

PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA

**HANDBOOK
OF
PRACTICE
AND
PROCEDURE**
INCLUDING DECISIONS
CLASSIFIED BY COMMITTEE



UP TO AND INCLUDING SYNOD

2019

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PREFACE

The difficulty of using the Scottish textbooks on Church Practice in the Australian setting has long been recognised. The Scottish books were written for a church with nearly 1000 parishes in a country the size of Tasmania, with presbyteries embracing very limited geographical areas. It can be seen that the vast distances, the shortage of ministers and the relative fewness of experienced Session and Presbytery Clerks in this country exacerbated the lack of clarity in the Scottish books, and also required some adaptation to the different circumstances here. The manner of holding property was also different.

From the earliest days of the Presbyterian Church of Eastern Australia, there was difficulty with church procedure, and in 1871 the Synod appointed the Revs. James McCulloch and W.S. Donald to 'draw up a digest of rules and procedure for the Church Courts.' McCulloch's ill-health and death in 1873 prevented this project being completed, and in 1879 the Presbytery of Grafton overruled the Synod to draw up 'a code of rules.' Synod 1880 resolved: 'Seeing the difficulty connected with the preparation of a code of rules, and believing that such a work could best be accomplished by some member of the Court preparing such a Digest, they recommend members of the Court qualified for the work to take the subject into consideration.' The problem was that small verbal changes in existing handbooks would not suffice, but a more significant revision seemed too difficult for a committee, given the fewness of ministers and the much greater problems of communication compared to today. Moncrieff's work on Church Law appears to have been in general use until 1928, when the very similar *Practice of the Free Church of Scotland* was 'adopted as authority for the procedure of the Church as far as possible.'

Only after the union in 1953, which brought the three congregations of the Free Presbyterian Church of Victoria into the Presbyterian Church of Eastern Australia, was much done to develop our own acts and decisions. In 1964 the Victorian Presbytery had overruled the Synod 'to take steps to produce over a period of years a Practice for our own Church.' The motivation for this was, in part, the clumsy arrangement, and lack of clarity and applicability perceived to exist in the Scottish Practice. This caused confusion in handling procedural matters, sometimes to the detriment of interested parties. The Synod approved the overture and remitted it to the Law and Advisory Committee formed in 1963.

Not a great deal occurred until 1982 when the Synod urged the Committee to press on with the task. The Clerk of Synod, the Rev W.P. Gadsby, convened the Law and Advisory Committee from 1982 to 1985. A complete draft Practice, largely the work of the Rev R.S. Ward, was submitted to Synod in 1983 and commended as 'a useful adjunct' pending careful revision by the Committee and

Synod. The Rev. R. S. Ward was appointed Convener in 1985 serving to 1995. In 1985, the Rev. R.W. Murray made significant contribution to the arrangement of the early chapters. The work has profited from the scrutiny of all members of the Committee and of the Synod. At certain stages there was keen debate but the end result received general support with no dissenting voices, a very satisfactory conclusion.

On April 29, 1992 Synod resolved to:

- a. affirm the completed practice Chapters 1 to 7 as its *Handbook of Practice and Procedure* in succession to the Free Church of Scotland Practice of 1964,
- b. direct that up to 100 indexed copies be produced together with an updated Decision Book, 3 copies to be supplied to each congregation and the balance to be available at a price sufficient to cover production costs,
- c. commend the study and careful use of the *Handbook* to office-bearers and others, reminding users of the provisions of Chapter 1.10 and 1.11,
- d. thank all those who have contributed to the completion of this work since it was recommenced in 1982. and particularly the Law and Advisory Committee.

Mr Gadsby again convened the Committee 1996-97 and was followed by the Rev Dr W.J.W.Hanna 1997-2005, Mr Gadsby again 2005-06, with Dr Ward appointed again in 2007.

A second edition of the Handbook was published in 1996 at the direction of Synod to include textual improvements and further enactments of Synod, and included the following acknowledgement:

In publishing this second edition of the Handbook it is appropriate to continue to record the great indebtedness of the PCEA to our friend and adviser for over 50 years, Mr. F. Maxwell Bradshaw, MA, LL.M, the Synod Procurator 1943-92, who died after a brief illness on 11 May 1992. Mr. Bradshaw was unsurpassed in his knowledge of the constitution of Scottish Presbyterianism. Most things covered in the first edition of the Handbook were discussed with him at one time or another, and the value of it was much increased by his wealth of knowledge and wisdom.

The Handbook was updated to take account of decisions including Synod 2008, and is now again reprinted with amendments in the light of decisions up to and including Synod 2018 and with some adjustment in layout and improvement in the index. The updated Decision Book, published separately prior to 2008, is again incorporated with this printing. The chief changes are noted at the rear of this publication..

Rowland S. Ward, Convener
Synod Law and Advisory Committee,
2 Hadlow Drive, Wantirna, 3152

CHAPTER ONE: INTRODUCTION

1.1 The Presbyterian Church of Eastern Australia is part of the Church universal. It is in historical and constitutional continuity with the Church of Scotland as reformed by John Knox and others in 1560, so that its constitution is the full and authoritative constitution of historic Presbyterianism.

1.2 It was founded on 10 October 1846 in Sydney when three ministers (William McIntyre MA, John Tait and Colin Stewart) and one ruling elder (Samuel Martin) protested and withdrew from 'The Synod of Australia in connection with the Established Church of Scotland.' This body had been formed on 5 October 1840 with the standards and law of the Church of Scotland as its basis, although without provision for appeal to the General Assembly of that church.

1.3 The protesters did not establish a church with new or changed doctrines, but renewed their adherence to 'the standards of the Church of Scotland in their true and original import' (that is, as interpreted by that section in the Established Church of Scotland which withdrew on 18 May 1843 ['the Disruption'] to form the Free Church of Scotland), and they erected a new ecclesiastical court to have jurisdiction accordingly. On 25 November 1953, the three congregations of the Free Presbyterian Church of Victoria (a church which had originated in 1846 for the same reason under the leadership of Rev James Forbes MA,) were received into the Presbyterian Church of Eastern Australia. [The two churches had co-operated by means of a voluntary association known as the Assembly of the Free Presbyterian Church of Australia since 10 April 1913].

1.4 The Supreme Standard of the Presbyterian Church of Eastern Australia is the Scriptures of the Old and New Testaments, which are the Word of God and the only infallible rule of faith and conduct.

1.5 The church has formulated much of the teaching of Scripture in certain documents which form part of the basic law of the church, and which are commonly called Subordinate Standards. The most important of these is the *Westminster Confession of Faith* as explained by the Acts of the Assembly of the Church of Scotland in 1647, and the Synod of Eastern Australia in 1952, together with the Formula and the Questions set out by the

Synod in 1952 and the alternative questions/formula of Synod 2008. The other subordinate standards are:

CHURCH GOVERNMENT;
Second Book of Discipline 1578
Westminster Form of Presbyterian Church Government 1645

WORSHIP:
Westminster Directory for Public Worship 1645
Westminster Directory for Family Worship 1647

CATECHISMS:
Westminster Larger Catechism 1648
Westminster Shorter Catechism 1648

These standards are to be understood in the light of the Acts passed by the Assembly of the Church of Scotland when they were adopted. *A Statement on the Constitution was approved by Synod 2013 and is reproduced on page 82 of this Handbook.*

1.6 No person is entitled to hold office in the Presbyterian Church of Eastern Australia who has not subscribed the Formula in terms of the Act of Synod of 1952 (An alternative form of words was approved in 2008, but in no way reduces the commitments in terms of the Act of 1952.) The lawful exercise of the powers of the church courts is subject to the constitution, and thus is limited to matters consistent with such subscription. If an office-bearer ceases to regard the whole doctrine of the Confession of Faith as 'the truths of God' and his personal confession, he can no longer hold office.

1.7 In accordance with the Presbyterian form of government set forth in the Standards of the church, the church is governed by ministers and elders acting in orderly association in a gradation of courts of the church by which its organic unity is expressed and maintained. In order these courts are the Session, the Presbytery and the Synod. [For status of the Deacons' Court see 3.4].

1.8 The authority of the courts of the church is a delegated authority received from Christ, the only Head and Lord of the church; it is therefore an authority not to make laws but to declare and apply the mind of Christ revealed in the Scriptures.

1.9 From time to time the Synod has adopted a particular handbook describing the principles and procedure which are either embodied in the Standards of the church, have been enacted by Synod, or have been found by long experience both to guard the interests of individuals and to secure the peace and well-being of the church.

1.10 The use hitherto of a Book of Practice adopted by another church in another country with differences of size and history has always presented difficulties, if only because of the difficulty of deciding in particular cases how far the Scottish practice is appropriate. Accordingly, this locally produced guide to procedure and practice has been produced with a view to furthering good order and promoting the Gospel. **Superficial correctness of procedure is not an end in itself; the aim must always be the edification of the body of Christ, and the accomplishment of holy, righteous and loving Christian behaviour.**

Our honorary Procurator, Mr F. M. Bradshaw, wrote to the Committee July 10, 1971: **“While one must never disregard matters of form or procedure, it is a valuable exercise always to have regard to the substance of the matter that is being dealt with, as well as the reasons behind the requirements of form and procedure. This helps us to construe the true nature of procedural requirements. Unless we do this we are apt to become bogged down in meaningless technicalities. So often these would be completely disregarded by the courts of the land, but in church courts would almost seem to be used to frustrate the work of God.”**

1.11 This work is published by the Synod of Eastern Australia and commended as the approved working text to regulate business in church courts. **Should it genuinely not provide guidance or direction on a particular matter, advice should be sought from the Law and Advisory Committee, and the Synod overtured for clarification.**

NOTE RE ADOPTING CHAPTERS 1-3

On 30 March 1989 the Synod of Eastern Australia resolved: ‘Synod expresses its appreciation for the input of individuals and church courts to the revision of the Church Practice over the past seven years, and now substitutes Chapters 1 to 3 of the Practice as bound with Synod Reports 1989 for pages 1-9 and 13-18 of the Free Church of Scotland *Practice* (1964 edition), and to that extent varies the legislation of Synod 1978

(adopting the 1964 edition) and Synod 1983 (commending the draft revised practice published that year as ‘a useful adjunct’ to the Free Church of Scotland *Practice*.’ [Act 11, Class 2]. A note was added to 3.17 *vide* Act 5 Class 2 Synod 1991 while item 3:22b was amended by Synod 1991 [Act 16, Class 2]

NOTE RE ADOPTION OF CHAPTERS 4 & 5

On 4 April 1991 the Synod of Eastern Australia resolved: ‘Synod adopt Chapter 4 (The Presbytery) of the new Practice as printed in 1990 Synod reports and amended by Synod 1991, to replace the corresponding sections of the Free Church of Scotland *Practice*, 1964 edition, and to regulate procedure in church courts henceforth.’
‘Synod adopt Chapter 5 (The Synod) of the new Practice as bound with 1991 Synod reports to replace the corresponding sections of the Free Church of Scotland *Practice*, 1964 edition, and to regulate procedure in church courts henceforth.’

NOTE RE ADOPTION OF CHAPTERS 6 & 7

On 29 April 1992 the Synod of Eastern Australia resolved: ‘Synod adopt Chapter 6 (Common Procedure) of the new Practice as printed in 1991 Synod Reports with the amendments in the 1992 Synod Reports, to replace the corresponding sections of the Free Church of Scotland *Practice*, 1964 edition, and to regulate procedure in church courts henceforth.’

STATUS OF THIS HANDBOOK

On April 29, 1992 Synod resolved *inter alia* to: affirm the completed practice Chapters 1 to 7 as its *Handbook of Practice and Procedure* in succession to the Free Church of Scotland Practice of 1964, and commend the study and careful use of the *Handbook* to office-bearers and others, reminding users of the provisions of Chapter 1.10 and 1.11.

On May 13, 2008, on the recommendation of the Law & Advisory Committee, Synod resolved, none opposing, that those matters in the Handbook approved in 1992 of an obligatory character as standing rules for the church at large, its presbyteries or congregations, together with sundry other items decided since of like character, principally Guidelines for Church Workers, working with minors and an addition in 7.26 (marked * in the list in the Committee’s 2008 Report), have sufficiently met the requirements of the Barrier Act.

Consequently, such items can only be amended following Barrier Act procedure.

1.12 OFFICIAL LOGO (cf. Synod 1995, min 46)

The officially recognised logo of the church originates in the design of the Rev William McIntyre in 1846 with the addition of the three dates below. Synod disapproves of its use by individuals without permission first sought and obtained.

GUIDELINES FOR CHURCH WORKERS

The following preface was added by Synod 2013 and the whole is to be inserted at the front of Session, Deacons' Courts and Presbytery Minute books: At least once year an affirmative answer to the following questions shall be given by all Session members and all members of Presbyteries and duly minuted in Session and Presbytery records: *Ministers and elders are reminded of their obligation to keep watch over the flock of God and in particular to the care of the young and the vulnerable. Are you familiar with the Guidelines for Church Workers passed by Synod? Are you faithfully keeping to them? Are you aware of your obligations under State and Church law concerning the reporting of suspected or actual cases of child abuse or child pornography?* What follows is Act of Synod 2003, revised 2004 & deemed Class 1 by Synod 2008. IT IS TO BE REVIEWED IN THE LIGHT OF THE 2019 SAFE CHURCH POLICY

General

1. Those activities of the congregation not the prerogative of the minister are under the ultimate supervision of the Session. The Session should know what is happening in the various areas. If necessary, Session will appoint a liaison person to report on a particular activity.

Guarding against Sexual Misconduct

1. Where there is to be regular contact with minors, those persons appointed by the session should have been approved under local State Government laws as people suitable to be in such situations.

2. The supervision of others should be carried out by appropriately experienced people who are well known to the Congregation, and have been connected with it for at least six months. No person with a previous record of sexual molestation may be involved in a supervisory position, except with the express authorisation of Presbytery. This will be granted only in the most exceptional circumstances where the risk of reoffending will be completely eliminated.

3. When children are involved out of the sight or hearing of others, at least two adults should supervise. Those leading camps or outings should be registered under local State laws regarding approval to work with minors. They should also sign a declaration that they have never been convicted of sexual abuse or of trafficking in illicit substances.

4. Church workers should avoid one-to-one counselling of the opposite sex, or of any minor. In any counselling, church workers, including ministers, should be ready to seek specialist help where necessary.

5. Ministers/elders should exercise great care in visiting women or children unaccompanied. In most circumstances it will be prudent for another person to be present, or available nearby.

6. Leaders of church activities must report any suspected physical or sexual abuse to the Session immediately and the Synod's procedures followed. No allegation may be trivialised.

7. In the case of persons from other congregations applying for membership, the Session should check with the previous church.

8. To ensure that there are no outstanding issues or adverse history Sessions should also be careful concerning history of those who apply for membership by confession of faith.

9. A Session shall not issue a Disjunction Certificate if there is any suspicion/allegation of abuse without first investigating the matter. The result of the investigation must be duly minuted, and the Certificate qualified if necessary.

Protection of Those Working on Church Property

1. When work is being done by volunteers on the church premises, a competent person should supervise, particularly when heights, or the use of special tools, are involved. Non-PCEA groups using Church facilities must commit in writing to having proper supervision of their people at all times, as well as meeting other conditions set by the local Deacons' Court or by the Minister, each acting in accordance with Section 3.18 of the *Handbook of Practice and Procedure*. Such conditions might include no smoking; no raffles or other gambling; appropriate Public Liability Insurance; and responsibility for damage.

Protection of Privacy

1. Membership lists should only be used outside the Session according to a procedure agreed by Session communicated to all those whose names will be included in such a list.

2. Health information secured for camps or outings is to be used only for the purpose obtained and kept in confidence. Records of such information should not be kept after their purpose has been fulfilled.

3. It is important also to exercise care in revealing personal information on notice sheets or in church announcements. Before revealing personal information, permission should be obtained from the person concerned.

CHAPTER TWO - THE SESSION

2.1-2.3 MEMBERSHIP OF THE SESSION

2.1 The spiritual government and discipline of a congregation is committed to its session. The minister or ministers of each congregation, along with a suitable number of ruling elders (that is, elders who are not ministers of the congregation) constitute the session.

2.2 If there are no elders in a congregation, or if there are fewer than two, the presbytery appoints elders from within its bounds to act as interim or **assessor members** of the session.

2.3 In extraordinary circumstances, the presbytery may appoint assessor elders to a session to strengthen it or to provide assistance with the conduct of any matter before it.

2.4-2.7 INSTALLING ELDERS AND DEACONS

2.4 The number of elders and deacons ought to be in accordance with the size and circumstances of the congregation. They must be male communicant members of the congregation and aged at least 21 years, mature in Christian experience, meeting the requirements laid down in the word of God [elders: 1 Timothy 3: 1-7; Titus 1: 5-9; deacons: 1 Timothy 3: 8-13].

2.5 Elders and deacons are elected by the communicant members of the congregation in which they serve. They are elected for life and exercise office until the session accepts their **resignation**, they cease to be members of the congregation, or they be held by the session to have resigned through long absence from meetings (not less than 12 months) or they be deposed.

An elder who wishes to demit his duties and responsibilities as elder in his congregation because of 'age, sickness or other accidents' [Second Book of Discipline (1578), 7.17] may be accorded recognition as **elder emeritus**. In a manner similar to a retired minister the elder retains status as an elder but ceases to be a member of the Session although he may be invited to sit in on Session meetings to offer advice. An emeritus elder is entitled to be held in honour by his fellow elders and the members of the congregation which he has served. Should the disability which led to him retiring from active

duties be removed he may of course be re-elected a serving elder [this para *vide* Synod 2016].

Upon leaving one congregation and joining another the office of elder or deacon is retained but cannot be exercised in the new congregation until the person is elected by that congregation and set apart to serve in it

2.6 An ordained minister who is without a pastoral charge from any cause not involving church censure, is eligible for election as a ruling elder in the congregation of which he is a member. [But note 4.55d]

2.7 Prior to an election it is recommended that the Moderator should preach on the scriptural qualifications and warrant for the office. The session must not install any person as an elder or deacon whom it does not regard as meeting the qualifications of Scripture, nor may it install any person who has not received the approval of a majority of communicant members, nor may it install any person who has not pledged adherence to the Safe Church Policy and Code of Conduct of the PCEA, nor may the session dispense with an edict. Subject to these requirements, the session may exercise discretion in the manner of election, but it is recommended that the following procedure be followed.

- a) The session determines when an election should take place and the number of persons to be chosen, and arranges for a ballot in an appropriate form (e.g., circulation of lists, congregational meeting, etc.) If the voting is taken at a congregational meeting, signed and witnessed votes may be received at the meeting from members not personally present.
- b) When the voting is finalised, the result is entered in the session minutes. If a person elected is judged qualified by the session and is willing to accept office, the session appoints a day and hour for his installation. At public worship on each of the two Lord's Days preceding the date appointed, the following Edict or its substantial equivalent is read.

EDICT

Whereas <NAME(S)> members of this congregation recently chosen to be ruling elders (or deacons) have been examined by session and approved as persons qualified by Scripture to be ordained and/or inducted to the office, the session hereby gives notice that their ordination and/or induction has been fixed for <DATE & TIME> and unless some valid objection is lodged with and proven to session, which is appointed to meet on <DATE> at <TIME & PLACE>, session will proceed accordingly.

By order of the session.

Signed: Moderator / Clerk

c) The order of **procedure** on the day of installation, which is usually the Lord's Day, is along the following lines:

- i. the session is constituted before the service, satisfies itself that the Edict has been served, and intimates to the congregation that the session is now ready to hear any valid objection to the life and doctrine of the office-bearer elect. If any objections are given in, the party making an objection is required to substantiate it as an objection to life or doctrine. If the objection appear, in the judgement of session, to be substantiated, it must decline to proceed with the ordination or admission, and may have to take the party objected to upon discipline. But if the session finds that the objections are frivolous or unsupported by evidence, it is the session's duty to proceed with the ordination or induction as appointed. A minute is made of the decision.
- ii. the service proceeds and, after praise, prayer and the reading of the Word, an appropriate sermon is preached.
- iii. the Scripture warrant for the office must be stated.
- iv. the questions prescribed by Synod 1952 or the alternatives approved by Synod in 2008 must be put to the office-bearers-elect by the Moderator of session. Upon satisfactory answer, the Formula must be signed (a copy may be pasted inside the session minute book for this purpose.)
- v. the office-bearers-elect shall then come forward and be ordained to office with prayer and be thereby inducted to the exercise of their office. A person already ordained shall be inducted with prayer.
- vi. the Moderator shall then make declaration of admission to office along the following lines:

I do now, in the name of the Lord Jesus Christ, the only King and Head of the Church, and by authority of this session, admit you <NAME> .to the office of elder in this congregation, and you <NAME> to the office of deacon in this congregation, to take part with us in the work of the Lord, and in token of this, we give you the right hand of fellowship.

vii. the members of session then give the right hand of fellowship to the newly admitted office-bearers.

viii when the congregation has been dismissed, the session formally adds the names of the new office-bearers to its rolls, and the clerk is directed to inform the presbytery clerk and, if new deacons have been installed, the clerk of the deacons' court.

2.8-2.11 TASKS AND JURISDICTION

2.8 The **session** is responsible to the presbytery for the spiritual life of the congregation and for its effective role in the church at large. Christian fellowship and service through Youth Fellowships, Missionary Unions, Sabbath Schools and Prayer or Bible Study Meetings should be encouraged as circumstances suggest, and all such activities are under the authority of the session.

The following description of the work of the session is thus not exhaustive of its interests, powers and duties. The elders visit the sick, instruct the young, warn the careless, and edify and comfort believers. In session meetings, applications for communicant membership or baptism (which may already have been handled in a preliminary way by the minister) are dealt with, discipline is administered and action taken for the spiritual well being of the congregation. In numerically or geographically large congregations, districts should be assigned to particular elders.

The **minister** is especially responsible to the Presbytery for the mode in which all the parts of public worship are conducted. For solemnising marriage see 4.76.

2.9 The session, with the minister's concurrence, fix the **time and hours of public worship**, appoint fast days, and authorise the administration of the **sacraments**. The minister, in consultation with the other elders, appoints the **precentor**. Sessions are encouraged to seek the views of the congregation on significant matters affecting its life, so that the fullest harmony and co-operation may be achieved as all labour together for the cause of Christ.

Disturbance in a church service

To be noted by Sessions, per Synod 2014:

From time to time there may be serious incidents of disturbance in a church service, usually because of mental disturbance rather than deliberate aggression. A caring Christian approach is usually able to resolve the issue without recourse to legal

measures. As advised to the Convener on 1/11/2010 by Brian Bayston, the Law Agent of the Presbyterian Church of Victoria, the legal position is as follows: There is an implied licence to enter a church for the purpose of public worship. If a person acts in a manner that is contrary to this purpose the licence can be revoked by words spoken to him, and he can be asked to leave or the police will be called (although they may not come). He can be told that if he returns he will be committing trespass and can be sued for trespass. One must not use force to remove a person or you are likely to be sued for assault. If needed one can seek a court order, although the occasions on which such a step would be appropriate are likely to be rare indeed. [See also concurring legal case reported in L & A Committee Report to Synod 2016]

2.10 [Relationship to Minister] The session does not stand to the minister in the relation of his spiritual rulers. At the first meeting of session after his admission to the office by the presbytery, the fact of his admission, and its date, ought to be minuted, and his name added to the communion roll (see Synod 2007.14).

The minister is not responsible to the session for the discharge of his own functions, although if he seems to neglect these, or to encroach upon the session's functions, it can petition the presbytery about his action. He is permitted to exercise a wide discretion in his endeavours to advance the spiritual welfare of all classes and conditions of people within his reach. Hence it follows that the place of worship is available to the minister for the spiritual purposes of his office. But he cannot use it, or allow it to be used, for any purpose which is not of a strictly religious, ecclesiastical or charitable nature, without the consent of the deacons' court. On the other hand, neither the session nor the deacons' court can employ it for any purpose whatsoever without the minister's consent.

2.11 [Jurisdiction] All judicial action affecting the standing of members of the congregation including ruling elders and deacons, is to be initiated by the session unless the offence is committed in the presence of a superior court. However, the decisions of the deacons' court cannot be reviewed by the session, nor can complaints against a minister be actually prosecuted in the session, since the minister is under the jurisdiction of his presbytery, not the session. In both these cases, friendly remonstrance

is to be employed first, and this failing, the presbytery is to be advised. Similarly, if a session considers another session has encroached on its jurisdiction, suitable approach is made to the presbytery which has jurisdiction over the session of whose procedure complaint is made.

2.12-2.21 MEMBERSHIP OF THE CONGREGATION

2.12 The session admits persons to the membership of the congregation.

2.13 The members in full communion of a congregation are baptised persons professing saving faith in the Lord Jesus Christ, who satisfy the session as to their knowledge of the Word of God, whose life and outward conduct appears consistent with a Christian profession, and who are admitted to communicant membership by the session, and thus to participation in the Lord's Supper and into full communion with the Presbyterian Church of Eastern Australia. It is usual for the minister to take the principal charge of examining applicants with respect to their profession and their knowledge. Ministers are members of the congregation they serve or to which they are attached, but jurisdiction over them belongs to their Presbytery (Act of Synod 2007.14)

2.14 The session may add communicant members by letter of transfer from another congregation of the church, or by disjunction certificate from another church not deemed to be in fundamental error in the judgement of the session. 2.13 The session may add communicant members by letter of transfer from another congregation of the church, or by disjunction certificate from another church not deemed to be in fundamental error in the judgement of the session. It may be helpful if persons becoming members on profession of faith be received during a service of worship on the Lord's Day. [Reception of **persons excommunicated** from another church requires that reasons for such discipline be obtained from the church concerned, that the discipline be respected if scriptural, the consent of the presbytery be obtained if it proposed to receive the applicant, and that the other church be informed of the action taken and the reasons - see Act 3, Class 2, Synod 1978.]

2.15 An inquisitorial minuteness is not to be employed in the examination of persons for admission to membership. The essential requirements are competent knowledge of the Gospel, profession of faith in Christ, and a life and

reasonable time must be allowed for the attendance of members. No meeting of the session can be held at an hour when the presbytery of the bounds or the Synod is sitting, except with the permission of the court concerned.

2.23 At all meetings of the session the minister (or other minister at his request) or Interim-Moderator (or other PCEA minister at his request) must be present and preside as **moderator**. The **quorum** is three persons including the moderator.

2.24 Normally, the session meets in private. Great care is necessary to ensure the confidentiality of matters discussed bearing on the spiritual state of individuals.

2.25 The moderator may introduce business to the court and speak on any matter before it, but he has only a **casting vote**. In his discretion he allows members to speak more than once to the same question, unless in special cases he, or the court, applies the more formal rules of debate as employed by the Synod. Discussion by the session should be limited to matters proper to its spiritual function, and have in view spiritual objects conducive to the edification of the church.

2.26 The session appoints a **Clerk**. Upon his appointment the clerk makes a declaration that he will perform his duties faithfully. He keeps minutes of the proceedings in a proper book, takes charge of his books, papers and documents, and does such other secretarial work as is appropriate to his office. He keeps copies of outward correspondence and marks the date received on inward correspondence. He receives and submits to the session for incorporation into its minutes such extracts of minutes as are forwarded for that purpose from the deacons' court or a congregational meeting, or from presbytery.

2.27 Every meeting of the session must be both opened and closed with **prayer**. The minute must always state at the outset that the session was constituted (*viz.* with prayer) and at the end that the meeting was closed with prayer. No minute is valid without mention of these particulars, and no extract can be received which does not certify that the session was constituted, and which is not certified by the clerk as having been extracted from the records of the court.

