

Grand Registrar has moved the following, and it has been seconded by the President of the Board of General Purposes;

Remit 15

Definition of Terms

Amend Rule 2 to include

- r. (new) Masonic Entity includes but is not limited to:
- a. Any Trust where the Trustees of that Trust are appointed to the Trust due to being:
 - i. Trustees of a Lodge or Lodges, or
 - ii appointed by a Lodge or Lodges to be Trustees of that Trust
 - b. Any Limited Liability Company or Limited Partnership where the shareholders or partners of that Limited Liability Company or Limited Partnership are appointed due to being:
 - i Trustees of a Masonic Entity, or
 - ii appointed by a Lodge or Lodges to be shareholders or partners of that Limited Liability Company or Limited Partnership.

Board Explanation

The Board supports this remit. Legal opinions confirm that Masonic entities are covered by the Grand Lodge of Freemasons of New Zealand Trustees Act 1903. This new rule provides a definition of a Masonic Entity in the Book of Constitution.

Remit 16

Differences and Offences

Amend Rule 238 Clauses b., c., and d.

- b. If a difference arises which the Divisional Grand Master cannot resolve to the satisfaction of all parties, then any party to the difference may appeal to the Grand Master by notice to the Grand Secretary.
- c. The Grand Master shall consider the appeal and may:
 - i. Refer the difference back to the Lodge or to the appropriate Divisional Grand Master for settlement, or
 - ii. Refer the difference to his nominee or Committee or Commission for investigation and decision and report back to the Grand Master.
- d. The decision of the nominee or Committee or Commission shall be binding on all parties and shall include but not be limited to interim suspension, censure and admonition of a party or parties.

Board Explanation

The Board supports this remit. It places the Grand Master's nominee, committee or commission into the existing role held by the Board of General Purposes for Differences and Disciplinary matters. This allows for the separation of powers. That is, the Board has a Governance role, while the Grand Master appointment takes over the judicial role.

Remit 17

Amend Rule 239.c.

A Lodge or Masonic Entity commits a Masonic offence whenever it is in breach of these Rules, its by-laws, its charter, the rules of the Masonic Entity, the rulings or directives of the Grand Master or the Board of General Purposes or otherwise acts in a manner as may be likely to bring the Craft into disrepute.

Board Explanation

The Board supports this remit. It adds a Masonic Entity to the offence provisions.

Remit 18

Amend Rule 240.a.

A “disciplinary tribunal” shall mean a Divisional Grand Master when hearing a complaint under this Part, or the Grand Master’s Nominee, or Committee, when sitting as a disciplinary tribunal to consider a complaint under this Part, or a Trial Commission, or an Appeal Commission, or Grand Lodge in Communication, Annual Communication, or Special Communication.

Board Explanation

The Board supports this remit. It places the Grand Master’s Nominee, Committee or Commission into the existing role held by the Board of General Purposes for Differences and Disciplinary matters. This allows for the separation of powers. That is, the Board has a Governance role, while the Grand Master takes over the Judicial role.

Remit 19

Amend Rule 241

- a. A complaint alleging a Masonic Offence against any Lodge, Masonic Entity or Brother shall be made by a Lodge, Masonic Entity or by a Brother to the Divisional Grand Master
- b. A complaint shall be made on the prescribed form and shall be delivered to the Divisional Grand Master who shall:
 - i. Forward it to the Grand Secretary for reference to the Board of General Purposes and the Grand Master, and
 - ii. Forward a copy of it to the Lodge, Masonic Entity or Brother against whom the complaint is made.
- c. The Grand Master shall consider any complaint and either:
 - i. Refer the complaint to his Nominee, Committee or Commission or
 - ii. Refer the complaint back to the Divisional Grand Master for settlement, or
 - iii. Refer the complaint to a Trial Commission for adjudication.
- d. The Grand Master may instruct his nominee, Committee or a Trial Commission to act as a disciplinary tribunal to determine if a Masonic offence has been committed by a Lodge, Masonic Entity or Brother though no Brother, Lodge, nor Masonic Entity has made a complaint alleging a Masonic offence. Such disciplinary tribunal will follow Rule 247 procedure but perform an inquisitorial role, that is, summoning and questioning the persons who appear before it.

Board Explanation

The Board supports this remit. It places the Grand Master nominee into the existing role held by the Board of General Purposes for Differences and Disciplinary matters. This allows for the separation of powers. That is, the Board has a Governance role, while the Grand Master takes over the Judicial role.

A complaint is still advised to the Board of General Purposes such that they may be aware of the complaint.

It also gives the Grand Master a procedure to enquire into matters of concern that is fair, open and following judicial process though no persons or Lodge has come forward to make a complaint.

Remit 20

Amend Rule 242.b.

- b. The Trial Commission shall adjudicate the complaint and report the result of its determination to the Grand Master and Board of General Purposes.

