the Conference) of what is now called or known as the Methodist Church of New Zealand: And whereas it is considered that the general efficiency of administration of the trusts will be increased, and the endowments of the trusts turned to better account, if such provisions are made concerning the premises as are hereinafter set forth:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Wellington Methodist

Charitable and Educational Trusts Act, 1916.

2. In the construction of this Act, unless the context shall otherwise require, -

“The Conference” means the Conference of the Methodist Church of New Zealand:

“The Board” means the Board constituted by this Act.

3. (1) The present trustees of the said lands (now incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, under the name of “The Wellington Methodist Educational Trust Board”), and all new members appointed to the Board, whether by way of succession or addition, shall be and are hereby constituted a body corporate under the name of “The Board of the Wellington Methodist Charitable and Educational Endowments”, having a perpetual succession and a common seal, and capable in law for the purposes of the trusts to be administered by them and of this Act of doing and suffering all such things as corporate bodies may do and suffer, and with power to take and hold lands subject to the provisions of this Act.
- (2) The present trustees hereby constituted members of the Board are the persons following- that is to say, William James Harland, accountant; John Kershaw, foreman gasfitter; William Clement Hemery, accountant; Robert Hosie, watchmaker; George Tiller, settler; Ernest William Abraham Kellow, accountant; William Wallace Moxham, factory-manager; William Edwin Redstone, insurance agent; James

Kellow, accountant; James Gates Chapman,
Methodist minister: all of Wellington.

4. The Conference may annually appoint some person (whether a member of the Board or not) as Chairman of the Board, who, if not already a member shall be ex officio a member of the Board. Any one so appointed shall be eligible for reappointment, but if not otherwise a member of the Board shall cease to be a member upon ceasing to be Chairman. In the event of the Conference not appointing a Chairman, the Board shall appoint one from their number.
5. The Chairman shall preside at all meetings of the Board at which he is present. If and while by reason of death or other reason there is no Chairman, the members of the Board may appoint one of their number to be acting-chairman, who shall preside at all meetings at which he is present, and shall have the same powers as if he were Chairman of the Board. If at any such meeting such Chairman or acting-chairman be not present at the time appointed for holding the same, the members present may choose one of their number to be chairman of such meeting, and the member so chosen shall have the same powers at that meeting as if he were Chairman of the Board.
6. The Board may from time to time consist of any number of members, not exceeding fifteen and not less than eight, including the Chairman.
7.
 - (1) All members of the Board hereafter appointed (whether by way of succession or addition) shall be appointed by resolution of the Conference on the nomination of the trustees.
 - (2) If the number of existing members is reduced below eight, and the Board shall fail to nominate a person or persons eligible to be a member or members, the Conference shall have power to appoint a member or members without the nomination of the Board. No person shall be eligible to become or act as a member of the Board who is not an adherent of the Methodist Church of New Zealand.
8. Upon the appointment of a new member or members the President of the Conference shall make a declaration in or to the effect of the form in the Second Schedule hereto, countersigned by the Secretary of the Conference, stating the name or names of the person or persons so appointed; and every such declaration shall be exempt from stamp duty, and without payment of any fee, shall be filed on record in the office of the Registrar of the Supreme Court, at Wellington, within sixty days after such declaration shall have been made, and when so filed shall be conclusive evidence of the matters and things therein stated without proof of any signature thereto.
9. A copy of any such declaration, certified under the hand and seal of the Registrar of the Supreme Court, at Wellington, shall be evidence in all Courts and for all other purposes of the matters and things stated therein, without any proof of the seal or signature of such Registrar.
10. The office of a member of the Board shall become or be vacant in each or any of the following cases, in addition to death, that is to say:-
 - (a) If the member resigns by notice in writing under his hand;
 - (b) If he refuses to act further;
 - (c) If he ceases to be an adherent of the said Methodist Church, or if he removes to an inconvenient distance from the Board's office – the Board shall be the sole judges of these facts;
 - (d) If he becomes a bankrupt;
 - (e) If he becomes incapacitated to act by reason of lunacy or otherwise;
 - (f) If he is absent without leave from four successive meetings of the Board;and if in each or any such case a resolution is passed by the Board at a meeting thereof declaring the office of such member vacant.
11. Every vacancy occurring in the membership of the Board shall be forthwith reported to the Secretary of the Conference.
12. The Board shall have an office at such place as they shall from time to time fix, and any notice to or legal process against the Board shall be deemed to be duly served if left at such office. Notice of the situation of such office and of any change in its situation shall be published in the Gazette.
13. The members of the Board may meet together for the despatch of business, adjourn, or otherwise regulate their meetings and proceedings as they may think fit. The quorum of a meeting shall be six.
14. Questions arising at any meeting of the Board shall be determined by a majority of votes, and in case of equality of votes the Chairman presiding shall have a second or casting vote.
15. A meeting of the members of the Board for the time being at which a quorum is present shall be competent to exercise all or any of the powers,

authorities, and discretions for the time being vested in the Board.

