

TITLE F
OF TRUSTS, TRUSTEES AND BOARD MEMBERS

CANON I

OF APPOINTING BODIES

1. Constitution of Appointing Bodies.

- 1.1. For the purpose of exercising the powers hereinafter mentioned there shall be a Board, to be called the **DIOCESAN TRUSTS BOARD / APPOINTING BODY**, in each of the Dioceses into which this Church may from time to time be divided, except in the Diocese of Christchurch or any division thereof; and **TE WHITI TOHU / APPOINTING BODY** in Te Pīhopatanga o Aotearoa and within its Hui Amorangi. *Name of Appointing Body 1868, 1883, 1925, 1996.*
- 1.2. Every such Appointing Body shall consist of the Bishop of the Diocese and of the Standing Committee of the Diocese for the time being, or the Bishop of the Hui Amorangi and the Amorangi Whāiti for the time being. *Constitution of Appointing Body 1868, 1996.*
- 1.3. The Bishop of the Diocese or the Bishop of the Hui Amorangi shall be the Chairperson of the Appointing Body. Te Pīhopa o Aotearoa shall be the Chairperson of the Appointing body for Te Pīhopatanga o Aotearoa Trust Board. *Chairperson 1868, 1996.*
- 1.4. In case of a vacancy of the See, if there be no Commissary, the Appointing Body shall elect its own Chairperson. *Election case of vacancy of the See 1868, 1986, 1996.*
- 1.5. All meetings of the Appointing Body shall be called by the Chairperson for the time being, or if there be no Chairperson, then by the Secretary. *Meetings called by Chairperson 1868.*
- 1.6. The presence of the Chairperson, and of not less than one half of the members of the Appointing Body, shall be necessary to constitute a meeting of the Appointing Body:
Provided that, when there is no Chairperson, a majority of the members of the Appointing Body may proceed to elect a Chairperson. *1868.*
- 1.7. The Appointing Body shall make and keep minutes of its proceedings, and shall forward a certified copy of the same to the Primate / te Pīhopa Mātāmua, to be laid before the General Synod / te Hīnota Whānui at its biennial meetings. *Minutes to be kept. 1868, 1964.*

2. Powers of the Appointing Body.

- 2.1. The first appointment of any body of Trustees to hold any property in the Diocese or Hui Amorangi on behalf of the General Synod / te Hīnota Whānui shall be made in writing under the hand of the Chairperson of the Appointing Body, in the form hereto annexed, or to the effect thereof. *First appointment of Trustees to be made under the hand of the Chairperson. 1868 1910, 1986, 1996.*

FORM OF FIRST APPOINTMENT OF A BODY OF TRUSTEES.

Diocese of.....Trust / Hui Amorangi.....Trust

TO ALL TO WHOM THESE PRESENTS COME.

I.....,send Greeting:

Whereas by Title F, Canon I, of the General Synod / te Hīnota Whānui, intituled "Of Trusts" it is provided that the first appointment of any body of Trustees to hold any property in the Diocese of / Hui Amorangi shall be made in writing under the hand of the Chairperson of the Appointing Body of the said Diocese / Hui Amorangi:

And whereas by a resolution of the Appointing Body of the said Diocese / Hui Amorangi, passed at on.....the.....day of.....in the yearthe following persons, that is to say..... were chosen as Trustees for the allotment or parcel of Land particularly described in the Schedule hereunto annexed:

Now know ye that the said General Synod / Hīnota Whānui doth hereby appoint the said.....to be the Trustees for the said allotment or parcel of Land accordingly.

In witness whereof I have hereunto set my hand thisday of..... in the year of our Lord

Chairperson of the Appointing Body of the Diocese of..... / Hui Amorangi Signed by the above-named.....

Chairperson of the Appointing Body of the Diocese of.....

/ Hui Amorangi..... in the presence of Us:

(To be signed by two Witnesses)

THE SCHEDULE REFERRED TO IN THE ABOVE FORM.

2.2. It shall be competent to the Synod of each Diocese / to each Hui Amorangi to fix from time to time the number of Trustees in each Board of Trustees; and when the number of Trustees shall not have been fixed by the Diocesan Synod / Hui Amorangi, then the number appointed by the Appointing Body at the first appointment of Trustees shall be the proper number, until the Diocesan Synod / Hui Amorangi shall otherwise order:

Number of Trustees. 1889, 1996.

1910.

Provided that this clause shall be read subject to the terms of any Trust Deed.

2.3 When a body of Trustees shall have been duly appointed by any Appointing Body, it shall be competent for such Appointing Body from time to time to direct other property to be conveyed to such Trustees for and on behalf of the General Synod / te Hīnota Whānui without executing any fresh instrument of appointment.

No further appointment needed. 1868.