2.28 The **minutes** of session are kept in a durable and well-bound minute book with numbered pages.

Blank spaces between sets of minutes are to be cancelled by ruling and initialling. At each meeting the first business after the opening is the confirmation of the previous minutes. These must contain the names of those who were present. Any corrections are initialled by the clerk and moderator and noted in the subsequent minutes. The record is then confirmed as a correct record of what was transacted, and for this reason the wording of confirmed minutes cannot be changed without the permission of the presbytery. (Of course, a subsequent meeting may decide to implement a different decision, but the record of the earlier decision is not touched.)

2.29 Decisions of the court necessarily involving advice to third parties may be given by extract minute without specific authorisation, but in other cases the session is to authorise the provision of an extract minute.

2.30 The Roll of Communicant Members and the Roll of Baptised Members are to be carefully kept and regularly revised by the session, normally not less than once a year, and always before the election of a minister (see 4.59).

2.30a PRIVACY PRINCIPLES

See Guidelines for Church workers. Also the Privacy Policy adopted by Synod 2017 set out under Law & Advisory in the Committee Decisions Section of this Handbook.

2.31-2.36 CONGREGATIONAL MEETINGS

2.31 Congregational meetings are convened only on the authority of the session or a superior court. The minister or Interim-Moderator must preside unless, for adequate reason, he appoints a deputy, or unless a convening superior court appoints one of its own members for that purpose. No congregational meeting can be held during a sitting of the presbytery of the bounds or of the Synod unless with the permission of the court concerned.

2.32 Adequate **notice** of the time, place, nature and purpose of the meeting must be given. This notice is commonly given at the time of ordinary public worship, but may be given by letter to all communicant members. The annual meeting of the congregation, and meetings for the election of a minister or office-bearers must be intimated at least two weeks previously.

2.33 Each congregation must hold an **annual meeting** as early as convenient in the year for the purpose of receiving reports of the past year's work, considering the audited financial statement (see 3.15), and for transacting such other business as may be properly brought before it. The calendar year is the church's **financial year**.

2.34 **Minutes** of congregational meetings are to be kept in proper form by the session clerk or someone appointed with the approval of session. Procedure in congregational meetings is to follow the conduct of business in church courts so far as applicable, although formal rules of debate may be suspended at the discretion of the person presiding.

2.35 Members of the congregation do not have a right of appeal or complaint against decisions of the deacons' court or of a congregational meeting. However, the actions of the deacons' court may be brought under the review of presbytery on the grounds that the deacons' court has acted unlawfully by going out of its province or not carrying out the decisions of Synod, and this is done by way of petition to the presbytery of the bounds. In the case of decisions of a congregational meeting, a petition that they be reviewed is addressed to the session as the court of first instance. Again, the grounds must be that the decisions were unlawful (e.g., that the meeting was not properly constituted, or that the matter was not lawfully on the agenda).

2.36 It is the duty of the session to explain as required the rules and forms of church procedure, so that no disadvantage be done to anyone through ignorance of those rules and forms.

2.37-2.41 RELATIONS WITH PRESBYTERY AND SYNOD

2.37 The session, in all its proceedings, is directly responsible to the presbytery of the bounds, and submits to the presbytery annually the following:

- a) the session minute book;
- b) the rolls of baptised and communicant members;

- c) deacons' courts and congregational minute books; and
- d) any other documents, reports or statistics that the presbytery may require; and such of these at such other times as the presbytery directs.

2.38 It is the duty of session to seek the advice of the presbytery in matters of doubt and to report any irregularities in connection with procedure for which they are responsible. They also refer certain cases of discipline for advice (see later chapter).

2.39 Promptly after the rising of the regular Synod meeting, each session meets and elects one of the ruling elders to be its representative to the presbytery and Synod for the ensuing period in terms of the following specimen minute, a certified extract of which is forthwith sent to the clerk of presbytery.

COMMISSION

The Session of the Presbyterian Church of Eastern Australia <NAME> .Congregation at a duly constituted meeting on <DATE> appointed <NAME>, duly inducted ruling elder in this congregation to be representative elder in the higher courts of the church and to deliberate and act in accordance with the constitution of the church until the rising of the next ordinary meeting of the Synod of Eastern Australia.

Extracted from the records of the session of the <NAME> Congregation.

*Signed: <NAME> Moderator.
<NAME> Clerk.*

2.40 The Session appoints and commissions with as little delay as possible a representative elder to replace one who dies, or resigns, or who has been removed from office, or who for any other reason becomes ineligible to act.

2.41 Procedure in respect of power of dissent, dissent and complaint, appeals, references, petitions and the like is gathered together in a distinct chapter of this Practice (ch.6. 'Common Procedure'), and the session transmits to presbytery in proper form all the documents and papers appropriate for the consideration of that court.

CHAPTER THREE: THE DEACONS' COURT [DIACONATE]

3.1-3.4 MEMBERSHIP OF THE DEACONS' COURT

3.1 The minister or ministers of the congregation, along with the elders and the deacons, constitute the Deacons' Court, whose task is to administer the temporal affairs of the congregation. This they are to do according to the judgement and appointment of the Session (*Second Book of Discipline*, 1578, Chapters 8 & 9).

3.2 Where there are no deacons, the membership of the session and deacons' court is identical. Where there are deacons, all the members of the local session (including the minister/s) are still entitled to meet with them as members of the deacons' court. It is held that the office of elder includes the office of deacon.

3.3 Deacons are to be male communicant members of the congregation meeting the requirements laid down in the Scriptures (Acts 6:1-7; 1 Timothy 3:8-13). The number of deacons ought to be in accordance with the size and position of the congregation. The session decides when an election for deacons should be held and follows the procedure in 2.4-2.7). After each change in the membership of the deacons' court, which should be advised by a session minute, a revised roll of deacons ought to be recorded in the deacons' court minutes. The discipline, removal or resignation of deacons are matters within the province of the session.

3.4 It should be noted that, despite its name, the deacons' court is not a court in the Presbyterian system of church government since it has no power of spiritual rule as does the session, presbytery and synod, nor power to convene congregational meetings. It is a church court in the sense that it is a constituted meeting with specific functions and powers (compare also 3.1).

3.5-3.9 MEETINGS

3.5 The deacons' court ought to meet regularly and certainly at least once a quarter. Adequate notice must be given of the time, place, nature and purpose of meetings to each member of the deacons' court. The time of meetings may also be fixed by a previous meeting. In the absence of such arrangement, the deacons' court is convened by

authority of the minister. In a vacancy it is usual for the clerk of the deacons' court to convene the meetings, but the Interim-Moderator, being a member of the local session, must still receive notice. Any two members may request the minister or his deputy to call a meeting and the convening of such a meeting must not be unduly delayed.

3.6 The ordinary business of the deacons' court cannot be transacted on the Lord's Day. The deacons' court may not meet during a sitting of the session, the presbytery of the bounds or the Synod unless with the permission of the court concerned.

3.7 Normally, the meetings of the deacons' court are private, unless otherwise decided, such as meeting with the congregation. Great care is necessary to ensure the confidentiality of matters discussed bearing on the financial state of individuals.

3.8 At all meetings of the deacons' court the minister presides if present. In his absence any other member of the deacons' court may be chosen as **chairman**. If there is more than one minister it is decided between them which of them will preside when both are present. The **quorum** is three persons.

3.9 The chairman may introduce business to the court and speak on any matter before it, but he has only a casting vote. It is usual for discussion to be relatively informal with speaking more than once to the same question being allowed. Circumstances may occur where more formal rules of debate may be applied along the lines employed by the Synod.

3.10-3.13 THE CLERK AND MINUTES

3.10 The deacons' court appoints a **clerk**. Upon his appointment the clerk makes a declaration that he will perform his duties faithfully. He keeps minutes of the proceedings in a proper book, takes charge of its books, papers, and documents, and does such other secretarial work as is appropriate to his office. He keeps copies of outward correspondence and marks the date received on inward correspondence. He receives and submits to the deacons' court for incorporation into its minutes such extracts of minutes as are forwarded for that purpose from the congregational meeting or from other church courts.

3.11 Every meeting of the deacons' court must be both opened and closed with **prayer**. The minutes must always state at the outset that the court was constituted (i.e., with prayer) and at the end that the meeting was closed with prayer. No minutes are valid without mention of these particulars, and no extract can be received which does not certify that the deacons' court was constituted, and which is not certified by the clerk as having been extracted from the records of the court.

3.12 The minutes of the deacons' court are kept in a durable and well-bound minute book with numbered pages. Blank spaces between sets of minutes are to be cancelled by ruling and initialling. At each meeting the first business after the opening is the confirmation of the previous minutes. These must contain the names of those who were present. Any corrections are initialled by the clerk and chairman, and noted in the subsequent minutes. The record is then confirmed as a correct record of what was transacted, and for this reason the wording of confirmed minutes cannot be changed without the permission of the presbytery. (Of course, a subsequent meeting may decide to implement a different decision but the record of the earlier decision is not touched.)

3.13 Decisions of the deacons' court necessarily involving advice to third parties may be given by extract minute without specific authorisation of the court, but in other cases the deacons' court must authorise the provision of extracts.

3.14 COLLECTIONS

3.14 The approved method of fund-raising is by **free-will offerings**. Raffles, games of chance or other forms of lottery are forbidden. The deacons' court is responsible, in conjunction with the session where appropriate, for arranging collections for local needs as well as for the funds of the Synod and other purposes. An amount for such may be allocated in the annual budget of the congregation and advised to the congregation and/or regular specific collections may be made for such purposes. Funds collected for other than local use must be remitted promptly to the appropriate person or body. Collectors of funds may be appointed by the deacons' court.

OBLIGATIONS UNDER AUSTRALIAN LAW [Act of Synod 2018]

3.14a [Note: The Australian Charities and Not-for-profit Commission (ACNC) is the independent national regulator of charities which includes the Church who may have specified more detailed requirements.]

- A. *The Deacons' Court and its members are*
 - a. to act with reasonable care and diligence
 - b. to act honestly and fairly in the best interests of the charity and for its charitable purposes
 - c. not to misuse their position or information gained as a responsible person
 - d. to disclose conflicts of interest [cf. *Handbook* 6.1]
 - e. to ensure that the financial affairs of the charity are managed responsibly, and
 - f. not to allow the charity to operate while it is insolvent. [Presbytery must be promptly advised if there is any risk of the congregation being unable to meet its commitments, *Handbook* 3:17.]
 - g. to comply with legal requirements re child abuse and related matters according to applicable State and Commonwealth legislation.
- B. *The Deacons' Court is to ensure that*
 - a. an ABN is secured for the congregation.
 - b. the Congregation is registered with the Australian Charities and Not for Profit Commission [ACNC] as a 'basic religious charity' (or other classification if appropriate) and submits the Annual Information Statement for each calendar year not later than the prescribed cut-off date (currently 30 June following), as well as promptly advising any changes to personnel, contact details or other matters on the ACNC register.
 - c. the Congregation is duly registered with the Australian Taxation Office for GST, FBT Rebate and Income Tax Exemption, and submits the required Business Activity Statement [BAS] in respect of Stipend payments, PAYG tax deductions and GST, preferably quarterly.
 - d. Superannuation Contributions are remitted quarterly per Synod regulations.
 - e. the minister/s and any employees are issued with a PAYG payment summary immediately following 30th June each year and that the PAYG Payment Summary is sent to the Australian Taxation Office.
 - f. financial records are accessible and available for at least seven years, being all the records necessary if a fresh audit was being carried out.
 - g. the annual financial statement discloses all assets and liabilities of the congregation and its controlled entities, and meets not less than the minimum audit requirements set by the ACNC from time to time.

3.15 CONGREGATIONAL FINANCIAL RECORDS & AUDITING

(This section is Act 24, Class 2, Synod 1986, adopted as Class 1 by Synod 2008 with Class 2 addition Synod 2012 Minute 22.6)

3.15 a. Each deacons' court appoints one or more Treasurers, not necessarily member(s) of the court. The **Treasurer** receives, disburses and accounts for all monies under the care of the deacons' court, as it directs, and produces for inspection, when required, all books of accounts together with all relevant vouchers. All monies received by the Treasurer for whatever purpose shall be banked promptly as received in an account kept in the church's name, viz., Presbyterian Church of Eastern Australia — <NAME> Congregation, at least two signatories being required for withdrawals, except in circumstances specifically minuted by the Deacons' Court. **Church offerings are to be counted by two persons designated by the deacons' court while in each other's presence**, and the figure entered into a book and initialled by both persons.

b. The deacons' court gathers the monetary contributions of the congregation, takes charge of them and any other monies received by or for the congregation, and disburses them for the purpose for which they were contributed. The deacons' court keeps proper and adequate books of account and other financial records, and complies with the auditing and other requirements laid down by Synod.

Synod 2012 directed Presbyteries to see to it that congregations under their care take steps to include a **fair value of their assets in their annual financial statement** as well as detail of any liabilities.

[Opening bank accounts] Pursuant to Synod's right to make regulations under Section 6 of the existing Property Act in NSW, Synod 2017 formally authorised the opening of accounts in Australian Deposit Taking Institutions authorised under the Banking Act 1959 without reference to the body corporate. [The Synod clerk can provide extract minute if any difficulty is experienced. The Victorian Act has specific authorisation.]

AUDIT

c. The **audit** shall be a complete examination of the books so that the revenue and expenditure may be safeguarded and the correctness of the various accounts and the information disclosed by the annual statement may be properly verified. The

auditor shall be a competent person or persons not being a member of the deacons' court. It is preferable that the auditor has accountancy experience.

d. The auditor shall be supplied by the deacons' court with an annual statement of the court's receipts and expenditure together with a statement of funds showing investments and also particulars of any form of mortgage or loan. The statement of funds may be in the form of a balance sheet in regular form showing the whole assets and liabilities of the congregation and its organisations.

e. The auditor shall examine the church offering book and compare with the bank deposits and the bank statement shall be reconciled with the cash book. He shall ensure that all amounts paid are applied to the purpose for which they were contributed and no other. The auditor is entitled to examine all the records and in particular should sight the certificates covering any investments or loans.

f. After the accounts have been duly prepared and audited they are submitted to the Presbytery of the bounds for attestation if the Presbytery finds them to be in order. Once attested the accounts are ready to be presented at the annual meeting of the congregation (see 2.33).

3.16 MINISTER'S STIPEND & BENEFITS

3.16 A congregation, through its deacons' court, is responsible to provide the following benefits for its minister:

- a. not less than the minimum stipend and benefits set by Synod from time to time. – Synod 2017 limited the non-cash element under Exempt Fringe Benefits legislation to a maximum of 40%.
- b. four weeks annual leave, plus an extra week (which must be taken) or in lieu one week of LSL to age 70 (see Act of Synod 2003 deemed Class 1 by Synod 2008).
- c. reasonable sick leave,
- d. travelling expenses in working the charge,
- e. telephone rental and church calls and
- f. manse with carpets and drapes, or house allowance in lieu of manse.

NB: Deacons' Courts are to keep a close eye on the minister's **leave entitlement** to ensure he does not suffer burnout through failure to take it. **Recording of entitlement in the minutes** should occur once a year to avoid misunderstanding and facilitate Presbytery's role when examining records.

For pulpit supply fees and for stipend less than minimum under certain conditions see Decision section of this Handbook (Finance Committee).

3.17 FINANCIAL MANAGEMENT

3.17 a. The Synod's Superannuation Levy is a preference burden after stipend, and is paid quarterly to the Treasurer of the Synod. After meeting all other expenses, the deacons' court is to consider applying some of the surplus in supplementing the minister's stipend. After deciding on this, the balance is to be applied in the spirit of 2Corinthians 8: 1-5 for religious, charitable and benevolent objects consistent with the objects for which the funds have been received.

b. If a **Church Officer** or similar person is required, the deacons' court is responsible for the terms of his appointment. As it impinges on the conduct of worship, a matter for which the minister is especially responsible to the presbytery, the appointment of a **precentor** is in the hands of the minister in consultation with the other elders, but the deacons' court decides any question of remuneration.

c. If a deacons' court becomes **unable to meet its commitments**, it must promptly advise the presbytery of the situation in full detail. If there is reason to believe commitments are not being met, although no formal advice has been received, the presbytery is entitled to take such action as the circumstances seem to require.

d. *Vide* Synod 2016 ruled: '**Requests for financial assistance** of Deacons' Courts are to be submitted to the Presbytery and supported by a budget for the ensuing year. A copy of the request and budget are to be sent to other Deacons' Courts within the charge by the Clerk of Presbytery in sufficient time for them to consider it prior to the next meeting of Presbytery. If Deacons' Courts are able to contribute to the Stipend Relief being sought, Presbytery is to take such into account and forward their recommendation to the Synod Finance Committee. (See 4.79)'

e. **Note:** *Vide* Act 5 Class 2 Synod 1991, deacons' courts are reminded that action taken by them re church funds must comply with Trustee Acts and the Church Property Acts (see 3.26). *Investment of funds requires ordinary business prudence, and impartiality. See 3.27 for detail on Investment principles.*

f. Note: *In the L & A Report to Synod 2016 it was noted: 'Deacons' Courts which contribute to Synod schemes and other objects from general funds in addition to or instead of special collections, follow the principle that the officebearers are best placed to know particular needs and have a responsibility to administer funds wisely 'according to the judgment and appointment of the Session'. Deacons' Courts need to have authority to do this and this is best secured by a resolution at a Congregational Meeting along the following lines. From this time forward until otherwise decided, the Congregation approves the allocation of a proportion/up to \$... per year of the ordinary undesignated offerings to needy Synod funds, such as Missions and Stipend relief, and to particular Christian ministries, such as AIM, Mukti and MERF, as judged appropriate by the Deacons' Court in consultation with the Session, provided always that the local ministry has first call on the funds if needed, the viability of the local congregation is safeguarded and the congregation's capital funds or other specified funds are not used in this way.'*

3.18 USE OF CHURCH, HALL, MANSE

3.18 The place of worship and other buildings provided for the use of the congregation, including the manse, are available to the minister (or interim-moderator) for the spiritual purposes of his office. However, he cannot use these buildings for any purpose which is not strictly of a religious, ecclesiastical or charitable nature, without the consent of the deacons' court, but neither can the session or deacons' court use them for any purpose at all without the minister's consent.

3.19 LEASES

3.19 a. A deacons' court desiring to lease the manse or other property to others for any period must first obtain the consent of the presbytery, and consent cannot be given without the presbytery being satisfied as to why the lease is desired and how the proceeds will be applied. The effect of a lease on rates exemption and back rates must be considered, the period of any one lease should not exceed 12 months (other than investment property as such where normal commercial terms should apply), and the rental must represent fair market value and be regularly reviewed to that level.

b. Leases, including a lease of others' property, are executed in the name of the applicable body corporate and not by the deacons' court. [*See, for Vic/Tas., Act of Synod 1961 Class 1; for NSW, Synod 1988 Act 9 Class 2; for Qld, Synod 1989 Act*

13, Class 2] but Synod 1994 (Act 12, Class 2) approved execution by Deacons' Courts on behalf of the body corporate on condition leases are first sanctioned by the Presbytery, and the body corporate advised.

c. It should be noted that under the *Synod of Eastern Australia Property Act 1918*, Section 12, use of rents from the congregational property to meet the stipend of the minister of the congregation (if in New South Wales) is to be provided to the extent of \$300 per year but on one interpretation no more than this. However, the Law & Advisory Committee reported on this in 2017 with legal opinion, and Synod approved congregations applying property income towards the stipend of the minister as set by Synod from time to time.

3.20 MAJOR CAPITAL

EXPENDITURE/BUILDING WORKS

3.20 Application to the presbytery of the bounds is to be made by a deacons' court for permission to erect, extend, alter significantly, remove or demolish any buildings belonging to the congregation. Reference must be made to presbytery before commencement, particularly with respect to financial and insurance aspects. Evidence of the session's approval will be necessary. (*Act of Synod 1989*). Purchase or capital improvements of property where full funds are not available must be cleared with Presbytery first and any loan proposals approved by Presbytery. Act of Synod 2014).

3.21 INSURANCE

3.21b-c is Act of Synod 1991

3.21a. The Synod maintains Australia-wide **Public Liability** insurance in respect of the activities of the church except liability arising from the properties of St George's Congregation at Lindfield. Renewal date is 30 September. Each deacons' court is allocated an appropriate share of the premium. Appropriately skilled and qualified members (or qualified external contractors with appropriate insurance) must conduct activities such as archery, beach and water activities, bike riding, flying foxes &c, and have risk management procedures in place to ensure adequate supervision, first-aid kit, emergency contact details &c. Unless otherwise agreed there is no cover for liability arising from major building works. There is NO cover for sexual molestation arising from persons known to have been previous offenders or against whom a complaint has been made which has not been appropriately investigated. [A record of

historical Public Liability insurance cover appears in Law & Advisory Committee Report, Synod 2016.]

b. Guidelines for **insurance** cover generally (including vehicles) were set by Synod 1982. In 1990 the Synod effected a group insurance scheme for all church, manse and other buildings and church-owned contents allowing St George's Congregation to opt out and make their own arrangements. The group policy is due on 30 September each year, and each congregation contributes according to the insured value of its property.

c. Presbyterian ministers in the normal parish situation are not in a master-servant relationship and are not covered by Workers Compensation (cf. L& A Committee Report to Synod 1995). In the eyes of the law they are self-employed and should make appropriate arrangements for protection against disability by accident and/or illness, either through the Synod Superannuation plan or otherwise. However, congregations should ensure that any other persons who are 'workers' for Workers Compensation purposes are duly insured under applicable State legislation.

3.22 MORTGAGE/SALE PROCEDURE

3.22 Where mortgage or sale of congregational property is desired, the Deacons' Court shall ensure that the Congregation, and relevant higher courts are informed of the reasons for the sale and/or mortgage, the purposes for which the funds realised will be used and how repayment will be funded. Sale, mortgage or other encumbrance of church property cannot take place without the approval of the relevant higher courts. The sale of church property requires the approval of the congregation. In respect of congregational property in New South Wales, the proceeds of a mortgage can only be applied to the erection, improvement or maintenance of a church, manse or school-house on land held for the congregation. (*Synod of Eastern Australia Property Act 1918*, section 10). The amendment to the Property Act submitted to NSW Parliament in 2013 will, when approved, remove this limitation.

[Relevant Synod legislation includes *Act of Synod 1958 (Class 1)* re Victorian Act; *Act of Synod 1984* re NSW Act.]

Synod 1988 (Act 10, Class 2) gave authority to the Presbytery of the bounds to approve in the name of

Synod the **sale of property other than places of worship**. The congregation must consent as certified by extract minute; in the case of a manse the Presbytery must be satisfied that the provision of a suitable manse is assured upon the sale of the old; a competent firm of solicitors must handle the legal aspects; and the legislation of the Synod and the applicable Act of Parliament must be adhered to. Sales of places of worship require Synod approval.]

Synod 2008 (Act 9, Class 2) provided that, should it be impracticable to wait until the annual Synod, a congregation desiring to **mortgage property** (other than church buildings) may submit a Presbytery-approved proposal to the Finance Committee and the Administration Committee is authorised to make a decision after receiving recommendation or otherwise from the Finance Committee.

3.23 BEQUESTS AND LEGACIES

(Act 4, Class 2, Synod 1983)

- 3.23 a. Bequests automatically vest in the relevant trust corporation. The disbursement and/or investment of the same is a legal responsibility of the trustees.
- b. Notwithstanding, a bequest to a congregation, or congregational organisation, in terms which allow the capital to be spent, may be retained and administered locally on the following conditions:
- i. certified copies of the relevant documents shall be lodged by the deacons' court, or other organisation, with the Presbytery of the bounds;
 - ii. Presbytery shall determine whether the sum shall be held locally or not;
 - iii. In any event, the trustees shall be kept fully informed so that they are assured they will not be held to be in breach of trust.
- c. In all other cases bequests are to be held and administered by the relevant trust corporation in consultation with the congregation or committee concerned, and a full report made by the trust corporation to the ensuing Synod.

SPECIMEN FORMS OF BEQUEST

Synod 2014 provided the following examples:

(i). General or undesignated Bequests

These general bequests are of most benefit to the mission of the Church. In such cases, the funds can be applied to specific areas of priority need at the time. If a person wishes to make an undesignated bequest, the following clauses can be used:

Clause A where the capital gift is to be made directly to the Church.

"I GIVE DEVISE AND BEQUEATHto the Presbyterian Church of Eastern Australia for the charitable and/or religious purposes of the Presbyterian Church of Eastern Australia as the Synod of the said Church may direct."

Clause B where the capital of the gift is to be permanently invested, with the income earned to be used by the Church

"I GIVE DEVISE AND BEQUEATHto the Presbyterian Church of Eastern Australia to be invested and the income therefrom from time to time received to be used for the charitable and/or religious purposes of the Presbyterian Church of Eastern Australia as the Synod of the said Church may direct."

(ii). Specific Bequests

If a person wishes to designate a particular congregation, parish, project, activity, agency or institution within the Church the following clauses can be used:

Clause C where the capital gift is to be made directly to the particular part of the Church:

"I GIVE DEVISE AND BEQUEATHto the Presbyterian Church of Eastern Australia for the general work and activities of of the Presbyterian Church of Eastern Australia provided that should that work or activity of the said Church have ceased prior to my death or thereafter cease, the said sum shall be used in such other manner as determined by the Synod of the said Church."

Clause D where the capital of the gift is to be permanently invested, with the income earned to be used by the nominated activity:

"I GIVE DEVISE AND BEQUEATHto the Presbyterian Church of Eastern Australia to be invested and the income therefrom from time to time received to be used for the general work of of the Presbyterian Church of Eastern Australia, provided that should that work or activity of the said Church have ceased prior to my death or thereafter cease, the income arising from said sum shall be used in such other manner as determined by the Synod of the Presbyterian Church of Eastern Australia"

After the desired clause A, B C or D has been selected for the Will, the following wording should also be added:

"...the receipt of the Secretary or other proper officer for the time being of the relevant corporate

trust body of the Presbyterian Church of Eastern Australia shall be a sufficient discharge to my Trustees". (or similar)

A Form of Bequest in respect of the **Missions Relief Fund** was approved by Synod 2018 and is found in the Missions Committee section of this Handbook alongside with the Missions Relief Fund regulations.

3.24-3.25 REVIEW OF DECISIONS

3.24 Decisions of the deacons' court are final when the court keeps within its province and obeys the decisions of superior courts. While a member of the court may register his dissent against a decision, there is no provision for regular complaint. The presbytery of the bounds inspects the minutes and financial records annually and may order correction of defects in procedure or take whatever steps are appropriate to rectify any mistakes or correct any abuses. The deacons' court may appeal to Synod on lawful grounds against the action of the presbytery.

3.25 A member of the deacons' court or a communicant member of the congregation may petition the presbytery against the procedure of the deacons' court on the grounds that the deacons' court has exceeded its powers or disregarded decisions of superior courts. Upon request the petitioner is entitled to receive promptly appropriate extracts of the deacons' court minutes. The petitioner provides the deacons' court and the presbytery with a copy of his petition indicating the grounds of the complaint. He must do so promptly and as soon as possible before the meeting of the presbytery. If the presbytery rejects the petition without lawful grounds, the petitioner may petition the Synod.

