

THE DIOCESAN SYNOD ACT 1997

SHORT TITLE

1. The short title of this Act shall be "The Diocesan Synod Act 1997".

REPRESENTATIVE GOVERNING BODY

2. In accordance with the Constitution/Te Pouhere of the Anglican Church in Aotearoa, New Zealand and Polynesia, Part F Clause 5, the Diocesan Synod is the overall representative body in the Diocese of Polynesia.

COMPOSITION OF THE SYNOD

3. The Diocesan Synod ("the Synod") shall consist of
 - (a) The Bishop
 - (b) Any Assistant Bishop or Bishops
 - (c) The Archdeacons
 - (d) All clergy from each parish and parochial district
 - (e) Two lay persons from each parish and parochial district
 - (f) The clergy (if any) from each mission district
 - (g) One lay person from each mission district
 - (h) Any member or members of the clergy holding the licence of the Bishop to a position of a specialist nature approved as such by the Bishop with the consent of the Standing Committee
 - (i) Up to three other lay persons appointed by the Bishop with the consent of the Standing Committee
 - (j) The Chancellor of the Diocese, ex officio, with a right to speak and to vote.
 - (k) The Diocesan Secretary and the Diocesan Treasurer, ex officio, with a right to speak but not to vote.
 - (l) One representative of the Association of Anglican Women in the Diocese.
 - (m) The Diocesan Youth Co-ordinator.

4. DEFINITIONS

- 4.1 The term "clergy" means ordained ministers and deacons who hold the licence of the Bishop to any ministry or to any ecclesiastical office in the Diocese but does not include clergy holding a "permission to officiate".
- 4.2 The term "lay person" means every person of the age of sixteen years or upwards having been validly baptised and qualified to be a member of a vestry.

ELECTION

- 5.1 Lay members of Synod shall be elected biennially at an Annual Meeting of each parish and parochial district and remain in office until the next election; provided that where a vacancy occurs before any meeting of Synod a special meeting may be convened to fill such vacancy; and provided also that where the parish or district fails to elect a representative 30 days prior to the date fixed for the ensuing session of the Synod the Vestry shall fill the vacancy.
- 5.2 The lay member of Synod for each mission district shall be elected in such manner and at such time as the Bishop shall determine.

DATE OF SYNOD

6. The Synod shall meet to transact business at such date and place as shall be determined by the Bishop; provided that the period between Synods shall not exceed three years, unless so determined by the Bishop; and provided further, that such postponement shall not take place without the consent in writing of a majority both of the clerical and of the lay members of the Synod.

DECISIONS OF SYNOD

7. All decisions of the Synod shall be binding on the Church members subject to Synod until they are repealed in the same way as they are imposed, namely by the vote of the Synod.
8. The Diocesan Act 1927 and its amendments are repealed.

THE STANDING COMMITTEE ACT 2001

SHORT TITLE

1. The Short title of this Act shall be "The Standing Committee Act 2001".

MEMBERS

2. The Standing Committee of the Synod shall consist of
 - (a) the Bishop who shall be ex officio the President of the Standing Committee
 - (b) any Assistant Bishop or Bishops
 - (c) 1clerical and 1lay member of the Synod recommended by each Archdeaconry Council (except that in the case of the Archdeaconry of Suva the members shall be 2 lay members and 2 clerical members) and elected at Synod by their respective Orders
 - (d) two members appointed by the Bishop and
 - (e) the Diocesan Chancellor.

ELECTION

3. The clerical and lay members shall be elected at each session of Synod and shall hold office until the close of the session of the Synod next following their election.

QUORUM

4. No business shall be transacted at any meeting of the Committee unless the Bishop or the Vicar General and six other members shall be present, of whom at least three shall be lay members and at least three shall be clerical members.

MEETINGS

5. Meetings shall be convened by the Bishop and there shall be at least three meetings in any one year.

POWERS

6. The powers and authorities of the Standing Committee shall be:-
 - (a) To ensure that the Diocese is functioning on the basis of the covenants expressed in the Constitution/Te Pouhere of the Anglican Church in Aotearoa, New Zealand and Polynesia.
 - (b) To provide for the multi-cultural, multi-ethnic and multi-national nature of the Diocese.
 - (c) To manage such funds of the Diocese as are entrusted to it by the Synod, by the Church Trustees, by Church Members, or others for Church purposes.

- (d) To advise the Church Trustees regarding criteria and priorities for the disbursement of trust funds and to meet with the Trustees at least once a year.**
 - (e) To prepare business for the ensuing session of Synod.**
 - (f) To discharge any functions entrusted to it by the Statutes, Acts, or Resolutions of the General or Diocesan Synod.**
 - (g) To act as a Council of Advice to the Bishop, when required by the Bishop, in all questions affecting the welfare of the Church.**
 - (h) To obtain and circulate to Synod Members at least one month before each session of Synod for consideration by Synod, reports of finance and mission work, together with such other reports as are informative of the work in the Diocese.**
 - (i) To present to each session of Synod a full report of all its proceedings since election and to lay upon the table of Synod the Minute Book of its Proceedings.**
 - (j) To fill any vacancy of vacancies amongst the members in any Committee or Board appointed by Synod, when Synod is not in Session, caused by death, resignation or otherwise, such appointees to hold office until the ensuing session of Synod, provided that where a recommendation under clause 2[c] is not accepted by Synod or where a member elected under the sub-clause dies, resigns or otherwise the vacancy can only be filled with Synod members in consultation with the Archdeaconry Council.**
- 7. The Diocesan Secretary shall act under the orders of the Standing Committee.**
- 8. Every decision of the Standing Committee shall be assented to by the Bishop, and by a majority of each order present at the duly constituted meeting. Provided that the Bishop may declare a motion carried upon the voices unless a division shall be called for.**
- 9. The Standing Committee Act 1997 is hereby amended.**

THE CATHEDRAL ACT 2008

SHORT TITLE

1. The short title of this Act shall be "The Cathedral Act, 2008".

CONSTITUTION

2. The Cathedral Church of the Holy Trinity ("the Cathedral") in the City of Suva shall be the Cathedral Church of the Diocese of Polynesia and shall also be the Parish Church of the Cathedral District of Suva. The Incumbent of the Cathedral District shall have the style and office of Vicar of the Cathedral District.
3. The Diocesan Bishop of the Diocese shall be installed in the Cathedral by the Assistant Diocesan Bishop if any, otherwise the Dean.
4. The Diocesan Bishop of the Diocese shall be the Chief Pastor of the Cathedral, and shall be assisted in all matters pertaining to the Cathedral by a Cathedral Chapter, of which the Diocesan Bishop shall be a member as hereinafter provided.
5. The Cathedral Chapter ("the Chapter") shall consist of -
 - (a) The Diocesan Bishop;
 - (b) The Dean or the Vicar or Priest – in –Charge of the Cathedral District if there is no Dean;
 - (c) The Archdeacon of Suva & Ovalau;
 - (d) The Canons holding office prior to the date of passing of this Act;
 - (e) One clerical or lay Canon resident within the Archdeaconry of Suva & Ovalau, appointed by the Diocesan Bishop;
 - (f) One lay Canon, resident within the Archdeaconry of Suva & Ovalau, appointed by Synod or Standing Committee when Synod is not in session;
 - (g) The two Churchwardens appointed annually by the Cathedral District of Suva in accordance with the provisions of clauses 3.8.1 & 3.8.3 of the Local Ministry and Mission Units Act 1997;
 - (h) One other member elected annually by the Vestry of the Cathedral District of Suva (the Cathedral Vestry);

The term of each Canon shall be four years from the date of the passing of this Act. Each Canon shall be eligible for re-appointment provided that when the term of office expires under (d) above the Diocesan Bishop and the Standing Committee may decide that no appointment be made. While any Canon is holding office under (d) above the Diocesan Bishop or Standing Committee may choose not to make their appointments under (e) or (f) above.

THE BISHOP

6. (1) In the Cathedral the Diocesan Bishop shall have chief place in Choir and Chapter, with the right to hold all episcopal functions and such other Diocesan services as the Diocesan Bishop may appoint in consultation with the Dean. On such occasions the Diocesan Bishop shall have the ordering of the service.
- (2) As chief Pastor, and in consultation with the Dean, the Diocesan Bishop may conduct services and preach in the Cathedral as often as the Diocesan Bishop so desires.

THE DEAN AND VICAR

7. (1) The Diocesan Bishop shall appoint the Dean, but may, if the Diocesan Bishop so desires, occupy and exercise the office of Dean.
- (2) The Vicar, whether the Vicar is the Dean or not, shall -
- (a) subject to the provisions of section 6(1) above, supervise the control the conduct of services in the Cathedral;
 - (b) be responsible to the Chapter for the maintenance of the Cathedral fabric as well as the safe-keeping of all monuments and ornaments of the Cathedral; and
 - (c) act as Treasurer of the Chapter, generally supervising the finances of the Cathedral, and keep the funds of the Chapter, presenting, from time to time, statements relating to the said funds and arranging for the accounts to be audited annually provided that, at it's discretion, the Chapter may appoint some other person to act as Treasurer.

THE CANONS

8. A Canon shall be deemed to have vacated office if such Canon:
- (i) Resigns office
 - (ii) Ceases to reside in the Archdeaconry of Suva & Ovalau if appointed under clause 5(e) and 5(f)
 - (iii) Does not attend at least one of the meetings of the Chapter held within any period of twelve consecutive months without being granted leave of absence

- (iv) **Being a clerical Canon to hold the Bishop's licence to an ecclesiastical office in the Diocese.**

When the office of any Canon becomes vacant the body originally responsible for appointing such Canon shall meet to appoint some other qualified person for further period of four years provided that if such Canon was originally appointed under clause 5 (d) no replacement shall be made without the approval of the Diocesan Bishop and the Standing Committee.

CHAPTER MEETINGS

- 9. (1) **The Chapter shall hold at least two ordinary meetings each year, which shall be summoned by the Dean or, in the Dean's absence, by the Secretary to the Chapter.**

Extraordinary meetings may also be called by the Bishop, by the Dean, or by three other members of the Chapter and the notice calling such a meeting shall set out the business it is desired to transact. At an extraordinary meeting only such business as is mentioned in the notice shall be dealt with.

- (2) **The Dean shall preside at all meetings of the Chapter provided that if the Diocesan Bishop holds the office of Dean the Diocesan Bishop may appoint someone else to chair the meetings, and in the absence of the Dean, the members shall elect their own chairperson. In the absence of the Dean or of such other person appointed to chair the meetings the members shall elect their own chairperson.**
- (3) **Two clerical members and two lay members shall constitute a quorum, provided that at least one of the lay members is a member of the Cathedral Vestry and all matters shall be decided by a majority of the votes of those present.**
- (4) **The Chapter shall elect from among the members a Secretary who shall be responsible for keeping proper minutes of all meetings and for correspondence relating to the Chapter matters.**

DUTIES OF CHAPTER

- 10. **The Chapter shall have the following duties, subject where necessary to the provisions of sections 3.11, 3.14 and 3.15 of the Local Ministry & Mission Units Act 1997:**
 - (a) **The erection and maintenance of the fabric of the Cathedral in co-operation with the Cathedral Vestry;**

- (b) The provision and maintenance of all necessary articles of furniture appertaining to the decent celebration of services with the co-operation of the Cathedral Vestry;
- (c) The control and management of all monies placed at its disposal for the purposes of the Cathedral subject to the provisions of section 11 of the Act;
- (d) The regulation of all matters appertaining to the furnishing and ornamentation of the Cathedral and precincts thereof in co-operation with the Cathedral Vestry.