- 2.4 Any Trustee may, by writing under hand addressed to the Chairperson of the Appointing Body, resign, and upon the receipt of such resignation by such Chairperson, the office of such Trustee shall become vacant. *Trustees may resign. 1868.*
- 2.5.1 In case any Trustee shall be absent from the Diocese / Hui Amorangi without leave for a period exceeding six months, or shall die, the office of such Trustee shall be vacant, and the Appointing Body shall proceed to fill such vacancy. *Office, when forfeited. 1868, 1898, 1904, 1996, 2006*
- 2.5.2 All the provisions of Title F Canon VIII, concerning the qualifications of members of certain Committees and Trust Boards, apply to Trustees. *2006*
- 2.6 In every Board of Trustees already or hereafter constituted under this Canon the list of names of the Trustees shall be numbered and at the end of each financial year the number of Trustees nearest to one-third of such Board shall be deemed to have retired but shall remain in office until their successors are appointed. The rotation of retirement shall be in accordance with the numbers attached to the names on the list. Any member so retiring may be reappointed and in the case of reappointment a Deed of Appointment as provided under Clause 2.7 hereof shall be executed to that effect. *Retirement of Trustees. 1904, 1919.*
- 2.7 **And whereas** by The Charitable Trusts Act, 1957, provision is made for the vesting of freehold and leasehold property to be acquired by or on behalf of any religious denomination in Trustees, and their successors for the time being, and the old continuing Trustees (if any) jointly: or if there be no old continuing Trustees, then in their successors for the time being, duly chosen and appointed in the manner provided in that behalf, or if no mode of appointment be prescribed, or if the power of appointment be lapsed, then in such manner as shall be agreed upon by such denomination or a body constituted to represent them; and it is provided by the said recited Act that every such choice and appointment of a new Trustee shall be made by Deed under the hand and seal of the Chairperson for the time being of the meeting at which such choice and appointment shall be made, and shall be executed in the manner particularly described in the said recited Act: *To represent General Synod for Charitable Trusts Act. 1868, 1910*
- And whereas** it was formerly provided by the Church Constitution that the General Synod / te Hīnota Whānui, or any Board or Commission duly constituted by the General Synod / te Hīnota Whānui, shall, for the purposes of the said recited Act be deemed to be a body duly constituted to represent the Anglican Church in Aotearoa, New Zealand and Polynesia: *1868, 1910, 1996.*
- For the purpose of filling up the vacancies which may from time to time occur in any body of Trustees appointed by or under the authority of the General Synod / te Hīnota Whānui, every such Appointing Body shall be deemed to be a body duly constituted to represent the said Church within the Diocese / Hui Amorangi.

- 2.8.1 Any person appointed a Trustee under this Canon (whether of a Diocesan Trust Board / Te Whiti Tohu, Rohe Trust Board, Parish Trust Board, or Hui Amorangi Trust Board or Te Pihopatanga o Aotearoa Trust Board) shall be deemed to take office when first after such appointment that person takes a seat at a duly constituted meeting of the body of Trustees to which that person has been so appointed, and it shall not be competent for any such Trustee to take office until a declaration signed in conformity with the Constitution shall have been received by the said body of Trustees or by some other authority appointed by the Appointing Body in that behalf.
- Trustees not to be appointed without Declaration 1934, 1996.*
- Provided that** if that person does not sign the said declaration within a time to be fixed by the Appointing Body in that behalf the appointment shall at the expiration of that time become void *1996*
- Provided further that** this clause shall apply also to Trust Boards for local ministry and mission units, whether such Trustees are appointed under this Canon or under a Deed of Trust. *1996*
- 2.8.2 For the purposes of this Clause the reappointment of a Trustee who has retired by rotation shall be deemed to be a new appointment.
- 2.9 Whenever any Appointing Body shall execute any Deed of Appointment of a new Trustee, a certified copy of such Deed shall be forwarded to the Chairperson of the Board to which the new Trustee shall belong. *Appointment of new Trustee to be notified. 1889.*
- 2.10 **And Whereas** in the Constitution / te Pouhere Part C Clause 9 the General Synod / te Hīnota Whānui is empowered to make regulations for the management of property and for the administrations of trusts
- And Whereas** by the said Constitution up to 1907 in a clause now repealed it was provided that all property to be conveyed to the General Synod / te Hīnota Whānui, or to Trustees on behalf of the General Synod / te Hīnota Whānui, should be held upon trusts as therein mentioned, but subject to any special covenants and declarations of trust imposed by any founder, donor, testator, or other benefactor, attaching to any property, which property shall have been accepted by the General Synod / te Hīnota Whānui, or by any Board or other person authorised by the General Synod / te Hīnota Whānui in that behalf: ** Clause 26 repealed, 1907. Board to accept property subject to special covenants. 1868, 1996.*
- The acceptance of any such property by any such Board of Trustees shall be as valid and effectual to all intents and purposes as if such property had been accepted by the General Synod / te Hīnota Whānui.

- 2.11 It shall be lawful for a Board of Trustees to enter into any contract or contracts with any public company or body corporate, notwithstanding the fact that when such contract or contracts are being authorised by the Board, any of its members may be interested therein by reason of being a shareholder in such company or body corporate,
- Power to enter into contracts. 1928.*
- Provided that** before such contract or contracts are so authorised, the member who is so interested shall disclose to the Board the nature of the interest, and that member shall refrain from voting in respect of the making of such contract or contracts and that if that member does so vote, that vote shall not be counted.