3.26 NOTES RE TRUST CORPORATIONS BY WHOM PROPERTY IS HELD

a. In New South Wales, the trust corporation is **THE TRUSTEES OF THE SYNOD OF EASTERN AUSTRALIA**.

b. In Victoria the corporation is called **THE TRUSTEES FOR VICTORIA OF THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA**.

c. In Queensland incorporation occurred on July 23, 1981 under the *Religious, Educational and Charitable Institutions Act 1861-1967* under the name **PRESBYTERIAN CHURCH OF**

EASTERN AUSTRALIA (Register of Patents No.35 Page 9). Membership is the same as New South Wales.

d. **NOTE RE CORPORATE TRUSTEES AND CONGREGATIONAL PROPERTY** (Synod 2015, Reports, page 14)

1. All church property is held by one of our three trust corporations rather than by individual trustees. Individual trustees cannot exclude their personal assets from any action arising from their conduct as trustee, and there are practical and sometimes expensive issues when individual trustees die or resign requiring new persons to be appointed. Our system avoids that. On the other hand, there are sometimes misunderstandings as to the role and rights of the corporate trust body. Congregations may think they lose a measure of control over their affairs, and the corporate trustee may think it has more control than it does.

2. Our corporate trust bodies are what are called bare or custodian trustees and do not have managerial oversight of the properties: this lies with the Congregation through its Session and Deacons Court. The decisions to transact on property are made at this level and at Presbytery and Synod. The trust bodies have no managerial authority to make such decisions or to disregard decisions that have been properly made at Congregational, Presbytery and Synod level.

3. A bare or custodian trustee is not absolved from responsibility if those for whom he holds act in breach of trust, so a bare trustee may refuse to co-operate when a breach of trust is feared. The trust bodies do have a duty to see that the property is properly insured and maintained, and in rare situations may have to act to protect the interest of the church although, even then, usually in conjunction with the courts of the church.

4. Our Synod has authorised Presbyteries to approve the sale of property other than places of worship. Ultimate approval for the sale of places of worship is reserved to Synod because of the desirability in a small denomination of an extra safeguard to avoid decisions that may compromise the ability of the church to maintain its witness effectively. Even so, it must be remembered that each church court has its particular function and, where adequate provision for the maintenance of the pastoral charge is evident and financial and legal aspects are in order, refusal at Presbytery or Synod level is hardly to be expected.

2.15 INVESTMENT OF CONGREGATIONAL FUNDS

(Synod 2015)

The responsibility of investing congregational investment funds belongs to Deacons' Courts subject to the relevant Church Property Act, the civil law relating

to trust funds and any specific Synod legislation. Funds held in banks and other Authorised Deposit-taking Institutions usually do not require the involvement of the Trust Corporation, but on-line accounts for the purchase of shares must be opened by the relevant Trust Corporation in its name with an appropriate designation to the particular congregation, and with at least two persons authorized to operate it, one usually being a member of the trust corporation and all being subject to the lawful direction of the Deacons' Court.

The following principles are to be followed in the management of church funds held by congregations:

1. It is proper and prudent in meeting trust requirements for Deacons' Courts to place a proportion of investment funds that are not reasonably required in the medium/long term (at least 3 to 5 years) in equities so as to endeavour to maintain real value.

2. All other investment funds not in real estate and all current funds should be held in Authorised Deposit-taking Institutions according to the circumstances as determined by the Deacons' Court from time to time.

3. Deacons' Courts are not to invest in mortgages, mortgage trusts, debentures, managed funds, derivatives, contracts for difference, or unlisted equity funds unless the specific approval of the relevant Trust Corporation is first obtained. Deacons' Courts are not to invest funds directly in alcohol, tobacco, gambling, armaments or speculative mining stocks, nor other morally wrong or ethically dubious enterprises. If in doubt the Deacons' Court is to clear with the Trustees first.

4. The primary focus for equity investment in the absence of real estate is listed dividend-paying shares in the ASX200, including listed readily tradeable investment companies of proven performance and sound management. Review of the portfolio by Deacons' Courts should occur regularly and in any case at least once a year.

5. Separate bequests or other trusts held under the Victorian Property Act should be invested as a Common Fund but accurate records of each trust must be kept. Manse and other capital funds must not be applied for purposes inconsistent with the trust (eg. must not be expended for stipend).

6. Deacons' Courts

Deacons' Courts must exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons, and may obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the Deacons' Court reasonably believes to be competent to give the advice; and pay out of trust funds the reasonable costs of obtaining the advice. In making and monitoring

investments a Deacons' Court must, so far as they are appropriate to the circumstances of the trust, have regard to—

- a. the purposes of the funds and the needs and circumstances of those persons or objects for which the funds are held; and
- b. the desirability of diversifying trust investments to spread risk; and
- c. the nature of and risk associated with existing trust investments and other trust property; and
- d. the need to maintain the real value of the capital or income of the trust; and
- e. the risk of capital or income loss or reduction in value; and
- f. the potential for increase in the capital value; and
- g. the likely income return and the timing of income return; and
- h. the length of the term of the proposed investment; and
- i. the probable duration of the fund if the capital sum may lawfully be expended; and
- j. the liquidity and marketability of the proposed investment during, and on the completion of, the term of the proposed investment; and
- k. the aggregate value of the funds held for the particular purpose; and
- l. the effect of the proposed investment in relation to any tax liability which may result; and
- m. the likelihood of inflation affecting the value of the proposed investment and other funds held for the same purpose; and
- n. the costs (including commissions, fees, charges and duties payable) of making the proposed investment; and
- o. the results of a review not less than once a year of existing trust investments and strategy.

7. Presbyteries

a. Presbyteries, among their other responsibilities, are to ensure congregational annual financial statements show the basis of valuation of investments.

8. Trust Corporation

a. The relevant Trust Corporation has the right to call for reports from time to time (at least once a year), and to provide guidance, as well as direction where appropriate.

CHAPTER FOUR: THE PRESBYTERY

4.1-4.5 FORMATION & MEMBERSHIP

4.1 In the Presbyterian system the presbytery is the court which has the responsibility for spiritual oversight within the territory assigned by the Synod and over the congregations within those bounds, over its own members and over all ministers without charge and licentiates living or working within its bounds, and is answerable to the Synod.

4.2 A presbytery is formed by the Synod, which assigns it a name, fixes its bounds, appoints a time and place for its first meeting, and instructs a particular minister from within its bounds to convene, constitute and preside over the first meeting until the commissions of the representative elders present have been sustained, the roll of members has been fixed, and a moderator has been elected.

4.3 A presbytery consists of:

- a) the duly inducted ministers of all charges within its bounds;
- b) a representative elder from each charge within its bounds in favour of whom a written commission has been sustained by the presbytery;
- c) such ministers and ordained foreign missionaries as have been granted a seat in the presbytery by rule, regulation or resolution of the Synod, or have been transferred to it by agreement with another presbytery;
- d) pursuant to (c) and by Synod enactment 1986, any ordained minister of the church giving full-time residential supply of more than three months duration in a Special Development or Fully Sanctioned charge within the bounds, provided he sign the Formula.* (see text below)
- e) such assessor members appointed by the Synod in extraordinary circumstances to strengthen it or to provide assistance with the conduct of any matter before it. [See also 4.12]

All such ministers and elders, and only they, are members of the presbytery and their names are placed upon and constitute its membership roll. Ministers of charges are members of the congregation they serve or to which they are attached, but jurisdiction over them belongs to their presbytery (see Act of Synod 2007.14)

* the Synod resolution is as follows:

1986: SEATS ON PRESBYTERIES FOR MINISTERS NOT INDUCTED [Act 18 now deemed Class 1, Synod 1986]

It was resolved that:

The Synod regulates the granting of seats on presbyteries to ministers who are not inducted, as follows; Such a man must be ordained. Unless appointed as an assessor he must reside within the bounds of the presbytery on which he receives a seat, and the Synod must be satisfied that a task substantially equivalent to a pastoral charge is committed to him, or that he is able and willing to assist in the courts of the church and circumstances (nature of task, fewness of other ministers, etc.) suggest granting a seat is for the church's distinct advantage. The Synod reviews granting of seats under this provision from time to time.

Nothing in this Act affects the right of ministers not inducted to be elected as ruling elders in the congregations to which they attach themselves, nor the right of church courts to give a voice but not a vote to un-inducted ministers of the church in good standing.

An ordained minister of the church giving regular full time residential supply in a Church Extension or Fully Sanctioned Charge is for that period under the oversight of the presbytery of the bounds, and if he gives extended service of more than three consecutive months he has a seat on the presbytery automatically if necessary to give a quorum (or by the decision of the presbytery otherwise) provided that in all cases he sign the formula.

4.4 A minister or an elder may only be a member of one presbytery except in the case of appointment as an assessor (4.3e above). The clerk of the presbytery is responsible for maintaining a correct roll and ensuring that changes are duly recorded. If a minister or an elder appears to qualify for membership of more than one presbytery, the presbytery of which he is a member decides whether or not his membership shall be transferred.

4.5 Except when a judicial case is before the it, the presbytery may associate with itself at any particular meeting, any member of another presbytery who is present, and also any ordained minister of the church in good standing who is present, allowing such person to take part in the proceedings of that meeting but not to preside, vote, or move or second a motion.

4.6-4.7 MODERATOR

4.6 The presbytery elects from its members an ordained minister to be its moderator. He holds office for such time as the presbytery may determine, usually twelve months.

In the absence of the moderator, or in the event of his leaving the chair to address the court, the member among those present who was most recently moderator of the presbytery takes the chair, or, if there be no ex-moderator, the court appoints one of its members to take the chair; but, if the moderator enters at any stage of the proceedings, he takes the chair and the fact of his having done so is recorded in the minutes.

If the moderator should die or otherwise cease to be a member of the presbytery during his term of office, the duties immediately devolve upon the previous moderator until the next ordinary meeting of the presbytery. If the previous moderator is unavailable, the rights and duties in connection with the calling of extraordinary (pro re nata) meetings devolve upon the clerk until a new moderator is appointed.

A moderator *pro tempore* (that is, for the time being) enters into all the rights and duties of the moderator, though in signing any document he must add to his signature “moderator pro tem” or “acting moderator.”

4.7 Except where otherwise expressly provided, the moderator is responsible for convening such meetings of the presbytery as have not been fixed by its own action or that of a superior court.

At all meetings of the presbytery the moderator

- a) presides;
- b) sees that the meeting is properly constituted, and closed with prayer;
- c) causes good order to be kept in the conduct of its business;
- d) disallows motions which are in conflict with the law of the church, or which are irrelevant, offensive or otherwise incompetent;
- e) protects the rights of each member of the presbytery and rules on points of order;
- f) announces decisions, administers censures and admonitions, conveys felicitations and instructs parties at the bar;
- g) calls upon members to state their views, cast their votes or discharge any duties which may have been assigned to them;
- h) vacates the chair when a session of which he is a member is at the bar or when he wishes to become a party to a case or speak to a matter before the presbytery, and returns to the chair when the matter is completed.

The moderator has only a casting vote in the case of equality.

4.8 CLERK

4.8 The presbytery appoints a clerk who is usually, but not necessarily, a member of presbytery, and who holds office at the will of the presbytery.

The clerk of presbytery makes the declaration of fidelity on taking up his office. The presbytery decides what remuneration (if any) he shall receive from its funds. In his absence, another is appointed to act for the time being, and he also makes the declaration of fidelity, which is as follows:

“I do solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me.”

The clerk:

- a) keeps an accurate roll of the presbytery;
- b) receives, dates, examines, records and reports to the presbytery all documents, papers or communications addressed to it, and suggests the order of business;
- c) keeps accurate minutes of the proceedings of the court (see 4.24) and, with the authority of the court, supplies properly attested extracts from them to those entitled to them (see 4.25);
- d) takes care of the books, papers and records of the court as it directs, and produces them when the court requires them.
- e) carries out such other duties and enters into such correspondence on behalf of the court as it may direct or the rules, regulations, or directions of a superior court require.

The clerk of presbytery is required to vacate his table while a session of which he is a member is at the bar and an acting clerk is appointed.

4.9-4.10 TREASURER

4.9 The presbytery appoints a treasurer to gather, take charge of, disburse and account for all the funds held by the presbytery as it may direct. The presbytery clerk may also be the treasurer, if the presbytery so decides.

4.10 The presbytery establishes a fund to meet its expenses, and for this purpose has the power to fix a rate charged on each parish and congregation on some equitable basis. Offerings made at services appointed by the presbytery may also be appropriated by it for this fund.

4.11 COMMITTEES

4.11 The presbytery appoints such committees as it deems necessary to facilitate its work. Any such committee that includes members of the

Presbytery may meet when the presbytery is sitting only by leave of the presbytery.

4.12 QUORUM

4.12 Three of the members on the roll of the presbytery of whom two must be ordained ministers constitute the quorum of a presbytery. If membership is such that a quorum is difficult or impossible to obtain, the Synod appoints assessors from the membership of other presbyteries. Synod 2017 resolved: To obviate the necessity of a special Synod **if the lack of a quorum occurs between Synods**, Synod directs that other Presbytery Clerks be notified in order that each of the other two Presbyteries may appoint an assessor (with liberty to also specify a substitute if desired). [*Attendance by skype or the like is always a possibility to minimise costs.* Ed.]

4.13-4.16 KINDS OF MEETINGS

4.13 *ORDINARY* meetings of a presbytery are for the transaction of whatsoever business may arise and are held:

- a) by adjournment from the previous ordinary meeting,
- b) by special appointment of a superior court, and
- c) in consequence of the constitutional revival of the presbytery after its powers and functions have lapsed (see 4.14)

Such meetings are usually held within the bounds of the presbytery at certain set times and places and ought to be held at least twice a year, but the presbytery may meet whenever it judges this to be expedient.

At each ordinary meeting, the time and place of the next ordinary meeting is fixed, intimated and minuted. No further intimation is legally necessary, but it is usual for the clerk to send to members a written reminder including notice of the business which it is proposed to consider.

When it appears to the moderator of a presbytery that the day appointed for its next meeting will be unsuitable, he may, with the consent of the clerk and another member, alter the date and instruct the clerk to give notice to members of such alteration. At least 14 days' notice must be given of such alteration (unless all members of the presbytery agree otherwise), and the moderator submits in writing to the presbytery the reasons for his action, and these reasons are recorded in the minutes.

4.14 A presbytery is a continuing court but its powers and functions **lapse**:

- a) when at the close of an ordinary meeting it neglects to appoint a time and place for its next meeting, or
- b) when a quorum is not present for an ordinary meeting;

and in either such event, the presbytery cannot again meet for business until it is convened by special summons issued to all members at least 14 days before the time fixed for the meeting, unless all members of the presbytery agree otherwise. The moderator must comply with a requisition for such a meeting addressed to him by two or more members.

The circumstances of the lapsing of the presbytery must be recorded in the minutes of the first meeting thereafter and, except in the event of this meeting having been called by the Synod, be reported to the Synod clerk for noting in the Administration Committee report. (*Section 4:14 is Act of Synod 1990.*)

4.15 Besides its ordinary meetings, a presbytery may hold *SPECIAL (in hunc effectum)* meetings.

A special meeting is one appointed by the previous ordinary meeting for some particular business, which must be intimated at the time of appointment, and recorded in the minutes. A special meeting takes up **only** the business thus intimated and minuted, and only that part of the minutes of the previous ordinary meeting which is relevant to the special meeting is read at this latter meeting. However, elders' commissions are entitled to be received at a special meeting even though not previously intimated.

If a special meeting lapses from want of a quorum, or if it is desired to change the date, an extraordinary meeting is held to fix a new date, or the change agreed by correspondence (see 4.20).

4.16 Besides its ordinary and special meetings, a presbytery may hold *EXTRAORDINARY (pro re nata)* meetings.

An extraordinary meeting is one which is summoned to transact urgent business which has emerged since its previous ordinary meeting and which needs to be dealt with before the next ordinary meeting.

An extraordinary meeting may be convened by the moderator on his own responsibility or, if he see cause, when requested to do so for reasons stated by two or more of the members on the roll of the presbytery.

An extraordinary meeting is convened by circular issued by the moderator, or by the clerk with his authority, and bearing the words “by order of the moderator”, to every member of the presbytery at least 14 days before the time fixed for the meeting (unless all members of the presbytery agree otherwise), and such circular must specify the business for which the meeting is convened, and **only** such business is entered upon at the meeting; the content of the circular is incorporated in the minutes of the meeting. However, elders’ commissions are entitled to be received at an extraordinary meeting even though not specified in the circular.

If the moderator declines to call an extraordinary meeting when duly requested, he must state the facts and his reason for declining to do so at the next ordinary meeting, and is answerable to the court for his decision.

At an extraordinary meeting, before the business specified is taken up, the presbytery approves or disapproves the action of the moderator in causing the meeting to be convened. In the event of the presbytery disapproving, the moderator or any other member or members of the court may bring the whole circumstances of the case to the notice of the next ordinary meeting of the presbytery.

4.17 ADJOURNMENT

4.17 A special or extraordinary meeting may be adjourned to meet again before, but not on or after the date of its next ordinary meeting, for the purpose of completing its specified business and for that purpose alone; when such an adjournment is for a period longer than one day the clerk sends notice of the adjournment to all absent members.

4.18 TIME & PLACE OF MEETING

4.18 A presbytery meeting may be called at the time and place where the Synod is being held but cannot meet during actual sessions of the Synod without that court’s permission (see 4.83). In other circumstances, a presbytery may meet beyond its own bounds only with the consent of all its members and for adequate cause.

Meetings of Presbyteries by Teleconference: Meetings often involve considerable travel time and cost for what may be a relatively simple matter (such as meeting to decide whether to meet with a congregation

to moderate a call when all needed details have been submitted). Provided clear details are provided to all members beforehand, there is no reason why such meetings cannot be properly constituted and conducted by a teleconference or other suitable voice and/or video electronic means. (*Vide* Synod Reports, 2008, p. 3)

4.18a RECOMMITMENT OF SYNOD & WORK OF PRESBYTERIES [Synod 2016]

1. Mindful of the serious decline in vital Christianity and in Christian standards in public life, Synod acknowledges our many failures to live and serve him as we ought. We also acknowledge that despite this the good hand of the God of all grace has been upon us and others in proclaiming the Good News. We resolve afresh to act in the assurance that, since Christ has gained the victory and has all authority in heaven and earth, the future is bright with the promises of God for those who go forth in his name to evangelise the nations.

2. Synod urges all Presbyteries to ensure they are meetings of encouragement, spurring office-bearers and the churches to effective Christ-like ministry. To this end Presbyteries should aim to meet at least three times a year, at least two of these meetings in person, and at the personal meetings endeavour to include a theological or pastoral and/or training paper as well as a presentation on what Gospel ministry in the 21st century should look like.

3. Presbyteries need to keep well in view the importance of church revitalisation and extension, as well as on-going training for office-bearers which should include ministers attending a suitable conference at least once every two years. Sessions should be meeting regularly, including by electronic hook-up where a local quorum is not available, with particular attention on pastoral care, outreach strategy and mutual encouragement.

4. Prayer for local mission (ie Australian congregations) should be included in the Prayer Notes prepared by the Missions Committee and congregations are encouraged to provide relevant material.

4.19-4.20 PUBLIC & PRIVATE SITTINGS

4.19 The presbytery is, by long-established practice, an open court, and in respect to all ordinary matters, this practice is regarded as highly desirable.

4.20 However, the presbytery may sit in private when it judges it to be necessary or expedient, as in certain cases of discipline or of allegations

which may prove to be ill-founded. The presbytery **must** meet alone when students are proposed for trial, and when the private trials of students are going on, and when directed so to meet by Synod.

4.21 AUTHORITATIVE SIGNATURE

4.21 When the moderator or the clerk signs any document or communication on behalf of or with the authority of the court, he appends his official designation to his signature, which he ought not otherwise to do.

4.22 DECISIONS: WHEN OPERATIVE

4.22 Notwithstanding the fact that a minute of a decision of the court has not been confirmed, the decision itself becomes operative from the time it was made or ordered to take effect.

4.23-4.24 KEEPING OF MINUTES

4.23 As with other courts, the presbytery keeps accurate minutes of its proceedings.

Minutes should be statements of facts only and should always include:

- a) the circumstances of the meetings, whether by appointment, pursuant to adjournment, ordinary, special or extraordinary, and their place, date and time;
- b) the fact of the constitution of the meeting (i.e., with prayer);
- c) the names of those present and the names of members for whose absence apologies were received and sustained;
- d) all decisions of the court;
- e) the appointment of the next meeting if such needs to be made; and
- f) the fact that the meeting was closed with prayer.

NB: No minute is valid without mention of the particulars in (b) and (f). The absence of one or other at a presbytery meeting merits censure as indicating lack of spiritual concern, but does not automatically render decisions void.

4.24 The clerk is responsible for recording a true account of the business transacted. It is not essential for the names of movers and seconders of motions to be recorded, nor is it normally desirable that extended narrative appears recording every opinion expressed by members. The decisions of the court with sufficient connecting narrative to render the transactions clear and concise are sufficient.

Minutes recorded in **closed court** are not read in open court. Members may not divulge the content of closed court discussions to outsiders, but the actual decision is not normally private, and does

not need to be read in open court before it can be made public.

The minutes may be framed as the business proceeds, and, being read and approved, may be confirmed at the close of the meeting by the signatures of the moderator and clerk. In grave or urgent matters, this course may be desirable.

Normally, the minutes are circulated among members of the presbytery shortly after the meeting. Any necessary amendments should be advised immediately to the clerk. At the next ordinary meeting, the minutes are confirmed after any needed corrections and thus declared to be an accurate record of what took place. Once confirmed, the permission of Synod is needed to alter the record.

4.25 EXTRACTS OF MINUTES

4.25 An extract cannot be received as an authoritative record of the presbytery's decision if it lacks certification that the presbytery was constituted (i.e. with prayer), and that it has been extracted by the clerk from the records of the court. Decisions of the presbytery necessarily involving advice to third parties may be given by extract minute without specific authorisation of the court in ordinary matters, but in other or doubtful cases, the presbytery must authorise the provision of an extract minute.

4.26 JURISDICTION AND FUNCTIONS

4.26 The functions of the presbytery embrace original action, review and relation to the superior court, and it is required to watch over and aid the interests of the church and the progress of the gospel in such a manner as seems best fitted to these ends. The representation of the practice of the presbytery which follows is thus not exhaustive of its powers and duties.

For ease of reference, the following matters have been grouped together in this manual:

- a) *Oversight of congregations - see 4.33-4.44*
- b) *allegations against a minister - see 4.45*
- c) *Reception, status, oversight of students and home missionaries including student training and allowances and licensing procedure - see 4.46-4.50*
- d) *Admission of ministers from other churches - see 4.51-4.52*
- e) *Vacancy, calls, settlement and transfer of ministers - see 4.53-4.74*
- f) *Mental incapacity in a minister - see 4.75*
- g) *Relationship to Synod - see 4.76-4.83*
- h) *Presbytery bounds and relationship between presbyteries 4.84-4.87*

4.27 OBJECTION TO PRESBYTERY DECISIONS

4.27 Except where otherwise provided, appeal or complaint (as the case may require) may be lodged against any decision of a presbytery. If appeal or complaint is refused by the presbytery, the right of petition to the Synod against the reasons for such refusal may be exercised. (For procedures see Chapter 6.)

4.28 OVERTURES

The presbytery takes up and deals with, as provided in 6.5, all overtures competently transmitted to it by the sessions within its bounds. With a view to the careful consideration of the matter, an overture ought not to be moved in the presbytery unless notice of it has been given at a previous ordinary meeting of the presbytery or intimated by circular provided by the overtureist to the clerk and circulated by him to the members of the presbytery a reasonable time before the meeting at which the overture is brought forward.

4.29-4.30 PETITIONS

4.29 A petition may be competently addressed to the presbytery:

- a) to ask the presbytery to review the decision of a session when the petitioner -
 - i. has been obstructed in his right of appeal or complaint in the inferior court, or
 - ii. being the deacons' court, cannot conveniently deal with a matter before it otherwise than petitioning the presbytery to take a specified action;
- b) to ask the presbytery to review a decision of the deacons' court (see 3.25);
- c) to ask the presbytery to make a special visitation, or to intervene in some other competent manner, when a dispute or difficulty involving the minister has arisen within a congregation (see 7.29);
- d) by a session, deacons' court, or any person having an interest in the matter, when the object craved can only be accomplished by, or originated in, the presbytery, such as the establishment of a preaching station, the sanctioning of a charge, the creation of a session, or permission to erect a church or manse; but such matters are more usually dealt with by formal application and direct motion in the presbytery.

The presbytery deals with petitions in the manner provided in 6.7.

4.30 Presbyterian order requires that the presbytery ought not to receive a petition with reference to any matter which ought to have been

previously brought before the session, unless obstructed as in 4.29 (a) (ii) above. A petition to the presbytery is the proper remedy in such cases, and upon receiving such a petition, the presbytery clerk is warranted in ordinary cases to summon the session to the bar of the presbytery to be heard for their interests at the same time as the petitioners are heard.

4.31 REFERENCES

4.31 The presbytery takes up and deals with, as provided in 6.6, all references competently submitted to it by the sessions within its bounds.

4.32 APPEALS & COMPLAINTS FROM SESSIONS

4.32 The presbytery takes up and deals with, as provided in 6.21-25 all appeals and complaints competently taken against the decisions of the sessions within its bounds.

4.33-44 FORMATION, STATUS, OVERSIGHT & REVIEW OF CONGREGATIONS

4.33-4.37 constitutes Act 1, Synod 1989

4.33 The presbytery has a general responsibility and duty relative to the well-being of the church and its work, and of the congregations, and all congregational property, organisations and activities, within its jurisdiction, in consequence of which it exercises a general oversight of congregational affairs and of the interests of the church within its bounds, and sees that the law of the church and all lawful directives received from time to time from the Synod are obeyed within its bounds.

4.34 The presbytery has a special responsibility to all those residents within its bounds who are not connected with some other branch of the Christian Church and takes such steps as it deems necessary and practicable, including house-to-house visitation under the direction of sessions, to locate such persons and make Gospel ordinances available to them.

4.35 In sparsely populated areas within its bounds, or where the number of persons is too few to form an organised congregation, it is the duty of the presbytery to arrange for periodical visits or such other actions as will make the services and ordinances of the church available to such persons.

4.36 In areas within its bounds where rapid development, accompanied by increasing population, is apparent, it is the duty of presbytery, by the erecting of new charges or preaching stations, or by the rearrangement of existing ones, to see that adequate provision is made for the religious needs of such areas, the mind of effected existing congregations being always obtained.

Synod resolved (1992, 1996) that each Presbytery carefully consider the work within their bounds, in particular,

- the changes which might be necessary in attitudes and methods more adequately to comply with our Lord's words to us to seek the good of others and not the mere preservation of traditions that are either no longer relevant or an impediment to helpful communication of the gospel in our society,
- positive ways in which the building up of a thoroughly instructed church loyal to Christ and his word as set out in the Westminster Confession and Catechisms may be furthered.
- positive steps to establish the church in the areas where the mass of people are living and dying without Christ, particularly also, areas near to our universities. {see also 4.18a)

4.37 However, in cases where the charge is **not fully self-supporting** both as to revenue and capital needs, the Presbytery must first obtain the consent of the Synod.

4.38 AID-RECEIVING CHARGES

4.38 In order to facilitate and encourage the work of extension, different stages of development between a preaching place and a fully-sanctioned charge have been recognised by Synod with various levels of financial assistance subject to funds being available. [See legislation of Synod 1990.] The continuation of a charge at any stage of development is subject to regular review by presbytery which makes appropriate recommendation to Synod each year through Synod's Finance Committee.

4.39 PROPERTY/INSURANCE/BEQUESTS

4.39 It is the duty of presbytery to consider all applications from congregations within its bounds for permission to erect, extend, alter, remove, demolish (see 3:20), sell (3.22), mortgage (3.22), lease (3.19) or otherwise encumber congregational property, to ensure that the best interests of the church are served, and that the provisions of the law relating to the trust corporations and any rules of Synod are followed.