FABRIC FUND

11. (1) There shall be a fund called the "Fabric Fund" consisting of -
- (a) all money at the date of the passing of this Act standing to the credit of the Fabric Fund established under the Cathedral Act 1954;
 - (b) all donations and gifts specifically made to the Fabric Fund; and
 - (c) all donations and gifts received by the Chapter for the general purposes of the Cathedral.
- (2) At no time shall the capital of this fund or any part thereof be expended without the prior approval of Standing Committee to be sought on three month's notice in writing to the Diocesan Secretary.
- (3) The income of the Fabric Fund may be used by the Chapter for any of the following purposes:
- (a) The maintenance and improvement of the fabric of the Cathedral and the furniture, ornaments, and monuments thereof;
 - (b) The maintenance and repair of buildings, roofs, walls and enclosures in and of the precincts;
 - (c) The insurance of the Cathedral and of all things appertaining thereto against fire and such other hazards as the Chapter shall think fit;
 - (d) Such other expenditure as an owner of property is called upon to meet from time to time by reason of such ownership.
- (4) The members of the Chapter and the Cathedral Vestry acting together at a meeting held annually and, convened for the purpose, in or about the month of October each year, shall discuss matters relating to the care of the

Cathedral and the budget of all expected income and expenditure of the Cathedral for the ensuing year, and the allocation of the amounts for which the Chapter and the Vestry respectively shall be responsible.

CATHEDRAL DISTRICT

12. Nothing in this Act shall be deemed to affect:

- (a) the rights of Parishioners of the Cathedral District -**
 - (i) to elect Churchwardens and Vestry for the management of their parochial affairs**
 - (ii) to consult with the Diocesan Bishop concerning the appointment of their Vicar when a vacancy occurs;**
 - (iii) to elect their representatives to the Diocesan Synod;**
- (b) the responsibility of the Parishioners of the Cathedral District for the care and maintenance of parochial buildings in the Cathedral District;**
- (c) the powers and duties of the Vestry of the Cathedral District as defined in section 3.10 of the Local Ministry & Mission Units Act 1999.**

HONORARY CANONS

13. The Diocesan Bishop or Synod or when Synod is not in session the Standing Committee may from time to time in recognition of services to the to the Diocese appoint Honorary Canons of the Diocese whether or not such persons are resident in the Diocese. Honorary Canons shall :

- (a) be entitled to attend meetings of the Chapter with a right to speak but not to vote**
- (b) be entitled to attend as members of the Chapter on special Diocesan services in the Cathedral**
- (c) not subject to the other provisions of this Act relating to the Canons or to the Cathedral Chapter**

REPEAL

13. The Cathedral Act, 2001 and its amendments are hereby repealed.

THE DIOCESAN ARCHDEACONRY ACT 2001

SHORT TITLE

- 1. The Short title of this Act shall be "The Diocesan Archdeaconry Act 2001".**
- 2. The Bishop may from time to time appoint Archdeacons in the Diocese and shall specify the Parishes or Parochial or Missionary Districts to be comprised in each Archdeaconry.**
- 3. In each Archdeaconry there shall be an Archdeaconry Council to be presided over by the Archdeacon and to be comprised of:**
 - (a) all clergy resident within the Archdeaconry including deacons and priests holding the Bishop's licence to officiate**
 - (b) five lay members from each Parish or Parochial or Mission District as the case may be within the Archdeaconry, such lay representatives to include the Synod Lay Representatives.**
 - (c) All lay evangelists resident in the Archdeaconry who hold the Bishop's Licence.**
 - (d) One representative from each of the Anglican Association of Women in the Archdeaconry.**
 - (e) One representative from each of the youth in the Archdeaconry.**
 - (f) One representative from the Sunday Schools in the Archdeaconry.**
 - (g) One representative from pre-schools (kindergartens) of the Archdeaconry.**
 - (h) One representative from each Church School in the Archdeaconry.**
 - (i) The Archdeaconry President or representative of the Association of Anglican Women.**
 - (j) The Archdeaconry Youth Coordinator or representative.**
 - (k) The Archdeaconry Coordinator or Archdeaconry representative of the Sunday Schools.**
 - (l) The Archdeaconry Coordinator or Archdeaconry representative of the pre – schools (kindergarten).**

- (m) The Archdeaconry Coordinator or Archdeaconry representative of the Men's Fellowship.

PROVIDED THAT in the event of any difference of opinion as to the manner of appointment of any representatives referred to in subclauses (d) to (m) the decision of the Archdeacon shall be final.

4. The responsibility of Archdeaconry Councils shall be:

- 4.1 To promote the worship of God, the Holy Trinity.
- 4.2 To proclaim the good news of the Kingdom of God.
- 4.3 To teach, baptise and nurture believers in the Christian faith (within, where applicable, the Anglican tradition).
- 4.4 To respond to human need by loving service.
- 4.5 To seek to transform the unjust structures in society.
- 4.6 To strive to safeguard the integrity of creation, and to sustain and renew the life of the earth.
- 4.7 To function, in accordance with part F clause 2 of the Constitution / Te Pouhere, on the basis of partnership with Te Pihopatanga o Aotearoa and the Dioceses in New Zealand and their constituent parts.

5. The lay members of the Archdeaconry Councils shall be elected each year by the Annual Meeting of the respective parishes, Parochial or Mission Districts in each Archdeaconry and in default of such election shall be appointed by the vestry of the parish, parochial or Mission District concerned. All validly baptised members of the Church over the age of sixteen years and resident for at least one year in any parish or parochial or Mission District as the case may be shall be entitled to vote in the election of lay members from such Parish or Parochial or Mission District.

6. Each Archdeaconry Council shall :

- 6.1 (a) Meet at least once a year to receive reports from Parishes, Parochial or Mission Districts and the audited accounts of districts for the past year and such reports of missions and other work as are informative of the work in the Archdeaconry and prepare such reports and accounts as Synod or the Standing Committee may require.
- (b) Deal with the life and direction of the Parishes, Parochial or Mission Districts and other bodies of their Archdeaconry provided always that the Archdeaconries shall be responsible and accountable to Synod and the Standing Committee.
- (c) Report to Synod on the reports and audited accounts of each Parish, Parochial and Mission Districts within the Archdeaconry in respect of the period subsequent to the previous meeting of the Synod.

- (d) Make such recommendations to Synod or the Standing Committee, as it shall think fit.**
- (e) Mediate on any disagreement between a Vicar and (or) a Vestry and (or) a Parish in the Archdeaconry that may be referred to it.**
- (f) Recommend 1 clerical and 1 lay member for election at the session of Synod to Standing Committee of the Synod and in the case of the Archdeaconry of Suva recommend 2 clerical and 2 lay members for such election.**

6.2 The Archdeacon shall have the power to summon the members to attend the meeting and shall issue notice to members not less than 20 days before the meeting.

6.3 The Archdeaconry Council may appoint action groups and authorise them to carry out any of the powers of Council.

7. The Diocesan Archdeaconry Amendment Act 1999 is hereby amended.

THE LICENSED LAY MINISTERS ACT 1997

1. The short title of this Act shall be "The Licensed Lay Ministers Act 1997".
2. Any lay person of any parish, parochial district or mission district qualified under Title B Canon XXI of Qualifications of Lay Persons to hold office may be licensed by the Bishop to hold and exercise the office of Lay Minister in the terms stated in that licence in any parish, parochial district or mission district in this diocese.
3. Any person to be licensed under this Act shall be nominated by the parish, parochial district or mission district in such form as shall be authorised by the Bishop. The nomination shall require the approval of the Vicar and the Vestry of the parish or parochial district or their equivalent in a mission district.
4. Before licensing any person to the office of Lay Minister, the Bishop shall be satisfied that the person has been duly nominated and that the person is fit for the office by the completion of such course of training and preparation as the Bishop shall from time to time approve provided that the Bishop shall have discretion to license to the office of Lay Minister without further training any person whom the Bishop deems to be adequately qualified.
5. The person to be licensed shall be trained in the exercise of this ministry and shall be required to participate in ongoing training which will be initiated and monitored by the parish, parochial district or mission district. Vestries of parishes, parochial districts or mission districts are expected to ensure that licensed lay ministers receive specific training for the needs of the parish, parochial district or mission district.
6. Any person to be licensed shall first sign the Declaration in the Second Schedule of this Statute.
7. The licence shall be in the form in the First Schedule and shall specify in which area of ministry the person's gifts are specially recognised by the Diocese:
The areas shall include; but are not limited to:
 - (a) Preacher
 - (b) Worship Leader
 - (c) Catechist (Teacher of the Faith)
 - (d) Pastoral Minister
 - (e) Eucharistic Minister - who shall have responsibility to take communion to those who are unable to attend a Eucharist in the parish parochial district or mission district
 - (f) Evangelist
 - (g) Administrator
 - (h) Minister of Healing and Laying on of Hands - who shall be authorised to engage in the ministry of Christian healing and to administer the rites of laying on of hands and/or anointing

- (i) Youth Minister**
- (j) Baptism**
- (k) Funeral when Priest is absent**

- 8. The licence shall be issued for a term of two years and may be renewed by the Bishop if the Vicar and Vestry of the parish or parochial district or their equivalent in a mission district requests such renewal. When a Lay Minister moves to another parish, parochial district or mission district their licence ceases.**
- 9. The Lay Minister may perform any of the duties of the office for which they are licensed in any other parish, parochial district or mission district in the Diocese with the consent of the Bishop, and the Vicar and Vestry of the parish or parochial district or their equivalent in a mission district.**
- 10. Lay Ministers shall carry out their duties in such manner as the Bishop shall from time to time direct and where appropriate they may wear vestments suitable to the performance of this office which would normally be worn at services as is appropriate and customary in the diocese.**
- 11. Any licence under this statute may be withdrawn at any time by the Bishop by notice in writing to the holder who shall forthwith surrender the licence to the Bishop.**
- 12. The Bishop may appoint one or more Diocesan Chaplains of Licensed Lay Ministry to assist in the ongoing training of the Lay Ministers and to provide pastoral care for such Lay Ministers in the exercise of their ministry.**

SECOND SCHEDULE

ANGLICAN CHURCH IN AOTEAROA, NEW ZEALAND AND POLYNESIA

**DECLARATION OF ACKNOWLEDGEMENT OF THE AUTHORITY OF THE
SYNOD OF THE DIOCESE OF POLYNESIA**

I, (), being licensed to the ministry of () in the Parish (parochial district or mission district) of () in the Diocese of Polynesia do acknowledge and declare:-

1. That I accept the authority of the Diocese of Polynesia in relation to the ministry in which I am licensed.
2. That I will obey all the applicable laws and regulations and the provisions of the Constitution of the said Diocese in so far as they relate to the ministry in which I am licensed.
3. That I will well and faithfully carry out the duties and responsibilities relating to this ministry, and if called upon by the Diocese of Polynesia, or by any person or body lawfully acting under its authority, I will immediately resign the office and any benefits that relate to it.
4. That I will pay true and canonical obedience, in all things lawful and honest to the Diocesan Bishop of Polynesia and to the successors to that Bishop, and will be obedient to the ecclesiastical laws and regulations in force in the said Diocese of Polynesia.