CANON II
OF INCORPORATION OF TRUSTEES

1. It shall be competent for any Diocesan Synod / Hui Amorangi to consent, on behalf of the General Synod / te Hīnota Whānui, to any application for incorporation by any body of Trustees within such Diocese / Hui Amorangi, under any Act which may be passed by Parliament. (a). *Diocesan Synod / Hui Amorangi may give consent 1883, 1996.*

Provided nevertheless that, if the Act so to be passed by the Parliament shall differ in its provisions from the Bill approved by this General Synod / te Hīnota Whānui, no Trustees shall avail themselves thereof without the consent of the General Synod / te Hīnota Whānui, unless and until the Judicial Committee shall have advised that the provisions of the said Act actually passed by Parliament do not differ materially from the provisions of the Bill so approved by this General Synod / te Hīnota Whānui. *1883, 1996.*

2. No Trustees shall apply for incorporation until they shall have received such consent from the Diocesan Synod / Hui Amorangi. *Trustees to obtain consent 1883, 1996.*

3. A copy of the Resolution passed by any Diocesan Synod / Hui Amorangi consenting on behalf of the General Synod / te Hīnota Whānui to any such application, certified by the President for the time being of the Diocesan Synod / Hui Amorangi, shall be forwarded forthwith to the Trustees, and shall be a sufficient authority to them to avail themselves of the power of Incorporation conferred by any Act of Parliament. *Consent how shown 1883, 1996*

[(a) See "The Charitable Trusts Act, 1957," replacing the Act of 1884.]”

**CANON III
OF THE DUTIES OF TRUSTEES**

1. All property held in Trust for the use of a Diocese / Hui Amorangi generally shall be transferred to a Board of Trustees for that Diocese / Hui Amorangi, to be called Diocesan Trustees / Hui Amorangi Trustees; and it shall be competent to the Synod of each Diocese / each Hui Amorangi to direct that the lands vested in any Board of Trustees for the General Synod / te Hīnota Whānui within that Diocese / Hui Amorangi shall be separated, and left to distinct and separate Boards, or to combine the lands now vested in any separate Board, or any part thereof, or to combine in one all the lands now comprised in several Trusts or in all the Trusts, as the Synod / Hui Amorangi shall think best. *Board of Trustees. 1886, 1996*

2. Where the land is vested in Diocesan Trustees / Hui Amorangi Trustees for Religious and Charitable purposes in general, the specific application shall be determined by the Diocesan Synod or Hui Amorangi, subject to the control of the General Synod / te Hīnota Whānui. *Diocesan Synod / Hui Amorangi to determine specific application of land. 1886, 1996.*

- 3.1 No sale or exchange of land held in trust for the General Synod / te Hīnota Whānui (or by Trustees appointed under the authority of the General Synod / te Hīnota Whānui) shall be made without the authority of the Diocesan Synod / Hui Amorangi or, when the Diocesan Synod / Hui Amorangi is not in session, of the Standing Committee of the Diocese or Amorangi Whāiti of the Hui Amorangi which controls the administration of the trusts affecting such land, and every application for such authority shall be accompanied by a copy of the Trust Deed (if any) of such land. *Sale or exchange of land. 1886, 1926, 1931, 1996.*

Provided that this Clause shall not apply to any case in which it is provided by an Act of Parliament, declaration of trust, or Canon of the General Synod / te Hīnota Whānui that such authority be otherwise given.

- 3.2 **Whereas** some lands held by Trustees by or on behalf of the General Synod / te Hīnota Whānui or by bodies associated with it may have special significance for Māori people, and **Whereas** the sale of such lands is not necessarily constrained by Section 18 of the Anglican Church Trusts Act 1981, Trustees, whenever it is considered that the lands may have some special significance for Māori people, shall not proceed with any proposal of sale without prior reference to Te Pīhopatanga o Aotearoa for an assessment of the Māori cultural factors involved and a request that Te Pīhopatanga o Aotearoa facilitate consultations with the section of Māori people most closely associated with the land. *Standing Resolution 28 1984, 1996*

- 4.1. The Trustees in every Diocese and every Hui Amorangi who shall hold property real or personal in Trust for the General Synod / te Hīnota Whānui for general Church purposes, or for the benefit of the particular Diocese / Hui Amorangi, or for the endowment of the Bishopric of the Diocese / Hui Amorangi, or for Parochial / Rohe or other local purposes within the Diocese / Hui Amorangi, shall give yearly to the Synod of the Diocese / Hui Amorangi at its ordinary meeting, a Report of the Trust property under their care, showing the investments of the capital and the changes that have been made therein since the last Report, together with a statement of assets and liabilities, in such form, and specifying such particulars, as the Diocesan Synod / Hui Amorangi shall prescribe; such yearly accounts to be duly audited before presentation by some person to be appointed or approved by the Diocesan Synod / Hui Amorangi. *Yearly Report on Trusts for Church purposes etc. 1886, 1913, 1916, 1986, 1996.*
- 4.2. All Trustees required by the provisions of Clause 4.1. hereof to give a Report, shall, when they hold any land for any purpose or trust whatsoever, attach to their Report a complete terrier of all such lands in such form and specifying such particulars as the Diocesan Synod / Hui Amorangi shall prescribe but in any event including the following particulars: *1986, 1996.*
- a) Area
 - b) Location
 - c) The Trusts imposed on the land
 - d) Details of any tenancy or lease including any rights of renewal
 - e) Description of any buildings
 - f) Current Government Valuation of land and of improvements.
 - g) The predominant uses for which the land is zoned.
 - h) The current use being made of the land.
 - i) If the land was gifted by or otherwise acquired from Māori owners for any purpose associated with the Church, the nature and purpose of the gift or other acquisition. *1996.*
- Provided however** that if the land is subject to a perpetually renewable lease the particulars called for in paragraphs (e) to (h) need not be given.
- 4.3 In respect of any land noted in the terrier required by clause 4.2 as having been gifted by or acquired from Māori owners, the yearly Report shall include the opinion of the Trustees as to whether or not the objects and purposes of the trust can still be carried out in accordance with the spirit and the terms of the original gift or other acquisition *Use of land gifted by Māori, 1996.*