Presbytery also ensures that congregational property is kept from needless deterioration or misuse and is adequately insured (3.21), and also acts in respect of bequests and legacies as stated in 3.23, and investments as in 3.27 (7).

4.40-4.41 REVIEW OF RECORDS ETC.

4.40 The presbytery may, at any time it sees fit, call for specified information concerning their affairs from sessions and deacons' courts within its jurisdiction.

4.41 The presbytery calls annually, and in particular cases at such other times as it sees fit, for the minute book, rolls, registers, annual financial statement, and such other records as it may require, of each congregation, deacons' court and session within its bounds, examines them, and attests them by the signature of the moderator (see 4.21), if found in order.

The presbytery, in **attesting the records**,

- a) Records its judgement as to the correctness and accuracy of form with which each record is kept;
- b) gives any needful directions for future guidance or improvements;
- c) may censure any matter or procedure which it finds in excess of power or contrary to the law of the church, and it may declare it to be null and void, or order the minutes to be altered or parts to be deleted, but, before doing so, the presbytery summons parties concerned to its bar and hears them concerning the matter; the presbytery also takes such further action as may still be practicable to remedy any injustice which may have been involved in the matter or procedure of which it disapproves.
- d) Ensures a record of the minister's outstanding leave entitlement is entered in the deacons' court or session minutes at least annually.
- e) sees to it that congregations under their care include a fair value of their assets in their annual financial statement as well as detail of any liabilities (Synod 2012) and the valuation of investments (3.27 [7]).
- f) Ensures the requirements in regard to Guidelines for Church Workers, including sexual abuse matters, are minuted annually (Synod 2008) and the questions specified by Synod 2013 including sexual abuse and pornography have been satisfactorily answered [*vide* Synod 2016]

4.42 STATISTICS

4.42 The presbytery records the statistics of membership and baptisms in the congregations within the bounds as at 31st December showing also the additions to and removals from the rolls during the preceding year, and such other information as required by Synod. The presbytery clerk sends the statistical summary to the clerk of Synod at least 6 weeks before the ordinary meeting of the Synod. Membership statistics of congregations include the minister of the charge, although jurisdiction over him belongs to the presbytery (see Act of Synod 2007).

4.43 ORDINARY PRESBYTERIAL VISITATION

The presbytery visits every charge within its bounds, as far as possible in rotation, at least once in every five years, in order to acquaint itself with the state of affairs within the charge, to strengthen the hands of the minister, session, office-bearers and members of the congregation, to advise them should anything appear to be unsatisfactory in the state of the charge or not in accord with the law of the church, and in general to give counsel and encouragement as may be suitable to the circumstances of the case.

Such a visitation is thus not of an inquisitorial nature. Normally, questions are prepared in advance so that written replies may be received before the actual visitation. The visitation may then concentrate on those matters seeming to require the most attention. [An illustration of a possible questionnaire is given in bordered paragraphs below.]

The usual procedure is that the presbytery meets privately, first with the minister, then with the session, and then with the deacons' court to hear replies to queries, to enter into appropriate discussion and to have devotional exercises. Afterwards, commonly in the evening, perhaps following a congregational tea, the presbytery meets with the congregation, conducts public worship and hears suggestions/comments from the congregation. Often the presbytery is ready to then give its finding but it may advise this later. It should be carefully noted that the public meeting with the congregation is not the place for members or adherents to raise serious matters affecting persons. Procedure in dealing with such matters is outlined below (4.44-4.45).

4.44 PREJUDICIAL REPORTS RE A CONGREGATION

4.44 If it appears to a presbytery from:

- a) a petition presented by office-bearers, communicants or adherents; or
- b) statements made by the minister of the congregation; or
- c) a presbyterial visitation report; or
- d) a remit from Synod; or
- e) the examination of congregational records; or
- f) reports which the presbytery deems to be such as require investigation

that an unsatisfactory state of affairs may exist in any congregation within its bounds, it is the duty of the presbytery to prefer the honour of Christ and the purity of his church to the temporary feelings and interests of men, and to proceed with caution and prudence to remedy the situation in an appropriate manner. Private and brotherly conference with the persons concerned may be sufficient or a special presbyterial visitation may be required.

4.45 ALLEGATIONS AGAINST A MINISTER

4.45 The constitutional method of bringing before the church any question seriously affecting the character or the orthodoxy of a minister or probationer is by a petition to the presbytery, unless such question be originated in the presbytery itself, or in the Synod; or unless the parties otherwise raising it take upon themselves the responsibility of preparing and tabling a Libel for the consideration of the presbytery (see 7.31). [For mental incapacity see 4.75.]

All Christians should be prudent and careful in accusing ministers of any fault worthy of censure, and thus should not report or spread such accusations, nor accuse the minister before the presbytery without first acquainting the minister himself, if they can obtain access to him, and then, if necessary, obtaining the advice of some of the most prudent of the ministers and elders in that presbytery. [Form of Process, 1707, Chapter VII.4]

It is part of the duty of presbyteries to promote the edification of the members and to stir them up in the common faith and thus to deal in a friendly manner with their shortcomings so as to avert the necessity of more formal procedure at a future time.

GUIDE FOR ORDINARY PRESBYTERIAL VISITATION (*Handbook 4.43*)

These questions are a guide and other questions may be asked as individual circumstances suggest. The completion of the questions prior to the visitation saves time on the visit, enables concentration on the main issues and should enable the Presbytery to be ready with a preliminary or final finding to intimate to the congregation before the close of the visit. Practical encouragement in outreach and mission, perhaps with a special speaker, could be a fitting element in making the visit a positive and helpful one

A. PUBLIC WORSHIP AND CONGREGATIONAL ACTIVITIES (TO BE ANSWERED BY THE SESSION)

- Note down communicant membership and typical actual attendance at public worship at each centre 5 years ago and today, with an estimate of the percentage of over 60s and under 21s.

Centre	Communicants	Typical Attendance	% over 60	% under 21
5 years ago		Am Pm		
Today		Am Pm		

- Is the singing in tune and at a suitable pitch and speed?
- How is the Catechism taught?
- Give details of youth work.
- What prayer/study/missionary meetings are there?
- What arrangements are there for visiting the sick and infirm?
- What specific efforts are made to contact outsiders?
- Do any of the congregation participate in Religious Instruction in schools?
- How would you assess the spiritual condition of the congregation in the matter of :

a. love between members?	b. unity and peace?	c. sanctified living?
d. growth in knowledge?	e. witness in word and deed?	f. willingness to serve?
g. Warmth in welcoming visitors?	h. interest in searching the Scriptures?	i. interest in wider work of P.C.E.A.?
j. Christian liberality?	k. observance of the Lord's Day?	l. knowledge of our distinctives?
m. practice of family worship?		

- What areas do you consider need attention with a view to improvement?
- What are the specific goals of the congregation for the next twelve months?
- Do you have a forward plan for the next five years? Describe it.
- Are there any matters on which you wish to seek Presbytery's guidance?

B. QUESTIONS ABOUT THE ELDERS AND THEIR WORK.

- Are the elders regular in attendance at services and session meetings?
- Are the elders exemplary in their family and public life?
- What assistance do they give to the minister in visiting/catechising?
- How many elders and deacons are there? Approximate ages? Is there a need for further men? Are suitable men available? When was the most recent addition to the session? - to the Deacons' Court?
- Does the session work together well? Are there clashes or problems?
- Do the elders seek to remove difficulties and to exercise their oversight impartially?
- Note strengths and/or weaknesses in the session and/or areas where Presbytery could be of assistance.

C. QUESTIONS ABOUT THE DEACONS AND THEIR WORK

- Are the deacons regular in attendance at services and deacons' court meetings?
- Are the deacons exemplary in their family and public life?
- Are the meetings of the deacons' court harmonious?
- Do they follow the directions in counting and recording collections (see 3.15)?
- Do they have regard to the needs of the poor in the congregation?
- Are all payments of accounts and stipend kept up to date?
- Are the financial records of congregational organisations scrutinised each year?
- Does the annual financial statement show all liabilities and indicate approximate value of assets?
- What contributions have been given to Synod funds over the last three years?
- Are any of the properties of the congregation in need of repair or upgrading? (*continued*)

11. Are there any matters you would like to bring to the attention of the Presbytery?

D. QUESTIONS ABOUT THE MINISTER

1. Do you preach mainly on extended portions of Scripture, or on a particular topic? Describe.
2. What is the normal duration of the service and do they appear to be appreciated by the people?
3. Do you receive due co-operation and support from the office-bearers?
4. Is there anything you wish to discuss privately with the Presbytery?

E. QUESTIONS FOR THE CONGREGATION OR ITS REPRESENTATIVE

1. Is the congregation regularly and adequately visited by the minister and elders?
 2. What suggestions do you have for making the congregation a more effective witness for Christ through Godly living, spiritual depth and love and compassion for the lost?
3. Are there any matters affecting the welfare of the congregation that you wish to bring to the attention of presbytery, publicly or privately?

RECEPTION, STATUS & OVERSIGHT OF STUDENTS & HOME MISSIONARIES

4.46-4.49 RECEPTION, STATUS & OVERSIGHT OF STUDENTS & HOME MISSIONARIES

Text corresponds to Act of Synod 1983 as amended 1990, 1991, 2004

4.46 The church does not encourage the exercise of the pastoral office by those not set apart to it, but does permit the needful provision in special circumstances of home missionaries, whose duties are those performed by an ordained pastor except for the dispensing of the sacraments and presiding over church courts. Permission to celebrate marriages may be granted by resolution of Synod, subject to civil requirements. For Church requirement see 4.76.

The moral and spiritual qualifications required in a home missionary are those expected in a minister, and such a person should be an elder in good standing or a recognised student for the ministry, the requirements of Synod as regards studies, licensing and ordination trials being always observed.

4.47 To the presbytery belongs the right and duty of judging the fitness or otherwise of men within its jurisdiction who apply to be accepted as students for the ministry or home missionaries, examining them as to their qualifications at any stage of their progress, and of determining in due time, after examination, whether they may be licensed or not. As the presbytery is exercising its discretion, not dealing with a point of law, there is no regular provision for an applicant to appeal against the presbytery's decision, but the right to petition Synod remains.

4.48 In view of the present smallness of presbyteries and because the general interest of the church at large is vitally bound up with the exercise of its functions in this area, reception of students and home missionaries is so regulated by Synod that Synod must confirm the acceptance by a presbytery before the presbytery's acceptance is effective. c)

Vide Synod minute 2004.47: No minister may be inducted to a charge (or licentiate ordained and inducted), unless he has satisfied the requirements of the State in which the charge to which he is to be ordained/inducted is situated with regard to approval to engage in employment involving **contact with**

minors. A statement regarding this approval should be recorded in the Presbytery minutes.

4.49 Those contemplating the ministry of the word should discuss the subject with their own pastor and seek guidance in preparatory studies from the Synod's Training of Ministry Committee, from whom application forms may be obtained.

Specifically, the PCEA is looking for a man with the scriptural qualifications of mature Christian character - thus "not a novice" but "apt to teach", married to a believing wife and "ruling his household well", and "of good report among outsiders". University training or its equivalent is required of ministers, and at least two years membership in the PCEA is considered desirable at time of recognition. While not an inflexible rule, it is considered that the level of maturity is such that a candidate will be at least 21 years of age at the beginning of his course.

- a) In considering the acceptance of students for the ministry, the Presbytery shall bear in mind the seriousness of the decision it is called upon to make and its bearing on the welfare of the whole church, and shall exercise every care in the matter of the application. The presbytery must not assume that the applicant is called by God, but must discern the outward evidences of God's call in the character, gifts and graces of the applicant.
- b) The applicant must appear in person before the presbytery. Pursuant to the Act Concerning Conflict of interest (Act 1, Class 1, Synod 2011; *Handbook* 6.1) Synod 2018 resolved that the **involvement of a student's minister in assessment** of that student at Presbytery level or in the Training of Ministry Committee is to be limited to a written report on the student and answering questions on the same. The rights of the minister at Session or Synod level are unaffected by this decision.
- d) From the information in and with the application form and by personal examination, the Presbytery shall satisfy itself as to the following points:
 - i. the maturity of the applicant's Christian character and conviction, and his sense of God's call,
 - ii. the applicant's knowledge of the Reformed Faith and familiarity with the principles of the PCEA,

- iii. the stability of his background, the nature of his domestic life, his satisfactory length of membership in and service to the PCEA,
- iv. his experience and ability in public speaking and/or lay preaching, and his aptness to teach,
- v. his reputation among outsiders, former employers etc., and his capacity of making and maintaining satisfactory personal relationships,
- vi. his emotional and general health: a written medical report should be provided as to his state of health and fitness for the ministry.
- vii. his plans for financing himself during the course of studies.

d) The candidate shall be required to satisfy the requirements of the State in which he resides with regard to approval to engage in employment involving contact with minors.

e) After examination of the candidate, the presbytery deliberates in private. If it views the application favourably at this stage, it communicates with the Training of Ministry Committee, which arranges whatever interviews it considers appropriate and reports its finding to the Presbytery. On receiving the Committee's recommendation, the presbytery shall follow it, unless it sees good cause to decide otherwise, in which case the application is held in abeyance pending reference by presbytery to the Synod (see 6.6).

f) If the presbytery and the Training of Ministry Committee are in favour of the applicant's reception, the presbytery shall admit him to **provisional recognition**, and shall overture Synod seeking confirmation of its action.

g) Once so accepted by Synod the first year is one of **probation**. Thereafter the presbytery must exercise regular oversight of the student and meet with him in private at least once in the ensuing year. At the end of the year of probation the presbytery may extend the period of probationary recognition by a maximum of one further year, or it may admit him to full recognition, provided that the presbytery is satisfied with him, and the Training of Ministry Committee report that his studies are satisfactory.

The **presbytery** continues oversight in the manner already described until the course of study is completed and the Training of Ministry Committee certifies accordingly. When this occurs, he may be taken on trials for licence to preach the gospel and, if he passes satisfactorily, is licensed and is then eligible for a call.

Throughout his course, the **presbytery** is to provide that counsel and encouragement appropriate to the case. If serious personal or spiritual problems arise, the presbytery seeks the advice of the Training of Ministry Committee, and this done, may withdraw recognition, advising other presbyteries accordingly. The Training of Ministry Committee constantly monitors study progress, and arranges, where applicable, for the person's expenses in attending annual Synod meetings as an observer, to be met from Committee funds. If at any stage the Training of Ministry Committee judges that the person's studies are not satisfactory it consults the presbytery and, this done, may withdraw recognition or impose special conditions.

Synod 2018 resolved: In **meeting not less than annually with a student for the ministry, as required by Handbook 4.49g**, areas appropriate for Presbytery to cover include the following:

Personal life. Are there any issues of health or stress? Is the family supportive? Are finances satisfactory? Any other personal struggles? How is his sense of call?

Family life. Are there areas of housing, health, education or other needs affecting the family?

Church Involvement. Regularity of attendance of student and family in worship? What tasks has he in the church (eg. Bible Class or Youth leader? Elder? Precentor? Is he gaining familiarity with the Handbook of Practice and Procedure? Has he had opportunity to experience the operation of church courts? How often has he conducted public worship and what is Session or Presbytery's opinion of his efforts?

Doctrinal issues. Does he have any questions concerning the Reformed faith as set out in the Westminster Confession of Faith as adhered to by the PCEA?

Study programme. How is he finding the demands of study? Are his grades below or above average?

Is Pastoral Care included in his College course?

Overall. Is the Presbytery satisfied with the candidate and his progress? Have positive and negative issues been discussed with him? Are there matters requiring advice of the Training of Ministry?

h) Although having responsibility to the presbytery and the Training of Ministry Committee, until a student is licensed he remains under the direct supervision of the **session** of the congregation to which he belongs, and the session **must certify each year** to the **presbytery** their continued satisfaction with his character and conduct. Synod 1991 ruled: Students are required to be in good standing as communicant members in a congregation convenient

to their residence, and to give ample notice of any proposed change of address to their presbytery and to the Training of Ministry Committee. Students moving beyond the bounds of the presbytery to the bounds of another presbytery are to obtain a certificate of character and attainments so as to enable orderly transfer between presbyteries.

4.49a STUDENT TRAINING & ALLOWANCES

Act 16 of Synod 1983 as amended 1991 and 2013.

TRAINING

Those contemplating the ministry are to be urged to give early indication of possible intention and sessions and presbyteries are to give counsel and oversight to all such whether they have received formal recognition as students or not.

Formal recognition as a student is not given unless the applicant holds the Higher School Certificate, or its equivalent, securing Matriculation into a recognised Educational Institution, and the first year of recognition is always provisional.

The **normal course** requires the successful completion of a 3 year degree course at a recognised University or like institution, and the successful completion of a 3 year theological course at the Free Church of Scotland College, now Edinburgh Theological Seminary, or an alternative Synod approved College where a comparable standard is maintained. PTC Melbourne was approved in 1988. Tertiary and Theological studies need not be taken in the order stated, subject to Synod's Training of Ministry Committee approval and any requirements of the Theological College.

'The **Training of Ministry Committee** prescribe additional written work on the history and distinctive principles of the PCEA, and ensure Pastoral Care in theory and practice is included in his College course (by supplement if necessary). The local **session** are to provide a satisfactory report on the student's involvement with the congregation before certifying completion of the course' (Synod 2013).

Students who acquit themselves well in the normal course may, subject to approval of Synod, proceed to postgraduate study.

The **modified course** involves the successful completion of 2 years of a 3 year degree course at a recognised University or like

institution, and the successful completion of a 3 year theological course as for the normal course, but with the opportunity to seek Synod approval for exemption from the Hebrew language. This course is intended for men over 35 years whose practical experience in industry and commerce and in the life of the church suggests modification of the normal course.

The course may be **further modified**, at the discretion of the Synod, in the case of elders over the age of 35 years whose family or other circumstances are such as render attendance on the normal course impractical and where it is considered that their background and gifts are such that they can meet licensing requirements (with exemption in Hebrew if requested and granted by Synod) while they labour as home missionaries for from two to four years. Very careful examination and report is made to the Synod in respect of such a proposed course since it is not granted automatically but only in special cases where Synod, through its Training of Ministry Committee, is fully satisfied with all aspects.

Recognised students must have the written approval of the Training of Ministry Committee before embarking on any course of study, or before taking on additional studies to the ones the Committee has specified.

ALLOWANCES

Financial support in the provisional year and in subsequent years to the divinity stage is derived by the student from government allowances and vacation employment, with the Synod meeting fees for approved courses (not otherwise reimbursed) and a grant of books to the value of one week of minimum stipend for ministers as set from time to time. If a further living allowance is necessary at the pre-divinity stage it will be at the discretion of the Synod and on a needs bases, hence early notice by a (recognised or intending) student to the Committee is necessary in order that Synod approval may be sought.

At the divinity stage the fees and annual grant of books continues, and in addition a living allowance on a needs basis together with fares to the city where study is to be undertaken (for student only, not family) and return to point of licensing if applicable. Fares paid are based on the most economical and practical mode of transport and do not include cost of transporting personal or household effects.

Only recognised students are eligible for allowances, and then only after entering into a **bond** agreeing to

return the amount received from the Synod if they do not proceed to licensing or give less than 5 years service from date of license, subject to a reduction of 20% of the amount for each completed year of active service, and subject to the proviso that if the sum owing is not repaid within one year of leaving the church's service interest at normal bank overdraft rates as set from time to time will accrue from date of cessation of service, and the whole sum due must be paid within two years of cessation of service. The bond does not apply to monies paid for pulpit supply to home missionaries or students in vacation, but only to allowances granted by Synod through the Training of Ministry Committee. Synod 2018 resolved monies for Pacement Scheme costs come under the Bond from Synod 2019.

NOTE: For legal reasons the bond is executed on behalf of the church by the body corporate, The Trustees for Victoria of the Presbyterian Church of Eastern Australia, - (refer Synod Reports 1984). Rates of allowance were set by Synod 1991, Art. 29 (3) - up to 50% of stipend for single men and up to 75% for married men.

Any student who desires to engage in paid employment during the course of the academic year (with the exception of occasional week-end supply) must have the written approval of the Training of Ministry Committee, and the pastoral load for home missionaries is to be a matter of agreement between the Training of Ministry Committee and the **presbytery** concerned, so as to ensure adequate time is given to study.

4.50 LICENSING OF STUDENTS

4.50 is Act 6, Synod 1975 as amended by 1983, 2004 & 2013.

4.50 The Synod prescribes regulations for the licensing of students to preach the Gospel, The current regulations are as follows:

“Synod rule that in the Licensing of Students by the Presbyteries of the Presbyterian Church of Eastern Australia the following procedure be followed:

1. No student may be taken on trials until he has completed satisfactorily the theological course prescribed for him. He should make timely application during the final year of his course.
2. Normally a student should apply to the presbytery under whose jurisdiction he was at the conclusion of his theological course but may in certain circumstances request that the presbytery permit him to apply to another presbytery.

3. When the presbytery comes to consider whether to take a student on trials, the following regulations must be observed:
 - a) the presbytery shall meet in private.
 - b) the student must be at least 21 years of age.
 - c) documentary evidence that the student has completed his theological course must be to hand.
 - d) The presbytery must be assured that the character and conduct of the student are in accord with his desire to enter the Christian ministry. As part of this assurance, the Presbytery must ensure that the candidate for licence has satisfied the requirements of the State in which he resides with regard to approval to engage in employment involving contact with minors. A statement to this effect should be recorded in the Presbytery Minutes.

If the presbytery is satisfied with a student's credentials and agrees to take him on trials, it should appoint the time and place of the examination and arrange the necessary details.

4. Whenever the dates of a student's trials for licence are settled, a note to this effect must be sent immediately by the clerk to the other presbyteries in the church so that if these courts have any objection to the life or doctrine of the student, they may communicate with the presbytery concerned.
5. All students shall be examined thoroughly by the presbytery on the following subjects. 'In view of the importance of the matter and to ensure thorough consideration without undue pressure on the presbytery or the candidate it is strongly recommended that the examination be spread over more than one sitting/meeting of the presbytery. If a public meeting to licence the student is planned it should not be arranged until the examination is concluded.' (Synod 2013).
 - a) **Old Testament** studies in general. A certificate stating that a student has completed courses in Hebrew may be accepted in place of an examination in Hebrew.
 - b) **New Testament** studies in general. A certificate stating that the student has completed courses in New Testament Greek may be accepted in place of an examination in New Testament Greek.
 - c) **Systematic Theology** covering the doctrine embodied in the Westminster Confession.
 - d) General **Church History** with a knowledge of Australian Presbyterianism.
 - e) **Apologetics**, with special reference to current deviations from the Christian faith.
 - f) **Practical Theology**, including the work of the minister as preacher and pastor, together with a

knowledge of church law. ‘The Presbytery must be assured of the student's ability to conduct public worship appropriately, preach the Gospel with clarity and commitment, and exercise pastoral care with a loving and faithful attitude. To that end members of Presbytery as far as practical should take opportunity to attend a service or services conducted by the student and/or to otherwise inform themselves of his competence in these areas. In addition, the Presbytery normally prescribes a sermon on a specified passage to be preached in the hearing of the Presbytery’ (Synod 2013)

g) **Church Principles**, with attention to the Regulative Principle embodied in WCF 21:1 and how it bears on Public Worship. The student should be able to demonstrate competent exegetical grounds for exclusive psalmody.

6. The presbytery shall take a conjoint view of the examination. If it is of the opinion that the student is not properly qualified to perform the duties of a minister of the Gospel, it shall not grant him a licence. If a favourable judgement be reached, this shall be recorded in the minutes, and the presbytery shall intimate this to the student.

The moderator shall then proceed to propose to the student the questions prescribed by Act of Synod. Satisfactory answers having been obtained, he is then required to sign the formula. Then the moderator, in the name and by the authority of the presbytery, shall licence the student to preach the Gospel of the Lord Jesus Christ. Thereafter the moderator shall briefly address the newly-licensed preacher in suitable terms, and the presbytery shall engage in prayer. At the conclusion of this procedure, the moderator and other members of the presbytery shall give the right hand of fellowship to the licentiate.

7. It shall be the duty of the clerk to notify the other presbyteries of the church that a student has completed his examination, and that having been duly licensed, he is now eligible for call. The licentiate shall be given an extract minute of presbytery relating to his licence.”

Note: The following or similar form of licence is recommended:

MINUTE OF LICENCE

Mr....., having made application to be taken on trials for licence, and having produced the certificates in connection with his application, the Presbytery did take him on trials for licence, in accordance with the regulations of Synod, and resolved that it was fully satisfied with them. The questions

appointed by the Synod were then put to him by the Moderator and, satisfactory answers having been given by him, Mr subscribed the appointed Formula. Whereupon the Presbytery did licence the said Mr..... to preach the Gospel of the Lord Jesus Christ this day of 2.....

4.51 ADMISSION OF MINISTERS FROM CHURCHES WITH WHOM THERE IS MUTUAL ELIGIBILITY

Words in italics added by Synod 2017

The Synod established Mutual Eligibility with the Free Church of Scotland in 2005, with the Reformed Churches of New Zealand in 2006 and with the Orthodox Presbyterian Church in 2007, [and offered the same relationship to the Reformed Presbyterian Church of North America in 2008 and the Reformed Presbyterian Church of Australia in 2010].

In no case does this mutual eligibility impinge on the right and responsibility of the relevant FCS/RCNZ/OPC or PCEA Presbytery to require *the usual application for admission to be fully and satisfactorily completed* and full and satisfactory Presbyterian certificates of character and attainment before admission. This may include clearance under any relevant child protection legislation. ‘Where a minister is potentially or actually under call or appointment by the PCEA, he must, *inter alia*, (a) have read the history of the PCEA and also its Handbook of Practice and Procedure, and have answered satisfactorily questions on them; (b) assure the presbytery that he will maintain the simplicity and purity of the PCEA form of worship; and (c) answer satisfactorily concerning his adherence to the teaching of the Confession of Faith as per Formula of Subscription. His satisfactory compliance with this admission procedure is to be minuted by the Presbytery and must be met before a call or invitation is transmitted so that the minister may know that his acceptance will enable his admission.’ [Synod 2018]

By Act 5 Synod 2012, Synod directed that in regard to a minister in good standing of a denomination with whom mutual eligibility has been established, but who does not hold a charge or appointment with that denomination, and who comes to Australia without an invitation or call and wishes to be eligible for call after he arrives, the following provisions will apply:

1. He must make application to the Presbytery within whose bounds he resides within 2 months or thereabouts of his arrival in Australia. He must present full and satisfactory certificates of character

and attainment including current clearance under any relevant childcare legislation, and satisfy the other requirements of the relevant mutual eligibility legislation.

2. If the Presbytery is satisfied that he meets the requirements, - and it must make specific enquiry of the denomination holding his credentials and minute the result, - it directs the Clerk of Synod to add his name to the Register of Ministers eligible for call in terms of Act 4 Synod 2012, and the Synod Clerk is to advise all Presbytery Clerks that this has been done.

3. *If there is any significant division of opinion on the application and/or any significant period when the applicant was outside the practical oversight of his denomination's church courts, the application should be referred to the Synod for consideration and decision.*

4.52 ADMISSION OF MINISTERS FROM CHURCHES WITH WHOM THERE IS NO MUTUAL ELIGIBILITY

[Synod 1983, Act 18, as amended 2004, 2012]

4.52 Application for admission being made by a minister of any other denomination not embraced by an Act of Synod creating mutual eligibility the presbytery arranges to confer with him, with reference to, *inter alia*,

- a) his character and status,
- b) the reasons which have led him to make the application,

- c) the course of professional education he has pursued,
- d) the body by which he was ordained and the manner of ordination.
- e) his suitability to work with minors, as shown by his having been approved to do so by the civil authorities in the State in which he resides, or, if the applicant resides outside Australia at the time of application, the State in which he intends to take up residence.
- f) a written medical report should be provided as to his state of health and fitness for the ministry.