Signed by the abovenamed declarant

this day 20

in the presence of:

THE LOCAL MINISTRY AND MISSION UNITS AMENDMENTS ACT 1999

1. The short title of this Act shall be "The Local Ministry and Mission Units Amendment Act 1999".
2. The Local Ministry and Missions Unit Act 1997 is repealed.
3. The following is enacted:
 1. That in this Diocese local ministry and mission units shall include:
 - 1.1 Parishes
 - 1.2 Parochial Districts
 - 1.3 Mission Districts
 - 1.4 Chaplaincies
 2. The responsibility of local ministry and mission units shall be:
 - 2.1 To promote the worship of God, the Holy Trinity
 - 2.2 To proclaim the good news of the Kingdom of God
 - 2.3 To teach, baptise and nurture believers in the Christian faith (within, where applicable, the Anglican tradition)
 - 2.4 To respond to human need by loving service
 - 2.5 To seek to transform the unjust structures in society
 - 2.6 To strive to safeguard the integrity of creation, and to sustain and renew the life of the earth
 - 2.7 To function, in accordance with Part F Clause 2 of the Constitution/te Pouhere, on the basis of partnership with Te Pihopatanga o Aotearoa and the Dioceses in New Zealand and their constituent parts
 3. Parishes:
 - 3.1 Each parish, parochial district and mission district as constituted at the date this Act comes into effect shall remain constituted as a parish, parochial district or mission district as the case may be with such sub-districts as it now has. Its area of responsibility shall be defined by its current boundaries
 - 3.2 New parishes may be established by:
 - 3.2.1 Not less than fifty registered members of the Church residing within a geographical area requesting Synod to form the same. Such request should include:
 - (a) A plan showing the proposed boundaries
 - (b) That there are appropriate buildings and facilities to enable the parish to function effectively in its mission and ministry
 - (c) That the district proposed to be formed as a parish is in the position to pay, with appropriate grants where

necessary and approved by Standing Committee, the agreed stipend and related costs which may be prescribed from time to time and to contribute to all statutory Diocesan Funds.

3.3 When a new parish is constituted by Synod a meeting of parishioners shall be convened by a Churchwarden appointed by the Bishop. This meeting shall elect one Churchwarden from members of the Parish Roll and a Vestry in the manner prescribed by Synod from time to time.

3.3.1 The Churchwarden appointed by the Bishop shall hold office only until a Vicar shall be licensed by the Bishop. The Vicar shall then appoint a Churchwarden. The Churchwarden appointed together with the Churchwarden and Vestry elected in terms of Clause 3.3 shall hold office only until the next Annual General Meeting of Parishioners.

Alteration of Boundaries

3.4 The boundaries of any parish may be altered by Synod on the request of the Vicar, Churchwardens and Vestry of the parish concerned or an adjoining parish. Where such changes are mutually agreed between the parishes concerned a motion at Synod should be passed to give effect to the boundary changes. If there is any objection to the proposed changes the Archdeacon should mediate seeking a consensus. Where such consensus cannot be achieved Synod may change the boundaries only on the recommendation of the Bishop and Standing Committee.

Vicarage and Annual Leave for Vicar

3.5 Every Vicar or Priest in charge or Deacon shall reside in the house set aside for such person within the boundaries of the Parish and shall not be absent from the Parish without the consent of the Bishop for more than two Sundays in any year.

3.6 Qualification of Voters:

Sixteen (16) years of age

3.6.1 Every person sixteen years of age and over who shall have been registered on the Parish Roll for at least two months shall be entitled to speak and vote at parish meetings.

Parish Roll

3.6.2 The Vicar and Churchwardens shall keep a Parish Roll consisting of the names of those persons sixteen years and over who are resident, or who regularly attend Divine

Worship, in the parish, who desire to be a member and have made the following declaration:

"I, AB, declare that I have been baptised and am a member of the Anglican Church in Aotearoa, New Zealand and Polynesia."-

or who shall be known by the Vicar and Churchwardens and be qualified for enrolment and have consented to be enrolled

The Parish Roll should be reviewed, at least annually, to keep it current.

Member of one Parish or Mission Unit

3.6.3 A person may only be enrolled in any one parish or other local ministry or mission unit at any time.

3.7 Qualification of Churchwardens Vestry and Lay Synod Representatives:

3.7.1 The Churchwardens shall be laypersons qualified as voters of the age of twenty and over and resident in the parish for at least one year.

3.7.2 The members of the vestry (other than the clergy licensed for work in the parish) and lay synod representatives shall be laypersons qualified as voters of the age of sixteen years and over and resident in the parish for at least one year.

3.8 Parish Organisation:

Church Wardens

3.8.1 In every parish there shall be two Churchwardens being parishioners of the age of twenty and over, one to be appointed by the Vicar, the other to be elected yearly by the parishioners.

Wardens & Vestry

3.8.2 In every parish there shall be a Vestry consisting of the clergy licensed for work in the parish, the two Churchwardens, the Lay Synod Representative/s and not less than three nor more than ten members, (or fifteen members in the case of sub-districts) being of the age of sixteen years or over to be elected yearly by parishioners. It is desirable that at least one member shall be a young person.

Annual General Meeting

3.8.3 In every parish there shall be convened an Annual Meeting to be held not later than the 28th day of February. Notice of the Annual Meeting shall be given ten days in advance of the meeting date. The purpose of the meeting is to

- (a) consider the spiritual life of the parish;
- (b) to receive and adopt the audited accounts for the previous financial year;
- (c) to elect a Churchwarden, the Vestry and Lay Member/s of Synod as required under the provisions of the Diocesan Act;

Parish Nominators

- (d) and to elect three persons qualified to be members of the vestry who shall represent the parish to advise the Bishop in matters relating to the appointment of a new vicar when this is required.

Information to Diocesan Secretary

3.8.4 Within fourteen days of the Annual Meeting the Chairperson shall notify the Diocesan Secretary, using the forms provided, of those persons elected or appointed to various offices.

Special Meetings of Parishioners

3.8.5 A special meeting of parishioners shall be convened at any time by the Churchwardens when requested to do so by resolution of the Vestry or by written request signed by not less than one quarter of those on the Parish Roll. Ten days advance notice shall be given concerning the date and time of such a meeting.

3.8.6 Notices of meetings should be given the following form:

NOTICE OF MEETING

Notice is hereby given that a () meeting of the Church members of this Parish (sub-district) will be held on the day of at (time) in (place), for the purpose of at which meeting all members of the church aged sixteen and over, registered in this parish for a period of not less than two months are entitled to speak and vote.

Dated this day of

Signature of Convenor.

Meeting of Vestry

- 3.8.7 Meetings of the Vestry shall be held at least once every three months, provided that a meeting may be convened at any time on a written request signed by at least a majority of the members of the Vestry. No business shall be transacted at any meeting of a Vestry unless a majority of the members be present; nor without the presence of the Vicar, or the Vicars Warden.

Chairperson for Vestry

- 3.8.8 The Vicar (in the absence of the Bishop) shall be Chairperson of all meetings of the parishioners and of the Vestry. If so desired, the Vicar may appoint any person to act as Chairperson at any meeting in the Parish which the Vicar is unable to attend provided that in the case of the Vestry the person appointed shall be the Vicar's Warden. If there be no Vicar or the Vicar shall have given notice of resignation, the Churchwardens with the approval of the Bishop shall convene such meeting.

Casting Vote

- 3.8.9 The Chairperson of any meeting of parishioners, or of the Vestry, shall have the powers usually given to the chairperson of any public meeting, and shall have a casting vote as well as a substantive vote.

- 3.8.10 It is the duty of the chairperson to remain in the chair until the business of the meeting is concluded, or until the meeting is adjourned, to confine the meeting to the purpose for which it is assembled, and to decide questions of order. The right of adjournment lies with the whole meeting and the question of such adjournment is to be decided by a majority of votes.

Minutes of Meeting

- 3.8.11 Minutes of the proceedings and resolutions of every parish meeting and every vestry meeting shall be kept and entered in a Minute Book, and signed by the Chairperson.

No Proxy Votes

- 3.8.12 At parish meetings voting by proxy shall not be permitted.

Other Clergy in the Parish

- 3.8.13 Other clergy licensed to serve in the parish may at the discretion of the Vicar with the approval of the vestry be entitled to attend meetings of the vestry, with a right to speak but not to vote.

Committees in Worship Centres

- 3.8.14 Where services are held at more than one place in the parish there shall be, where practicable, at any outlying worship centre a committee consisting of a local churchwarden and not more than five persons elected from and by the members of the Church of such sub-district. The Vicar, or in the absence of the Vicar, the local churchwarden shall be the chairperson of such committee.
- 3.8.15 Each such committee shall be responsible for the maintenance and upkeep of the place of worship, for collecting the offerings and subscriptions for the members of its locality, and for forwarding to the Churchwardens of the parish its share of payments to the parish funds as may be arranged with the Vestry of the parish, and it may appoint a representative to the Vestry provided that for parishes in which there is more than one sub-district the number of members of the Vestry shall not exceed fifteen.
- 3.8.16 Each committee shall appoint a secretary and treasurer who shall keep the local accounts and shall remit to the Vestry of the parish monthly or quarterly as may be arranged all payments to parish funds and at the conclusion of each financial year shall render to the Churchwardens a full statement of the receipts and expenditure of the committee.
- 3.8.17 In parishes where there are such local committees the Vestries shall include in the accounts presented to Synod all receipts and expenditure for the whole parish.
- 3.9 The responsibility of the Churchwardens shall be:
- 3.9.1 To promote and participate in the mission of this Church, and general to seek the coming of Christ's Kingdom.
- 3.9.2 To be the lay leaders of the parish.
- 3.9.3 To be the spokespersons for Vestry to the parishioners.
- 3.9.4 To be the spokespersons for the parishioners in all matters except those for which the lay representatives on Synod or the Parish Nominators are responsible.
- 3.9.5 To be responsible in liaison with the Archdeacon, for the running of the parish during an interregnum or during the illness or incapacity of the Vicar.
- 3.9.6 To support and encourage the work of the Vicar and any other clergy having responsibility in the parish.
- 3.9.7 To ensure, with the chairperson, that the Vestry is properly informed about matters for which it is responsible, and that the decisions of Vestry are carried out.
- 3.9.8 To ensure the provision of all things required for public worship, and the preservation of order during services.