16. The Chairman or acting-chairman may at any time, and the Secretary of the Board shall upon the requisition in writing of any three members, summon a meeting of the Board. Five clear days' notice of every meeting shall be sent by post to each member who is for the time being in New Zealand. The day of posting the notice shall not be reckoned in the five days.
17. The members of the Board may delegate any of their powers to committees consisting of such member or members of their body as they shall think fit. Any committee so appointed shall in the exercise of its powers conform to any directions given from time to time by the Board.
18. The Board shall have power from time to time to make by-laws for the governance of the committees, or with respect to the general management of any home, school, college or institution established and controlled by the Board, or with respect to any other matter under the control of the Board.
19. The Board shall keep, or cause to be kept, exact minutes of all their proceedings, and also full and accurate accounts of all their receipts and disbursements, liabilities, and engagements, and shall in the month of January in each year cause the said accounts to be made up to the last day of December in each year to be audited by one or more competent auditors. A statement of such accounts, signed by the auditor or auditors, together with a report of the year's working and operations of the Board in respect of the trust estate, shall be produced at a meeting of the Board to be held in the month of January in each year. Such statement and report, if and when adopted at such meeting, shall be signed by the Chairman, and a copy of each, certified by the Chairman, shall be forwarded to the Secretary of the Conference to be laid before the Conference at its next session.
20. The common seal of the Board shall be in the custody of the Board's Secretary, and all deeds and instruments executed under the common seal of the Board shall be executed at a meeting of the Board, and be authenticated by the signatures of the Chairman or acting-chairman and two of the members.
21. All the said lands described in the First Schedule hereto, and also all moneys now under the control of or invested by the trustees of the said lands, are hereby vested in, and shall be held by the Board, and shall continue to be used and administered

by the Board under the general control and superintendence of the Conference upon the trusts hereinafter mentioned.

22. The trusts and purposes upon and for which the said lands and moneys are and shall henceforth be held, and upon and for which any lands or moneys hereafter acquired by the Board for the purposes of this Act, and so as to be subject thereto, shall be held, are and shall be for the benefit, maintenance, or education of –
 - (a) Children and youth being descendants of the Native or Māori race of New Zealand;
 - (b) Orphan and needy children and youth of any other race being British subjects.

And the support and upkeep of any home, school, college, or institution which the Board may, with the sanction and approval of the Conference, acquire or establish for the purposes aforesaid or either of them; and the trusts and purposes expressed in the said Crown grants are hereby modified and assimilated accordingly; and the revenues derived or to be derived from the said lands, and from the said moneys or investment of moneys as aforesaid, shall be applied in aid of the said purposes and in the administration of the said trusts, and for no other trusts and purposes.

23. The selection of any children or youth being descendants of the Native race or Māori race of New Zealand, or orphan or needy children and youth of any other race being British subjects, to receive the benefits of the trusts and purposes on which the said lands and moneys are to be held as hereinbefore provided, or to be admitted to any home, school, college, or institution acquired or established by the Board for the purposes aforesaid, and the term for which they or either of them may enjoy the benefits, shall be at the discretion of the Board; and the Board may charge moderate and reasonable fees for maintenance and tuition in such home, school, college, or institution in cases where there is ability on the part of the parents or guardians (if any) to pay the same; the amount of such fees to be determined in each case by the Board.
24. The course of instruction, if undertaken by the Board in any home, school, college, or institution acquired or established by the Board, may include –
 - (a) A general course of instruction similar to that for the time being given in the public primary schools of the Dominion, and, for such scholars as are sufficiently advanced to receive it, a further general course of instruction similar to that for the time being

given in the continuation, technical, or high schools of the Dominion;

- (b) Industrial training, including (in addition to domestic work as adapted for boys and girls respectively) instruction and practice in one or more of the following groups of subjects:-
 - (i) Gardening, orchard-work, beekeeping, and poultry-management;
 - (ii) Agriculture, dairying, and feeding and treatment of stock;
 - (iii) Technical and mechanical trades and crafts;

And shall provide for such religious education as is approved and directed by the Conference.