The presbytery has no power to admit him, but transmits its report to the Training of Ministry Committee, together with any remarks or recommendations it may see fit to add. The Training of Ministry Committee makes such further enquiries as seem appropriate and the case is reported to the next meeting of Synod for its decision.

Authority to admit him having been granted by Synod, the presbytery requires the applicant to answer the questions prescribed in Act of Synod 1952, (or the alternatives approved by Synod 2008) and to sign the Formula. After prayer and a suitable address by the moderator, he is admitted into communion and declared a Minister (or probationer) of the church eligible for call.

VACANCY, SUPPLY, CALLS, SETTLEMENT & TRANSFER OF MINISTERS

4.55 VACANCY BY RESIGNATION

(Act of Synod 2013)

4.53 VACANCY/SUPPLY

4.53 A congregation having only one minister becomes vacant by his death, resignation, transference, suspension without time restriction or deposition. In the case of a vacancy from any of these causes, the presbytery appoints to the session an **interim moderator** who has the authority and executes all the functions of a stated pastor, although he need not convene the deacons' court (see 3.5).

'The Interim Moderator is responsible to the Presbytery during a vacancy and particularly for the pulpit. A person proposed for **residential supply** who is not a minister in good standing of the PCEA must be first approved by the Presbytery as a person of knowledge and capacity who is sufficiently familiar with the position of the PCEA and able to work in harmony with it, and the terms of occupancy of a church residence must be so arranged by the Presbytery so as to ensure the church will not be prejudiced by overstaying when the period of supply ends.' 'To assist the congregation as it enters the vacancy it may be desirable that a presbyterial visitation be held' (Synod 2013). When a vacancy has occurred, a duly constituted meeting of the congregation may appoint a committee of its members to co-operate with the session in seeking out a suitable person, or persons, to be heard by the congregation with a view to expediting the settlement of a minister in the charge.

4.54 VACANCY BY DEATH

4.54 When a minister in sole charge is removed by death, the members of the presbytery present at the funeral may assemble after it, appoint one of the ministerial members to preach in the church on the next or convenient Lord's Day to declare that the pastoral charge has become vacant and to call upon the congregation to take steps for filling the vacancy in due form and with convenient speed. Arrangement for the supply of the pulpit and for other necessary matters may also be made at this time. A minute is made of the proceedings and report is made to the presbytery.

4.55 a. A minister who wishes to retire due to reaching the age at which eligible Australian residents would qualify for the Age Pension (for those born from 1 January 1957 this is currently 67), or on grounds of ill-health, or to otherwise cease his ministry for reasons not affecting his ministerial character, must tender his resignation to the presbytery under whose jurisdiction he is placed. If the intention has been announced to the congregation, and if the office-bearers (elders and deacons) certify to the Presbytery in writing that after suitable inquiry there are no bad or prejudicial reports or rumours concerning the beliefs and behaviour of the minister, the Presbytery enters the certification in its minutes and may proceed at once to deal with and accept the resignation, recording the grounds of its action.

If accepted, the Presbytery resolves that the minister's name be placed on the Register of Ministers without Charge or the Roll of Resigned/Retired Ministers as the case may be [see 4.88] and advises the Synod Clerk. An Interim-Moderator is appointed if the resignation creates a vacancy. If not already prepared a suitable minute is drawn up and entered into the record of Presbytery. The minister is entitled to a certificate of status and an extract of minutes. The Convener of Synod's Superannuation Committee is advised. Seats on Presbytery are regulated as per Handbook 4.2, so retired ministers or ministers without charge do not ordinarily have a seat but are customarily associated with the Presbytery so as to be able to participate but without a vote.

b. Where there is no certification from the office-bearers, or if there are bad or prejudicial reports or rumours, the Presbytery arranges for an appropriate visitation to take the mind of the congregation and to investigate any bad or prejudicial reports or rumours. It makes careful enquiry and records its finding in the minutes. Permission to resign a charge cannot be granted to a minister against whom a judicial process has begun or against whom bad or prejudicial reports or rumours prevails unless there are admissions and the resignation is accompanied by relevant disciplinary action. In other respects the procedure in the previous paragraph is followed where applicable.

c. In the case of a minister who wishes to resign because of a change of opinion relative to the doctrines or government of the PCEA such as

disqualifies him from continuing in its ministry, the Presbytery first meets with him to discuss his position to ensure there are no misunderstandings of the position of the PCEA and to remove any groundless scruples that may exist. If the resignation is indeed appropriate, his resignation is accepted and the Presbytery declares him no longer a minister of the PCEA and advises the Clerk of Synod and the Clerks of the other Presbyteries and the Convener of Synod's Superannuation Committee forthwith. His name is removed from the list of marriage celebrants.

d. A minister who resigns his charge but continues to reside in the area and attend the congregation of which he was minister needs to exercise special care in his involvement with the congregation so as not to undermine the authority of the new minister and the elders in their care of it. He is eligible for election as a ruling elder in that congregation of which he is a member. If that is his old congregation it is generally prudent that induction as an elder not occur until the new minister is well established. Similarly, the former minister may act as Interim-Moderator in the vacancy following his retirement even though not a presbytery member, although it may be thought advisable that another person is appointed.

4.56 VACANCY NOT BY DEATH

4.56 When a vacancy occurs by resignation, transference, suspension indefinitely as to time, or deposition of a minister, the presbytery takes steps to supply the pulpit as described below. [For mental incapacity in a minister see 4.75.]

4.57 TEMPORARY VACANCY

4.57 In the case of suspension of a minister as a consequence of the presbytery resolving to order a libel to be served on him (see 7.33f), the presbytery provides for the temporary moderatorship of the session and charge of the congregation until the libel has been disposed of, and similarly when the minister is on leave of absence.

4.58 FILLING A NON-TEMPORARY VACANCY

4.58 The control of the vacant pulpit is in the hands of the interim moderator who co-operates with the ruling elders and any vacancy committee (see 4.53) with a view to providing suitable supplies for the pulpit and bringing forward possible candidates. It is considered important that vacant

congregations have and take the opportunity of hearing several ministers with a view to an informed and harmonious decision being made.

It must be clearly understood that no one can be called to the pastorate in the PCEA but a licentiate or a minister of the PCEA or of a church whose licentiates and ministers are declared eligible by the rules of the church (subject to any limitation on their ordination or licence) - *refer 4.51*.

The steps in the calling of a minister are:

- a) *election by the congregation and presbytery requested to moderate call [see 4.59]*
- b) *presbytery agrees to meet to moderate a call if satisfied as to harmony of desire and financial capacity; edict [see 4.60]*
- c) *presbytery meets with congregation, subscription of call, decision to sustain and transmit the call or otherwise [4.61]*
- d) *competent objections at this or earlier stages now stop procedure [4.62]*
- e) *if call is sustained and transmitted, it is either accepted or declined if transmitted at the other end [4.63-68]*
- f) *if accepted a suitable time is appointed for the ordination and/or induction of the minister by the presbytery and same proceeds as described [4.69-73]*

There are several different procedures depending on whether the person called is a licentiate or already in a charge and whether or not he is under the jurisdiction of the same presbytery as the calling congregation. The steps in each particular case are outlined in the following sections.

4.59 ELECTION

4.59 When the session has reason to believe that a general desire for an election prevails in the congregation, it calls a meeting of the congregation (see 2.31/2.32) having first purged and updated the communion roll. It is considered very desirable that the minister should be the willing choice of all, and that neither should a majority ignore the views of a significant minority nor a minority thwart the desire of a majority for any but the weightiest reasons. The election should be conducted in a spirit consistent with the Christian profession, and in a way which fosters Christian unity and love. It ought therefore to be a matter of earnest and repeated prayer before and after, and be characterised by the fullest consideration of the overall needs of the congregation.

- a) *At this meeting the financial capacity of the congregation is formally established having regard to the requirements of 3.16 as to stipend and benefits, and to removal costs.*
- b) *At the meeting any member in full communion may propose any eligible licentiate or minister for election and, the motion being seconded, put to the meeting, and carried, the licentiate or minister thus proposed is declared elected. If two or more motions are made and seconded, the moderator puts them all to the vote in the order in which they were proposed. If one motion does not have a majority of votes the one having the smallest number is dropped and the vote taken again and so on until a clear majority is obtained, and the name so obtained is again put to the vote as a substantive motion. If the result of any part of the voting is doubtful or challenged, the roll is called and votes marked. The result of the election is recorded in the minutes of the congregation.*
- c) *It is also usual for some person or persons to be appointed to represent the congregation at the bar of presbytery.*
- d) *The decision of the meeting is advised promptly to the presbytery.*

4.60 PRESBYTERY CONSIDERS REQUEST FOR MODERATION

4.60 At the next ordinary meeting of the presbytery or at an extraordinary meeting called for the purpose, the interim moderator reports on the condition of the congregation, the amount of agreement as to the choice of pastor and their ripeness for calling one. Any representative of the congregation is also heard.

If the presbytery considers the circumstances of the congregation are such that presbytery is NOT warranted to proceed immediately to moderate in a call, it holds a meeting with the congregation and does not proceed to moderation until the financial situation and/or level of harmony is such as to warrant it. The Presbytery must satisfy itself of the availability of any needed aid from Synod funds by communicating with the relevant Synod Committee, and in the absence of satisfaction on the financial situation cannot moderate a call. In such a situation a limited appointment may be possible.

When the presbytery is prepared to moderate in a call, it fixes a day and hour for doing so and appoints one of its members to make the intimation in the form below from the pulpit of the congregation not less than seven clear days before the date fixed. The presbytery must moderate a call at large except in

cases where it is clear that there is a harmonious desire for the person named.

NB Synod 2013 resolved: When a Presbytery has satisfactory information from the Interim-Moderator as to the harmony of a congregation and its financial viability it may proceed to meet with the congregation in accord with Handbook 4.61 without a separate meeting to consider the request for moderation as in 4.60, but records its satisfaction on harmony and financial viability in its minutes.

EDICT

In the name and by the appointment of thePresbytery of the Presbyterian Church of Eastern Australia, I hereby intimate that in consequence of an application from this congregation, the said Presbytery agrees to meet within this church on day of 2.... at o'clock in the for the purpose of moderating in a call for filling the vacancy in this congregation [to Mr], the Rev Mr , to preach and preside on this occasion. [Only those members personally present will be able to subscribe the call at the meeting. OR Absent members may provide written authority for the addition of their names to the call. - (see note below)]

Note: If the call is to a person named in the edict, it should also be intimated that absent members may provide written authority for the addition of their names to the call. If the call is open, it should be intimated that no vote can be allowed or recorded unless given by a member of the congregation personally present. [Subject to these requirements there is of course no objection to absent members expressing their views in letters to the presbytery.]

4.61 PRESBYTERY MEETING WITH CONGREGATION TO MODERATE CALL

4.61 At the specified time, the presbytery meets in the premises of the vacant charge and receives a certificate that the edict has been duly published. The duly certified rolls of communicants and adherents are laid on the table. The moderator of presbytery or the person appointed by the presbytery to preside conducts worship, delivers an appropriate sermon and states the object of the meeting. The call in the following or similar terms is produced and read:

CALL

To
Preacher of the Gospel

We, the undersigned Elders, Deacons and Communicant members of the Congregation of the Presbyterian Church of Eastern Australia at desire to promote the glory of God and the good of the church.

We do not have a pastor settled among us, and we are assured by reliable information and our own experience of your ministerial abilities, piety and prudence, and of your suitability to our needs.

By this Call we invite and entreat you to undertake the work of a Pastor among us, and to shepherd us in the ways of the Lord for the extension of his kingdom.

Should you accept this Call, we promise you all due respect, encouragement and obedience in the Lord, and undertake to contribute to your fitting maintenance as God may prosper us.

In witness of this we have signed our names this day of2....

We, the undersigned adherents of theCongregation, heartily concur in the above call.

The congregation is then asked whose name they desire inserted in the call (unless this has been already harmoniously agreed at the meeting of the congregation previously, in which event the name of the person elected is inserted in the call before the presbytery meeting). If voting is necessary, the procedure outlined previously (4.59) is followed.

When the name of the person is agreed upon, the persons who are present whose names are on the Roll of Communicants are invited to subscribe their names, the principles in the note at the close of 4.60 above applying in the case of absent members. In the event of a division the minority is affectionately urged to concur with the majority. Adherents (see 2.20) are then invited to sign concurrence in the call. After the call has been signed the moderator attests it and the number of subscribers are entered in the presbytery minutes.

If the call has been subscribed by a large number of communicant members in proportion to the whole number, and if there are no dissents given in, the presbytery sustains and transmits the call in all ordinary cases. It may allow time for additional signatures to be added. If there are dissents implying a serious division, the call cannot be sustained unless a majority of the communicant members on the roll has signed it. Even then, reference to Synod may be desirable.

4.62 OBJECTIONS TO CALL

4.62 Dissents against the moderation of a call can be received only when they are tendered or given immediately after the call has been attested by the

moderator. If reasons accompany any dissent, they are judged upon by the presbytery. If special investigation is required, it may be necessary to adjourn the meeting, citing all parties, before the moderating of the call can be completed (for citation see 6.4).

If the objection involves a charge affecting the orthodoxy or moral character of a minister or licentiate, the presbytery must insist upon the objectors either framing a libel (7.30) and proceeding with it in usual form, or abandoning the objections. Of course, the presbytery may find that a prejudicial report prevails against the person called, and may find it necessary to suspend proceedings until the matter is disposed of, even though no objector is prepared to frame a libel. [*An allegation of criminal behaviour such as child abuse would require mandatory reporting to the Police. – Ed*]

An appeal (or complaint) at any stage of procedure stops procedure only after the presbytery has moderated and sustained the call. The presbytery may decline to sustain the call either on the ground of the number of dissents or on the ground of the weight due to objections adduced. If such judgement is not appealed from or complained against in due form, or if the judgement be affirmed by the Synod, the whole proceedings as to the particular call fall, and a new election must take place.

4.63 CALL TO LICENTIATE

4.63 If the call is sustained at the time of moderation, and if the person called is a licentiate, the call is put into his hands, and he is asked whether he accepts it or not. He may accept it, decline it, leave the decision to the presbytery or request further time for its consideration. In this last case his answer should be given in the time specified by the presbytery (30 days is usual). If he is absent, the call is either promptly delivered to him in person, or sent to him by certified mail with request for his decision not later than a month thereafter or such longer period as may be granted by the presbytery in special cases.

When a licentiate to whom a call has been addressed intimates his acceptance of it, the presbytery prescribes to him particular subjects of trials for ordination covering the same areas as the trials for licence as laid down by Synod (see 4.50), although these may be abbreviated if the person has been but recently licensed. Once the trials are completed to the presbytery's satisfaction, a day is appointed for his ordination and induction if no appeals or complaints stay proceedings. Reasons for

objection to his ordination must be distinctly stated. The reasons must not affect the orthodoxy or moral character of the licentiate since these can only proceed by way of libel unless admitted to the presbytery or evidenced in its presence. If the trials are not sustained, and no complaint is made in due form, or if the judgement is reversed by the Synod after complaint, the congregation is advised that the licentiate has not been found qualified, and that a new election must take place.

Synod 2018 added: 'If the minister under call desires further time for consideration the answer should be given in the **time** specified by the Presbytery (up to 30 days is usual). If the call is to **a minister in another country** who is eligible for call and whose credentials are in order, including a fully completed application form, criminal/sexual abuse checks and referees' reports, the impact of immigration requirements needs to be considered carefully and acceptance of the call will be conditional upon meeting those requirements in a timely manner. Immigration eligibility should be ascertained first as delays could be lengthy and detrimental to the congregation's interests. Presbytery should explore the issues with the calling congregation first before forwarding a call to a minister overseas.'

4.64 CALL TO MINISTER WITHOUT CHARGE

4.64 If the call is to an ordained minister without fixed charge the procedure is similar to 4.63. However, if he accepts the call, and if there are no other impediments, no trials are required and the presbytery may proceed without delay to appoint the day for the induction.

CHARGE IN ANOTHER PRESBYTERY

4.65 If a sustained call is to an ordained minister of a charge, the clerk transmits it to the clerk of the presbytery to which the called minister belongs, with extract minutes of all the proceedings in the case, and a statement of reasons for translation. If necessary, one or more commissioners are appointed to appear before such presbytery to prosecute the call (see also 4.66). The session clerk of the minister's congregation is also advised and this intimation is sufficient warrant for the session to call a congregational meeting and arrange for representation at the presbytery meeting.

If the ordinary meeting of the presbytery to which the minister called belongs takes place within four weeks after the reception by the clerk of the official intimation, the call is normally taken up at that

meeting. Otherwise, an extraordinary meeting is summoned by the moderator for consideration of the call. To this meeting, whether ordinary or extraordinary, it is the duty of the clerk of the presbytery to cite the session and congregation whose minister has been called to appear for their interests as well as to ensure that the other presbytery clerk receives intimation of the meeting.

At the presbytery meeting the call and relative documents are read and, if deemed desirable, commissioners are heard. The minister to whom the call is addressed is asked to state his views in regard to it. The presbytery then deliberates and by formal motion resolves either to put the call into the hands of the minister or to refuse to do so. The minister under call is entitled to speak at any stage and is not at the bar. The decision is intimated to parties.

If the decision is affirmative and there is no appeal by the commissioners or complaint by a member of the court, and if the minister acquiesces in the decision and accept the call, the presbytery formally agrees to translation and instruct the minister to await the time of induction from the other presbytery.

The presbytery instructs its clerk to send the papers to the presbytery to which the minister called is to be transferred, and on reception of these documents the presbytery agrees to induction, sets the date and time and those who shall officiate, and directs an edict to be served (see 4.69) reporting these proceedings to the presbytery from which the minister is to be transferred so that his charge may be declared vacant from the date of induction.

4.66 CALL TO MINISTER IN A CHARGE IN THE SAME PRESBYTERY

4.66 The procedure is essentially the same as in except that the complication of commissioners from one presbytery to another is avoided.

4.67-68 APPEALS/COMPLAINTS

4.67 If due to distance the presbytery prosecuting the call cannot be represented by commissioners, it is competent for it to appoint a minister or elder of the church who can be present to indicate an appeal on its behalf. Twenty-one days from the date on which advice of the presbytery's decision to refuse to transmit the call (and the reasons for it) is sent to the presbytery prosecuting the call is allowed for that presbytery to confirm adherence to the appeal made

on its behalf, giving reasons, and failing such confirmation, the appeal falls. (4.67 is Act of Synod 1990)

4.68 In the case of an appeal against the decision being lodged by the commissioners of the prosecuting presbytery or by the commissioners of the congregation whose minister is under, or in case of complaint by a member of the presbytery, the presbytery cannot proceed further until the appeal or complaint is fallen from or resolved by the judgement of the Synod.

4.69-4.73 PROCEDURE FOR ORDINATION AND/OR INDUCTION

4.69 Once the day of ordination and/or induction is set, an intimation in the following or similar form is ordered to be read in the congregation on the Lord's Day, at least seven days being allowed to elapse between the first intimation and the day fixed for the ordination and/or induction.

EDICT

This Presbytery of the Presbyterian Church of Eastern Australia, having resolved to proceed to the ordination/installation of Mr who has been duly called to be minister of this congregation, (and whose trials have been sustained,) gives notice to all concerned, and especially to members of this congregation, that if any of them have anything to object to the life or doctrine of the said Mr, they must substantiate the objections to the satisfaction of the presbytery at a meeting to be held atonday of2.... ato'clock. The presbytery certifies that if no one offer any relevant objection, or unless relevant objections are proved on the spot, the presbytery will forthwith proceed to the (ordination and) induction of the said Mr(to the office of the holy ministry,)and will admit him to the pastoral charge of this congregation.

CERTIFICATE OF EDICT BEING SERVED

*AtChurch, the day of 2.....
The above Edict was this day duly served by me in the face of congregation at the service/s held at..... a.m. &p.m.*

Signed:

4.70 On the ordination/induction day the presbytery meets about half an hour before the time fixed for public worship and receives a certificate of the Edict being served. It is usual to associate with the presbytery members of other presbyteries who may be present. Intimation is again made in the church in

terms of the Edict. Should any objection be made, the objection, to be admissible, must be relevant, given in writing and substantiated on the spot by sufficient proof. A formal libel at this stage is not necessary. If the objection is not found relevant or is not substantiated, the presbytery sets it aside and proceeds to the ordination/induction. If the objection is not summarily disposed of, the ordination/induction is postponed until the case is investigated according to the laws of the church.

4.71 The minister duly appointed to preside conducts public worship and calls upon the presbytery clerk to read the **narrative of steps** taken since the occurrence of the vacancy with a view to filling it. He then proposes to the person about to be ordained/inducted the questions appointed by Act of Synod 1952, or the alternatives approved by Synod 2008. The questions having been satisfactorily answered, he is then required to subscribe the Formula in the presence of the congregation. [It is recommended that a copy of the Formula be fixed on the inside cover of the presbytery minute book for this purpose.]

4.72 The person is then ordained to the office of the holy ministry by prayer and the laying on of the hands of the presbytery, and is thereafter declared admitted to the pastoral charge of the congregation. The moderator says:

In the name of the Lord Jesus Christ, the only King and Head of the Church, and by authority of this presbytery, I hereby declare you duly ordained, and inducted into the pastoral charge of this congregation and entitled to all the rights and privileges belonging to it, and committed to the discharge of all its responsibilities.

The moderator, followed by the other members of the presbytery, then gives the newly-ordained/inducted brother the right hand of fellowship.

The service when the man to be inducted is already ordained is the same except that there is no reference to ordination and no laying on of hands.

4.73 Addresses to the minister and people are then delivered, and the congregation is dismissed. The name of the minister is added to the roll of the presbytery before it adjourns. The newly ordained/inducted minister is then introduced to the session of his congregation, and takes his place as its moderator.

4.74 ORDINATION OTHER THAN UPON INDUCTION TO A PASTORAL CHARGE

Ordination without reference to a particular pastoral charge or some equivalent position or function is contrary to the practice of the church. Missionaries to foreign countries are ordained before they proceed to their spheres of labour, but in these cases, and other special cases, the matter ought to be referred to the Synod for authorisation.

4.75 MENTAL INCAPACITY IN A MINISTER

4.75 When it has been established to the satisfaction of the presbytery, in the course of any judicial process affecting the status of a minister, or by members of his session or of his congregation and on the certificates of two registered medical practitioners, that a minister is mentally incapable of performing the duties of his office, the presbytery relieves him from the exercise of them and takes steps to provide for the administration of ordinances.

The presbytery appoints an interim moderator, and it may, if deemed necessary, allocate a portion of the minister's stipend, not exceeding one half, towards the expenses of supplying ordinances.

The generally approved practice is that in the event of the minister being certified by two registered medical practitioners as mentally capable of resuming his duties, the presbytery reinstates him in the full exercise of the duties of his office and discharges the interim moderator. However, in the event of the minister not being mentally capable at the expiration of one year, the presbytery declares the charge vacant and takes the usual steps for filling the vacancy.

The presbytery may be well advised to refer a case of mental incapacity to the Synod.

4.76 SOLEMNISING OF MARRIAGE

Synod 2017 resolved:

The PCEA regards solemnizing a marriage between people of the same sex as contrary to Scripture, the Confession of Faith and the vows of officebearers. The PCEA requires of those who solemnize marriages in her name that the public preliminaries to the vows include a statement of the basis of Christian marriage as ordained by God as a union of a man and a woman, voluntarily entered into, for life until dissolved by death or by divorce on grounds founded on the Word of God

PRESBYTERY IN RELATION TO SYNOD, &c.

4.76 The presbytery provides a duly certified roll of its members to the clerk of Synod immediately following the first presbytery meeting after Synod. In the present circumstances of the church all members of the presbytery are also thereby constituted members of the Synod (see 5.2). Any changes in the roll are advised by the clerk of presbytery to the clerk of Synod, and ministerial changes by death or otherwise, and the fact of the death of any elders within the bounds, are also advised.

4.77 An annual statistical return and a report on work in each charge are furnished to the Synod each year.

4.78 The presbytery is responsible to the Synod for the correctness and accuracy of form of the permanent record of its proceedings, and has a general responsibility to the Synod for seeing that the law of the church and all lawful directions received from time to time from the Synod are obeyed within its bounds. The presbytery is required to submit its

minute book to each ordinary meeting of Synod for examination and attestation.

4.79 Requests for financial assistance for aid-receiving congregations are to be scrutinised carefully and the presbytery's recommendations are sent by extract minute direct to the Finance Committee with such supporting detail as may be appropriate. All assistance is on a needs basis, subject to funds being available, with allocation on a calendar year basis two years in advance. The recommendation of the presbytery is to be supported by a budget and evidence that the charge is being efficiently worked according to some definite programme of extension. (*See Act of Synod 1990 as amended 2008.*)

4.80 The presbytery may **overture** the Synod to take legislative or executive action relative to any matter with which the Synod may competently deal. The presbytery may transmit a **reference** to the Synod in terms of the procedure in 6.6. The presbytery may

petition the Synod in relation to any matter within the competency of the Synod if the matter is one which could not come up to that court by overture or reference or by appeal or complaint.

4.81 **Appeals** (by person not a member of the presbytery) and **dissent & complaint** (by members of the presbytery) may be taken against any decision of the presbytery on proper grounds, unless in any particular matter the Synod has provided that the decision of the presbytery is final; for procedure see chapter 6.

4.82 It is the right and duty of every presbytery to take its part in the legislation of the church by approving or disapproving of **remits from the Synod**. The presbytery is also responsible to see that any remit which the Synod has ordered to be sent to sessions is duly communicated to them and that they are diligent in making their returns to the presbytery, through whose clerk their decisions are in turn reported to the Synod.

4.83 The presbytery requires leave to meet while the Synod is actually in session, but as all members can be presumed to be present, if at such a time the presbytery receives leave or instructions to meet, no further notice requires to be given to members (see also 4.18).

4.84-4.87 PRESBYTERY BOUNDS AND RELATIONS BETWEEN PRESBYTERIES

4.84 The bounds of Northern Presbytery are the Hastings Municipality and to the north and west of the same in New South Wales together with the whole of Queensland. (*Defined by Synod 1986*)

The bounds of Central Presbytery are the Manning Municipality and to the south and west of the same in New South Wales. (*Defined by Synod 1986*)

The bounds of Southern Presbytery are the States of Victoria, South Australia and Tasmania. (*Defined by Synod 1983*)

4.85 A presbytery which desires to have a change made in its name or its bounds proceeds by petition addressed to the Synod. When the change desired is in its bounds it supplies, at least 30 days before the Synod meets, a copy of the petition to any other presbytery which would be affected.

4.86 If a presbytery desires that one of its congregations should be transferred to another presbytery, or that a congregation within the bounds of another presbytery be transferred to within its own bounds, it petitions the Synod, and at least 30 days before the Synod meets, supplies a copy of the petition to the other affected presbyteries.

4.87 A presbytery has no right to interfere with or review the procedure of another presbytery. A presbytery aggrieved by such encroachment may remonstrate or make representations to the other presbytery. If this proves ineffective it seeks redress by means of a petition to the Synod.

4.88

4.88 MINISTERS WITHOUT CHARGE AND RESIGNED/RETIRED MINISTERS [Act 4 Class 2, Synod 2012]

1. A **Register of Ministers without Charge** and a **Roll of Resigned or Retired Ministers** shall be kept by the Clerk of Synod. Only those whose names are placed on the Register will be eligible for a call, and placement on the Register will be taken to imply an individual's sincere readiness to accept a call in appropriate circumstances. Congregations may not address calls to ministers whose names are on the Roll of Resigned or Retired Ministers.