- 3.9.9 To be signatories to all contracts and deeds executed on behalf of the parish.
 - 3.9.10 To ensure the keeping of records and making of returns as required by Synod or Standing Committee.
 - 3.9.11 To inform the Archdeacon should the Vicar be prevented by death, illness or accident from officiating.
 - 3.9.12 To be available to the Bishop, or the Vicar-General, or the Archdeacon as required for visitation purposes.
 - 3.9.13 To have the superintendence of the buildings, furniture and equipment required for the work of the parish and to report to Vestry from time to time on their state and any need for repairs, replacement, improvement or insurance.
- 3.10 The responsibilities of the Vestry shall be:
- 3.10.1 To promote and participate in the mission of this Church and generally to seek the coming of Christ's Kingdom.
 - 3.10.2 To promote the worship of God, and to provide all things that are necessary for the ordering of public worship.
 - 3.10.3 To meet together for the fostering of spiritual growth and the well being of people, both church members and others.
 - 3.10.4 To share with the Churchwardens in the administration of the parish, the care of its buildings and the furtherance of its ministry and mission is properly carried out.
 - 3.10.5 To ensure that there is a proper system of accounting for collections and all other monies received by the parish and that payments, including those to and through the Diocese, are made as required.
 - 3.10.6 To ensure all offerings and moneys received by or on behalf of the Parish shall subject to the regulations of Synod be under control of the Vestry; duly assembled provided that the Diocesan Share shall be a first charge on the finances, and shall be paid in the manner prescribed by the Standing Committee from time to time.
 - 3.10.7 To elect annually at the first meeting after its election a Secretary and Treasurer.
 - 3.10.8 To appoint an auditor, or a financially competent person from outside the parish to audit the accounts.
 - 3.10.9 To pay the expenses of the Clergy working in the parish as approved by vestry.
 - 3.10.10 To forward to the Bishop as soon as possible after 31 December in each year the audited balance sheets and accounts of the parish and submit inventories of all furniture in parochial buildings, or of any changes or additional thereto.
 - 3.10.11 To ensure the keeping of records and making of returns as required by Synod or the Standing Committee.

3.10.12 To ensure that all church buildings and furnishings are properly insured.

3.11 The responsibilities of the Vicar shall be:

3.11.1 To promote and participate in the mission of this Church, and generally to seek the coming of Christ's Kingdom.

3.11.2 To provide spiritual leadership in both the sustenance and promotion of the Christian faith within the Anglican tradition.

3.11.3 To hold on trust the keys of the Church and Vicarage, and to use the Church for Divine Service as the Vicar thinks fit provided that wherever the Church is required for services other than parish ones, to be performed by authority of the Bishop, the Church shall be opened at the time appointed for these services.

3.11.4 To liaise with Vestry as is appropriate concerning matters related to public worship, while retaining discretionary power regarding time of services, selection of hymns, anthems and Church music.

3.11.5 To liaise with Vestry as is appropriate concerning the staffing, curricular and direction of Sunday School, youth and other educational concerns in the parish.

3.11.6 To give consent for the ringing of the Church bells, which should only be rung with good cause.

3.11.7 To fulfil the requirements set out in the Ordination Service.

3.11.8 To call Annual and General Meetings of parishioners in consultation with Vestry.

Synod Representatives

3.12 The Synod may from time to time approve guidelines to be followed after the resignation of a Vicar.

3.13 The responsibilities of the representatives to Synod shall be to inform the parish of all the proceedings of Synod.

New Structures

3.14 The approval of the Standing Committee shall be required before any building or other structure is erected on any Church land and before any alteration is made to an existing building. The application shall be in writing and be signed by the Vicar or Priest in charge and by the two Churchwardens.

Alteration to existing Structures (Faculty)

3.15 No alteration by way of addition or diminution of the fabric furniture, monuments or ornaments of any Church shall be made until application has been made to the Bishop and a faculty obtained for such alteration.

Process for resolving conflicts

- 3.16 In the event of any disagreement between the Vicar and (or) the Vestry and (or) the Parishioners with regard to any matter which is subject to the provisions of this Act an appeal may be made to the Standing Committee whose decision shall be final provided that such disagreement shall first be referred to the Archdeaconry Council for its mediation.

Security of Debts

- 3.17 “No parish shall be permitted to incur any debt on the security of collections without previously first obtaining the sanction of the Standing Committee.”

4. Parochial Districts:

Any district which is unable to comply with the conditions under clause 3.2 but has the regular ministrations of a licensed minister shall be termed a Parochial District and the Vicar shall be appointed by the Bishop. With the exception of the provision in clause 3.8.3 enabling the election of persons to advise the Bishop in matters relating to the appointment of a new Vicar the provisions of clauses 3.3 to 3.16 inclusive shall apply to parochial districts.

5. Mission Districts:

5.1 It shall be lawful for Mission Districts to be established, to further the mission of the Church.

5.2 The Standing Committee of the Diocese is empowered to constitute a Mission District whenever it deems such action desirable and to determine the regulations under which it shall be administered.

6. Chaplaincies:

6.1 Chaplains may be appointed to schools, colleges, and other ministry units. Consultation concerning such appointments shall be held with the Bishop, who will license the same. A Declaration of acknowledgement of the authority of General Synod and the Synod of the Diocese of Polynesia needs to be made by the appointee in the form set out in the Schedule.

6.2 The regulations and support structures of Chaplains will normally be governed or arranged by the employing body.

6.3 Chaplains wherever possible shall maintain an active relationship with parishes and other grouping in which their ministry and mission is located.

6.4 The responsibility of chaplains shall include:

- 6.4.1 Active participation in the mission of this Church, and generally to seek the coming of Christ's Kingdom.
 - 6.4.2 To liaise with parish (or other wider setting in which chaplaincy is located) concerning the conduct of baptisms, weddings, funerals and other matters of mutual concern.
7. **Other Ministry and Mission Units:**
- 7.1 Other ministry and mission units, as agreed by Synod or Standing Committee, may be established to further the mission of this Church.
 - 7.2 Such units should be supported by a Council the membership and duties of which should be determined as appropriate for the particular unit, and it is desirable that at least one of the persons appointed to the Council be between sixteen and thirty years of age.
 - 7.3 Clergy shall be appointed after consultation with the Bishop who shall license them upon completion of required Declarations. Appropriate lay ministers shall be licensed following then requirements of the Licensed Lay Ministers Act.
 - 7.4 The Synod may from time to time approve guidelines to be followed after the resignation of an ordained minister working in a ministry or mission unit.
8. **Dissolution of Local Ministry and Mission Units:**
- 8.1 Following appropriate consultations with parishioners, the Archdeacon, and Standing Committee a parish may be dissolved.
 - 8.1.1 In the event of dissolution of a parish all property under its control shall pass into the Diocese to be available for its general purposes provided that the first call on such property shall be the carrying through of the mission of this Church in that particular area.
 - 8.1.2 Clergy appointments and parish financial commitments shall not terminate by reason only of dissolution of the parish.
 - 8.1.3 No dissolution of a parish shall be final until ratified by Synod.
 - 8.2 The dissolution of a chaplaincy shall result after appropriate consultation with the employing body, the Standing Committee and others concerned. Where appropriate, Synod shall ratify such dissolution.
 - 8.3 The dissolution of other ministry and mission units shall result at the direction of, or after discussion with the Standing Committee. Where appropriate Synod shall ratify such dissolution.

SCHEDULE

Anglican Church in Aotearoa, New Zealand and Polynesia

**DECLARATION OF ACKNOWLEDGEMENT OF THE AUTHORITY OF
THE GENERAL SYNOD/TE HINOTA WHANUI AND OF
THE SYNOD OF THE DIOCESE OF POLYNESIA**

I, (full name, address, occupation)

being about to be (appointed) to the office of

DO ACKNOWLEDGE AND DECLARE

- 1. That I accept the authority of the General Synod/Te Hinota Whanui of the Anglican Church in Aotearoa, New Zealand and Polynesia and the Synod of the Diocese of Polynesia in relation to the office of _____ (here describe the office)**
- 2. That I will obey all the applicable laws and regulations and the provisions of the Constitution of the said Church in so far as they relate to the above described office.**
- 3. That I will well and faithfully carry out the duties and responsibilities relating to the above described office, and if called upon by the General Synod/Te Hinota Whanui of the said Church or by the Synod of the Diocese of Polynesia or by any person or body lawfully acting under its authority, I will immediately resign the office and any benefits that relate to it.**

Signed by the abovenamed declarant

this _____ day of _____

in the presence of:

.....
Signature of Witness

Occupation:

Address:

THE RETIREMENT ACT 2008

1. The short title of this Statute shall be "The Retirement Act 2008".

DEFINITION

2. In this Act, unless the context otherwise requires the term "ordained minister" shall include the Bishop, any Episcopal Unit Bishop, any assistance Bishop and any ordained minister appointed to any position of pastoral responsibility or to any ecclesiastical office in the Diocese.
3. Every ordained minister shall retire from office at the end of the year in which he or she reaches sixty-five years of age provided that with the concurrence of the Episcopal Unit Bishop where appropriate the Diocesan Bishop may extend the term for up to two further periods of two years.
4. The provisions of this act shall not apply
 - (a) To any person who was an ordained minister at the date of the coming into force of The Retirement Act 1968 unless he or she shall voluntarily in writing to the Bishop agree that such provisions shall apply to such person;
or
 - (b) To any person in respect of his or her appointment as an Honorary Canon under the Cathedral Act.

THE EPISCOPAL UNITS ACT 2008

- 1. The short title of this statute shall be The Episcopal Units Act 2008**

ROLE OF EPISCOPAL BISHOP

- 2. The Episcopal Unit Bishops shall ordain and conduct confirmations under a Commission from the Diocesan Bishop and co-jointly with the Diocesan Bishop issue licences.**
- 3. The Episcopal Units Council shall with the concurrence of the Standing Committee have the authority to specify or vary the parishes or parochial districts or missionary districts comprised in each Episcopal Unit.**
- 4. Each Episcopal Unit shall be under the jurisdiction of a Bishop who will be known as Bishop of that Episcopal Unit. The three Episcopal Unit Bishops now appointed shall be known as the:**
 - Bishop in Vanua Levu and Taveuni**
 - Bishop in Viti Levu West**
 - Bishop for the Diocese of Polynesia in Aotearoa New Zealand**
- 5. The Episcopal Unit Bishop shall have the oversight of parishes, parochial districts and mission districts and schools including the clergy, Lay Ministers and Lay Workers within his/her Episcopal area, and will reside in the area.**
- 6. The Episcopal Unit Bishop shall be the focus of unity for the Episcopal Unit.**
- 7. As key trainer and facilitator for the Episcopal Unit the Episcopal Unit Bishop shall**
 - (a) be responsible for initiating and devising curricula for evangelism**
 - (b) be responsible for the development of the curricula for theological education and training**

- (c) be an advocate for appropriate contextual resources
 - (d) be responsible for theological education and training, evangelism, social services, pastoral care, language studies and administration.
- 8 The Episcopal Unit Bishop shall develop a pastoral and administrative relationship with all clergy in the Episcopal Unit.
 9. The Episcopal Unit Bishop shall oversee social services.
 10. The role of the Episcopal Unit Bishop shall be in addition to any other role held by him/her within the Episcopal unit or within the Diocese.