- 4.4 In the event that the spirit and terms of the gift by or acquisition from Māori owners can no longer be appropriately carried out, the Trustees shall seek advice, bearing in mind the Constitution / te Pouhere of this Church and the provisions of the Anglican Church Trusts Act 1981, Part III, as to how the property may be returned to the Māori owners or their descendants. *Return of land gifted by Māori, 1996*
- 4.5 When land is given for a particular purpose within Tikanga Pākēha, a record of this shall be made on the terrier together with directions from the donor (if any) on what is to happen to the land in the event that the purpose is not or cannot be fulfilled. *Provision for direction by donor within Tikanga Pākēha, 1996*
5. The Trustees who shall hold property in Trust for the General Synod / te Hīnota Whānui for the benefit of any Missionary Diocese, duly associated with the General Synod / te Hīnota Whānui, shall give yearly to the Standing Committee of General Synod, and to the Bishop, or other person for the time being at the head of such Missionary Diocese, a Report of the Trust property under their care, showing the particulars required in Clause 4, in such form, specifying such particulars as the Standing Committee of General Synod shall prescribe, and therewith present their yearly accounts, duly audited by some person to be appointed or approved by the Standing Committee of the General Synod. And the Reports and Accounts, with any resolutions thereon passed by the Standing Committee of the General Synod, shall be laid before the General Synod / te Hīnota Whānui at its next meeting by the Standing Committee of General Synod. *Yearly Report on Mission Trusts 1886, 1964, 1996.*
6. All accounts laid before the General Synod / te Hīnota Whānui shall be duly audited by some person appointed by the Synod of the Diocese / Hui Amorangi from which such accounts shall be sent; and every Report of the Trustees to the General Synod / te Hīnota Whānui shall be accompanied with a detailed statement of income to accrue from the property belonging to such Trustees in the ensuing year, also of any change in income (as by expiry of lease, or increase of rent as covenanted in lease) which may occur up to the time of the next such Report; and the Bishop of such Diocese / Hui Amorangi (or other representative of the Diocese / Hui Amorangi authorised by the Bishop) shall present such Report to the President of the General Synod / te Hīnota Whānui not later than two sitting days after the opening of the General Synod / te Hīnota Whānui. *Accounts to be audited etc. 1886, 1964, 1996.*

7. The Trustees of the St. John's College Trust, and the Trustees of all other Trusts for general Church purposes, which the General Synod / te Hīnota Whānui may from time to time order, shall forward to the General Synod / te Hīnota Whānui at its biennial meetings the Yearly Reports and Accounts furnished by them to the Diocesan Synod / Hui Amorangi as required in Clause 4, so as to show the advance of the Institution and the improvement of the property during the period from the last preceding biennial meeting of the General Synod / te Hīnota Whānui. *Abstract of Reports to be furnished to General Synod. 1886, 1916, 1964, 1996.*
8. All Trustees and Boards of Governors reporting to the General Synod / te Hīnota Whānui shall cause their Reports to be printed, and shall forward a sufficient number for the use of the members of the General Synod / te Hīnota Whānui. *Reports to be printed, 1886.*
9. A complete terrier, in a tabular form, of all the lands of any Trust shall be attached to the Report of that Trust sent up to the General Synod / te Hīnota Whānui, together with the names of the Trustees for the time being. Each terrier shall include the particulars specified in Clause 4.2 hereof. *Terrier, 1886, 1986.*
- 10.1 Boards of Trustees and Diocesan / Hui Amorangi Trustees shall act in all matters within the "Prudent Person" rule of the Trustee Act 1956, and of any amendment to the Act duly passed by Parliament. *Prudent Person rule, 1996.*
- 10.2 Boards of Trustees shall each establish a process for annual Performance Review for member Trustees, including the Chairperson, and of the Board in general, and participation in such evaluation shall be accepted as a component of appointment as a Trustee. The Chairperson of the Board of Trustees shall report annually to the Appointing Body on this Performance Review. *Performance Reviews, 1996.*
- 10.3 The Diocesan Trustees / Hui Amorangi Trustees shall carry out the objects of each Trust in such manner, not inconsistent with the terms of the Trust, as the Diocesan Synod / Hui Amorangi shall from time to time direct. *Trustees to act under direction of Diocesan Synod / Hui Amorangi. 1886, 1996.*
11. Except when acting as a member of an authorised Trust Board, no trustee, having power to invest Trust money upon leasehold security shall do so except on the terms set forth in Paragraph 6 of the Third Schedule to the Anglican Church Trusts Act 1981. *Investment of Trust money on leasehold security. 1886, 1922, 1931, 1946, 1986.*
12. It shall be the duty of the Trustees of any Church site to allow the Bishop / PThopa with episcopal jurisdiction, the ordained minister-in-charge, or other ordained minister acting in place of the ordained minister-in-charge, or lay officers of the local ministry and mission unit, to perform from time to time in the Church erected thereon, and within the precincts thereof, all lawful acts appertaining to their several offices respectively. *Use of Church. 1886, 1996.*