2. When a minister's resignation or retirement from his charge has been accepted by his Presbytery, the Clerk of Presbytery shall inform the Clerk of Synod by Extract Minute. The Extract Minute shall include the resolution of the Presbytery to place the name of the minister either on the Register of Ministers without Charge or on the Roll of Resigned or Retired Ministers.

3. The normal procedure shall be that the name of the resigning or retiring minister shall be placed on the Roll of Resigned or Retired Ministers. If the Presbytery resolve to place the name on the Register of Ministers without Charge, they must minute positive reasons for such placement on the Register, or subsequent continuance on or transference to it, and the Extract Minute furnished to the Synod Clerk shall contain these reasons. Such reasons shall be of the following order:

3.1 where resignation is due to a breakdown in health;

3.2 where resignation or severance of the pastoral tie is due to non-censurable incompatibility with his congregation;

3.3 where resignation is due to secondment by the Synod of the PCEA or its responsible Committee to other pastoral or para-pastoral work.

4. Placement on the Register shall not be granted where the resigning minister has accepted an appointment outside the PCEA other than by secondment as noted at 3.3 above.

5. If a minister whose name has been placed on the Register or Roll shall be admitted to the ministry or other full-time employment of another Church other than by secondment, his name shall be removed from the Register/Roll.

6. A Minister whose name is placed on the Register or Roll is required to notify the Clerk of Presbytery of any change of address. If a minister takes up residence within the bounds of another Presbytery of the PCEA, he shall also inform the Clerk of that Presbytery of his address.

7. In no case shall the name of a minister remain on the Register of Ministers without Charge for more than three years from the date of inclusion in the Register unless application for an extension of the period, conforming to the conditions of paragraph 3 above, be made to the Presbytery within whose bounds he is resident before the expiry of the three-year period. When the minister resides outside the bounds of a Presbytery of the PCEA, his application for retention on the Register shall be made to the Presbytery of which he was previously a member. In no case shall a name remain on the Register for more than six years.

8. If a Presbytery instruct that a minister's name be placed on the Roll of Resigned or Retired Ministers, it shall remain on that Roll for his lifetime, subject to the provisions of paragraph 5 above and 11 and 12 below.

9. A minister whose name is on the Roll of Resigned or Retired Ministers and who desires to have his name transferred to the Register of Ministers without Charge shall petition the Synod through the Presbytery within whose bounds he is resident at the time, such petition to conform with the conditions of paragraph 3 above.

10. Ministers without Charge on the Register, and Resigned or Retired Ministers on the Roll shall be under the jurisdiction of the Presbytery within whose bounds they are resident. If a minister takes up residence outside the bounds of any Presbytery of the PCEA, he shall remain under the jurisdiction of the Presbytery within whose bounds he last resided.

11. A request by an individual whose name is on the Roll of Resigned or Retired Ministers to have his name removed from it shall be dealt with by the Presbytery within whose bounds he resides. That Presbytery after due investigation and on due grounds shown (such as, the individual concerned no longer holds communicant membership with a congregation of the PCEA) shall declare him to be no longer a minister of the PCEA and order that his name be removed from the Roll.

12. Each Presbytery of the Church shall maintain a list of ministers on the Roll of Resigned or Retired Ministers who have informed them that they are resident within the bounds of the Presbytery. Presbyteries are required to make due investigation annually that such individuals continue to associate with the PCEA and after due intimation to the individual concerned, may order their name to be removed from the Roll if appropriate grounds are found.

CHAPTER FIVE: THE SYNOD

5.1 - 5.11 FORMATION AND MEMBERSHIP

5.1 The Synod is the court of the church superior to the presbyteries. The constitution of the church allows for the creation of a General Assembly but unless and until such an Assembly is created, the Synod is the highest court of the church.

5.2 The Synod, like the lower courts, has permanent existence. [A General Assembly does not have permanent existence but meets to perform specific duties assigned to it by the constitution of the church and, after fixing a time and place for another meeting, is dissolved].

5.3 The Synod consists of all members of presbyteries unless or until representation is changed by Synod following Barrier Act procedure. A certified roll from each presbytery clerk shall be sufficient evidence of entitlement to membership of Synod.

5.4 The Synod may **associate** with itself at any particular meeting, any minister or elder in good standing of another denomination with which the Synod has established links. Persons who are associated are permitted to take part in all or part of proceedings of that meeting, but not to preside, vote, or move or second a motion.

5.5 The Synod elects from its members an ordained minister to be its **moderator**. He continues to hold his office until he has constituted the next ordinary meeting of the court, and presided at the election and installation of his successor. If absent or if he ceases to hold office mid term, the procedure in 4.6 applies.

5.6 While the Synod is at full liberty to decide at the time of its meeting who shall be its moderator, it has long been the practice for the **nomination** to be made at the preceding annual meeting. It is customary to rotate the office, but to allow a man to decline to accept nomination.

5.7 Except where otherwise expressly provided, the moderator is responsible for convening **extraordinary** (*pro re nata*) **meetings** of the Synod. By virtue of his office he also at the present time has responsibilities as a member of the NSW

and Qld. trust corporations. Where practicable, he arranges to preach throughout the

5.6 congregations of the church during his period of office so as to express the greetings and encouragement of the whole church to its parts.

5.7 At all meetings of the Synod the moderator:

- a) presides;
- b) sees that the meeting is properly constituted, and closed with prayer;
- c) causes good order to be kept in the conduct of its business;
- d) disallows motions in conflict with the law of the church, irrelevant, offensive or otherwise incompetent,
- e) protects the rights of each member of the Synod and rules on points of order;
- f) announces decisions, administers censures and admonitions, conveys felicitations and instructs parties at the bar;
- g) calls upon members to state their views, cast their votes or discharge any duties which may have been assigned to them;
- h) vacates the chair when a session or presbytery of which he is a member is at the bar or when he is or wishes to become a party to a case or to speak to a matter before the Synod, and returns to the chair when the matter is completed.

The moderator has only a **casting vote** in the case of equality.

5.8 The Synod appoints a **clerk** who is usually but not necessarily a member of the Synod and who holds office at the will of the Synod, and by virtue of his office is a member of the New South Wales, Victorian and Queensland trust corporations.

The clerk of Synod makes the **declaration of fidelity** on taking up his office. The Synod decides what remuneration he shall receive from its funds.* In his absence, another is appointed to act *pro tempore* and he also makes the declaration of fidelity, as does any person whom the Synod appoints to assist the clerk in his duties.

The declaration of fidelity is as follows:

"I do solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me."

The clerk's duties are analogous to those of a presbytery clerk (see 4.8).

* See Synod 2019.39 for honorarium to T.I.Leggott.

5.9 The Synod appoints a **treasurer** to gather, take charge of, disburse and account for all the funds held by the Synod as it may direct. The treasurer is to be an office-bearer of the church, and if not a member of Synod is automatically associated so as to be able to speak on all matters relating to finance and by virtue of his office is a member of the New South Wales, Victorian and Queensland trust corporations.

5.10 The Synod appoints a professionally qualified accountant or company **auditor** to audit the accounts of the treasurer, and he has right of access to all those documents necessary for the proper discharge of his duties.

5.11 The Synod from time to time appoints a **procurator** whose duties are to advise the church in matters of ecclesiastical procedure and the church's constitution and to revise all libels.

The procurator is to be a communicant member in good standing of a Presbyterian church having the Westminster Confession of Faith as its chief subordinate standard, have demonstrated familiarity with Presbyterian law and practice, and be entitled to practise as a barrister at law in New South Wales &/or Victoria.

The procurator's advice is to be given to Synod, Presbyteries and Synod Committees upon the case being submitted to him through the Synod's Law and Advisory Committee. Except in respect to any matter which comes before Parliament or the Law Courts, no remuneration attaches to the office of procurator.

In the event that there is no occupant of the office, the procurator's task is carried out by the Synod Law and Advisory Committee, which obtains such professional advice as it considers necessary. Synod 1997 decided not to appoint a Procurator (1997.10).

5.12 - 5.17 MEETINGS AND MINUTES

5.12 In strict law, three members, of whom two must be ordained ministers, constitute a **quorum**. In practice such a small number is to be avoided, and a quorum of about 25% of the members and representative of a majority of presbyteries is considered desirable.

5.13 The Synod ordinarily meets once a year. Each synod, before it adjourns, fixes the time and place of its next meeting.

When it appears to the Administration Committee (5.17) that the day appointed for the Synod's next meeting will be unsuitable, it may alter the date and instruct the clerk of Synod to give notice to members of such alteration. Except where it is quite impossible to do so, at least eight weeks notice of the change is to be given, and the Committee is answerable for its conduct to the Synod, and the Synod records the reason for the change in its minutes.

5.14 The Synod may hold *special* (in hunc effectum) and *extraordinary* (pro re nata) meetings on the same principles as the presbyteries (see 4.15 - 4.17).

5.15 The Synod is, by long established practice, an **open court**, and in respect to all ordinary matters, this practice is held to be highly desirable. However, the Synod may sit in private when it judges it to be necessary or expedient, as in certain cases of discipline or of allegations which may prove to be ill-founded or in cases already partly heard in private in presbytery. (cf also re students 4.20).

5.16 It is the normal practice to record the substantial content of proceedings in **closed court**, including decisions taken in closed court, in the ordinary minutes, but without divulging matters deemed of such a nature that they must be kept confidential (see Act 2, Synod 1985). A separate record for recording material other than the actual decision of the court may sometimes be appropriate. Members may not divulge the content of closed court discussions to outsiders, but the actual decision is not normally private, and does not need to be read in open court before it can be made public.

5.17 The clerk is responsible for recording a true account of the business transacted in a clear and concise manner. The **minutes** are framed as the business proceeds and, being read and approved, are confirmed at the beginning of the following session, with the exception of the minutes of the last session which are confirmed immediately prior to the conclusion of the Synod meeting.

Where minutes are taken down in writing, two sets of minutes are kept. The 'scroll' minutes are the minutes taken at the time. A 'permanent record' is typed up from these and is compared with the scroll minutes and, being found correct, is duly attested by the clerk and moderator. Where the minutes are

typed up on a computer at the time, only one set of minutes need be kept, provided that it is duly confirmed by the court and signed by the clerk and moderator. The Clerk of Synod is permitted, without formal instruction, to give extracts of deliverances to all persons who have an interest in them. In other respects the rules for extracts in presbyteries apply (see 4.25).

5.18 - 5.24 POWER AND FUNCTIONS

5.18 Subject to the church's constitution and to relevant civil law, the Synod, being the supreme court of the Presbyterian Church of Eastern Australia, has and exercises the power to consider and deal with all matters of doctrine, worship, discipline and government, and generally with all matters affecting the well-being of the church, the spiritual needs of the civil community, and the extension of Christ's kingdom.

5.19 Synod Committees: membership and method of operating [Act 7 Class 2 Synod 2011 as amended Synod 2019.73]

1. Synod appoints such standing and occasional Committees as deemed appropriate.

2. Most Committees shall consist of five members, and given the prevalence of electronic means of communication, these members do not normally need to be geographically close to each other. Some Committees may have more than five members (eg: Missions or Youth and Fellowship), or less than five members (eg: Superannuation) and these are determined at the discretion of the Synod. Some Committees solely or in part of positional membership at the discretion of Synod (eg: Moderator, Moderator-elect, Clerk). It is desirable that the Committee membership is made up where possible of at least one representative from each of the geographical areas of the Presbyteries. Members are expected to serve on their Committee for at least three years unless otherwise decided by Synod.

The Administration Committee proposes a Committee composition for each Synod however delegates and courts of the church are welcome and encouraged to also propose changes to the committees, either by previous contact with the Administration Committee or by petition, overture or notice of motion at Synod. Sessions are encouraged in particular to search out, foster and cultivate suitable people from their congregations to serve, within their God given interests and abilities on Synod committees.

3. It is a courtesy that parties being proposed for new membership of Committees be informed of and agree in advance of their appointment (to be referred to as 'entry courtesy'). It is also courtesy that parties who are currently members of Committees be informed of and agree in advance to being removed (except in cases of church discipline, or other established reason. This is to be referred to as 'exit courtesy').

4. Committees have the power to seek assistance and advice from other qualified persons if considered appropriate.

5. All members of a Committee have a responsibility to contribute promptly to its deliberations and proposals. When using emails the subject line should include reference, in an agreed form, to the Committee concerned. 'Reply to all' should be used in all responses so that each member is aware of the responses of all other members and can interact accordingly, just as if they were personally present. Members have the responsibility of advising of any change to their email address. The use of employer-provided email addresses should be avoided. When using a conference call (audio or video) care must be taken to give each member opportunity to contribute, and decisions arising out of such hook-ups are to be very clearly expressed at the time and circulated in written form immediately thereafter.

6. The Convener of a committee is to ensure that the proposed report to the next Synod is distributed to all members of the committee and this is done sufficiently to incorporate changes. In the event of significant disagreement or alternate opinion then committee members are entitled to submit minority reports to the Synod. It is expected that this is the exception rather than the rule – with all members endeavouring to work in Christian harmony so far as possible.

7. Committees are encouraged to begin their work soon after each Synod and where appropriate to divide the work among themselves. Committees may elect a Vice-convener to understudy the Convener so as to maintain the work if the Convener is not available.

Since Synod 2013 standing committees have been arranged as follows:

Administration

- Law and Advisory
- Finance
- Superannuation
- Inter-Church Relations
- Church and Nation, Media
- Youth and Fellowship
- Missions

Training of Ministry

Psalmody [added by Synod 2019.50.8]

Committees may meet when the Synod is sitting only by leave of the Synod. Synod 2008 (minute 17.1) requested *any who frame proposals for Synod's consideration to take care to make provision for specifying previous enactments that are varied or rescinded by such proposals.*

5.20 The Synod authorises special **collections** for designated Synod funds and encourages undesignated giving to General Funds so that help may be given where the need is greatest.

5.21 The Synod may exercise such of its lawful powers as it deems fit by means of a **special commission** of the Synod for a specific purpose. The Synod may also appoint an **ordinary commission** to meet between Synods, but subject to the approval of the procedure and rules of such ordinary commission in terms of Barrier Act procedure.

5.22 It has been claimed that the Synod, in virtue of its position as the supreme court of the church, naturally and necessarily possesses the power *nobile officium*, that is, the power to deal with and dispose of any matter before it for which there is no precise and sufficient legal provision. Such power does not enable the Synod to overrule law but only to supply the want of it when necessary. Only in extraordinary emergency could the exercise of this power to the disturbance of the ordinary course of discipline be justified. However, there is every reason to suggest such a power is not a necessary or proper part of the church's constitution.

5.23 The functions of the Synod are legislative, executive and judicial. It exercises them by considering and dealing appropriately with:

- a) reports from its standing and any other committees, and corporate trustees, etc.;
- b) matters regularly brought before it by:
 - i. overture
 - ii. reference
 - iii. appeal
 - iv. complaint
 - v. petition
 - vi. correspondence (when other course is not open)

5.24 Act 5, Class 2, Synod 1984: **'The approved procedure in proposing significant motions involving areas where Committees have responsibility is by overture from lower courts or by approach to the relevant Committee, and not by way of motion on the floor of Synod; and**

with a view to ensuring prior and mature consideration and wise decision making Synod members are to follow out this procedure to the fullest practical extent'

Synod 2008 (Act 2, Class 2) further resolved: 'To ensure careful consideration and wise decision making, copies of correspondence for transmission to Synod shall be supplied with the Reports. **Any non-procedural proposal that arises from late correspondence or on the floor of the Synod that is not already anticipated in the prayer of an overture or petition regularly before the Synod, or the subject of a notice of motion in terms of clause 6 of this Act, shall be held over until the next session and, if contentious or of complexity, referred to a representative *ad hoc* committee for report to the next or later session, before being debated.**'

TIME LIMITS RE REPORTS & CORRESPONDENCE TO SYNOD [See Act 1, Class 2 Synod 1983 as amended to 2012 (see Decision Book).]

5.25 The **Annual accounts** are issued at least **60** days before the Synod, and **Committee reports** are to be submitted to the Clerk of Synod at least **45** days prior to the Synod. The Clerk arranges to print same, together with the correspondence for Synod, so that they may be in member's hands at least **15** days before the Synod.

Requests for finance [ie. Stipend Assistance] from Synod funds are forwarded via presbyteries to reach the Finance Committee at least **60** days before the Synod. [*For Capital Fund requests – see Decision section.*]

5.26- 5.42 ORDINARY SYNOD PROCEEDINGS

5.26 The members having assembled at the time and place appointed, the Moderator of the previous Synod after public worship preaches a sermon, and immediately thereafter, with prayer, constitutes the court in the name of the Lord Jesus Christ, the King and Head of the Church.

5.27 The Synod then proceeds to approve the roll of members as derived from duly attested rolls of presbyteries, apologies for absence are noted, and new members and guests welcomed.

5.28 A moderator is then elected (procedure in 5.4) who, on his appointment, is introduced to the assembly by the retiring moderator, and receives from him the right hand of fellowship.

5.29 The chair is then taken by the new moderator, and he delivers an introductory address either then or at a later sitting.

5.30 The Standing Orders adopted by Synod (5.46) are taken as read and with any amendments for the current Synod are, on being adopted, regulative of the conduct of business.

5.31 The Inter-Church Relations Convener introduces **visitors from other churches**, and where appropriate they are associated with the Synod (see 5.4 for association). The clerk then presents the Administration Committee's report including the proposed timetable, and names of ministers and elders who have died since the last meeting. If appropriate, a Committee is appointed to draft memorial minutes not already in the report in respect of any deceased ministers for submission to a later sitting.

5.32 Persons are appointed to examine the **records of presbyteries**, and these examiners report their findings to a later sitting. They are to make sure the questions prescribed by Synod 2013 re **child abuse** &c have been satisfactorily answered and minuted.

5.33 The Correspondence is commonly dealt with to the extent of its reception and its place in the business. After attending to any other pressing business, any notices of motion are read, and it is usual for the Synod to adjourn.

5.34 At the next sitting the new Moderator gives his address, if he has not already done so, and any remaining matters in the Administration Committee report are taken up. This Committee also functions as a committee to deal with bills and overtures, and all overtures and papers for transmission to Synod are first laid before it. The Committee sees that all papers presented have been duly transmitted, and are regular and proper to be brought before the Synod. If the Committee refuse to transmit any document it must give the person/s concerned notice of the ground of refusal. The Committee may allow the withdrawal or amendment of the document to remove objection to its transmission. Time limits on submission of documents must be observed (see 5.25). The Committee's resolution for or against transmission may be brought under review of the Synod by appeal or complaint.

5.35 Synod takes up and deals with overtures, references, appeals, complaints, petitions and other correspondence, and committee reports subject to the provisions of 5.2-25 and to Synod Standing Orders (5.46). 'Correspondence from the Sessions and the Presbyteries will take priority over other correspondence and over Synod reports.' [Synod 2019:14] Overtures may also originate in the Synod itself.

5.36 In recommending the order of business for each sitting of Synod, the Administration Committee takes care to recommend a **timetable** that 'gives priority to correspondence from the sessions and presbyteries of the church, but also' [Synod 2019:14] allows reports of standing committees to have a place that allows due consideration. In accordance with Synod Standing Orders, causes are normally held over until the last day of Synod, other than appeals or complaints against transmission which, depending on the circumstances, may be taken up with the Administration Committee's report.

5.37 The legislation of the Synod may be divided into two classes:

Class 1 legislation arises from an overture suggesting the enactment of some new law or the alteration of existing law where the proposal involves a change affecting the church generally and designed to be of permanent force. To prevent any innovation and to secure due deliberation and harmony in the enactment of new laws and the alteration of old ones the course of procedure prescribed by the Barrier Act 1697 is followed.

BARRIER ACT, 1697

'The General Assembly, taking into their consideration the Overture and Act made in the last Assembly concerning innovations, and having heard the report of the several commissioners from Presbyteries to whom the consideration of the same was recommended, in order to its being more ripely advised and determined in this Assembly; and considering the frequent practice of former Assemblies of this Church, and that it will mightily conduce to the exact obedience of the Acts of Assemblies, that General Assemblies be very deliberate in making of the same, and that the whole Church have a previous knowledge thereof, and their opinion be had therein, and for preventing any sudden alteration or innovation, or other prejudice to the Church, in either doctrine or worship or discipline, or government thereof, now happily established; do, therefore, appoint, enact, and declare, that before any General Assembly of this Church shall pass any Acts, which are to be binding Rules and Constitutions (that is, Laws) to the Church,

the same Acts be first proposed as overtures to the Assembly, and, being by them passed as such, be remitted to the consideration of the several Presbyteries of this Church, and their opinions and consent reported by their commissioners to the next General Assembly following, who may then pass the same in Acts, if the more general opinion of the Church thus had agreed thereunto.'

[Bracketed words inserted by Synod 2014 in the interests of clarity; see 2014 Reports, page 14.]

Class 2 legislation arises from an overture or committee report suggesting legislation entirely or substantially related to the Synod itself, such as the regulation of the business of Synod and its committees, and decisions in local matters or those of an exhortatory or advisory character. In these matters the Synod comes to its own mind without use of Barrier Act procedure, although it may refer proposed Class 2 legislation to presbyteries if it wishes (but consent is not required for enactment to take place).

5.38 Despite the fact that all members of presbyteries are, at present, members of the Synod, Barrier Act procedure remains a desirable procedure for ensuring due deliberation, and is to be observed where appropriate. Acts passed under Barrier Act procedure may only be amended or repealed by the same procedure (Act 8, Assembly 1736).

5.39 **Barrier Act procedure**

For the more clear understanding of the procedure in regard to matters requiring approval by Barrier Act procedure the Synod 2016 summarised the procedure as follows:

Limitations

1. The Barrier Act is a means of regulating the lawful exercise of the Synod's powers not of changing anything that enters into the fixed constitution of the church. In making rules and laws the Synod is always to aim to apply the mind of Christ as given in the Holy Scriptures and thus to seek in an orderly way the building up of the people of God.

When it applies

2. The requirements of the Barrier Act apply to new legislation of church-wide significance and binding nature affecting the doctrine, worship, discipline and government of the church, that is to say, it applies to Class 1 legislation but not to Class 2 legislation (see Handbook 5.37). In practice it mainly applies to rules regarding discipline, ministers, students and oversight of congregations.

Procedure

3. The norm is for the overture to be transmitted to Presbyteries for consideration. It includes the proposed rule or law and the grounds for it. The Presbytery decides to either 'approve' or 'disapprove' the content of the proposed legislation, with the liberty to add comments when thought appropriate and with the result of voting being recorded.

4. An overture approved by a majority of Presbyteries may be passed into law by the Synod, but Synod is not bound to do so, and cannot do so if a majority of Presbyteries do not approve. It is competent for the substance of remarks by Presbyteries which in no way modify the substance, sense or intention of the overture to be adopted by the Synod. An 'approved' overture may be passed into law notwithstanding such changes, or other minor changes made by the Synod which are not at variance with the spirit and purpose of the overture.

5. If Synod twice transmit an overture to Presbyteries in terms of the Barrier Act, the Synod may take the matter into consideration and enact or reject as she sees fit so long as those Presbyteries that have approved and those who have neglected to send in their opinion form a majority of Presbyteries. (cf. Act 5, Class 1, *Assembly 1758*)

Interim Authority

6. The Synod may immediately convert an overture that is to be transmitted under the Barrier Act into an Interim Act which has authority only until the next Synod deals with the returns from Presbyteries, but this may be done only if an immediate change in the law is considered of urgent practical importance.

Rescission of Class 1 legislation

7. Acts passed under Barrier Act procedure may only be rescinded by that procedure. (cf. Act 8, Assembly 1736).

9. This Act may be cited as ACT REGULATING PROCEDURE UNDER THE BARRIER ACT, 2016.

5.40 (intentionally left blank 2016)

5.41 It is competent for the Synod to pass a **Declaratory Act**. This is an Act which declares what the Synod understands the law of the church to be, and is not a means of changing that law. Such an Act may be passed without Barrier Act procedure when it is generally agreed that the declaration is in accord with the old law. But if there is much difference of opinion on the subject,

and if the point enforced be new, in any considerable measure, to the existing members of the Synod, it has been held that, before the passing of such an Act, an overture on the subject ought to be transmitted to presbyteries in terms of the Barrier Act.

5.42 Acts of Synod are titled, listed and numbered by the Synod Clerk so as to facilitate citation, and they are incorporated by the Administration Committee into a regularly up-dated Handbook/Decision Book, classified according to subject/committee. Copies of the Decision Book are made available at a suitable charge to members and other interested persons.

5.43 - 5.46 JUDICIAL FUNCTION

5.43 In its judicial function as a court of review, the Synod takes up and considers references, petitions, complaints and appeals in accordance with the procedure in chapters 6 and 7, and in 5.20 and Synod Standing Orders (see 5.46).

5.44 No question which belongs to the jurisdiction of any one of the lower courts can be decided by the Synod until it has first been dealt with, to some extent at least, in that lower court, and unless it has been duly brought up by reference, petition, complaint or appeal. The Synod may, indeed, originate any question which might have been originated in a presbytery or session, but if it do so, the first step taken must be to remit it to that presbytery or session, unless, on account of some extraordinary emergency, there be sufficient ground for assisting or specially instructing the presbytery or session, or, on account of the presbytery or session being under discipline, for superseding it, and appointing either assessors or a special commission to act in its place.

5.45 It is undoubtedly in the power of the Synod, when it sees sufficient cause, to summon any

member or any court of the church to appear at its bar, or at the bar of its Commission. It may also send precise orders to particular presbyteries and sessions, prescribing the exact course of their procedure in special cases, and giving instructions or prohibitions at its pleasure, provided it keep within the laws and constitution of the church. But the spirit of those laws and that constitution clearly requires that such exercise of supreme authority be entered upon with great caution, and only when a clear necessity has arisen.

5.46 If any case of heresy, contumacy, or obvious and serious misconduct is forced by circumstances upon the attention of the Synod before it has reached any lower court having jurisdiction over the person, the Synod may either remit such a case to the lower court, or deal with it summarily by the direct exercise of its own authority.

5.47 CLOSE OF SYNOD

The business being terminated, the moderator delivers an address, announces the time and place of the next Synod, and closes the Synod with prayer.

5.48 SYNOD STANDING ORDERS

5.48 For the better conducting of its business Synod 1978 adopted standing orders (amended 1979, 1984, 1991) relating to the presentation of motions; time limits for speakers (20 minutes for Conveners/ proposers of motions, 10 minutes for other speakers); procedure in dealing with letters addressed to the Moderator; and the conducting of causes [ie. appeals/complaints] (as far as possible a separate session on the last day of Synod; re voting by Synod members who have not heard pleadings; closed court matters).

CHAPTER SIX: COMMON PROCEDURE

BEHAVIOR/PARTICIPATION

6.1 Business in church courts is to be conducted in an orderly and courteous fashion and in a Christian spirit with a view to the advancement of the Gospel of the Lord Jesus Christ.

Should a person use offensive words in a church court, whether in debate or otherwise, and not, when required by the court, explain, retract or apologise, to the satisfaction of the court, he is liable to the censure of the court. Allowance is made for those not well versed in procedures, but a member unnecessarily raising questions of order, or persisting in violating order, may be censured by the court.

Act concerning Conflict of Interest [Act 1, Class 1, Synod 2011]

Synod remind all church courts that all members are obliged to act with impartiality as servants of Christ, and that where there is or is perceived to be a real or possible conflict of interest whether in financial matters or by virtue of marriage or family relationship, or anything else, that interest should be: (1) declared before consideration of the business, (2) noted in the minutes and (3) the person should withdraw from the meeting unless the court resolves that the conflict is not an obstacle to him participating in the matter, or a specific provision allows him to remain and participate.