EPISCOPAL UNIT COUNCIL

11. Each Episcopal Unit will have an Episcopal Council presided over by the Episcopal Unit Bishop.
12. Its composition is as follows:
 - 12.1 the Bishop of the Episcopal Unit
 - 12.2 any archdeacon of the Episcopal Unit
 - 12.3 all clergy resident within the Episcopal Unit holding the diocesan licence to officiate
 - 12.4 5 lay representatives from each parish, parochial districts and mission district within the Episcopal Unit
 - 12.5 the president of the Anglican Association of Women in the Episcopal Unit or her representative
 - 12.6 the Episcopal Unit co-ordinator of youth or his/her representative
 - 12.7 the Episcopal Unit co-ordinator or representative of the Men's Fellowship
 - 12.8 the Episcopal Unit co-ordinator or representative of the Sunday School
 - 12.9 the Episcopal Unit co-ordinator or representative of the pre-school
13. The responsibilities of the Episcopal Unit Council will be as follows:

- 13.1 To create programmes for the proclamation of the good news of God, the Holy Trinity.**
- 13.2 To promote the worship of God, the Holy Trinity.**
- 13.3 To teach, baptise and nurture believers in the Christian faith (within, where applicable, the Anglican tradition).**
- 13.4 To respond to human need by loving service.**
- 13.5 To seek to transform unjust structures in society.**
- 13.6 To strive to safeguard the integrity of creation, and to sustain and renew the life of the earth.**
- 13.7 To function, in accordance with part F clause 2 of the Constitution/te Pouhere, on the basis of partnership with Te Pihopatanga o Aotearoa and the Dioceses in New Zealand and their constituent parts.**
- 13.8 To be a Council of advice to the Episcopal Unit Bishop.**
- 13.9 To administer any funds in the Episcopal Unit for which other provision has not been made.**

14. Election of lay members

The lay members of the Episcopal Unit Council as listed in clause 12.4 shall be elected each year by the Annual General meeting of the respective parishes, parochial districts and mission districts in the Episcopal Unit. All validly baptised lay members of the Church over the age of sixteen years and resident for at least one year in any parish or parochial district or mission district as the case may be shall be entitled to vote in the election of lay members.

15. Each Episcopal Unit Council will:

- 15.1 Meet in March each year to receive annual reports and the audited accounts for the past year from parishes, parochial or mission districts and such reports of missions and other work as are informative of the work in the Episcopal Unit and prepare such reports and accounts as the Diocesan Synod or Standing Committee may require. It shall also meet in October or November each year to devise a programme for the ensuing**

year and implement its responsibilities under clause 13. Other meetings may be held as desired.

- 15.2 Deal with the life and direction of the parishes, parochial districts and mission districts and other bodies of the Episcopal Unit provided always that the Episcopal Unit shall be responsible and accountable to the Diocesan Synod and the Standing Committee.**
- 15.3 Report to the Diocesan Synod on the reports and audited accounts of each parish, parochial district and mission district within the Episcopal Unit in respect of the period subsequent to the previous meeting of the Diocesan Synod.**
- 15.4 Make such recommendations to the Diocesan Synod or the Standing Committee as it shall think fit.**

THE STANDING ORDERS OF SYNOD

1. **The time and place of the meeting of Synod shall be determined by the Bishop. Not less than one month's notice shall be given to all duly qualified members of the Synod.**
2. **The members of the Synod shall meet under the Bishop as President for the discussion of business in one chamber, but any member of either order may move, without notice, that the order to which he belongs do withdraw to a separate chamber for the purpose of deliberating any particular matter, to be specified in his motion, and upon such motion being seconded by another member of his order and being put, the members of that order shall alone have the right to vote. Upon such motion being passed, the President may elect to preside at such separate deliberation, or he may allow the members of that order to appoint their own Chairman for the purpose. During such withdrawal the Synod shall stand adjourned.**
3. **The presence of the Bishop of the Diocese, of not less than one-half of the clergy in priest's orders, and of one third of the lay members shall be necessary to constitute a Meeting of the Diocesan Synod for the due exercise of its powers.**
4. **Every act of the Synod shall be assented to by the Bishop of the Diocese, and by a majority of the Clergy, and by a majority of the lay members present in person and voting at a duly constituted meeting.**
5. **An Attendance Book shall be provided by the Secretary, in which it shall be the duty of the members of the Synod to sign their names when attending the Synod at each meeting.**
6. **The Meetings of Synod shall be open to the public but it shall be in order for any member to move without notice at any time that strangers be ordered to withdraw. The question that strangers be so ordered shall, if seconded, be put forthwith without abate.**
7. **There shall be a permanent Chairman of Committees of the whole Synod and wherever the Synod is in Committee all the Standing Orders defining the duties of the President shall be held to apply to such Chairman.**
8.
 - (1) **The Chairman of Committees, and the Secretary of Synod, the Diocesan Auditors, and the Diocese's representative on the Anglican Mission Board of Aotearoa, New Zealand and Polynesia shall be elected by Synod at its first Session.**
 - (2) **Only members of the Synod shall be eligible for election as Chairman of Committees or Secretary of Synod.**

- (3) The Legal Advisor, if not otherwise a member of the Synod shall be entitled to sit in Synod with the right, at the request or with the consent of the President or, if Synod is in committee, of the Chairman of Committees, to speak but without a right to vote.
9. The Statement of Accounts, and Reports on Trusts, if any, shall be laid on the table by the President on the first day of the Session.

ORDER OF BUSINESS

10. The proceedings of the Synod shall be conducted in the following order:-
- (a) After the reading of prayers by the President, or by any person appointed by him, the minutes of the previous meeting shall be confirmed.
 - (b) Leave may be obtained to introduce Bills.
 - (c) The Statement of Accounts, and Reports on Trusts, shall be considered.
 - (d) Motions of which notice has been given shall be taken into consideration in the order in which the notices shall have been given, unless otherwise ordered by the Synod. Provided that if the mover of a motion of which notice has been given be not present and have not provided a substitute, the motion shall be placed at the bottom of the Order Paper.
 - (e) Notice of motion, which must be in writing, may be given at any convenient opportunity in the course of the proceedings.

COMMITTEE OF THE WHOLE SYNOD

11. When any question is before the Synod it shall be in order for any member to move without notice that the Synod go into Committee and consider the same. The question that the Synod go into Committee shall, if seconded, be put forthwith debate.
12. If the motion to go into Committee be carried, the President shall leave the Chair, and the Chairman of Committees shall preside.
13. The Standing Orders of the Synod shall, where applicable, govern procedure in Committee, provided that it shall not be necessary that a motion or amendment shall be seconded. Provided further that any member may speak more than once or propose more than one amendment to the same question.
14. The Committee may consider such matters only as have been referred to it by the Synod.
15. When any matter referred to the Committee has been considered, the Chairman shall report the result to the Synod.

16. A motion may be made during the proceedings of the Committee that the Chairman do report progress and ask leave to sit again.
17. A motion that the Chairman do leave the Chair will, if carried, supersede further proceedings of the Committee in respect of the question then under consideration and the Synod shall immediately resume.

BILLS

18. No Bill shall be brought into the Synod except by leave of the Synod and then only after such Bill shall have been lodged with the Diocesan Secretary at least one calendar month before the opening day of the Session. If such leave shall be given the next step shall be the consideration of the Bill by the Committee of the whole Synod. A motion that the Bill be so considered may be received without notice and, if such motion be passed, the Bill shall be considered in Committee forthwith or at some other time ordered by the Synod.
19. When a Bill has been considered by the Committee of the whole Synod and referred to the Synod with or without amendment, a motion that the Bill in the form adopted in Committee be passed as a Statute may be made without notice and shall be considered by the Synod forthwith or at some other time ordered by the Synod. No amendment shall be made in any such Bill except in Committee of the Whole Synod, but it may be recommitted for that purpose notwithstanding that it shall have been already reported to the Synod.
20. When a Bill or other matter has been partly considered in Committee and the Chairman has been directed to report progress and ask leave to sit again, the Synod shall order the Committee to sit again at a particular time, and at the time so fixed the President when the order for Committee has been read, shall forthwith leave the Chair without putting any question, and the Synod shall thereupon resolve itself into such Committee.

RULES OF DEBATE

21. Every member, when speaking, shall stand, and shall address the President.
22. All questions of order shall be decided by the President.
23. If two members rise at the same time, the member who shall be called upon by the President shall have the precedence.
24. The President may take part in the deliberations of Synod without leaving the chair.

25. It shall be the duty of the President to confine each speaker to the subject matter of the debate, but it shall not be in order for any member to interrupt the speaker except through the medium of the President.
26. The President shall call to order any member proceeding to speak more than once on the same question, except in explanation. Provided that the mover of any question, not being an amendment, shall be allowed the right of reply, and that the seconder may reserve his speech to any period of the debate.
27. No member shall bring any subject under the consideration of the Synod, except in pursuance of notice given in writing.
28. No subject which shall have been under the consideration of the Synod and disposed of shall be again brought forward during the same Session, nor shall any notice of motion on any such subject be admissible.
29. No notice shall be taken of any motion or amendment not seconded, except such as may be proposed by the President.
30. No amendment upon an amendment shall be in order until the latter amendment shall have become the substantive motion.
31. No amendment, not being of a verbal nature, shall be put from the Chair until a copy thereof shall have been handed to the President.
32. Any motion or amendment containing more than one proposition shall be divided on the request of any member of the Synod, and each proposition shall be put separately; and all that have been carried shall be put as an entire motion.
33. A question may be superseded by a motion that the Synod pass to the next business, which motion shall be put forthwith from the Chair without any discussion.
34. Any Standing Order of the Synod may at any time be suspended on motion without notice with the consent of not less than two-thirds of the members of each order of the whole Synod present at that meeting.
35. In order to give publicity to the proceedings of the Synod, the Secretary shall be authorised, unless otherwise ordered, to permit copies to be taken of all documents which may be laid before the Synod, and of all resolutions and other proceedings which may be recorded on the minutes.
36. A Standing Order may be altered or annulled or a new Standing Order added upon a motion having been passed to that effect after at least one day's previous notice of such motion having been given.

AN ACT FOR THE ESTABLISHMENT OF A DIOCESAN FUND FOR THE MAINTENANCE OF THE WORK OF THE CHURCH IN THE DIOCESE OF POLYNESIA . (As amended 1937, 1964, 1966)

Short Title

1. The short title of this Act shall be the “ Diocesan General Fund Act 1926”

FUND ESTABLISHED

2. A Diocesan Fund for maintaining the work of the Church in the Diocese (hereinafter called “ the Fund) is hereby established.

CONSTITUTION OF THE FUND

3. The Fund shall be constituted and established by consolidating into one central Fund:-
 - (a) The present monies of the Fund
 - (b) All contributions of parishes or districts for the purposes set out in the next succeeding section hereof.
 - (c) Such endowments and such income from endowments as are or hereafter shall be held in trust for the purposes of the Fund.
 - (d) Bequests, donations and subscriptions for the purposes of the Fund.
 - (e) Special collections prescribed or recommended by the Synod.