- 25. All instructors, overseers, and general employees necessary for the working of any home, school, college, or institution shall be appointed by the Board.
- 26. The President of the Conference for the time being (or his duly appointed deputy) shall be the visitor or any home, school, college, or institution established by the Board, and shall have full power and authority to do all those things that pertain to visitors as often as to him shall seem meet.
- 27. In order to render the lands described in the First Schedule hereto, and any other lands the Board may hereafter acquire, productive of revenue in aid of the purposes and trusts herein provided, the Board shall have and may exercise in regard thereto all such powers of leasing as are set forth in the Public Bodies' Leases Act, 1908, and for that purpose the Board shall be deemed a leasing authority duly constituted under the said Act.
- 28. Subject to the approval of the Conference being obtained in every case, the Board shall have and may exercise these further powers, namely:-
 - (a) To sell by auction or public tender any part or parts of the lands described in the First Schedule hereto, and any other lands that may be acquired by the Board: Provided that the net proceeds to be derived from such sale or sales shall be expended in the purchase in the Board's name of other lands, which shall thereupon be vested in the Board, and be held, used, and administered by them, subject to the control and superintendence of the Conference, upon the trusts hereinbefore declared, or be expended in making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale-money has been derived; and the power to sell shall be

deemed to be a power to sell either for cash or on such terms and conditions as the Board shall deem advisable.

- (b) Power to mortgage any part or parts of its land: Provided that such power shall be exercised only for the purposes and in the manner hereinafter mentioned, that is to say:-
 - (i) To pay the purchase-money or any part thereof for land acquired or to be acquired by purchase, or any money by way of equality of exchange payable for land acquired or to be acquired by exchange, by mortgaging the land so acquired or any other land held on the same trusts:
 - (ii) To borrow money to be expended in the exercise of any of the powers of the Board conferred by this Act in relation to and in respect of any of the lands and property of the Board, or in otherwise effecting improvements to the Board's lands or any part thereof; but so that the money borrowed shall be expended upon the land mortgaged or upon other land held on the same trusts.
 - (iii) To pay off any existing mortgage effected over any part or parts of the Board's lands by mortgaging such land or any other land held on the same trusts.
- (c) Power to exchange any part or parts of its lands for other freehold land in New Zealand, to be held on the same trusts as the lands exchanged, and to pay or receive money as equality of exchange, but so that money received as such equality of exchange shall be expended only in the manner provided by this Act for the disposal of net proceeds of sale of land.
- (d) Power to lease any part or parts of its lands for any term not exceeding twenty-one years, or, if leased for building purposes, for any term not exceeding sixty years. Every such lease shall take effect in possession or within six calendar months from the date thereof, and shall reserve such rent and contain such covenants and provisions as the Board may deem reasonable. This power is in addition to the powers given by section twenty-seven hereof.

- 29. For the more beneficial exercise of the powers hereby conferred the Board shall have power from time to time to subdivide all or any of the lands vested in them into portions or allotments, and to lay off, make, form, and dedicate roads

and streets thereon, and to make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets.

30. The Board shall be competent to take and receive in its corporate name, either by way of gift inter vivos or by way of devise or bequest, any land, money, or other property either generally or for any specific purpose connected with the trusts of the said lands; and shall be competent and entitled to hold and administer such land, money, or other property upon the trusts of and for the purposes upon and for which the same was given, devised, or bequeathed, and upon and for no other trust or purpose; but the Conference may at any time by resolution require that such land, money, or other property (so far as the same is undisposed-of) shall be vested in trustees appointed by the Conference, to be nevertheless held by such trustees upon and for the same trusts and purposes; and the Board shall, upon such requisition, convey, transfer, and make over such land, money, or other property (so far as the same is undisposed-of) accordingly.
31. All moneys held by the Board for and on behalf of any purpose connected with the trusts herein declared and which the Board may think proper to invest shall be invested in the name of the Board in all or any such modes of investment for trust funds as are authorised by law, or may be used in aid of any home, school, college, or institution established by the Board, and otherwise in the administration of the trusts and purposes aforesaid, but upon and for no other trust or purpose.
32. If at any time it shall appear that the interests of any home, school, college, or institution established by the Board would be promoted by the acquisition of land under lease with or without the right of purchasing the reversionary freehold, the Board shall, with the sanction of the Conference, have power to acquire land upon and subject to such covenants and
33. conditions as shall be thought fit, and to provide for and pay the rent, and carry out all the other obligations of the lease:

Provided that the land so acquired shall be used in aid of and for the purposes of any such home, school, college, or institution established by the Board, and otherwise in the administration of the trusts and purposes aforesaid, and for no other purpose.
34. Any sanction, approval, or consent required or authorized by this Act to be given by the

Conference may be given either by the Conference itself or by any person, body, or committee authorized by the Conference, either generally or expressly in that behalf.