The lawfulness of such a resolution may be taken under review in the examination of records if not previously the subject of appeal or complaint. A person or court failing to declare a conflict of interest or breaching the conflict of interest principle is subject to discipline appropriate to the case.

If the court would be without a quorum due to a member or members excusing themselves, then consideration of the matter should be deferred until suitable arrangements can be made to resolve the quorum issue. If the conflict of interest affects the moderator of the court then he should arrange for another member present to moderate the meeting of the court in his absence. If the conflict of interest is anticipated, then these arrangements may be made in advance.

Note: For Synod 2018 ruling re participation of a Student's minister, see 4.49b.

6.2 A vote or decision is commonly taken on the voices or by show of hands, but if a number desire

a secret ballot, this is usually allowed. The numbers voting on any question are recorded in the minutes where a ballot is taken or a count of votes requested.

6.3 Members of a court are expected to attend its meetings. Only a sufficient preventing cause notified to the court relieves from the blame of absence. A member desiring to leave a sitting of a court must seek leave of the court. It is appropriate in judicial cases that members be reminded that justice requires that the pleadings be heard by all who vote in the cause, and no member ought to vote against either side who has not heard the pleadings on that side (cf. Synod Standing Orders).

6.4 CITATION

6.4 Citation is an official act of a court authoritatively and distinctly calling those cited to be present at a particular place and time for a specified purpose. A verbal citation to a person present in the court (i.e. *apud acta*) or a written citation along the following or similar lines, with proof of delivery, are the regular means of citation.

CITATION

To.....of.....take notice that I.....Clerk of the Session of the(or of the.....Presbytery or of the Synod) of the Presbyterian Church of Eastern Australia on behalf of the said court hereby cite you to be in attendance when the said court shall be in session at.....on.....at the hour of.....for the purpose ofand further take notice that if you fail to attend at the place and time specified the said court may proceed to determine the matter in your absence.

*Dated theday of.....19
.....Clerk of*

Citation protects a court from a charge of failing to give an interested party an opportunity to be heard in a matter pending before the court. Censure for contumacy may proceed if two or more such citations are disobeyed.

In practice, in most cases, a verbal request without formal citation should suffice, but if disregarded, censure for non-attendance cannot arise from this less formal mode of citation.

6.5 OVERTURE

6.5a An overture is a formal written proposal with reasons, submitted to a court for the enactment, repeal or amendment of a rule or regulation, or for the interpretation or declaration of any part of the law of the church, or more generally to have something done or declared which is within the competence of the court overtured.

Only matters of general interest to the church are brought by overture. It must be in proper and respectful language and if it relates to legislation, it must indicate the part of the law of the church affected, and state precisely, any changes or additions desired. The following is a specimen of an overture:

OVERTURE

To thePresbytery of the Presbyterian Church of Eastern Australia:

WHEREAS

(here state the grounds on which the overture is made):

NOW THEREFORE the.....Session respectfully overtures thePresbytery to take these premises into consideration andor do otherwise for this object as in its wisdom may seem best.

An overture from a session is addressed, in the first instance, to the presbytery of the bounds. A session or presbytery transmits an overture with an accompanying certified extract minute and forwards it, with or without comment, and normally indicates who will state the overture.

6.5b Before an overture can be stated in the court to which it is addressed, it must be read and received. Reception deals with formality of documents and the legality or competency of the request. By receiving an overture, a court is saying that the business is properly before the court for its attention but is not committed to specific action in regard to it.

6.5c The overture is then stated (i.e. spoken to) by not more than two of the overturists, relevant questions are put to the overturists through the moderator, and a motion to sustain is called for. The overturists, if members of the court, have priority to move the same. Any motion may be approved, amended or disapproved by the court. [If amended the provisions of Act 2, Class 2 Synod 2008 should be kept in mind.]

6.5d If the prayer of the overture is not granted, or is modified, right of appeal or complaint to the next higher court may be exercised.

6.5e The proceedings, in considering an overture, are not judicial, hence stating the overture does not bring parties to the bar of a court nor exclude any overturist who is a member of the court from discussing and voting on it.

6.6 REFERENCE

6.6a A Reference is a document containing the facts of a case which is stated and referred by resolution of an inferior court for the opinion, advice, direction or judgement of its superior court. A reference is transmitted in the form of a properly attested extract minute of the documents and, if there are parties in the case, they must be cited by the court referring so that they may appear for their interests.

REFERENCE

The.....of.....duly convened and constituted on resolved inter alia to refer to thefor opinion, advice, decision, direction or judgement the matter contained in the following extract minute:

Extracted by me from the minutes of the..... of....., theday of, 20....

.....Clerk.

6.6b A court refers a matter to its superior court when it is in doubt as to the correct procedure or the law of the church in relation to it, but it may refer other matters only for sufficient cause. Cases of particular difficulty or delicacy, the decision on which may establish an important precedent or on which the members of a court are much divided in opinion or on which, for any reason, it is desirable that a larger body should first decide, are proper subjects for reference. The matters mentioned in 7.26 must be referred.

6.6c A court may not state a reference merely to evade its proper and ordinary responsibility, and in any such case the superior court declines to enter into the substance of the reference and directs the inferior court to deal with the matter. It may censure the referring court for having referred the case without good cause.

6.6d The reference of a case either *simpliciter* or otherwise to a superior court stops procedure in the inferior court until the superior court has given its decision.

6.6e A reference is first received by the court. Reception relates solely to the formality of documents and the legality or competency of the request without entering into the justification in the particular case.

6.6f After a reference has been received it is presented, stated and questions answered by such of the members as may have been appointed by the inferior court for that purpose. In presenting and stating a reference it is necessary to show what the case is and why it has been referred. The reference is then either sustained or not sustained by the carrying of a motion to that effect. A reference does not place the inferior court at the bar, but only such of its members as may have been appointed by the inferior court to present and state the reference and then only until the reference is sustained, following which they, if members of the superior court, have full right to deliberate and vote on the case on its merits.

6.6g If it is sustained, any parties in the case are called and heard, after which the superior court considers the whole case and decides it, or gives such advice and directions as it deems necessary and sends the matter back to the inferior court that it may take such action as the case requires.

6.7 PETITION

6.7a A Petition is a written and signed request in approved form made to a court and usually relating only to the affairs of the petitioners. It must be in respectful language.

A court may decline to receive a petition containing improper or disrespectful expressions, but it grants to a petitioner through its clerk any advice necessary as to the drawing up of a document in the proper form, and directs that any approach to it which should properly take the form of a petition be put in that form before consenting to receive it. The form is important since it leads to (1) a clear understanding of the issues and whether they are relevant, (2) correct decisions, and (3) avoids waste of time. The proviso, ‘or to do otherwise...’ is important lest, by sustaining a petition, the Court is left only the option of granting its prayer or dismissing it. The following is a specimen of a petition:

PETITION

To the Synod of the Presbyterian Church of Eastern Australia:

This Petition of (name, position) respectfully shows: THAT WHEREAS (here state in logical progression the reasons advanced for the granting of the prayer).

NOW THEREFORE

the.....Presbytery prays the Synod to take these recitals into consideration and.....or do otherwise as in their wisdom they may deem fit. And your petitioner/s will every pray.

Dated the.....day of.....20.....

When a petition is forwarded by a court of the Church to a superior court, the following words are added:

“Mr.....was appointed to present the petition”

and the Petition is transmitted accompanied by an extract minute.

6.7b Any inferior court or any congregation, committee or organisation of the church or any person or group of persons within the jurisdiction of the courts of the church has the right of approach in proper circumstances to the appropriate court of the church by petition, and such court may at its discretion receive and deal with a petition from any person other than the aforesaid. The competent use of petitions to sessions is outlined in 2.19, 2.35 and 3.25 and to presbyteries in 4.29-4.30.

6.7c A petition is lodged with the clerk of the appropriate court, in reasonable time prior to its meeting, any fixed time laid down by Synod being always observed. When a petition affects the interests of other than the petitioner he must supply to them in reasonable time and by either personal delivery or certified mail - (i) a copy of the petition, and (ii) notice of the time and place of the meeting of the court at which he has asked or will ask that the petition be heard, and he must inform the clerk in writing that he has done so. If the court, after receiving the petition, is not satisfied that sufficient intimation has been given to others concerned it orders the petitioner to serve a copy of the petition on them with a citation to attend to which copy and citation is attached the relevant extract of the court.

6.7d A petitioner is a party at the bar. If a member of a court be a petitioner to it, singly or with others, he is at the bar during that business and until it is disposed of. A member who is not a petitioner

cannot present the petition of others, either in his place or at the bar.

6.7e When a petition is presented, the court:

- i) reads the petition or sufficient of it to judge of its nature or character, or holds it as read;
- ii) receives it, after satisfying itself that (a) the petitioner is at the bar of the court to support it, (b) it is the appropriate court to deal with the matter, (c) the matter should not have come forward by some other course, (d) the petition does not contain improper or disrespectful expressions, (e) the petitioner could not have appeared as a party in a case before an inferior court, (f) that the petition ought to be received either in the interests of the church or in justice to the petitioner; or
- iii) decides not to receive it. However, except for obvious incompetency or impropriety discovered in the petition, a decision not to receive it should not be made unless the petitioner has first been heard on the question of its reception;
- iv) having received it, determines what action is to be taken in answer to its prayer, usually hearing the petitioner, and allowing questions first.

6.7f A petition concerning the character of a minister is not served upon him, for this matter can be dealt with only by libel in a process of discipline; but he should be communicated with respecting it and is entitled, without being placed at the bar, to be heard upon it and to take his ordinary part in the discussion of it.

6.8 - 6.28 DISSATISFACTION WITH DECISION OF A COURT

6.8 The right of dissent is open to persons who are, at the time, members of the court which made the decision. [Members at the bar have the right of non-acquiescence/appeal, not of dissent]. It is not absolutely necessary for a contrary motion/amendment to have been moved but the dissenter, in the nature of the case, ought to have tried to persuade the court of his views, especially if he contemplates a complaint to the next higher court.

A dissent may be simple, with or without reasons, or it may be a dissent with complaint to the next highest court. Dissent is a means of

exoneration of individual conscience and frees the dissenter from responsibility for the decision dissented from and thus from any subsequent censure that might arise because of the decision. Dissent does not free the dissenter from any duty which the decision may impose upon him as an office-bearer of the church.

6.9-6.11 SIMPLE DISSENT - WITH OR WITHOUT REASONS

6.9 A dissent without stated reasons may be tendered against the decision of any church court by any member of the court present who has voted against the decision.

6.10 A dissent with reasons may be tendered against the decision of any church court by any member present who has voted against the decision. If the reasons are given in immediately, they are entered in the minutes, but otherwise the court is not obliged to record them, but instead may order them to be preserved with the papers of the court. A court may answer the reasons for dissent with a view to removal of any adverse reflection that may appear to rest upon the court.

6.11 When a member of a court has entered his dissent it is competent for other members who are present and have voted against the decision, to signify their adherence to such dissent and have their names recorded. There is no rule against such adherence being given in at the next meeting of the court, although this course is unusual.

6.12 DISSENT AND COMPLAINT

6.12 A dissent and complaint is a signed document, given in by a person who is, at the time, a member of the court and not at its bar, containing the reasons for dissenting and complaining against a decision of the court (not being the Synod) on which he has voted with the minority, and is designed to bring that decision under the review of the next higher court.

6.13-6.14 NON-ACQUIESCENCE AND APPEAL

6.13 When a person or court is at the bar of a court, whether in process of discipline or otherwise, he may register non-acquiescence in the judgement without appealing to a higher court. Such non-acquiescence exonerates the party's

conscience but does not free him from any obligation the decision may lay upon him.

6.14 A person or court at the bar of a court (not being the Synod) may appeal to a higher court. An appeal is a signed document given in by the party containing the reasons which are the ground of his appeal against the decision of the court and is designed to bring the decision under review of the next higher court.

The party appealing must either give in his appeal at the time the decision appealed against is announced to him or else at that time “protest for leave to appeal”, and the court concerned must inform any parties at its bar of this requirement when judgement is given.

6.15-6.25 PROCEDURE IN COMPLAINTS AND APPEALS

6.15 A court cannot refuse leave to appeal or to complain except as provided in 6.19 below, but such leave expires at the end of ten days (not including the day the decision was announced) and cannot be extended. An appeal or complaint is always held to have lapsed if, at the end of the ten days, the relevant document has not been lodged with the clerk of the court whose decision was appealed or complained against.

6.16 The person who appeals or complains may “crave extracts” from the minutes of the court relevant to the matter, and is entitled to full, but not to partial, extracts of the proceedings and to copies of all relevant papers certified by the clerk of the court. A court may decline to receive a disrespectful or improper appeal or complaint, but it grants through its clerk advice as to the drawing up of a document in proper form.

6.17 The party sends a copy of his reasons with all papers and extract minutes to the clerk of the superior court.

6.18 It ought to be remembered that the relative smallness of presbyteries, infrequency of meetings and long distances, place practical difficulties in the way of complainants and appellants, especially when only part of the case has been heard. It is difficult for substantial justice to be achieved if proceedings are drawn out. Accordingly, an appeal or complaint on a part of a case or on a point of procedure, unless expressly provided to the contrary, ought not stay procedure until the final

judgement is reached, and if no appeal or complaint is taken against the final judgement, all previous appeals or complaints lapse. An appeal or complaint against the final judgement on a case stays execution of the decision or judgement until the appeal or complaint is disposed of by the superior court or it is fallen from.

Complaint or appeal in a case of libel or possible libel of a minister is dealt with as in 7.29(g), and in the matter of a call to a minister as in 4.62.

6.19 An appellant or complainant may withdraw his appeal or complaint at any time and, having formed the intention of withdrawing, he ought to do so without delay.

6.20 If a court against whose decision appeal or complaint is taken considers the action of the appellant or complainant frivolous or vexatious (ie. without valid grounds), it may proceed at its own risk to refuse leave to appeal or complain, but the appellant or complainant retains his right to prosecute his appeal or complaint by bringing a petition to the superior court against the refusal to allow it.

6.21 The court whose decision is appealed or complained against appoints certain of its members (usually two) to defend its decision in the superior court.

6.22 An appeal or a complaint places the parties to the case, namely the respondent court and the appellant or complainant, at the bar of the superior court, and they take no part in judging the case. Members of the court who dissented against the decision are, by virtue of their membership, at the bar also but to the degree appropriate in the particular case any censure which may be ordered does not infer fault in them. The appellants/complainants are duly advised by the clerk of the inferior court concerned of the time, date and place of the meeting of the superior court which will consider the matter.

6.23 In dealing with an appeal or complaint transmitted for its judgement, a court:

- a) calls the parties (i.e. appellants or complainants and the respondent court) to its bar;
- b) hears read the record of the case in the inferior court, and relative documents (copies of these being provided for members where appropriate);

- c) hears the appellants or complainants or, if there are more than two, their representatives to a number it determines;
- d) hears the respondents appointed by the inferior court;
- e) hears the appellants or complainants in reply;
- f) after removing all parties from the bar, deliberates on the case before it.

When parties are removed from the bar, it is at the discretion of the court whether they are permitted to hear the discussion of the case.

No document may be read or appear among the papers of the court (printed or written) unless it was before the court of first instance, or was offered to it and rejected, and has thence come up regularly. [Of course this does not preclude the preparation of a summary of the case prepared by request of the superior court from the documents before the inferior court.]

6.24 A court *dismisses* an appeal or a complaint if it finds the decision of the inferior court to have been one which was both lawful and open to that court upon the information before it, and its procedure not to have been such as to prejudice the right determination of the case.

6.25 When an appeal or a complaint is dismissed, the decision of the inferior court stands affirmed. Dismissal on the ground of incompetency is not permissible without the appellant or complainant being heard in respect of it.

6.26 A court *sustains* an appeal or a complaint (a) if it judges that the decision of the inferior court was not lawful or not open to it upon the information before that court, or (b) if it finds the procedure of the inferior court to have been prejudicial to the right determination of the case.

6.28 When an appeal or a complaint is sustained, the decision is not necessarily reversed, but may be altered in part or in whole, and the matter may be remitted back to the inferior court with instructions.

6.29 When the court has reached a decision, parties are recalled to the bar and the decision announced to them.

6.30 PROTEST

6.30 In the nature of the case, appeal or dissent with complaint are not available in the highest court (Synod) but the right of written, formal protest is available in that court although it is only used in grave circumstances to preserve liberty of conscience subject to the constitution of the church.

A protest is stronger than dissent with reasons and is open to members of Synod in attendance at the time the decision was made who voted against it, and to parties in the case, and it may be adhered to by others subsequently. It must be submitted immediately following the decision objected to. Of itself, a protest does not imply a refusal to submit to the judicatories of the church or a renunciation of the jurisdiction of the court, since obedience under protest is still possible. Indeed, while the protester remains an office-bearer of the church he will submit himself to the government of the church in accordance with his ordination vows. Of course, a protest may be accompanied by statements which indicate withdrawal or separation from the church, or the protesters may conduct themselves in such a way as to incur the censures of the church, but separation or censurable conduct are not inevitable accompaniments of a protest.

CHAPTER SEVEN: CHURCH DISCIPLINE

7.1-7.22 GENERAL PRINCIPLES

7.1 Church discipline belongs to the government Christ has instituted in his church, and is distinct from the government of civil magistrates. The purpose of church discipline is to uphold the honour of Christ, to maintain the purity of the church and to restore the offender. It deals chiefly with church members (including office-bearers), but the adolescent children of members, and all adherents, are also subject to it when they fall into flagrant sin.

It admits of nothing as a ground for its action but what has been declared censurable by the word of God or by some act or practice of the church agreeable to the word of God.

Church discipline does not apply to every kind of sin but to those sins which occasion scandal, or tend, by their character, to bring open reproach upon the cause of Christ, or to interfere in a definite way with spiritual edification. Inquisitional watching of private conduct, meddling with family concerns, or attempts to drag secret sins into the light are discountenanced by the presbyterian system of action.

7.2 No discipline, other than private discussion, can be exercised for an offence committed, or alleged to have been committed, more than five years before the charge is made, unless it be of a most serious kind (e.g., bigamy), or becomes again flagrant.

7.3 No case of discipline, upon which a final decision has once been pronounced in regular form by a competent church court, can be renewed again by any process, unless it can be shown that new grounds of action have arisen which were not before that court.

7.4 Any member bringing a charge against a fellow member, lightly or maliciously, or without previous communication with the party charged, thereby becomes liable to censure, and is himself dealt with as an offender.

7.5 Censurable offences may be private or public. Private offences do not include every breach of God's law but those only which cause offence, or tend to bring reproach upon Christ's cause, or mar edification, and are known only to a few. In these

cases, the offender is not instantly to be brought before the session but is to be dealt with in the manner prescribed by the Lord Jesus Christ in Matthew 18.5. If the offender accepts a private admonition, no more mention is made of the matter. It is only when private admonition has not the desired effect that the offence is taken up in a formal way by the session.

7.6 Public offences are offences of a flagrant and open kind. These are dealt with in a judicial way for the offender's spiritual good, the purity of the church and the glory of its Head. The first object is to get at the truth, either by the person's own confession, or by credible witnesses. The ultimate object is to lead the guilty person to repentance by the use of Scriptural means to bring him to a sense of his sin.

7.7 It is competent and proper that a person against whom a *fama* (prejudicial report or rumour) prevails which has not yet been proved be suspended from church privileges, since it would not be for edification that such a person should partake of privileges while subject to a charge. But such a suspension is quite distinct from a suspension as a censure passed as a sentence at the close of a judicial investigation. An office bearer under preliminary suspension from privileges is also *ipso facto* suspended from the exercise of his office.

7.8 A court may proceed in a case of discipline on the ground of public report, but no judicial charge is made until it is ascertained that the *fama* is of a distinct character, and the offence to which it refers a fitting subject of discipline. Offences committed in the presence of a court or confessed to the court by the offender may be dealt with summarily, but in all other normal cases, no charge is proceeded with until it has been reduced to writing and the person charged has been cited. In case of refusal to appear after a second formal citation, the court may deal with the charge in his absence, and the offender also becomes liable to censure for contumacy (see 6.4). If the person charged is present, citation orally in the presence of the court is sufficient.

7.9 Discipline is exercised according to the nature and gravity of the offence by means of:

a) admonition

- b) rebuke
- c) suspension from privileges
- d) deposition (if an office bearer)
- e) excommunication, either greater or lesser

which are imposed according to the nature and gravity of the sin.

7.10 *Admonition* is administered either privately or before the court for any act manifestly inconsistent with Christian practice, and consists in solemnly addressing the person found guilty, placing his sin before him warning him of his danger, and exhorting him to greater circumspection.

7.11 *Rebuke* is administered in the court by the moderator, and consists of the solemn expression of reproof and censure in the name of the Lord Jesus Christ, and is administered when a person charged with a scandalous offence is either convicted, or has made confession of guilt.

7.12 *Suspension* or temporary deprivation of either church privileges or office is resorted to when the gravity of the offence demands it, and also when, after a profession of repentance and promise of amendment, the profession is not borne out and the promise not kept. The suspension may be removed as soon as the court sees sufficient ground for doing so.

7.13 *Deposition* refers to office bearers, and involves the judicial removal of the offender from his office, as well as the loss of all rights and privileges belonging to it. It is pronounced upon conviction or confession of some gross immorality, or of heresy or in consequence of contumacious resistance to the authority of church courts or serious inconsistency of conduct or departure from ordination vows. An offence necessitating deposition may not necessarily require suspension from privileges of membership (eg some departures from ordination vows).

7.14 *Excommunication* in its lesser and more usual sense is striking the offender off the roll and declaring him no longer a member of the church, and is applied in cases of peculiar aggravation as when the offence is obstinately denied although fully proved, or if acknowledged is defended, and when the individual continues impenitent. In this lesser sense of excommunication, one could also include those deletions from the membership roll which are made by resolution of session when a person has left the district without requesting a

disjunction certificate, or has continued in absence from church services without proper cause for a period of at least one year. Where possible, such persons are to be communicated with and intention intimated before removing their names. Obviously, removal from the roll in these circumstances does not necessarily imply seriously censurable conduct.

7.15 *Excommunication* in its higher sense (I Cor 5:4-5; I Tim 1:20) is inflicted with the authority of the presbytery for grave and flagrant sins, and consists in the pronouncing of the sentence of excommunication on the impenitent person, after due public intimation and public prayer for his repentance. Before the minister pronounces the sentence, he is to pray and desire all the congregation to join with him in it, that God would grant repentance to the obstinate person, would graciously bless his own ordinance and make the censure effectual, both to edify others, and to be a means to reclaim the obstinate sinner.

“After the pronouncement of this sentence, the people are to be warned that they hold that person to be cast out of the communion of the Church, and that they shun all unnecessary converse with him or her; nevertheless, excommunication dissolveth not the bonds of civil or natural relations, nor exempts from the duties belonging to them.” [Form of Process, viii.17, General Assembly, 18 April, 1707].

7.16 Confession, and an apparently sincere profession of repentance, when duly weighed by the court, and found to be satisfactory as far as man’s fallible judgement can reasonably go, form a sufficient ground for removing a sentence of suspension or excommunication and restoring the party to the full communion and fellowship of the church. Care should be taken to distinguish between sincere and false expressions of repentance.

The church makes no claim to absolve from sin in the sight of God. But assuming the genuineness of outward professions and appearances, she proceeds on the supposition that the offender has already sought and obtained forgiveness through the atoning blood of Christ. On this basis, the moderator of the court pronounces sentence of absolution in the name of the Lord Jesus.

A member who has been subject to discipline and is duly restored, is thereby entitled to be held

in tender and brotherly regard by all his fellow members.

7.17-7.22 TRIAL PROCEDURES - EVIDENCE ETC.

[See 7.50 for procedures for Interviewing Women, Children and Vulnerable Adults [Act 12 Class 1 Synod 2012] and 7.51 for procedures in case of allegation of child abuse or sexual misconduct.]

7.17 The following order is observed in the trial of a case:

- a) the moderator states the case.
- b) the statement of charge is read and the accused heard in answer.
- c) when confession is not made and the case proceeds, the witnesses for the prosecution first, and afterwards those for the accused, are called, both being subject to cross-examination. Where, from any sufficient cause the personal attendance of a witness cannot be obtained, a statutory declaration or affidavit may be received.
- d) the parties having been heard, the accused is removed as also is the prosecutor (if not a member of the court - but see 7.18a)
- e) the court proceeds to consider the evidence and to make a decision in the case
- f) the decision is pronounced and the judgement entered upon the record. The accused is recalled to the bar and the decision intimated to him by the moderator.

7.18 The accused is entitled to a fair trial based on Christian standards. The following points indicate the principles involved in taking evidence:

- a) The testimony of more than one competent witness is necessary in order to establish any charge. Insane persons are not competent witnesses. Children apparently aware of the duty of telling the truth may testify, but their evidence may need corroboration by adults. Bad character does not disqualify a person from testifying, but does affect his credibility.

A member of a court is not disqualified from sitting as a judge by reason of having given testimony or acted as prosecutor in the case, but it is usual and desirable for a witness who is a member of a presbytery prosecuting a libel on its own initiative to abstain from judging the case, or for the presbytery, after taking the evidence, to refer the case to Synod for judgement (see 7.36).

Professional counsel is not permitted as such to appear and plead in cases of process in any court. A next friend may be allowed in exceptional cases of mental or emotional disability to assist the accused.

Witnesses are examined on a solemn affirmation administered by the moderator, and in the presence of the accused or, if the accused is absent, after he has received due notice to attend. A witness ought not to be in court while previous witnesses are examined.

The solemn affirmation administered to witnesses is:

“I solemnly affirm by Almighty God, and as I shall answer to God in the great day of judgement, that I will tell the truth, the whole truth, and nothing but the truth, so far as I know, or shall be asked.”

Each witness is also required to give a negative answer to the following initial questions:

- i. Has any person told you what to say or promised/given you anything for your evidence?
- ii. Have you any malice or ill-will against any of the parties?
- iii. Have you any personal benefit or advantage in the case?

b) The questions must be substantially pertinent to the case. A witness must give evidence not merely of what he knows but of the source of his knowledge. He must speak of what he himself knows not what he has heard or what a third party may have told him. Such is hearsay – not evidence – and is only permitted in reference to what he heard said by a deceased party, or by the accused or someone in the presence of the accused, if such words directly relate to the issue before the court. A witness may also be asked as to his knowledge of common rumour or reports at the time.

Leading questions, e.g. asking a witness: Did he do or say so and so? rather than: What did he say or do? are not allowed, except in the introductory part of the examination of a witness or when he shows hostility or reluctance, or in cross-examination.

A witness examined on the facts, unless an expert, may not be asked his opinion of the facts but may be asked what belief or impression was produced at the time by the facts to which he testifies.

A witness may refer to writings of his own made at the time, to refresh his memory, but not to those of another. A witness need not answer incriminatory questions - and is advised he need not - but if he declines to answer, the circumstance is, of course, taken as an element of proof.

7.19 Members of the Presbyterian Church of Eastern Australia have a duty to appear as witness when duly cited. Aged persons or other witnesses

unable to appear in person for valid reasons, may submit a statutory declaration, which may be received as evidence.

7.20 When a party is refractory or exhibits an improper spirit, the court may stay further procedure until he is brought to a better mind.

7.21 A member who during a process against him leaves the congregation, or who refuses to appear after having been duly cited, is regarded as a fugitive from discipline, and his name is erased from the roll.

7.22 In cases of discipline, as in other matters, the process may be brought before the next higher court by reference, complaint or appeal (see chapter 6).