OBJECTS OF THE FUND

4. The Fund shall be appropriated used and applied for or towards the following purposes:-
 - (a) The payment of adequate stipends for such a body of clergy and lay-workers as is demanded for the spiritual work of the Diocese.
 - (b) The maintenance of the Diocesan Pension Fund.
 - (c) The payment of the expenses of Diocesan administration.
 - (d) The building of all requisite churches, vicarages or other buildings including an episcopal residence and schools.
 - (e) The training of candidates for the work of the Ministry.
 - (f) General Church purposes.

MANAGING BODY

5. The Standing Committee shall be the managing body of the said Fund.

TRUSTEE

6. The Church of England Trustees shall be the Trustees for the said Fund.

SECRETARY AND TREASURER

7. The Diocesan Secretary/ Registrar and the Diocesan Treasurer shall respectively be the Secretary and Treasurer of the said Fund. These offices may be held conjointly.

YEARLY STATEMENT 1937

8. A Statement of receipts and expenditure on account of the said Fund during each financial year since last presented to Synod and a statement of Assets and Liabilities of the said Fund, duly audited, shall be circulated yearly to each member of Synod and shall be laid before Synod at each session.

Capital (1966)

9. All monies given for special objects shall be paid into the account of the object specified.

BUDGET

10. In the month of September in each year a budget for the next ensuing financial year shall be prepared by the Standing Committee and a copy of the share (1968) required shall be sent to the churchwardens or other governing bodies in each parish or district who shall inform the Bishop through the Diocesan Secretary of any change that they wish to make in the share (1968) and shall state any objection to the share (1968) within at least thirty days after receipt of the same.

STIPEND OR SALARIES

11. The Bishop and the Standing Committee shall determine the amount of the salary or stipend which shall be paid to each ministry or lay worker licensed by the Bishop or working with his sanction.

STIPEND TO BE PAID MONTHLY

12. One –twelfth of the amount of the annual stipend or salary shall be paid to each Ministry of lay worker on the last day of each calendar month.

AUGMENTING INCOME

13. Except with the consent of the Bishop no minister or stipendiary lay worker shall augment his income by engaging in any other duties than those which have been assigned to him in the work of the Church.

APPLICATIONS (1964)

14. All applications for grants of money from the Fund shall be sent to the Diocesan Treasurer not later than 31st August in each year.

INCURRING OF DEBT

15. No parish or district shall be permitted to incur any debt on the security of collections without previously obtaining the sanction of the Standing Committee.

DIOCESAN GENERAL FUND ACT 1966

Short Title

1. The short title of this Act shall be “The Diocesan General Fund (amendment) Act 1966.
2. Section 9 of the principal Act is amended by the deletion of the first sentence thereof.

THE PENSIONS ACT 1940
(Including Amendments 1952)

Short Title

1. The Short Title of this Act shall be “ The Pensions Act 1940”.

INTERPRETATION

2. In this Act unless the context otherwise requires, “clergyman” shall include the Bishop for the time being of the Diocese, and any person now hereafter licensed by him to the cure of souls in the Diocese.

“Lay workers” shall include all persons (other than a clergyman) who shall now or hereafter be exclusively employed by the Diocese in any capacity whatsoever and who shall agree or have agreed to be exclusively employed by the Diocese for a continuous period of not less than one year and one day.

“Subscriber” shall mean any person who shall contribute or agree to contribute to the Diocesan Fund for the purpose of receiving a pension or retiring allowance or other benefit in terms of this Act.

PENSION SCHEMES

3. Save as hereinafter provided and except in the case of a person in respect of whom the Diocese shall be required under the Fiji National Provident Fund Ordinance, 1966, to contribute to that Fund, every clergyman and every lay worker shall become a subscriber to the Diocesan Fund for the purpose of participating in the benefits of one of the following schemes:

“First Scheme: The Standing Committee shall make such arrangement in respect of each subscriber as it shall in its absolute discretion think fit with the persons having the management of the Clergy Pension Fund or any other Fund in New Zealand or elsewhere or with any Insurance Company or other institution as the Standing Committee shall decide for insuring the subscriber or providing a pension or retiring allowance or other benefit for the subscriber and / or the dependants of the subscriber and shall apply the contribution of the subscriber and the subsidy thereto from the Diocesan Fund as hereinafter provided in payment of the premium or other payment payable under the arrangement so made. The subscriber shall in each year pay to the Diocesan Fund as the subscriber’s contribution to such premium or other payment such amount as the Standing Committee shall from time to time determine.

The Standing Committee shall provide out of the Diocesan Fund as a subsidy to the contribution of the subscriber the balance required to make up the amount of the annual premium or other payment from time to time payable to the Fund or Insurance Company or other institution under such arrangement”.

Or Second Scheme: (1952). The subscriber shall in each year pay to the Diocesan Fund as the subscriber’s contribution for the purpose of this Act an amount equal to six per centum of the stipend salary or wages which shall be payable in that year to the subscriber from the Diocesan Fund but not exceeding in the case of any subscriber a sum of \$15 in any year. The Standing Committee shall provide out of the Diocesan Fund as a subsidy to the contribution of the subscriber an amount equal to such contribution but not exceeding in the case of any subscriber a sum of \$15 in any year. The Standing Committee shall cause to be opened on behalf of the subscriber an account with a savings Bank operating in (1966) Fiji and if it deems it necessary may appoint out of its members two or more trustees to operate such account. The Standing Committee shall from time to time cause to be paid to such account the contribution of the subscriber together with the subsidy from the Diocesan Fund as hereinafter provided. Upon the attainment by the subscriber of the age of 55 years the Standing Committee shall cause to be withdrawn from such account and paid to the subscriber such amount as the Standing Committee shall in its discretion deem proper but not being in any case less than 25 per centum of the total amount then to the credit of such account and shall apply the balance remaining after such withdrawal and payment in the purchase of an annuity for the subscriber or for such benefit of the subscriber as the Standing Committee shall in its absolute discretion think fit. In the event of the subscriber before the attainment of the age of 55 years ceasing for any reason whatsoever to be exclusively employed by the Diocese the subscriber and /or the dependants of the subscriber shall be entitled to receive from such account sum as the Standing Committee shall in its absolute discretion think fit but not in any case being less than an amount equal to the contribution paid by the subscriber in manner herein- before provided.

STANDING COMMITTEE TO DECIDE WHICH SCHEME SHALL APPLY.

- 4. The Standing Committee is hereby empowered to decide in such manner as it shall think fit in which one of the two schemes provided in the last preceding section hereof any clergyman or lay worker shall become subscriber and upon such grounds as it shall deem proper to exempt from the effect of or compliance with all or any of the provisions of this Act any clergyman or lay worker.**

SUBSCRIBERS TO BE IN EXCLUSIVE EMPLOYMENT OF THE DIOCESE

5. **The Standing Committee shall not pay any amount by way of subsidy under section 3 hereof in respect of any contribution paid by any person not for the time being in the exclusive employment of the Diocese.**

CONTRIBUTIONS MAY BE DEDUCTED FROM STIPEND SALARY OR WAGES.

6. **The Standing Committee is hereby empowered to deduct the contribution payable by any subscriber under section 3 hereof from the stipend salary or wages from time to time payable to the subscriber from the Diocesan fund.**

REVENUE

7. (a) **Revenue from the following sources shall be set apart for the purposes set forth in this Act and shall be shown separately in the accounts of the Diocese:-**
 - (i) **Subscriptions from clergy and lay workers**
 - (ii) **Subsidies paid from the Diocesan Fund**
 - (iii) **Licence Fee**
 - (iv) **Collections, bequests and donations given for such purposes.**
- (b) **The Diocesan Treasurer shall present to the Synod of the Diocese separate statements of the monies received and expended in each year under the terms of the Act, together with a balance sheet duly audited. The balance of monies, if any, derived from the sources of Revenue enumerated in the last proceeding subsection hereof after payment of the provision for all liabilities under this Act shall be capitalized and used as the Synod shall decide for purposes consistent with this Act.**

BANNS AND LICENSE FEES

8. **Every clergymen shall pay into the Diocesan fund for the purposes of this Act all fees for Marriages by Banns and Marriages by License received by him.**
9. **SPECIAL COLLECTIONS (deleted 1968)**

AGREEMENT TO BE SIGNED

10. Every subscriber to the Diocesan Fund under this Act shall sign the following agreement:-

“I.....of do hereby agree to conform to and be bound by the Diocesan Pension Act 1940 and all its terms and provisions in so far as they apply to me and to conform to and be bound by any arrangements made on my behalf by the Standing Committee of the Diocese in terms of Section 3 of the said Act and do hereby authorize the deduction from my salary or wages the amount of contribution due by me from time to time”.

APPEALS

11. In case any clergyman or lay worker shall be aggrieved at the decision of the Standing Committee on any matter arising under this Act and affecting the rights and liabilities of such clergyman or lay worker hereunder such clergyman and lay worker shall have the right to appeal from the decision of the Standing Committee to the Diocesan Synod and the Synod’s decision shall be final and binding on all parties.

REPEAL OF PREVIOUS ACT

12. The Pensions Amendment Act 1927 is hereby repealed provided that all contracts entered into and all Acts done thereunder and all contracts for the provision of pensions or retiring allowances or other like benefit entered into prior to the passing of this Act by any clergyman or lay worker with the consent of the Standing Committee whether in accordance with the provisions of the said Pensions Amendment Act 1927 or not shall continue to have the same force and effect as if they had been entered into or done under this Act.

Note: Some of the provisions of this Act in as far as the clergy are concerned no longer apply and are replaced by the provisions of the Clergy Pension Fund Act, 1962.

+ J.C.B. December 1964

THE PENSIONS ACT 1962

AN ACT to consolidate certain enactments of the Synod of the Diocese of Auckland, Waiapu, and Waikato relating to the establishment of a Board to administer the Clergy Pension Fund of the Dioceses of Auckland, Waiapu, Melanesia, Waikato and Polynesia, and such other Dioceses as may be associated therewith which shall be known as the Diocesan Pension Board, and to provide for the admission, transference and retirement of subscribers and for rules appertaining thereto.

Preamble WHEREAS for some time past several Funds have been administered by the Diocesan Pension Board for the provision of pensions and other benefits to clergy, lay and women workers.

AND WHEREAS it is desired to amalgamate such funds and to re-enact and consolidate the Statute governing the administration for extension to other Dioceses in New Zealand of the Benefits of the Clergy Pension Fund.