13. No building shall be erected on any Church site until the plans thereof have been submitted to the Bishop of the Diocese / Pīhopa of the Hui Amorangi, or the Commissary authorised to preside at the meetings of the Standing Committee / Amorangi Whāiti, or a Commission specially authorised for the purpose, and to the Trustees. *Plans of Church to be submitted to Bishop and Trustees. 1886, 1996.*
14. All the buildings and contents held by Trustees who are under the authority of the General Synod / te Hīnota Whānui shall be insured in the name of the Trustees for such sums and for such risks as the Trustees shall consider prudently appropriate, *Appropriate insurance, 1994.*
- Provided that** each Hui Amorangi or Diocesan Synod or any body authorised in that behalf by any Hui Amorangi or Synod may determine who shall pay the premium for any such insurance under their jurisdiction and the manner of application of the proceeds of any insurance claim(s) or to whom they shall be distributed.
- 14A.1 The ultimate responsibility for deciding whether property should be insured against loss, whether the activities of the Church, its ministers, officers and employees should be insured against liability, and what the extent of any insurance should reasonably be, rests with Trustees. *2004*
- 14A.2 Where the Anglican Insurance Board has promulgated an applicable offer of insurance services for any class of insurance, Trustees intending to take out that class of insurance must in each year that the promulgation is in force negotiate in good faith with the Anglican Insurance Board for the provision of that insurance. *2004*
- 14A.3 If after such negotiation, the Trustees determine that the insurance available under the co-operative scheme is unsuitable, then the Trustees may obtain insurance from other providers. *2004*
- 14A.4 In cases where investigation and discussion shows that the insurance available under a co-operative scheme is likely to continue to be unsuitable in future years, the Board may issue an exemption in terms of Clause 8.4, Title B, Canon XXXII.” *2004*
15. No alteration of an important kind, affecting the stability and general plan of a church building and no erection of monuments, shall take place without the written consent of the Trustees, the Ordained Minister, and authorised lay officers of the local ministry and mission unit. *Consent to alterations, 1996.*
16. A Faculty for any such alteration as aforesaid may be issued by the Bishop / Pīhopa if satisfied that the conditions hereinbefore laid down have been complied with: and no such alteration shall be permitted unless a Faculty has been issued. *Faculty required 1919.*

17. All questions which may arise between the Trustees and the Ministers or the Officers of any local ministry and mission unit shall be decided by the Bishop and the Standing Committee of the Diocese / Pīhopa and Amorangi Whāiti of the Hui Amorangi. *Questions between Trustees and Parish / Rohe Officers. 1886, 1996.*
18. When any Church is intended to be used both as a Cathedral and Parish / Rohe Church, special arrangements may be made between the Bishop and the Parish / Rohe, subject to the approval of the Diocesan Synod / Hui Amorangi. *Parish / Rohe Church used as Cathedral 1886, 1996.*
19. No buildings shall be erected on any Parsonage site or Glebe land until the plans thereof have been submitted to the Bishop of the Diocese / Pīhopa of the Hui Amorangi, or the Bishop's Commissary authorised to preside at the meetings of the Standing Committee / Amorangi Whāiti, or a Commissary specially authorised for the purpose, and to the Trustees. *Plans of Parsonage to be submitted. 1886, 1996*
20. The Trustees shall allow the free use of the Parsonage House and Glebe to the Ordained Minister of the Parish / Rohe, and shall not in any way interfere with the Ordained Minister's right of occupation; provided that the Trustees shall have the right of entry at all reasonable times to inspect the Parsonage House and premises, to see that they are in a proper state of repair. *Ordained ministers to occupy Parsonage and Glebe. 1886, 1996.*
21. At the annual meeting of the Diocesan Synod / Hui Amorangi it shall be the duty of the Trustees to make a report of all Parsonage Houses which are not in a state of repair. *Trustees to report. 1886, 1996.*
22. The question upon whom the liability to repair shall rest shall be determined by the Diocesan Synod / Hui Amorangi. *Liability to repair. 1886, 1996.*
23. The surviving spouse of a deceased Minister shall be allowed to continue in the use and occupation of the Parsonage and Glebe for any time not exceeding three months after the decease of the Minister. *Minister's surviving spouse. 1886.*

CANON IV

**OF DELEGATIONS UNDER SECTION 19 OF THE
ANGLICAN CHURCH TRUSTS ACT 1981 OF
AUTHORITIES TO SELL EXCHANGE MORTGAGE OR
LEASE LANDS UNDER SECTIONS 3 OR 9 OF THE
SAID ACT.**

1. The Standing Committee of General Synod when in session shall be the body authorised by the General Synod / te Hīnota Whānui to act on its behalf under Section 19 of The Anglican Church Trusts Act 1981 and of any amendment to the Act duly passed by Parliament. *Powers of Standing Committee of General Synod. 1982, 1996.*
2. When neither the General Synod / te Hīnota Whānui nor its Standing Committee is in session, the Synod of the Diocese or the Hui Amorangi within whose boundaries the land in question is situate, when in session; and when such Synod / Hui Amorangi is not in session, then the Standing Committee of that Diocese or Amorangi Whāiti of that Hui Amorangi, shall be the body authorised by the General Synod / te Hīnota Whānui to act on its behalf under the said Section 19. *Delegation of Powers. 1982, 1996.*
3. The Standing Committee of each Diocese / Amorangi Whāiti of each Hui Amorangi shall forward to the General Secretary of the General Synod / te Hīnota Whānui, immediately after the 31st day of December next preceding each biennial session of the General Synod, a list of the authorities granted by the Synod / Hui Amorangi or by the Standing Committee of such Diocese / Amorangi Whāiti of such Hui Amorangi during the immediately preceding biennial period, and such list of authorities from the Standing Committee of each respective Diocese / Amorangi Whāiti of each respective Hui Amorangi shall be printed in the volume of the Proceedings of the General Synod / te Hīnota Whānui to which such list is presented. *Standing Committee / Amorangi Whāiti to report to General Synod. 1982, 1996.*