35. It shall not be incumbent upon any purchaser, vendor, mortgagee, or lessee, or other person to whom any such sale, exchange, purchase, mortgage, or lease as aforesaid shall be made under this Act, to inquire as to the authority or power in any respect of the Board to make such sale, exchange, purchase, mortgage, or lease; and, in particular, it shall not be incumbent upon any such person to inquire whether the proposed dealing is consistent with the trusts on which the lands or other hereditaments proposed to be dealt with are held, or whether the authority of the Conference or any person, body, or committee authorized by it has been given where required by this Act, or to inquire otherwise as to the propriety or regularity of the transaction, or as to the application of any money received by the Board on any such sale, exchange, lease, or mortgage.

SCHEDULE

FIRST SCHEDULE

1. All that parcel of land, containing 73 acres 1 rood 22 perches, more or less situated in the Town of Wellington, in New Zealand, being the land comprised in grant from the Crown to Reverend James Watkin, Superintendent of Wesleyan Missions, dated the 27th day of October, 1852, and registered in the Deeds Registry Office, at Wellington, under No. 3497, in trust for the use of and towards the maintenance of a school therein mentioned so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat; excepting thereout the land conveyed by deed of conveyance registered in the Deeds Registry Office, at Wellington, under No. 19466, and comprising 70 acres and 14 perches, more or less.
2. All that piece of land in the Provincial District of Wellington, containing 2 acres, more or less being the suburban sections numbered 42 and 43 on the plan of the Township of Foxton, in the Manawatu District: as the same is more fully described in grant from the Crown dated the 23rd day of November, 1868, to James Entwisle Watkin and others and registered in the Deeds Registry Office, at Wellington, under No. 10798.
3. All that piece of land in the Province of Wellington, containing 261 acres 1 rood 36 perches, more

or less being the suburban section numbered 81 and a part of the suburban section numbered 82 on the plan of the Motoa Block, in the Township of Foxton, in the Manawatu District: excepting always the public road, 100 links wide, running through the part of the said Section 82, the said land being the land comprised in grant from the Crown dated the 10th day of July, 1869, to James Entwisle Watkin and others, registered in the Deeds Register Office, at Wellington, under No. 10799.

SECOND SCHEDULE

The Wellington Methodist Charitable and Educational Trusts Act, 1916.

DECLARATION OF THE PRESIDENT OF THE CONFERENCE OF THE METHODIST CHURCH OF NEW ZEALAND AS TO ELECTION OF MEMBERS OF THE BOARD OF THE WELLINGTON CHARITABLE AND EDUCATIONAL ENDOWMENTS.

I, THE UNDERSIGNED, President for the time being of the Conference of the Methodist Church of New Zealand do hereby certify and declare that on the ... day

of 19 .. (Here insert name or names, residence, and occupation of member or members now elected), was (were) duly elected a member (members) of the above-named Board, and that the following persons are now the members of the said Board. (Here insert names, residences, and occupations of all members of the Board).

Dated this day of , 19

Signed:

President

Countersigned:

Secretary

of the Conference of the Methodist Church of New Zealand.

- See also amendment Act 1974 (Appendix E2-A).



Appendix E-2A

Wellington Methodist Charitable and Educational Trusts Amendment Act, 1974

AN ACT to amend the Wellington Methodist Charitable and Educational Trusts Act 1916.