Enacting NOW THEREFORE BE IT ENACTED by the Bishop, Clergy and Laity of the Diocese of Polynesia in Synod assembled as follows:-

Short Title

- 1. The short title of this Act shall be the Clergy Pension Fund Act 1962.**

Merger of Funds

- 2. The Funds referred to in the First Schedule hereto previously administered under Pensions Act 1940 and its amendments shall be and the same are hereby amalgamated and merged into one Fund which shall be known as the Clergy Pension Fund.**

Associated Dioceses

- 3. For the purpose of the Clergy Pension Fund, (hereinafter referred to as “the Fund”), the Dioceses of Auckland, Waiapu, Melanesia, Waikato and Polynesia shall be associated together and such other Dioceses as may subsequently become associated as provided in clause 6 hereof.**

Name of Board

- 4. The Fund shall be vested in and managed by a Board which shall be known as the Diocesan Pension Board, (hereinafter referred to as “the Board”)**

Constitution of Board

- 5. The Board shall consist of the Bishop, or his Commissary specially appointed therefore, of each of the Dioceses of Auckland, Waiapu, Melanesia, Waikato and Polynesia, (hereinafter termed the ‘ex officio’ members) together with four representatives of the Diocese of Auckland, three of the Diocese of Waikato, to be elected by the Synods of the respective Dioceses. From and during the continuance of the association of any Diocese as provided in clause 6 hereof, the membership of the Board shall be increased to include the Bishop or his Commissary specially appointed therefore, together with three representatives of such Diocese to be elected by the Synod of such Diocese.**

FURTHER ASSOCIATIONS & WITHDRAWALS

- 6. Any Diocese in the Province of New Zealand, or having representation in the General Synod thereof, may with the previous consent of the Board associate itself with the aforementioned Dioceses by passing an Act containing the provisions of this Act and any amendment hereof, mutates, mutandis. Any such association shall become operative upon the receipt by the Secretary of the Board, of formal notification thereof; and shall continue until notice of the repeal of such association Act shall have been received by the Secretary of the Board, and the termination of such association unanimously assented to with or without conditions by the Synods of the other associated Dioceses in New Zealand. Such termination of association shall become operative upon the giving of such unanimous consent, and if conditions are imposed, then upon such conditions being complied with to the satisfaction of the Board.**

INCORPORATION AND BOARD

- 7. (a) The Board shall be a body continuity of the corporate incorporated under the Charitable Trusts Act 1957 (New Zealand) with perpetual succession and a common seal and shall be capable of holding real and personal property and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.**
- (b) The Board shall be deemed to be the same body corporate as the Diocesan Pension Board constituted under the Religious Charitable and Educational Trust Boards Incorporation Act 1884 (New Zealand) and all rights, powers and interests whether in property or otherwise and all liabilities, obligations and duties thereof shall pass to the Board without any cessation or interruption whatsoever.**

ELECTION

- 8. It shall be competent for the Synod of each associated Diocese to make necessary arrangements for the election of its representatives, and for their retirement in rotation. Any such retiring representatives may be re-elected.**

RESIGNATIONS

- 9. Any representative may resign his seat by writing under his hand Replacements delivered to the Bishop of the Diocese which he represents. Any vacancy caused by resignation or otherwise shall be filled by a person appointed by the Standing Committee of the Diocese affected. Such appointment shall be notified forthwith to the Secretary of the Board; and the person so appointed shall retire on the date at which his predecessor would have retired.**

MEETINGS AND QUORUM

- 10. The Board shall hold an annual Quorum meeting at a date in each year not more than fifteen months after the last preceding annual meeting, and such other meetings as may from time to time be necessary. At any meeting of the Board one third of the ex-officio members, together with one half of the elected members, representing not less than three of the associated dioceses shall constitute a quorum.**

EXECUTIVE

- 11. The Board may appoint any of its members to be its Executive, and may delegate to such Executive from time to time such powers and duties as it shall see fit.**

SUBSCRIBERS' QUALIFICATIONS

- 12. Every Clergyman holding the licence of any Bishop of any Diocese in New Zealand, or of any associated Diocese outside New Zealand, and every Layman engaged as a Church worker in any such Diocese, may be admitted as a subscriber to the Fund subject to the rules of the Board for the time being in force.**

COMPULSORY MEMBERSHIP

- 13. Every clergyman in each associated Membership Diocese who being under the age of fifty years, is not already a subscriber to the fund, shall on receiving the Bishop's License, become a subscriber to such Fund unless granted exemption by the Board.**

WOMEN WORKERS

- 14. The Board shall have power to make provision on a basis approved by its Actuary for Pensions and other benefits for stipendiary women church workers in the associated Dioceses.**

SPECIAL FUNDS

- 15. The Board shall, in addition to the Fund, hold and administer such special Funds as have been or may from time to time be placed under its control by the Synod of an associated Diocese.**

RULES

- 16. The Board shall have power at any time to make such Rule or Rules (not inconsistent with the provisions of this Act or any amendment thereof) as may be necessary, and to alter, or amend, or suspend the operation of, or repeal any such Rule or Rules.**

APPROVAL BY STANDING COMMITTEE

- 17. A copy of every Rule made or altered, Standing amended or repealed, or the fact of Committee any suspension in accordance with Clause 16 hereof shall be furnished forthwith to the Bishop of each associated Diocese in New Zealand and shall be submitted by him to the Standing Committee of his Diocese for approval see original by a majority of such Standing Committees. Provided that should the Board consider it desirable, the date upon which such rule shall come into force, may, with the approval of a majority of such Standing Committees, be ante-dated to the commencement of the then current year, post-dated to the commencement of the next ensuing year, or fixed at any convenient date within these limits.**

RESOLUTIONS

- 18. A resolution in writing signed by all members of the Board at the time in New Zealand shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.**

ACTUARY AND AUDITOR

- 19. The Board shall from time to time appoint duly qualified persons to be its Actuary and its Auditor.**

ANNUAL REPORTS

- 20. The Board shall after each annual meeting furnish to the Bishop of each associated Diocese for presentation to his Synod a report of the year's**

operations, together with a duly audited statement of Accounts and Balance Sheet.

QUINQUENNIAL RE-VALUATION

21. The Board shall at the end of every Revaluation five years obtain from its Actuary a valuation of and Report upon the Fund, and shall furnish a copy of the same to the Bishop of each associated Diocese for presentation to his Synod.

COMMON SEAL

22. The Common Seal hitherto in use by the Board shall be the Common Seal of the Board pursuant to this Act.

RECIPROCAL ARRANGEMENTS

23. (a) The Board shall have power to arrangements enter into reciprocal arrangements and contracts with the authority controlling and administering any pension scheme for providing pensions for the Clergy or their widows and / or their children and/or their dependants of any Church to which this clause applies under which:-
- (i) Any Bishop, Priests or Deacon to whom this Act applies who is about to minister in any Church to which this clause applies, may, if the Board so determines, be transferred to the Pension scheme of that Church.
- (ii) Any Bishop, Priest or Deacon to whom this statute has been applicable who has ministered in any church to which this clause applies may in substance retain for himself, his widow and or /his children and/or his dependants in such manner, and to such extent as the reciprocal arrangements shall provoke any right to, or expectations of, a pension which he may already have acquired himself or his widow and/or his children and/or his dependants.
- (b) A Bishop, Priest or Deacon transferred hereunder to the pension fund of a Church to which this clause applies, shall, as from the date of his transfer, cease to have any right or claim to receive at any time a pension under this Act (and the regulations made here under), and his widow and/or his children and/or his dependants shall also cease to have any right or claim to receive at any time a pension hereunder, but so that the Board shall have power to reinstate him in the position of a person to whom this Act applies upon such terms and conditions as the Board may deem expedient.
- (c) This clause shall apply

- (i) To all Episcopal Churches in communion with the Church of England in which clerks in Holy Orders of the church of the Province of New Zealand, commonly called the Church of England, are admitted to minister.
- (ii) To any body of clergy administering outside New Zealand under the jurisdiction of a Bishop consecrated as a Bishop of the Church of England, or of any Bishop in Communion with the Church of England in connection with which body a pension scheme has been established.

REPEALS AND SAVINGS

- 24. (a) The enactments specified in the Second Schedule hereto are hereby repealed.
- (b) It is hereby declared that the repeal of any provision made by this Act shall not affect any document or anything whatsoever done under any provisions so repealed or under any corresponding former provision and every such document or thing so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act shall continue and have effect as if it had been made or done under the corresponding provision of this Statute and as if that provision had been in force when the document was made the things were done.
- (c) Where in any document made before the commencement of this Act reference is made to any former Act, that reference shall be construed and shall operate as if it had been made to this Act or to such of the provisions of this Act as correspond to those of the Act so referred to.
- (d) All matters and proceedings commenced under any former enactment and pending or in progress at the commencement of this Act may be continued, completed and enforced under this Act.

OPERATION

- 25. This Act shall come into force on the first day of January next succeeding the date of its enactment by the associated Dioceses in New Zealand.

FIRST SCHEDULE

NO	I FUND	-	Clergy Sick Fund
NO	II FUND	-	Clergy Pension Fund
NO	III FUND	-	Clergy Widows' and Orphans' Fund

SECOND SCHEDULE

The Pension Act 1940
The Pensions Amendment Act 1958

TRUSTS ACT 1926 FOR REGULATING THE APPOINTMENT AND FUNCTIONS OF THE BOARD OF TRUSTEES

PREAMBLE

WHEREAS at a conference of members of the Church of England in Fiji held at Suva on October 5th and 6th 1924, it was unanimously decided to petition for admission as a Missionary Diocese of “the Church of England” and this petition having the unanimous support of members of the Church of England resident in Samoa and Tonga and having also the formal approval of the Metropolitan His Grace the Most Reverend the Lord Archbishop of Canterbury was accepted by the General Synod of the Church of the Province of New Zealand commonly called “the Church of England” at their regularly constituted meeting in Dunedin in February, 1925.

AND WHEREAS at the said conference it was also decided to adopt the method of constitutional government by Bishop, Clergy and Laity.

AND WHEREAS by a Deed of Trust dated the first day of June, 1911, and registered at the Titles Office at Suva in Register of Deeds Book V/XI, Folio 3 the parties whereto were duly registered under the Religious Bodies Registration Ordinance 1881 as trustees for the time being of the Church of England in Fiji the objects and duties of the trustees were therein declared and set forth.

AND WHEREAS it is now expedient to empower the said trustees to act as trustees for the Church of England in the Diocese of Polynesia which comprises other islands beyond the Colony of Fiji.

AND WHEREAS by clause 19 of the said Deed of Trust it is provided that it shall be lawful for the said trustees or for three quarters of them by resolution to revoke or vary or add to the provisions of the said Deed.

AND WHEREAS the said trustees have by unanimous resolution dated 13th day of April, 1926, revoked varied and added to the provisions of the said Deed of Trust.

AND WHEREAS it is desirable that the said trustees shall comprise the Board of Trustees of the Diocese of Polynesia.

