

IN THE SUPREME COURT OF TONGA
CIVIL JURISDICTION
NUKU'ALOFA REGISTRY

NO.C.990/98

BETWEEN : 1. **FELETI SAAFI** - Plaintiffs;
 2. **MASIMA TELEFONI**
 3. **FONONGA TU'IPEATAU**
 4. **LAVAKA FOTUKAVA**

And : 1. **SAMI VEIKOSO** - Defendants;
 2. **PENISONI MAFI**
 3. **MALAKAI TAPEALAVA**
 4. **TEVITA HAVEA**
 5. **CHURCH OF TONGA**

BEFORE THE HON. CHIEF JUSTICE WARD

HAVING HEARD Mr Niu for the plaintiffs and Mr Veikoso for the defendants and the evidence in this case and the second plaintiff having not appeared

IT IS ORDERED THAT:-

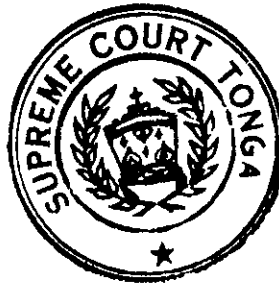
1. It is declared that the First Defendant, Second Defendant and Third Defendant acted wrongfully in selling the property of the Church at 52 Settlement Road, Papakura, New Zealand without the express prior approval of Conference ;
2. It is declared that the First, Second and Third Defendants acted wrongfully in pulling down and demolishing the property of the Church at Fatafehi Road, Kolofou, Nuku'alofa without the express prior approval of Conference ;
3. It is declared that the First, Second and Third Defendants acted wrongfully in selling and disposing of the truck of the Church without the express prior approval of Conference ;
4. It is declared that the First, Second and Third Defendants acted wrongfully in using the proceeds of the sale of the New Zealand property and of the truck of the Church for the purchase of building material and for the construction of the new memorial building of the Church at

Fatafehi Road, Kolofo'ou without the express prior approval of Conference ;

5. It is declared that the First, Second and Third Defendants acted wrongfully in purchasing the new truck of the Church without the express prior approval of Conference ;
6. It is ordered that the fourth defendant shall supply detailed and audited accounts of all monies received from the sales of the New Zealand property, the material from the Fatafehi Road site and the truck and all monies expended therefrom and shall provide such accounts within three months to the Head Ministers to hold for submission to the next Conference thereafter.
7. It is declared that the First Defendant acted wrongfully in declaring the increase of the salary of the Church building steward, Mafile'o Tongotea from \$2,000 to \$6,000 and in instructing the payment of that salary on 15th November 1997 ;
8. It is declared that the First Defendant, Second Defendant and Third Defendant, acted wrongfully in instructing the withdrawal from the Bank of Tonga and depositing in the ANZ Bank the sum of \$162,445.17 on 17th November 1997 ;
9. It is ordered that the next Conference shall decide whether the first defendant should be tried under section 114 for breach of the Laws relating to quest worshippers and that the Conference shall be chaired during that discussion by the Head Minister of Tongatapu district in accordance with section 35.
10. It is declared that the purported dismissal of the Third Plaintiff from his position of auditor of the Church and quest worshipper was unlawful under the laws of the Church of Tonga ;
11. It is declared that the Fourth Plaintiff was wrongfully dismissed by the First Defendant ;
12. It is declared that the First Defendant acted wrongfully in failing to follow the proper procedures of the Church at the district meeting for Tongatapu in April 1998 and during the Ministers meeting of the Conference in May 1998 and thereby wrongfully presented the First Plaintiff from presenting his charges to the Ministers meeting.
13. It is declared that the motion passed by the Conference on 14 May 1981 giving the Chief Trustees authority to use the funds of the Church for the

works of the Church did not extend the power of the Trustees beyond the year for which it was passed or absolve the Conference from the duty imposed upon it by clause 9 of the Constitution.

14. It is declared that the purported striking off the membership of the Church of the first plaintiff, second plaintiff, third plaintiff and fourth plaintiff on 5 August 1998 for bringing this action in a Court of Law was not decided in accordance with the provisions of clause 8 (e) of the Constitution and is void.
15. The defendants shall pay nine tenths of the costs of the Plaintiffs to the first, third and fourth plaintiffs to be taxed if not agreed.



[Handwritten signature]

DATED: 19th April 2000.

CHIEF JUSTICE