

# LAW REVISION

## Committee Report

The Committee welcomed two new members in 2008, Gardenia Atimalala Taulealeausumai, a lawyer from Auckland and Manase Latu, Secretary of the Auckland-Manukau Tongan Parish. The skills these two have brought have enhanced the work of the group.

With deep regret the Convenor accepted the resignation of Robyn Brown in June this year. Robyn has served on the Law Revision Committee for 8 years. Her knowledge of the Church, ability to think clearly about issues and commitment to the task have been invaluable and her presence will be greatly missed.

In 2007 Conference asked Law Revision to look at the following:

1. Draft the changes to the law as approved by Conference 2007.
2. Consult with the Methodist Church Property Committee re changes to the law resulting from resolutions adopted by the Conference 2007. A meeting of representatives of both committees was held at 409 Great South Rd Penrose on 1 May, 2007 and prepared changes to the Law which are set out in the Agenda page D23.
3. **Translation**  
Formulate policy for translation of critical papers into the Tongan, Samoan and Fijian languages. The Committee agreed that the purpose of translation was to enable clearer understanding of the principles behind proposed policy changes. The English language version of the law is the legal version and any translated document would have no legal status and could not be used in a Court of Law. A resolution was drafted to be inserted in the Law Book Section 7:1.1.2 and the inside front cover, noting that the official language for the purposes of Law is English as well as a statement that will be placed at the front of all translated documents making the legal status of the document clear. This enabled existing translations to be put into use immediately as the resolution removed the need for independent professional translators to check that the meaning of any translation did say exactly what the English version set out.
4. **Process for Dismissal**  
The Committee continued to work with the Pastoral Committee on questions regarding a process for dismissal of Presbyters for serious misconduct. The Committee believed that the Disciplinary Code had the capability to deal with all disciplinary issues and felt that most difficulties could be effectively dealt with by better review processes. The following points were noted:
  - Presbyters should have an ongoing file which moves with them.
  - There should be robust performance reviews.
  - A revision of the Ethical Guidelines is necessary to broaden the criteria for complaint and provide a clearer code of conduct.
5. **The Complaints Review Chairperson has asked that the following clauses be added to the disciplinary Code, Section 8:18.(b)**
  - The current (b) become (b)(i).
  - New 9(b) (ii) The General Secretary shall promptly provide the Principal with a copy of any complaint against a student.
  - New (b) (iii) The General Secretary shall promptly provide the Principal and designated Synod Superintendent of any complaint against a probationer.

## **Presidential Rulings**

The President was asked to approve the following statement for inclusion in the Laws and regulations.

### **Add to the PREAMBLE**

....". In the event of translation into any other language, the English version shall be authoritative and paramount, and will therefore always prevail over any translation.

### **SECTION 7 add the following:**

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

### **Suggested Decisions:**

- 1 The report is received.
- 2 Conference approves the following changes to the Discipline Code:
  - The current (b) become (b)(i).
  - New 9(b) (ii) The General Secretary shall promptly provide the Principal with a copy of any complaint against a student.
  - New (b) (iii) The General Secretary shall promptly provide the Principal and designated Synod Superintendent of any complaint against a probationer.
- 3 Conference affirms the decisions taken by the President as outlined in the report.
4. The Committee for 2009 be: David Smith (Convenor), Gardenia Atimalala Taulealeausumai, Manase Latu, Howard Lawry, Geoff Peak, Jan Tasker, Peter Williamson, the General Secretary, corresponding member, Donald Phillipps and one to be appointed by the President.