WHEREAS the Board of the Wellington Methodist Charitable and Educational Endowments is a body corporate established by the Wellington Methodist Charitable and Educational Trusts Act 1916 for the purposes of administering property for the benefit, maintenance, or education of children and youth being descendants of the Māori race of New Zealand and orphan and needy children and youth of any other race being British subjects and for the support and upkeep

of any home, school, college, or institution subject nevertheless to the general control and superintendence of the Conference of the Methodist Church of New Zealand: And whereas under section 28 of the Act, the Board, with the approval of the Conference in every case, may sell by way of auction or public tender any land held by it but must expend the net proceeds of any such sale in the purchase in the Board's name of other land or in making permanent improvements to or upon other land held by the Board upon the same trusts as that from which the sale money had been derived: And whereas it is desirable and expedient that the Board should have a general power of sale in respect of all or any part of the lands held by it and should not be limited to sales by way of auction and public tender: And whereas it is desirable that the Board should be authorised to invest the net proceeds of the sale of any such land in any mode of investment authorised by the law of New Zealand for the investment of trust funds and certain other modes of investment as hereinafter provided: And whereas the Board is required, by section 19 of the Act, to keep full

and accurate accounts to be made up to the last day of December in each year and to produce, at a meeting of the Board, to be held in the month of January in each year, a statement of such accounts signed by the auditor of the Board together with a report of the year's operations: And whereas the Board desires to alter the requirements of section 19, so that it may make up its accounts and compile its report as at the last day of June in each year and present the report and the audited accounts at a meeting of the Board to be held within 3 months after the last day of June in each year: And whereas the Board has unanimously resolved that legislation be promoted to enable the objects of this Act to be attained: And whereas those objects have the approval of the Conference of the Methodist Church of New Zealand:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Wellington Methodist Charitable and Educational Trusts Amendment Act 1974, and shall be read together with and deemed part of the Wellington Methodist Charitable and Educational Trusts Act 1916 (hereinafter referred to as the principal Act).
2. Section 19 of the principal Act is hereby amended –
 - (a) By omitting the words “in the month of January” in both places where they occur, and substituting in each case the words “within 3 months after the last day of June”:
 - (b) By omitting the words “last day of December”, and substituting the words “last day of June”.
3. Section 28 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) To sell in such manner and on such terms as it thinks fit any part or parts of the land held by it under any trust imposed on it by this or any other enactment or any instrument:

Provided that the net proceeds of the sale shall be expended –

 - (i) In the purchase or acquisition in the name of the Board of any freehold, leasehold, or stratum estate in other land in New Zealand; or
 - (ii) In the purchase of acquisition jointly with any other trust or agency of the Methodist Church with the prior approval of the Conference of any freehold, leasehold, or stratum estate in other land in New Zealand; or

- (iii) In making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale money has been derived, including any buildings or other improvements on any such lands; or
- (iv) In the execution of any works connected with the subdivision, development, improvement, or maintenance of any such land held by the Board, including (without in any way limiting the generality of the foregoing) the construction, alteration, repair, renovation, demolition, or reconstruction of, or addition to, any buildings or other improvements erected or intended to be erected thereon; or
- (v) On deposit with any Trust, Association, or Savings Society established by or with the consent of the Methodist Conference; or
- (vi) In any investments, in the name of the Board, authorised by section 31 of this Act:

Provided also that all land so purchased and any such investments shall be held by the Board of the same trusts that affected the land sold:

Provided further that nothing in this section shall authorise the sale of any land held by the Board in trust for any particular purpose, if the sale of the land is prohibited by the instrument creating the trust.”

4. The principal Act is hereby further amended by repealing section 31, and substituting the following sections:

“31. (1) All money held by the Board which it decides to invest shall be invested in the name of the Board in all or any of the following modes of investment:

 - (a) In investments authorised for the investment of trust funds by the provisions of part II of the Trustee Act 1956:
 - (b) In the securities of any company, whether incorporated in New Zealand or elsewhere, which are officially listed on a registered exchange's market (within the meaning of section 2(1) of the Securities Markets Act 1988) and which comprise –
 - (i) Ordinary or preference