CANON V

OF THE GENERAL CHURCH TRUST BOARD

- 1.1 The General Church Trust Board (hereinafter called “the Board”), appointed by the Standing Committee of the General Synod / te Hīnota Whānui in the manner hereinafter provided, shall have the management of all the properties comprised in the General Church Trust (hereinafter called the “Trust”). *General Church Trust Board to manage properties 1996*
- 1.2 The Board shall comprise six trustees and their seats shall be numbered 1 to 6. *Number of trustees 1996*
- 1.3 The power to appoint Trustees whenever a vacancy shall arise shall be exercised by the Standing Committee of the General Synod / te Hīnota Whānui who shall appoint the Trustees on the nomination of:
- (a) Te Runanga Whāiti o Te Pīhopatanga o Aotearoa: to fill seats 1 & 4
 - (b) The Inter Diocesan Conference Co-ordinating Group: to fill seats 2 & 5
 - (c) The Standing Committee of the Diocese of Polynesia: to fill seats 3 & 6.
- 1.4 At the end of each calendar year, three Trustees, being one Trustee appointed by each appointing body, shall be deemed to have retired but they shall be eligible for renomination for appointment and shall remain in office until they shall have been reappointed or their successors shall have been appointed as the case may be by the Standing Committee of the General Synod / te Hīnota Whānui after the appropriate nomination. *Retirement of trustees 1996, 2000*
- 1.5 Any Trustee may by writing under hand addressed to the General Secretary of the Anglican Church in Aotearoa, New Zealand and Polynesia resign office. Any Trustee appointed to fill any vacancy shall hold office for the remainder of the term for which the previous holder of the office was appointed. *Trustees may resign 1996*
- 1.6 Any Trustee appointed under this Canon shall not take office until a declaration signed in conformity with the Constitution / te Pouhere shall have been received by the General Secretary of the Anglican Church in Aotearoa, New Zealand and Polynesia. *Declaration required 1996*
- Provided that** if that person does not sign the said declaration within a reasonable time to be fixed by the Standing Committee of the General Synod / te Hīnota Whānui the appointment shall at the expiration of that time become void.

- 1.7.1 In case any Trustee shall be absent from the meetings of the Board without leave for a period exceeding six months, or shall die, the Standing Committee of the General Synod / te Hīnota Whānui shall declare the office of such Trustee to each ordinary session of the General Synod / te Hīnota Whānui and to be vacant, and shall proceed to fill such vacancy *Office, when forfeited 2006*
- 1.7.2 All the provisions of Title F Canon VIII, concerning the qualifications of members of certain Committees and Trust Boards, apply to Trustees. *2006*
- 1.8 If a member of the Board is unable to be present for a particular meeting *2006*
- 1.8.1 the member may appoint any person as an alternate to attend, speak and vote at that meeting.
- 1.8.2 the appointment must be made in consultation with the Senior Bishop / Te Pīhopa Aporei of the Tikanga by which the member is nominated
- 1.8.3 the member and the Senior Bishop / Te Pīhopa Aporei must bear in mind the need to provide appropriate expertise
- 1.8.4 the person appointed as alternate must be qualified in terms of Title F Canon VIII, Clause 2, and 3 and must have given timely notification of qualification under Clause 4.
- 1.8 The Board shall report annually to the Standing Committee of the General Synod / te Hīnota Whānui. *Reporting function 2004*
- 1.9 The Chairperson of the Trustees shall be elected annually at the first meeting of Trustees after the commencement of each calendar year and shall be eligible for re-election in the subsequent year. *Election of Chairperson 1996, 2000*
- Provided always that** no Trustee shall hold office as Chairperson for more than four years in succession at the end of which period that Trustee shall not be eligible for election as Chairperson for a period of two years.
- 1.10 The Standing Committee of the General Synod / te Hīnota Whānui shall be the body authorised by the General Synod / te Hīnota Whānui to act on its behalf and exercise the powers of appointment and removal of Trustees of the General Church Trust Board under section 20 of the Anglican Church Trusts Act 1981. *Powers of appointment and removal of trustees 1996*
2. All business transacted by the Board in connection with the Trust shall be recorded in a separate Minute Book kept specially for that purpose. *Separate Minute Book to be kept 1937,*

3. The Board shall present to the Standing Committee of General Synod / Hīnota Whānui the annual accounts duly audited. *Accounts presented 1937, 1964, 2004*
4. The Board shall pay into the account of the Treasurer of the General Synod / te Hīnota Whānui in suitable instalments as income is available such sums as shall have been from time to time directed by the General Synod / te Hīnota Whānui in the terms of the Trust. *Payment of sums voted by General Synod / te Hīnota Whānui 1937*
- Provided that** any conditional grant made by the General Synod / te Hīnota Whānui shall lapse if it be not claimed before the thirty-first day of December next preceding the Session of the General Synod following that at which the said grant was authorised, and any sums paid by the Board to the Treasurer in respect of such grant shall be refunded by the Treasurer to the Board.
5. The Board shall open an Account to be called the General Church Trust Capital Account and shall transfer thereto the amounts standing to the credit of the undermentioned separate accounts as shown in the Statement of Capital Balances at December 31st, 1936, presented to this Synod. *Capital Account to be opened, 1937*
- | | | | |
|--|------|----|---|
| Caston Legacy | 35 | 0 | 0 |
| Julia Letitia Douglas Legacy | 52 | 16 | 3 |
| General Church Trust Increment Fund | 1198 | 4 | 5 |
| Sinking Fund in respect of Lease - holds converted | 204 | 18 | 4 |
6. The Board shall transfer to the said Capital Account at the close of each financial year an amount equal to five per cent. of the net income of the Trust for that year. *Annual transfer to capital account 1937*