NOW THEREFORE BE IT ENACTED by the Diocesan Bishop Clergy and Laity of the Diocese of Polynesia assembled and by authority of the same as follows:-

Short Title

- 1. The short title of this Act shall be the “Trusts Bill, 1926.”**

First Board

- 2. The Trustees for the Colony of Fiji of the Church of England who are His Lordship the Bishop of the Diocese (or his Commissary) the Revd W.J Hands, Messrs W.Wilson, J.H.Butler, and C.B. Joske and will be duly registered under the Religious Bodies Registration Ordinance 1881 shall constitute the Board of Trustees of the Diocese and shall remain in office subject to the terms of the said Deed of Trust as modified by the said Resolution.**

**EXEMPT FROM STAMP DUTY (sgd) R.
RANKINE COMMR. OF STAMPS FIJI
21st JUNE 1911
DEED**

TO ALL WHOM THESE PRESENTS SHALL COME the several persons whose hands and seals are set hereto send greetings:

WHEREAS the parties hereto are registered under the Religious Bodies Registration Ordinance 1881 as Trustees for the Colony of Fiji of the Anglican Church to whom it is deemed expedient that charitably disposed churchman may give devise and bequeath real and personal property either for the general purposes hereinafter mentioned or upon special trusts and who may also be appointed to be new trustees of trusts whether now in existence or to be hereinafter created so as to consolidate as far as possible the administration of the Church charities in the Diocese of Polynesia NOW THESE PRESENTS WITNESSETH THAT IT IS HEREBY DECLARED AS FOLLOWS that is to say:-

- 1. In the interpretation of these presents unless inconsistent with the subject or context:-**

“The Trustees” means the several parties whose hands and seals are set hereto or other the duly constituted Trustees for the time being of these presents.

“The property” means the real and personal property from time to time belonging to or vested in or under the control or management of the Trustees or which ought in due course of law to be vested in them.

“The Bishop” means the Bishop for the time being of the Diocese of Polynesia or his Commissary (1926).

“The Diocese” means the Diocese of Polynesia (1926).

“The Church of England” means the Church of England as by law establishment or if its shall hereinafter be dis-established then the same church dis-established.

- 2. The Trustees shall by all lawful means acquire real and personal property and (except where special trusts are declared as hereinafter mentioned) shall apply the same in aiding or furthering the work of the Church of England in the Diocese for which purpose they shall do and carry out or assist in doing or carrying out all such matters and things as are likely to promote the objects of such church and in particular such of the following things as they may from time to time in their absolute discretion deem expedient that is to say:-**
 - (a) They may assist pecuniary or otherwise all or any of the societies institutions, clubs, trusts, organizations, schools, homes, refuges and other charities now existing or hereafter to exist in connection with the Church of England in the Diocese as they shall in their absolute discretion think fit.**
 - (b) They may require sites for buildings altering and enlarging and build, alter or enlarge and maintain or endow churches chapels churchyards, burial grounds, schools, mission halls, parish rooms, residences for clergy, schoolmasters, and school mistresses refuges, homes or other buildings to be used in connection with the work of the said church in the Diocese.**
 - (c) They may provide or increase or subscribe to the provision or increase of the stipends of clergy teachers and other officers and assistants of the said church whether clerical or lay within the Diocese and provide relief or pensions for such persons their widows and families.**
 - (1) They may accept property to be held either for the general purposes above mentioned, or**
 - (2) Upon special trusts connected with the said church either as original trustees or as new trustees already existing, or**
 - (3) As bare or passive trustees without undertaking the management and administration of such property where trusts of such property in connection with the said church are to be administered by other trustees or managers.**

PROVIDED that the Trustees shall not be bound to accept property for any of the foregoing purposes unless they shall in their absolute discretion deem it expedient so to do.

3. **When property is accepted by the Trustees for the general objects hereinbefore expressed they may apply both capital and income including the proceeds of the sale or mortgage thereof in or towards any such objects as they may in their absolute and unfettered discretion deem meet or they may accumulate such income until the same can in their opinion be usefully applied for all or any of such objects.**
4. **When property is accepted by the Trustees upon special trusts to be declared by the donor all the powers and provisions of these presents shall be deemed to be incorporated in the deed declaring such special trusts except in so far as the same shall be expressly excluded or modified or be inconsistent with such special trusts.**
5. **When property is accepted by the Trustees upon trusts already in existence they shall administer such trusts according to law and the general powers conferred on them by these presents shall not apply.**
6. **Where property is accepted by the Trustees as bare or passive trustees they shall from time to time apply such property according to the lawful directions of the trustees or managers to whom the management and administration thereof may have been confided.**
7. **The Trustees shall the following powers namely:-**
 - (a) **To sell, exchange, partition, lease, invest or otherwise dispose of the property or any part thereof or any interest therein for money or other valuable consideration as fully as if they were absolute owners.**
 - (b) **To borrow money on mortgage on the property or any part thereof or other wise provided that money so borrowed on mortgage shall not exceed two thirds of the estimated selling value at the date of the mortgage of the property or any thereof or otherwise provided that money so borrowed on mortgage of the property proposed to be mortgaged.**
 - (c) **To invest money in any investment in which Trustees may by law invest trust funds or in the purchase or improvement of any land or property or any interest in land or property and to vary and transpose any such investments from time to time.**
 - (d) **To pay all expenses incurred in relation to the preparation stamping and execution of these presents and all expenses to be incurred in relation to the trusts from time to time reposed in them.**

- (e) To appoint and delegate any of their powers or duties to any manager or committee consisting of members of their own body or of persons who are not members of their own body and to revoke any such appointments or cancel such delegations from time to time. (1926)
 - (f) To take Counsel's opinion on any matter and act in accordance with such advice without being responsible for any error thereby committed.
 - (g) To appoint and remove or suspend and pay such officers clerks servants and auditors either for permanent temporary or special services as they may from time to time deem necessary and to determine their duties and powers and fix their salaries or remuneration and (if considered necessary) to require security of such amount as they may think fit for the proper and sufficient discharge of such duties.
 - (h) To improve, repair and maintain and insure against loss or damage by fire or hurricane any of the property and to discharge out of income or capital all outgoings properly payable in respect of the property without prejudice to the rights of the trustees to make it a condition before allowing any person to enter into possession of any of the property (whether as tenant at will or otherwise) that such person shall pay and discharge all or any part of such outgoings.
 - (i) To make vary and revoke rules regulating the procedure to be observed at their meeting or the management of the business of the trust consistently with these presents.
 - (j) To appoint any person or persons resident in other islands of the Diocese outside the Colony of Fiji to hold and be registered as proprietors or lessees of property in such other islands on behalf of the trustees. (1926)
8. The Trustees shall meet for the transaction of business at least twice in every year namely once between the 1st day of January and the 30th day of June and once between the 1st day of July and the 31st day of December on such days and at such times and places as they may from time to time determine but the Bishop may convene a meeting of the Trustees at any time or place.
9. It shall not be necessary for the Trustees to act unanimously but all their powers and all discretion vested in them may be exercised by the majority of those who are present and vote at any meeting PROVIDED that notice has been given and that three at least be present to form a quorum.

10. **Minutes of the proceedings of all meetings of the Trustees shall be recorded in a book to be kept for the purpose and shall be signed by the Chairman of the meeting or of the meeting at which the minutes are read and confirmed or in his default by any two of the trustees present and every such minute purporting to be so signed shall be prima facie evidence of the facts therein stated.**
11. **The Trustees shall keep an account or accounts at such Bank or Banks as they shall from time to time determine. Every sum paid amounting to more than \$2 shall be paid by a cheque on the Bankers. All sums received shall be forthwith paid into such Bank either to the general account of the trustees or to the account of the particular trust or object for or in respect of which it is received.**
12. **Cheques shall be drawn signed and endorsed by such two of the Trustees as the trustees may from time to time appoint in that behalf.**
13. **No payments shall be made without the order of the Trustees present at a meeting except payments on petty cash account for which it shall be lawful for the Trustees to place at the disposal of one of their number or a secretary such sum as they may think fit from time to time not exceeding \$20 at any one time.**
14. **The Trustees shall cause true accounts to be kept in such manner as they think fit of all their receipts, credits, payments and liabilities and of each separate object or purpose for which the property is held or has been applied by them and of all other matters necessary for showing the true state and condition of their trust.**
15. **The Trustees shall make an annual balance sheet in the month of December which shall be open to the inspection of the Bishop, Archdeacon and any rector, Vicar or perpetual curate for the benefit or partial benefit of whose parish any trust property shall be vested in or administered by the Trustees, and of any member of the Church of England who shall have been the donor during the preceding year of any property to the Trustees.**
16. **The accounts of the Trustees shall be audited annually in the month of January by an Accountant to be nominated by the Diocesan Synod. Such auditors shall have free access to the books of account vouchers and other documents of the Trustees. The Trustees shall present an annual report and balance sheet to the Diocesan Synod. (1926)**
17. (a) **The number of trustees of these present shall be six including the Diocesan Bishop ex officio as Chairman. (Trustees 27/02/71)**

- (b) **The power of appointing new Trustees of these presents shall be exercisable by the Bishop.**
- (c) **The list of names of the trustees other than the Bishop shall be numbered and the end of each triennial period two members shall be deemed to have retired but shall remain in office till their successors have been appointed and registered. Retiring Trustees shall be eligible for re-election.**
- (d) **Any Trustee may be writing under his hand to the Bishop resign his office and upon the receipt of such resignation the office of such Trustee shall become vacant.**
- (e) **No person shall be appointed a Trustee unless a Declaration in the form as follows signed by him shall have been received by the Standing Committee:-**

“I do hereby my submission to the Authority of the Synod of the Diocese of Polynesia and I further consent to be bound by all regulations which may from time to time be issued by the authority of the said Diocesan Synod. (1926)

18. Any Trustee shall be deemed to have become unfit to discharge the office of Trustee of these presents and the Bishop may declare the office of such Trustee to be vacant.

- (a) **If he cease to reside within the Colony of Fiji**
- (b) **If he ceases to be a member of the Church of England.**

In the event of any dispute arising as to whether any Trustee has become unfit within the meaning of this clause, the matter shall be finally decided by the Bishop (1926).

19. It shall be lawful for the Trustees or for three quarters of them by resolution:-

- (a) **To revoke or vary or add to any of the provisions of these presents so long as such revocation, variation or addition is not inconsistent with the general scope and the objects of these presents, or**
- (b) **To revoke or vary or add to or declare entirely new trusts in substitution for any special trusts confided to them (unless the instrument creating such trusts shall have expressly negatived this present power) in cases where such special trusts shall have become in their opinion undesirable or obsolete.**

- 20. (a) The duties of the Trustees shall be governed by Title F. Canon III of the Constitution and Canons of the Church of the Province of New Zealand so far as the same are not inconsistent with the terms of these presents or with the laws of the Colony of Fiji. (1926)**
- (b) Every dispute whether between the Trustees inter se or between them, and third parties and whether as to the interpretation of these presents or of any Deed or Will vesting property or the management of property in the Trustees either generally or on special points shall be referred for the decision of the Diocesan Synod or when the Diocesan Synod is not in Session to the Standing Committee of the Synod. (1926)**
- 21. Every Trustee shall be indemnified out of the property against all losses and expenses incurred in the discharge of his duties except such as may happen through his own willful act or default and each one shall be chargeable only for so much money or property as he shall himself actually receive for or in discharge of the business of the Trustees and shall be answerable only for his own acts, neglect or default and not for those of any other person nor for any loss or damage which may happen in the discharge of his duties not being attributable to his own willful act or default.**