- shares, stock, or debentures (including debenture stock and bonds and whether constituting a charge on assets or not): or
- (ii) Secured or unsecured notes, whether registered or unregistered, and whether conveying the right of conversion to shares or not – but excluding –
 - (iii) Any shares, stock, debentures, or notes, not fully paid up, except such as are, by the terms of issue, required to be fully paid up within 12 months after the date of issue; and
 - (iv) Any notes, or any debentures, under or in respect of which any liability to make further advances or payments will remain after the expiration of 12 months after the date of acquisition.
- (2) An investment under paragraph (b) of subsection (1) of this section shall not be made in the securities of any company –
- (a) Unless the company has a paid-up share capital of \$1,000,000 or more; and
 - (b) If the company has not paid a dividend of at least 5 percent, in each complete financial year of the company the last day of which occurred within 5 years before the date of the investment, on all ordinary stock and shares issued by the company, excluding (in respect of the financial year of issue) any stock or shares issued in that financial year after the dividend was declared and any stock or shares on which (in terms of their issue) no dividend or dividends of less than 5 percent are payable in the financial year.
- (3) For the purposes of paragraph (b) of subsection (2) of this section, a company formed to take over the whole of the business of another company or other companies shall be deemed to have paid the requisite dividend in any financial year, if such a dividend was paid by each such other company in each financial year of that company any part of which fell within the relevant financial year of the company taking over the business.
- (4) Before making any investment pursuant to paragraph (b) of subsection (1) of this section, the Board shall first obtain and consider proper advice in writing as to the suitability of the proposed investment from a person –
- (a) Who is reasonably believed by the Board to be qualified by his ability in and practical experience of financial matters; and
 - (b) Who is not a member of the Board, or an officer or employee of the Board or of the company in which it is proposed to make such investment.
- (5) The Board shall have power to exercise all of the options and other rights to which the Board may become entitled as the holder of any ordinary or preference shares, stock, debentures, or notes and to sell, exchange, vary, or transpose any investments from time to time held by the Board.
- (6) Nothing contained or implied in this section shall authorise the investment of any part of the said money in the shares or other securities of any company whose business and objects, in the judgement of the Board, conflict with the general rules and usage of the Methodist Church of New Zealand and which are likely to bring reproach upon the Church.
- “31A. The income from investments authorised under section 31 of this Act shall be available and be used in aid of any home, school, college or institution established or supported with the sanction and approval of the Conference by the Board and in aid of the purposes declared in the principal Act and otherwise in the administration of the trusts and purposes aforesaid but upon and for no other trust or purpose.”
5. This Act is hereby declared to be a private Act.

32. Appendix E-3

(a) The Methodist Theological College

Deed of Trust

TO ALL TO WHOM THESE PRESENTS SHALL COME (hereinafter termed "The Trustees") SEND GREETINGS WHEREAS by a Resolution of the Conference of the Methodist Church of New Zealand held in the City of Auckland in the month of March, 1927, the Methodist Theological College Council was constituted for the purpose of administering the affairs of the Methodist Theological College at Auckland under the general superintendence and control of the said Conference and the Trustees were appointed members of the said Council AND WHEREAS all that piece of land being Lots 13 14 15 16 and 17 on a plan deposited in the Land Transfer Office at Auckland and Number 15537 of the subdivision of part of Allotment 20 of Section 3 of the Suburbs of Auckland and being part of the land comprised in Certificate of Title Volume 317 Folio 145 of the Register Book of the Land Transfer Office at Auckland is being acquired by and on behalf of the said Conference for the purpose of a site for the Methodist Theological College AND WHEREAS by a further resolution of the said Conference it was resolved that the members of the Methodist Theological College Council by virtue of their appointment as members of the said Council should be and they were appointed Trustees for the said site and the Estate or interest to be acquired therein and of any other land or interest in land or personal property whatsoever which may be acquired for the use and benefit of the Methodist Theological College AND WHEREAS the said Council was further empowered by such Resolutions to become incorporated under the provisions of "The Religious Charitable and Educational Trusts Act 1908" AND WHEREAS the trusts upon which such site as aforesaid and the interest to be acquired therein and any other land or other property as aforesaid are to be held are hereinafter set forth and by a further resolution of the said Conference have been approved AND WHEREAS the Trustees are desirous of giving effect to the aforesaid resolutions of the said Conference and of evidencing by this Deed the said Trusts NOW THESE PRESENTS WITNESS that the Trustees hereby declare:

1. That such site as aforesaid and the interest to be acquired therein and any other lands and property whatsoever to be hereafter vested in the

Trustees shall be held by the Trustees on behalf of the Conference of the Methodist Church of New Zealand (hereinafter termed "the Conference") UPON TRUST for the use and benefit of the Methodist Theological College carried on conducted and administered under the general control and superintendence of the Conference.