CANON VI

OF APPOINTMENT AND REMOVAL OF TRUSTEES

1. The Standing Committee of General Synod / te Hīnota Whānui when in session shall be a body authorised by the General Synod / te Hīnota Whānui to act on its behalf and exercise the powers under Section 20 of the Anglican Church Trusts Act, 1981. *Standing Committee authorised to act.*
2. When neither the General Synod / te Hīnota Whānui nor its Standing Committee is in session, the Diocesan Synod / Hui Amorangi when in session and when not in session then the Appointing Body of the Diocese / Hui Amorangi, in respect of the Trustees of Trusts for the benefit of that Diocese / Hui Amorangi, or the endowment of the Bishopric of that Diocese / Hui Amorangi, or for parochial / Rohe or other purposes within that Diocese / Hui Amorangi, shall be bodies duly authorised by the General Synod / te Hīnota Whānui to act on its behalf and exercise the powers under Section 20 of the Anglican Church Trusts Act, 1981. *Other bodies duly authorised, 1996.*
3. When neither the General Synod / te Hīnota Whānui nor its Standing Committee is in session, Te Runanganui o Te Pīhopatanga o Aotearoa when in session, or when not in session Te Runanga Whāiti, in respect of the Trustees of Trusts of any property held for general Church purposes associated with Te Pīhopatanga o Aotearoa or for the endowment of Te Pīhopatanga or for other exclusively Māori Church purposes shall be bodies duly authorised by the General Synod / te Hīnota Whānui to act on its behalf and exercise the powers under Section 20 of the Anglican Church Trusts Act, 1981. *Provision for Te Pīhopatanga o Aotearoa, 1996.*
4. The Diocesan Secretary of each Diocese and the Secretary of each Hui Amorangi and the Secretary to Te Pīhopatanga o Aotearoa shall each forward to the General Secretary of the General Synod / te Hīnota Whānui immediately after the 31st December next preceding each biennial session of the General Synod / te Hīnota Whānui a list of all appointments and removals of Trustees of Trusts made by the Synod of that Diocese or by the Appointing Body or by Te Runanganui o Te Pīhopatanga o Aotearoa or Te Runanga Whāiti or by a Hui Amorangi or by an Amorangi Whāiti as the case maybe pursuant to these authorities during the immediately preceding biennial period and such lists shall be printed in the volume of the Proceedings of the General Synod / te Hīnota Whānui to which such list is presented. *Appointments and removals to be notified to General Synod, 1996.*

CANON VII
OF THE CHURCH LANDS TRIBUNAL

1. There is hereby established a tribunal to be known as the Church Lands Tribunal (hereafter in this Canon called "the Tribunal"). *Tribunal established. 1988.*
2. The powers and functions of the Tribunal shall be those otherwise exercisable by the General Synod / te Hīnota Whānui under the provisions of Subsection 2 of Section 16A of the Anglican Church Trusts Act 1981 and so long as this Canon remains in force shall be exercised exclusively by the Tribunal whose decision shall be final. *Powers and functions.*
3. The Tribunal shall consist of six members, three of whom shall be appointed by the Inter Diocesan Conference Co-ordinating Group and three by Te Runanga Whāiti o Te Pīhopatanga o Aotearoa. *Membership of Tribunal. 1996*
4. A member may resign at any time and may be removed at any time by the body which appointed that member provided that no removal of a member shall take effect until the disposal of all inquiries before the Tribunal in respect of which that member has already participated. *Resignation and removal.*
5. The Tribunal may appoint a secretary but in default of any appointment the General Secretary shall be the Secretary of the Tribunal. *Secretary.*
6. With the concurrence of at least four of its members, the Tribunal may from time to time make and vary rules governing its own procedures and the conduct of its enquiries including the joining of parties. *Rules for procedure.*
7. The decision of the Tribunal on any inquiry shall be that of the majority of those of its members who have participated in that inquiry provided that no decision on any inquiry shall be of any effect unless it is in writing signed by three or more members of whom at least one shall be an appointee of the Inter Diocesan Conference Co-ordinating Group and at least one shall be an appointee of Te Runanga Whāiti. *Decision by majority 1996*
8. The travelling and accommodation expenses of the members of the Tribunal incurred in attending meetings and all other expenses incurred by the Tribunal shall be paid by the Treasurer of the General Synod out of a fund to be allocated biennially by the General Synod for that purpose. *Expenses.*
9. The Tribunal shall cause to be laid before each Ordinary Session of the General Synod / te Hīnota Whānui and of Te Runanganui o Te Pīhopatanga o Aotearoa a report on the business it has considered and its decisions reached. *Reports.*

**CANON VIII
OF TRUSTEES AND BOARD MEMBERS**

1. This Canon applies to 2006
 - (a) The General Synod Standing Committee
 - (b) The Anglican Missions Board of the Church in Aotearoa New Zealand and Polynesia
 - (c) The New Zealand Anglican Church Pension Board
 - (d) The Anglican Insurance Board
 - (e) The St John's College Trust Board
 - (f) The Kings College Trustees
 - (g) The St Stephen's and Queen Victoria Schools' Trust Board
 - (h) Every Diocesan Trust Board or Hui Amorangi Trust Board
 - (i) The Trust Board of the Diocese of Polynesia
 - (j) The General Church Trust Board.