Board Explanation

The Board supports this remit. It places the Grand Master into the existing role held by the Board of General Purposes for Differences and Disciplinary matters. This allows for the separation of powers. That is, the Board has a Governance role, while the Grand Master has a judicial role.

The result of the determination of a complaint is still advised to the Board of General Purposes to ensure compliance of the parties with the determination.

Remit 21

Amend Rule 244

- a. If at any time a Brother has been convicted of an offence against the laws of the land and sentenced to a term of imprisonment or a sentence of home detention, he shall be expelled from the craft by resolution of the Board of General Purpose forthwith and any Grand Lodge rank or recognition removed, on the Board being satisfied of such conviction and sentence

- b. If at any time a Brother has been convicted of an offence against the laws of the land punishable by imprisonment but is sentenced to a penalty less than imprisonment, any one or more of the following may be imposed on him:
 - i. Recommend to Grand Lodge expulsion of a Brother
 - ii. Removal of active rank
 - iii. Removal of past active rank if the offence was committed whilst the Brother held that active rank
 - iv. Removal of Honoris Causa rank
 - v. Suspension
 - vi. Censure
 - vii. Fine
 - viii. Admonition
 - ix. Written warning that any further Masonic offence could result in a penalty listed in i. to viii. above

- c. If a Brother has been found guilty of any other Masonic offence, any one or more of the penalties mentioned above in sub-clause (b) of this rule may be imposed.

- d. If a Lodge has been found guilty of a Masonic offence, any one or more of the following penalties may be imposed:
 - i. Recommend to Grand Lodge erasure from the Roll of Grand Lodge
 - ii. Suspension
 - iii. Censure
 - iv. Fine
 - v. Admonition

- vi. Written warning that any further Masonic offence could result in a penalty listed in i. to v. above
- e. If a Masonic Entity has been found guilty of a Masonic offence, any one or more of the following penalties may be imposed against a Trustee or Director or Partner of that entity:
 - i. Recommend to Grand Lodge expulsion of a Brother
 - ii. Removal of active rank
 - iii. Removal of past active rank if the offence committed whilst the Brother held that active rank
 - iv. Removal of Honoris Causa rank
 - v. Suspension
 - vi. Censure
 - vii. Fine
 - viii. Admonition
 - ix. Written warning that any further Masonic offence could result in a penalty listed in i. to viii. above
- f. The expulsion referred to in paragraph (a) of this Rule and the recommendation of expulsion referred to in paragraphs (b), (c), and (e) and the recommendation of erasure referred to in paragraph (d) in this rule shall be communicated to Grand Lodge at its next Communication or Annual Communication or Special Communication and published in the Book of Proceedings of that Communication.
- g. Grand Lodge alone has the power of expulsion referred to in paragraphs (b), (c) and (e) and the power of erasure referred to in paragraph (d), powers it cannot delegate to any subordinate authority.
- h. A penalty of removal of rank, fine or suspension shall take immediate effect, and if an appeal is lodged against it, shall nevertheless continue to have effect pending the decision of the appeal. If the appeal is allowed, whether wholly or in part, the penalty shall be modified accordingly.

Board Explanation

The Board supports this remit. It adds reference to Masonic Entity and extends the penalty options that a disciplinary tribunal can impose including removal of rank. It is also providing for an option of a written warning. It confirms that the disciplinary tribunal can only recommend the expulsion of a member or erasure of a Lodge to Grand Lodge.

Remit 22

Amend Rule 246 to include new sub-clause

- g. If a Brother suspended holds office in a Lodge, he will be suspended from holding that office, including as a Trustee of a Lodge. If the Brother holds a position in a Masonic Entity and was appointed or elected to that position, the Brother is also suspended from that position to which he was appointed or elected.

Board Explanation

The Board supports this remit. It clarifies that a suspended Brother is also suspended from his position in a Lodge and any Masonic Entity (as defined) he was appointed to.

Remit 23

Amend rule 247 b.iii and c.

247 b. iii To summon any Brother, Lodge or Masonic Entity to appear before it at such time and place as it shall determine, and to bring with them any documents relating to the proceedings that it may request to produce the Certificates held by any Brother and to retain in its custody such documents for such a period as it deems appropriate or until its request to hand them to a higher disciplinary tribunal. If such summons are not complied with, and a sufficient reason is not given for non-compliance, the disciplinary tribunal may make an order for interim suspension of the Lodge or Brother concerned pending a decision of the Board of General Purposes.

247.c In any disciplinary proceedings, the Grand Registrar may advise any disciplinary tribunal but shall not present the case against the Lodge, Masonic Entity or Brother complained of, nor sit as a member of any disciplinary tribunal hearing the complaint.

Board Explanation

The Board supports the remit. It includes Masonic Entities in Rule 247 b. iii to bring it in line with the amendment to Rule 2, which includes Masonic Entities. It also extends the obligation for parties involved in the proceeding to bring all documents that relate to the proceedings. The inclusion of Masonic Entity in 247.c. is a consequential amendment arising out of the previous amendment.