2. THE Trustees shall have power to expend any moneys available therefore in the erection of a Theological College Building and such other buildings in connection therewith as the Conference shall have approved or may from time to time hereafter approve and in the maintenance upkeep repair development and extension of the same.
3. The Trustees shall have power with the consent of the Conference to acquire by purchase gift or otherwise howsoever or to hold under lease any area of land for the benefit of or in conjunction with the said Theological College and with such prior consent to sell lease exchange or otherwise dispose of any land now or hereafter vested in them as aforesaid or any part thereof by public auction or private contract with power to buy in and resell.
4. The Trustees with the consent of the said Conference shall have power to raise any sums by way of Mortgage or charge of any lands vested in them or any part thereof or to let or demise any of the said lands for such period or term and at such rent and upon such conditions with or without a purchasing Clause either optional or compulsory as they shall think fit and also to dedicate roads or create easements in respect of any such land.
5. That when and so often as any Trustee shall die or be incapacitated from acting refuse to act or desire to retire from the trust or withdraw from or cease to be an adherent of the Methodist Church of New Zealand or shall remove to such a distance from the City of Auckland as shall in the opinion of the Methodist Theological College Council expressed by resolution of a majority of the Members of the Council and entered in its Minute Book render it inexpedient for him to continue as a Trustee such Trustee shall cease to be and act as Trustee. The Methodist Theological College Council may nominate for appointment by the Conference any new or additional Trustee but the Conference shall not be bound to accept such nomination PROVIDED FURTHER and it is hereby agreed

that the Conference shall have the power of appointment of any new or additional Trustee or Trustees notwithstanding the Methodist College Council may not have nominated such new or additional Trustee or Trustees.

6. The Trustees shall at any time when required or directed by the Conference transfer or assign the whole or any portion of any lands or other property vested in them under the Trusts hereof to Trustees to be nominated by the Conference to hold the same upon the trusts of "The Methodist Model Deed of New Zealand, 1887" and the said land shall upon such Transfer be thereafter held upon the trusts of "The Methodist Model Deed of New Zealand, 1887" within the meaning of "The Methodist Union Act 1913" anything herein contained or implied to the contrary notwithstanding.
7. A certificate under the hand of the President of the said Conference or the Minutes of the Conference containing an entry of any resolution of the Conference requiring such Transfer or assignment shall be conclusive evidence of such requirement or direction.
8. The Trustees shall have power with the consent of the Conference to apply for incorporation as a Board under "The Religious Charitable and Educational Trusts Act 1908".
9. Any sanction approval consent or direction or appointment of and by the Conference required in terms of this Declaration of Trust shall be sufficient if given or made by or on behalf of the Conference by the Committee of the Church Building and Loan Fund or other Committee exercising the functions of the Committee of the Church Building and Loan Fund appointed by the Conference. A Certificate under the hand of the President of the Conference for the time being that such sanction approval consent direction or appointment as the case may be has been given or made shall be conclusive evidence of the giving of such sanction approval consent or direction or of any such appointment by the Conference.
10. The resolutions of the Conference from time to time affecting the constitution of the Methodist Theological College Council or any regulation regarding the administration by the Council of the said Theological College shall be binding on the Trustees.
11. The term "Trustees" where used herein shall mean and include the successors of the Trustees or the Methodist Theological College Council to be incorporated as herein provided.

AMENDMENTS:

8. That the Methodist Theological College Council, a Board duly incorporated under the Religious Charitable and Educational Trusts Act, 1908, having acquired the fee simple of the site upon which stand Trinity Methodist Theological College, the Collegiate Church, and the Principal's and Tutor's residences, it is hereby confirmed that the trust upon which the said Council holds such site are those declared by deed of trust set out in the Minutes of Conference for the year 1927 on pages 94, 95 and 96, which declaration of trust was duly made by the Trustees constituting the Methodist Theological College Council before it was incorporated and thereafter deposited in the Supreme Court at Auckland.
9. That Paragraph No. 3 printed on page 86 of the Minutes of Conference for the year 1928 relating to the trusts upon which the College Site was to be held, be deleted as no longer applicable.

(see Minutes of Conference 1934, page 97)

Appendix E-4

Methodist Theological College Edson Trust Extension Act 1928

1928 No. 2 Private

19th September 1928

AN ACT to extend the Objects of a certain Trust created by the late John Edson, of the City of Auckland, Gentleman, primarily for the Acquisition of an Organ for the Methodist Theological College at Auckland.