2. No person is eligible to become or to remain a member or alternate member of any Committee or Trust Board to which this Canon applies, who *Membership eligibility 2006*
 - (a) Is an undischarged bankrupt
 - (b) Is under the age of 16 years
 - (c) Has been convicted of a crime of dishonesty (within the meaning of section 2(1) of the Crimes Act 1961 and has been sentenced for that crime within the last seven years
 - (d) Is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under section 382, 383 or 385 of the Companies Act 1993
 - (e) Is disqualified from being an officer of a charitable entity under section 31(4) of the Charities Act 2005
 - (f) Is subject to a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act

3. The provisions of Clause 2, paragraphs (c) to (f), apply also to events occurring under comparable legislation in other countries, but the provisions of Clauses 5 and 6 will not apply until the Chair of the Committee or Board has certified that the events and the legislation are substantial equivalents.

4. Every person who is, or who becomes, or who is re-appointed as a member or an alternate member of a Committee or Board to which this Canon applies *Reappointment 2006*

- 4.1 must forthwith sign a declaration that:
- (a) He or she is duly qualified to be a member under the rules applicable to that body, and
 - (b) He or she is not disqualified from being a member on any of the grounds set out in Clause 2, or under section 16 of the Charities Act 2005; and
- 4.2 is ineligible to participate in the business of the Board or Committee before submitting the declaration to the Secretary.
5. The election or appointment of any person who is disqualified under Clause 2 is invalid and that person's position can be filled in accordance with the rules applicable if no election had been held or no appointment made. *Appointment of disqualified persons 2006*
6. The term of office of any person who becomes disqualified under Clause 2 automatically terminates, and that person's position can be filled in accordance with the rules applicable to a casual vacancy. *Termination of office 2006*
7. No decision or action of any Committee or Board is invalid by reason only that a disqualified person or persons took part in its deliberations, unless it is established that the decision or action would or could not have been approved had that person or those persons been absent. Where no formal voting is recorded it will be assumed that all eligible persons present approved the decision or action. *Deliberations and decisions 2006*
8. No person dealing with the Church through the Committee or Board is concerned to see whether a member is qualified or eligible to participate under Clauses 2 and 3." *Eligibility 2006*

CANON IX

CHARITIES ACT REQUIREMENTS

1. **Application of Canon.** This Canon applies to all properties, funds or other assets held under the authority of General Synod / te Hīnota Whānui (including the Dioceses, Te Runanganui and ngā Hui Amorangi) that are governed by the New Zealand law; and to all office holders under the authority of General Synod / te Hīnota Whānui who are required by Part C, Clause 15 of the Constitution / te Pouhere to sign a declaration of allegiance and submission to the authority of General Synod
2. **Application of funds.** All properties, funds and other assets dealt with under the authority of the General Synod / te Hīnota Whānui the Dioceses or ngā Hui Amorangi must be applied exclusively to charitable purposes, and purposes ancillary thereto, consistently with the Fundamental Provision in Clause 1 of Part A of the Constitution / te Pouhere, and not for the purposes of the private pecuniary profit of any individual provided that this does not prevent payments of a reasonable fee or remuneration for services actually rendered at no more than market rates on an arms length basis.
3. **Winding up.** In the event of a winding up or other failure of the trusts or purposes for which such properties, funds or other assets are held, they may not be applied for anything other than a charitable purpose, as near as may be to the Fundamental Provision in Clause 1 of Part A of the Constitution / te Pouhere.
4. **Personal benefit.** No officeholder shall participate in or materially influence any decision in respect of the payment to or on behalf of that officeholder (or any associated person of that officeholder, as defined by the Income Tax Act 2004) of any income, benefit or advantage whatsoever, except
 - (a) where that income, benefit or advantage is derived from professional services rendered in the course of business and charged at no greater than current market rates;
 - (b) where voting in Houses is required and the officeholder votes in accord with a concurrent majority in the other two Houses (having taken no part in the prior discussion).

Explanatory note: “Associated person”, under the Income Tax Act, includes spouses, and close relatives. Laterally, this goes out as far as first cousins, who are within the “fourth degree” of relationship to the officeholder. Vertically, it goes as far as the officeholder’s great-great grandparents and great-great grandchildren. The term “associated person” can also include companies and trusts in which the officeholder or their relative has an interest.

5. **Te Runanganui and Dioceses.** It is declared that:

5.1.1 the provisions of Clause 4 relate to the procedures of Te Runanganui o Te Pīhopatanga o Aotearoa, Diocesan Synods, and the Diocesan Synod of the Diocese of Polynesia and their respective associated bodies, and

5.1.2 the power of self-regulation conferred recognized by Title B Canon II apply to permit the repeal or amendment of Clause 4 at any time after this Canon takes effect.”

except that no such repeal or amendment shall be made so as to prejudice the standing of the Church / te Hāhi or any part of it as a charitable body, and in any event no such repeal or amendment shall take effect until accepted for registration by the Charities Commission under the Charities Act 2005.