WHEREAS by instrument of transfer bearing date the twenty-eighth day of May, nineteen hundred and eighteen, John Edson, late of the City of Auckland, gentleman (now deceased), transferred to the Guardian Trust and Executors Company of New Zealand Limited (hereinafter called "the company"), a number of shares in the capital of the South British Insurance Company, Limited: And whereas by deed of declaration of trust of even date therewith made between the said John Edson of the one part and the company of the other part it was declared that the company should hold a certain number of the said shares thereby set apart in trust to accumulate the income therefrom until there should be a sufficient sum to buy an organ for the Methodist Theological College at Auckland at about three hundred pounds, or such sum as should be agreed upon between the company and the Principal of such college, and that thereafter the said income should be applied to the maintenance, insurance, and preservation of such organ, and the purchase of music therefor, or accumulated as might be desired for the purchase of another or better instrument: And whereas since the creation of the said trust the said shares so set apart for the purposes aforesaid are by subdivision of capital now represented by certain other shares in the capital of the South British Insurance Company, Limited (in this Act hereinafter called "the Trust Fund"), the present value of which in the aggregate is considerably greater than that of the shares transferred and set apart as aforesaid: And whereas since the creation of the said trust the Conference of the Methodist Church of New Zealand has promoted and established a fund for the building of a theological college and hostel at the corner of Grafton Road and Carlton Gore Road, in the City of Auckland, which buildings are now in course of erection and

completion: And whereas, a two-manual pedal organ having been donated to the said college, it has become unnecessary, in the considered opinion of the Methodist Theological College Council, to devote other than part of the trust fund to the purposes contemplated and specified by the said John Edson: And whereas the said deed further provided that the company might at its discretion end the trusts thereby created, by transferring the said shares to such person or persons as the company might consider as having control of the said college and of the particular purposes for which the said trusts were created: And whereas the said college is administered by the Methodist Theological College Council, a Board duly incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, and acting under the control and superintendence of the Conference of the Methodist Church of New Zealand: And whereas the company, in pursuance of an order of the Supreme Court of New Zealand at Auckland approving the same, has paid over to the Council the accumulated income of the trust fund, which the Council has applied towards the cost of dismantling and re-erecting the organ donated as aforesaid in the building known as the Collegiate Church, re-erected for use in connection with the said Theological College, and of renovating and repairing such organ, and of installing an electric blowing plant and incidental thereto: And whereas power is sought by the Council, with the concurrence of the said Conference, for the trust fund to be paid and applied in manner hereinafter set forth, and such power, so far as it departs from the express provisions of the said deed of declaration of trust, is attainable only by legislation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Methodist Theological College Edson Trust Extension Act, 1928.
2. In this Act the term "the Council" shall mean and include the Methodist Theological College Council, or other authority for the time being administering the Methodist Theological College at Auckland.
3. The capital of the Trust Fund shall henceforth be held upon the trusts and applied for the purposes and in manner hereinafter set forth, that is to say, -
 - (a) Such portion (to be called "the New Organ Fund") of the Trust Fund as the Council shall consider necessary or desirable to set apart shall be set apart and appropriated for the acquisition of a new organ in the future when the Council shall consider it advisable

to acquire such new organ for the Methodist Theological College at Auckland:

Provided, however, that pending such acquisition of a new organ the income from the New Organ Fund, or such part of such income as the Council shall determine, may at the discretion of the Council be applied either in or towards the upkeep, repair, maintenance, and insurance of the organ donated as aforesaid, and in providing music therefor, or in accumulating the said income and any unexpended portion thereof as an accretion to the New Organ Fund:

- (b) The balance of the Trust Fund shall be applied in or towards the cost of erecting and furnishing a library in the Methodist Theological College at Auckland, and placing there a suitable tablet commemorating the gift of the said John Edson:

And the trusts declared by the said deed of declaration of trust of the twenty-eighth day of May, nineteen hundred and eighteen, are hereby extended and varied accordingly.

- 4. If and whenever it shall appear to the Council that the New Organ Fund provided under section three, paragraph (a), hereof has, with any accretions thereto, amounted in value to a sum in excess of what may be reasonably necessary for the objects therein specified, then the Council may, with the consent and concurrence of the Conference of the Methodist Church of New Zealand, apply any surplus of such fund, either as a whole or in part, to such other objects in connection with and for the benefit of the Methodist Theological College at Auckland as the Council may determine and the Conference shall approve.

The Guardian Trust and Executors Company of New Zealand, Limited, may at any time hereafter, upon the request of the Council, pay and transfer the Trust Fund to the Council, and thereupon the said company shall be discharged from all its obligations and duties arising thereout or in connection therewith.



The Methodist Church of New Zealand
Te Hāhi Weteriana o Aotearoa