7.23 - 7.26 DISCIPLINE BY SESSION

7.23 The session has jurisdiction over the members of the congregation and all its office bearers other than the ministerial members (2.13)

7.24 Many matters subject to discipline by the session can be dealt with in a firm but loving and tender way by discussion with the offender without a lengthy formal process. Care should be taken to ensure that a process is not begun where adequate proof is not available.

7.25 Should a prejudicial report or rumour arise or a charge be brought against an elder or deacon, the session, before proceeding with the case, institutes a preliminary enquiry, and gives the accused an opportunity of offering an explanation. Should satisfactory explanation be offered, the case ends. Great care is necessary to ensure the usefulness of office bearers is not imperilled by either hasty taking up of ill-founded allegations or failure to deal with the cause of allegations.

7.26 There are some cases of special offence, difficulty, or general concern that require to be referred to the presbytery. These cases include serious heresy or schism, as well as incest; adultery; fornication the third time; when a woman declares she does not know who is the father of her child; when it is desired to proceed to the greater excommunication (7.14); and other like matters, such as homosexual behaviour, child abuse ~~falling short of actual incest~~ and serious marriage breakdowns. In these cases the session deals with the offender with a view to confession, and then,

confession or not, refers the case to the presbytery (6.6), citing the offender (6.4) to appear with session before the presbytery. As it is usual for the presbytery to send the case back to the session, with or without instructions, disregard of the citation by session is not considered censurable, yet it ought to be obeyed. The procedure for interviewing, women, children vulnerable Adults must be followed.

7.27 - 7.28 DISCIPLINE BY PRESBYTERY

7.27 As a court of review the presbytery judges of matters which come up by way of appeal, complaint or reference.

If the nature of the offence is one which does not require reference to presbytery in terms of 7.26, "the presbytery is to exercise great prudence, doing justice to the innocent, yet so as not to weaken the kirk session's authority in that congregation, if in justice it can be avoided" (*Form of Process, Assembly of 1707, v.7*). The same authority also requires censure of appellants found malicious or litigious whose appeals are not sustained, and censure of appellants whose appeals are sustained but who are found to have been guilty of the offence dealt with by the session.

If the nature of the offence is one which requires reference to presbytery in terms of 7.26, the rights or wrongs of any appeal or complaint need not occupy much time, but the presbytery is warranted to enter at once upon the merits of the case.

7.28 Through its function of review or otherwise a presbytery may become aware of matters requiring discipline in a congregation, but in all ordinary cases the session concerned is first to be directed to attend to the matter.

7.29-7.42 DISCIPLINE OF MINISTERS

7.29 The presbytery has jurisdiction over ministers and licentiates residing within its bounds. A session may and should discuss concerns about the minister's work with him, but it has no right of discipline over him.

In the case of prejudicial reports or allegations to the discredit of a minister or licentiate, the presbytery proceeds as follows:

- a) Ministers (and all presbytery members) ought to stir one another up in the common faith. Hence, friendly remonstrance with respect to their shortcomings and

timely admonition can avert the necessity for more formal procedure at a future time.

- b) Allegations against a minister which do not involve unsoundness in doctrine or morals, or views or practices opposed to the order, unity and peace of the church, ought not to be rashly entertained. The knowledge and understanding of those who make allegations should be closely considered before the adoption of any action concerning them.
- c) If alleged errors are serious, striking at the vitals of religion, if they are strongly upheld or spreading among the people, a formal process by libel may be necessary.
- d) If the complaint against a minister involves a multitude of smaller things laid together, a special presbyterial visitation of the congregation is usual (4.44). In this case a careful investigation of the character and origin of the allegations must be made, whether they were ever made previously - if not, why not, and if so, why now brought up. The presbytery, if satisfied thus far, then seeks to discover what was done to acquaint the minister with the offence given by his conduct, and how far the offence has continued after such advice. The presbytery also seeks to discover if any of the complainants, in a prudent and private way, had first sought assistance from one of the neighbouring ministers before their complaints had reached a stage demanding the involvement of presbytery.
- e) If by visitation or otherwise the presbytery find a *prima facie* case of acts of carelessness or passion on the part of the minister which can be resolved without continued hindrance to the ministry of the word, then all prudent steps are taken to satisfy all parties, rebuke their respective errors, and so do away with the offence.

A minister who considers himself aggrieved by the raising of any question regarding his conduct, or if he object to any investigation without regular trial, is entitled to demand that a libel be drawn up and served upon him before he will discuss the subject of the allegations with his co-presbyters. Circumstances may occur which would justify him taking this ground, hence it may be sometimes necessary to proceed by libel with respect to charges which do not of necessity involve a great penalty. However, it is generally more consistent with the spirit of the Gospel that he should, at the very first, speak frankly and directly with those who propose to deal with him.

It ought to be carefully noted that no appeal or complaint at any stage of presbyterial action in a case or charge or *fama* which involves a libel of a minister or which may lead to the necessity of

serving a libel against a minister, has the effect of staying procedure until the libel has been both served and found relevant.

7.30 A *libel* is the name given to a form of process consisting of two propositions, a major and a minor, with a conclusion.

The major proposition states that certain teachings or practices are contrary to or inconsistent with the standards of the church. The establishing of this, together with the logical coherence of the minor proposition and the major proposition, is known as *relevancy*.

The minor proposition states that the accused has taught or done so (and specifies the leading particulars). The establishing this is known as *probation*.

After due hearings the church court must state the *conclusion*, the action to be taken with the accused.

As a written, regularly arranged statement of charge a libel must be signed by the party or parties prosecuting, and a list of witnesses and documents adduced in support of the charge embodied in it must be appended. It is of great importance that care be taken to frame a libel with accuracy, so as to avoid grounds for questioning its relevancy. A libel against a minister cannot be adopted until it has been submitted for revision to the Synod Law and Advisory Committee (5.9).

7.31 The grounds that may warrant or require a presbytery to entertain or frame a libel against a minister or licentiate are three only:

- a) a person (or court) giving in a written complaint against the life or doctrine of the minister with some account of its probability, and undertaking to make out a libel;
- b) a person (or court) undertaking to make out a libel containing a charge as in (a), under the penalty of being censured as a slanderer if he fails to do so;
- c) a prejudicial report being so great that a presbytery, for their own vindication, find it necessary to begin a process without any particular accuser.

7.32 The principles in 7.29 are to be observed. In particular, since allegations against a minister, once raised, are not easily cleared away, a presbytery must weigh well the measure of credit due to the quarter from which the allegation proceeds, and must also ensure that a charge likely to be incapable of proof is not proceeded with. Also, the presbytery ought to do what it can, in the spirit of love and faithfulness, to bring a man

against whom it finds good ground for entertaining or framing a libel to confess.

7.33 When a presbytery finds it necessary to be the libeller of an ordained minister it proceeds in this way:

- a) A libel is drawn up and revised (7.30).
- b) The accused is summoned, with 10 clear day's notice, to attend a meeting of presbytery at which the propriety of serving the libel is to be considered. A copy of the proposed libel must accompany the summons.
- c) At the meeting the presbytery considers carefully the relevancy of the libel - that the offence specified in the major proposition is truly such and that the libel is logically sound. The accused, if a member of presbytery, remains such during this stage and is entitled to participate. If the presbytery judge the libel to be irrelevant the proceedings cease, unless the irrelevancy is corrected by complaint, appeal or reference to Synod. If only part of it is found irrelevant the case may proceed on the part that has been found relevant.
- d) After a libel against a minister has been found relevant, the presbytery ought to deal with him anew as to whether or not he is prepared to confess the truth of the charge or charges. For every reasonable consideration ought to be urged in order to persuade a Christian minister that, if an accusation against him is well-founded, it is his duty, both for his own sake and the sake of Christ's cause, to save his brethren or other parties the trouble of adducing proof against him either by witnesses or documents.
- e) If the accused minister persist in his denial of the charge or charges after the libel has been found relevant, the presbytery, if prepared to carry on the case without reference to Synod, must proceed to take the proof, after hearing the libel read over again, and after hearing also any answers that may have been given in on the part of the minister. A formal motion to serve the libel is requisite at this point.
- f) In every case in which a presbytery has resolved to order a libel served on a minister of the church, he ceases by that act to exercise the functions of his office, both ministerial and judicial, until the libel has been disposed of. If a minister objects to the resolution to serve the libel his remedy is by appeal not dissent and complaint.
- g) The whole procedure must be carefully minuted. It is expedient that it should be kept in a special minute book, lest from any proper cause the Synod should order the whole or any part of it to be deleted or destroyed. But it must be considered in the meantime as an integral part of the presbytery's minutes.

7.34 A libel against a licentiate is served before its relevancy is judged upon by the presbytery, but in other respects the procedure in 7.33 applies.

7.35 When a libel against a minister or licentiate is prepared and prosecuted by any other party than the presbytery, it must be presented to the presbytery, and can only be served by their authority. In this case its relevancy cannot be considered judicially until it has been served.

7.36 When a libel has been both served and found relevant it is competent for the presbytery, if it see cause, to refer the case to the Synod, either on the ground that it does not appear expedient in the circumstances for the presbytery to act both as prosecutors and judges, or on the ground that it does not appear expedient for the proof to be taken, except in the presence of those who have the power of giving a final deliverance as to its effect.

7.37 If a minister or licentiate confess himself guilty of any serious offence, such as flagrant or habitual intemperance, or of violating the seventh commandment, it is the duty of the presbytery to depose a minister immediately from his office, or to deprive a licentiate of his licence, and to deal with him otherwise as the ordinary discipline of the church requires, and as may be most for edification.

Where an offence by a minister has not been very flagrant or aggravated, suspension from office *sine die* - that is, indefinitely as to time - has sometimes been considered sufficient censure. But such a suspension is always accompanied by a sentence which looses the suspended minister from his pastoral charge, so that even if he is restored to the status of a minister, he is not restored to that charge.

As by decision of Synod 2007.14 a minister is a member of a congregation with jurisdiction over him in his Presbytery, discipline appropriate to a man as a minister may not necessarily affect his status as a member; in particular, *the deposition of a minister does not remove him from membership of the church unless the deposition is accompanied by excommunication.*

7.38 In inflicting censures upon ministers and licentiates a presbytery may either be called upon to execute its own judgements, when there is no appeal or complaint against them, or when they are

confirmed by Synod, or it may be instructed to execute the judgements of the Synod.

7.39 If an accused minister, when duly cited, does not appear, and either leaves the locality or shows himself contumacious in some other way, without furnishing any relevant excuse, the Presbytery is required to hold him to have confessed, and to depose and censure him immediately with the lesser excommunication. If, after some time, he does not return and subject himself to discipline, he may be proceeded against so as to be censured with the greater excommunication, if the presbytery sees cause.

7.40 The full citation of a minister who does not obey an ordinary citation is a public citation from the pulpit of his church.

7.41 A tendered resignation of his office by a minister cannot stop procedure by libel against him for no resignation can be accepted unless the presbytery is satisfied no scandal or heresy can be justly brought against him.

7.42 It is competent for a minister to be restored to his status, and for a licentiate to have his licence restored, upon profession of repentance which seems to be borne out by a course of consistent conduct. But great caution is necessary in entertaining the question of such restoration. Such restoration may be granted either by the presbytery which pronounced the sentence or by the presbytery having jurisdiction over him at the time when application for restoration is made, but the case is first referred to the Synod for advice and direction.

7.43 - 7.49 DISCIPLINE BY THE SYNOD

7.43 The chief action of the Synod in reference to discipline lies in the exercise of its powers as a court of review. Very serious questions as to the relevancy of libels, as to the competency and effect of evidence in cases of libel, and as to the procedure of presbyteries in judges of matters before sessions, may come up to the Synod by appeal, complaint or reference.

7.44 In dealing with questions of evidence duly brought before it, the Synod cannot have the witnesses personally before it so as to judge of their statements by seeing and hearing them while they give oral testimony. The Synod must form the best judgement it can from the recorded evidence

transmitted to it by the presbytery, and from the pleadings of the parties at the bar of Synod. When the papers in a case are considerable in number they should be put in an orderly form and reproduced for the use of members of the court in judging the case.

7.45 If the examination of a presbytery's records by the Synod reveals what it regards as an irregularity or neglect on the subject of discipline, it is the function of the Synod to correct such irregularity or neglect according to the nature of the case. Thus it may reverse a judgement, or reverse a judgement and instruct the presbytery how to proceed, or it may call the presbytery's attention to a matter as requiring investigation, or as requiring more investigation than the presbytery has given it.

7.46 If any case of obvious scandal, or heresy, or contumacy is forced by circumstances on the attention of the Synod before it has reached any lower court having jurisdiction over the party, the Synod may either remit such a case to the lower court, or deal with it summarily by the direct exercise of its own authority.

7.47 In the event of a reference coming to Synod in terms of 7.36, the Synod may either differ from the presbytery as to the question of expediency, dismiss the reference, and require the presbytery to try the case themselves; or, secondly it may sustain the reference, and resolve itself to try the case, or appoint a Special Commission to do so.

7.48 The Synod is the supreme court of the church beyond which there is no formal power of appeal and a matter there rests for the judgement of the Most High. At any stage of procedure brought constitutionally under its view, the Synod may either give special instructions to a presbytery, or appoint assessors to assist a presbytery, or appoint a Special Commission to deal with a matter for the right conduct of which the presbytery may be disabled by any peculiarity of circumstances. But, notwithstanding the general principle which would justify such interference by the Synod in extraordinary emergencies, it is held that without an extraordinary emergency special legislation is necessary to warrant any disturbance of the ordinary course of discipline, even by the authority of the Synod.

7.49 If a libel involving a charge or charges of scandal or heresy is found proved by the Synod, the sentence following upon such a judgement may

either be pronounced by the Synod, or reserved for the action of the lower court in following out the Synod's instructions.

7.50 INTERVIEWING WOMEN, CHILDREN AND VULNERABLE ADULTS
[Act 1, Class 1 Synod 2012]

1. Whereas the Synod reaffirms the need to have clearly defined procedures available for all Church Courts to follow; and

2. Whereas it is imperative that the Church meets the standards set out in civil regulations for best practice in modern society, particularly with regard to the interviewing of women, children and vulnerable persons, and in so far as these standards do not involve principles or practices in conflict with Scripture; and

3. Whereas sensitivity applies in all situations where women appear before an all-male Court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature are raised; and

4. Whereas the Free Church of Scotland enacted under Barrier Act with the consent of all Presbyteries identical legislation to that now proposed except for the necessary modifications to relate it to this Church;

WHEREFORE it is hereby enacted and ordained that:

1. Where judgment is announced with information that a complaint has been lodged by a member of the Church court, parties before the court should be informed of the possibility that the complaint may be abandoned so that the decision complained against stands. This possibility may be a factor in whether or not a party before the court decides to appeal.

2. It is open to anyone who appears before a Church court to be accompanied by a friend or support person. Depending on the circumstances of the case, the support person may be legally qualified. On such occasions, the Church court itself should arrange to have a legal assessor present. The court should receive no less than seven days notice of such attendance in order to make its own arrangements, if required.

3. Sensitivities apply in all situations where females appear before an all-male court, especially in relation to breaches of the seventh commandment or in any matter where questions of an intimate nature arise. If a female is a potential witness in a matter which could lead to the disciplining of a Church member, another female should, where practicable, conduct the initial interview of the female, for the purposes of obtaining a precognition, which could inform the decision whether to institute disciplinary process.

In any such situation, the following regulations shall apply:

(a) The female who provides such assistance should be a mature believer, preferably a communicant member of the Presbyterian Church of Eastern Australia, or, where this is not possible, a professing Christian in another denomination. Such a female should possess appropriate professional qualifications and experience of the procedures and issues involved in interviewing females, whether from a legal, social work or similar background.

(b) The female must be appointed by the Church court involved. No interviews should be conducted by individuals who are not so appointed.

(c) The principal questions should be prepared in advance by the relevant Church court in liaison with the female who is to undertake the interview. At the discretion of the interviewer, supplementary questions may be asked in the light of answers received.

(d) Presbyteries are responsible to keep a list of suitably qualified females to undertake such interviews.

(e) Interviewers' reasonable expenses shall be paid by the appropriate court.

4. In the event that, having considered the precognition obtained, the Church court considers that a disciplinary process should be instituted, the general procedures applicable in all Church courts, as set out in the *Handbook of Practice and Procedure* shall be followed. In the event that it is deemed necessary to have a female give evidence to a Church court the court should consider in advance whether or not any special measures – such as giving evidence from behind a screen or via live video link or by a prior written statement or with a supporter - are practicable and appropriate. Before reaching a decision on whether such measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.

5. In circumstances in which a minister or elder requires to interview a female in confidence, for example in connection with a pastoral matter, he should carefully consider the most appropriate venue for such an interview so as to ensure, so far as possible, that others are in close proximity.

6. Church courts should ensure that in all instances of the interview of a child (being a person under the age of sixteen) or other vulnerable witness (being a person who is not a child but in respect of whom there is a significant risk that the quality of his evidence would be diminished by reason of mental disorder or by reason of fear or distress in connection with giving evidence), the interview is conducted in a skilled manner and in a low-key

environment, with questions being simple and non-leading, and with the child or other vulnerable witness being given a break or rest period at any time requested. Careful reflection is necessary, having regard to the whole circumstances of the case including the welfare of the child or other vulnerable witness, before any Church court seeks to have such a witness give evidence on a matter involving Church discipline.

7. If it is deemed necessary to have a child or other vulnerable witness give evidence to a Church court the court should consider in advance whether or not any special measures - such as giving evidence from behind a screen or via live video link or by a prior written statement or with a supporter - would be practicable and appropriate. If there is a significant risk that the quality of the witness's evidence would be diminished through mental disorder, fear or distress, or if it is felt that the giving of evidence without such special measures would be detrimental to welfare of the witness, an appropriate measure from such measures should be introduced where practicable provided its introduction, in the particular circumstances of the case, would not prejudice the legitimate rights of the party who is the subject of the disciplinary process. Before reaching a decision on whether any such standard or special measures are appropriate, parties to the disciplinary process should have an opportunity to be heard.

8. An individual who is the subject of a disciplinary process in connection with an allegation of sexual misconduct shall be prohibited from conducting his own defence. In such circumstances, a representative shall be appointed to conduct his defence.

7.51 PROCEDURES FOR DEALING WITH ALLEGATIONS OF CHILD ABUSE AND SEXUAL MISCONDUCT Act Class 1 of Synod 2014 (repealing Act 6 Class 2 Synod 2004 as amended) [**For Church Safe Policy & Code of Conduct (Class 1 Synod 2019) see page 119ff.**]

A. Introduction

1. Sexual assaults against children are almost always pre-meditated, involving predatory acts of grooming, manipulation, self-gratification and exploitation, and occur widely across the various socio-economic areas. Child sexual assault is generally perpetrated by a male in the vast majority of cases and is more likely to be perpetrated by someone known to the child or their family

(research varies but commonly finds between 85% and 95% of the time). Of those offenders known to the child most commonly the offender is not living with the child (approx 70%). Child sexual assaults involve shame, silence and secrecy and for these reasons often are not reported for many years.

2. While mindful of the possibility of baseless allegations the Church does not condone or tolerate any acts of sexual misconduct, whether directed toward children or adults and will seek to prevent their occurrence. (Refer also to Guidelines for Church Workers, Synod 2004 as amended 2013 which is to be inserted at the front of each minute book of each Congregation.)

3. At least once year the an affirmative answer to the following questions shall be given by all Session members and all members of Presbyteries and duly minuted in Session and Presbytery records: *Ministers and elders are reminded of their obligation to keep watch over the flock of God and in particular to the care of the young and the vulnerable. Are you familiar with the Guidelines for Church Workers passed by Synod? Are you faithfully keeping to them? Are you aware of your obligations under State and Church law concerning the reporting of suspected or actual cases of child abuse or child pornography?*

B. Basic Principles

1. In the event of a disclosure or allegation that there is reasonable ground to suspect a child has been, or is being harmed the matter must be reported to the Police. In addition, any particular requirements of Federal or State law must be followed. Generally, reasonable grounds are a belief that a child may be in need of protection based on situations where:

- A child states that they have been sexually assaulted or abused.
- A child states that they know someone who has been sexually assaulted or abused (sometimes the child may be talking about themselves).
- A relative, friend, acquaintance or sibling of the child, states that the child has been sexually assaulted or abused.
- Professional observations of the child's behaviour or development lead the professional to form a belief that the child has been sexually assaulted or abused.
- Signs of sexual assault or abuse lead to a belief the child may have been abused.

At this stage allegations of child sexual assault

when the alleged victim is still under 18 years of age, must not be investigated further by the church and neither the child/young person or the accused should be questioned by the church. The matter involves criminal behaviour and, like other criminal offences, must first be investigated by the Police as soon as possible.

2. Where the victim is now an adult, the Church encourages the offence to be reported to the Police but where adult victims do not wish to proceed or be identified because of the victim's fear of not being believed, or being not comfortable with, or trusting of, authority figures, or because of a sense of isolation by their own fear, shame and self-persecution, an alternative process of reporting to the Police in a non-confronting way without having to give a detailed statement *and/or* which will facilitate the passing on of information regarding alleged offenders and offences to police should be used, subject to any applicable State legislation.

3. Whether or not the offence is admitted at the time the offence comes to notice, the alleged offender is suspended from church privileges as an interim measure until Police investigations (if applicable) are completed. If no admissions are made the suspension is not disciplinary but for good order pending establishing the facts one way or another. Any Police investigation has priority. If clear admissions are made they should be secured in writing, and the church court may proceed with appropriate discipline in accordance with the Handbook of Practice and Procedure. If sexual abuse is involved the Session refers to the Presbytery before final sentence (cf. *Handbook* 7.26).

4. The accused person must have no further contact with the person making the accusations until the investigations have been completed. This is especially important if the offence alleged is one involving a minor or minors. In such a case, the accused person must have no further official contact with, or control of, any minors.

5. It is possible that charges arising from the Police investigation may not be proved to the satisfaction of the civil court. Nevertheless, the standards of conduct required by the Word of God are to be maintained by the Church. Irrespective of any other action that may be taken, the Church reserves the right to exercise its own powers of discipline over adherents, members and office-bearers, according to the *Handbook of Practice and Procedure*:

a. Allegations against a minister or licentiate must be dealt with by his Presbytery. The allegation should go immediately to the Clerk of Presbytery, (or to the Moderator if the Clerk is the one accused) who will inform the other members of the Presbytery and arrange with them to conduct a preliminary investigation into the matter, with Police investigation having priority as in 1 above.

b. Allegations against other office-bearers, members and adherents are dealt with by the local session in the first place. The allegation can be taken to any elder, who must immediately inform the remainder of the session which will arrange to conduct a preliminary investigation, with Police investigation having priority as in 1 above. If the Session concludes that a *prima facie* case exists against the accused person, it should deal with him or her with a view to confession, but, if the allegation involves the sexual abuse of a child, then, whether or not the person confesses, the matter must be referred to the Presbytery of the bounds in terms of section 7.26 of the *Handbook of Practice and Procedure*.

6. The Law and Advisory Committee shall ensure Sessions and Presbyteries are kept up to date with the legal requirements in their State with regard to offences of child abuse, and shall assist in the clarification of procedure or securing of legal advice as may be necessary.

PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA

SAFE CHURCH POLICY and CODE OF CONDUCT

Interim Act of Synod 2018 and Class 1 Act of Synod 2019 (19.24)

SAFE CHURCH POLICY

1. Introduction

Christians are required by the Lord of the Church to think, speak and act in ways that are God-honouring, biblically obedient and motivated by the Christian values of love, mercy and justice. Unfortunately, perpetrators of crimes often seek out churches because they are welcoming, while Christians can also backslide into serious sin. Accordingly, the Presbyterian Church of Eastern Australia, in applying the principles of God's Word, has adopted this fuller Safe Church Policy and the associated Code of Conduct for Church Workers.

This policy is a public document highlighting our resolve to maintain a safe church for all who attend our ministries. It is a privilege to serve Christ in working with all those who entrust themselves to our care, particularly children and young people, as we help them to become and to mature as disciples of Jesus Christ.

However with this privilege comes responsibility. We have a high calling to protect the vulnerable among us, especially the young, and it comes from the Lord Jesus Himself. *“Let the little children come to me, and do not forbid them; for of such is the kingdom of God. Assuredly, I say unto you, whoever does not receive the kingdom of God as a little child will by no means enter in.”* And He ... *blessed them.* Mark 10: 14-16. Just as those first century children felt safe and secure with Jesus, so all children should feel safe and secure in our care. Their parents should also feel confident in leaving their children with us, knowing that we shall protect them from harm, whilst sharing the love of Christ in word and deed.

Parents have the primary responsibility to teach and to protect their children and they need to be assured that church leaders will similarly teach good things and protect their children. Church leaders undertake their task with responsibility towards parents and towards God. This policy seeks to fulfil the expectations of parents as well as society in these matters. These are set down in state laws but biblical standards are even higher, particularly when it comes to the care of children (including the unborn), the disabled and the elderly.

2. A Biblical Perspective

Firstly we recognise that sin not only affects our relationship to God but also our relationships with one another. The Bible defines and deals with the problem of sin as the root cause of the abuse and miseries we see in society. The institutional church is not free from such abuse as it is comprised of sinful people at varying levels of Christian commitment. But the church should be conforming to God's standards.

In His teaching summarising the Ten Commandments, Jesus said, 'You shall love your neighbour as yourself' (Luke 10:27). Jesus pronounced severe punishment upon anyone bringing offence or harm to 'one of these little ones' (Luke 17:2). The church therefore should always be ready to help the poor, the young and the vulnerable and to defend them from harm and exploitation. This teaching underlies our Safe Church practices.

In the law given through Moses there were many regulations designed to provide for, and to protect, 'the stranger, the fatherless and the widow' (Deuteronomy 14:29, 24:17-22, 26:12-13, 27:19, Psalm 82:3-4, Isaiah 1:17, Jeremiah 7:5-7, 22:3, Zechariah 7:9,10). This law reflected the heart of God himself, and Jesus reflected the same heart of love. He was moved with compassion for the widow of Nain (Luke 7:13), and for little children (Matthew 19:14).

James writes, 'Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble, and to keep himself unspotted from the world.'(James 1:27).

Biblical standards include those of justice as well as mercy. These standards make provision for false allegations of abuse, either mistaken or deliberate, which may arise in the Church. This is also a serious offence (Deuteronomy 19:16-21) as persons falsely accused in public can suffer loss of reputation and health. Therefore, when an accusation is made it is important that we, as a church, judge with righteous judgment (Proverbs 17:15). 'The house of God, which is the church of the living God, (is) the pillar and ground of truth' (1 Timothy 3:15).

The Bible requires us (as per the principle in Deuteronomy 22:8) to do our best to foresee possible sources of danger and put in place reasonable safeguards. We also recognise the need in doing this to strike a sensible balance between taking precautions on the one hand and, on the other, not being unreasonably oppressive when it comes to guarding against possible scenarios.

3. Outline of Principles and Practices by the PCEA and its Congregations

As a national organisation, the Presbyterian Church of Eastern Australia is committed to safe ministry by the following principles and practices:

- advocating Biblical ministry which values children, young people and the vulnerable.
This will result in a safe, friendly and nurturing environment
- complying with Government requirements concerning all vulnerable people
- carefully appointing and monitoring leaders who oversee church ministries
- appointing a 'Protection Officer' in each congregation to promote safe church matters and to keep records
- providing initial and regular follow-up training on safe church matters
- delivering (reporting) to the civil authorities any whose conduct infringe criminal codes
- disciplining (by documented procedures) and counselling any who exploit children, young people, the vulnerable or those who make false accusations
- reviewing and updating this policy on a regular basis (This responsibility will continue under the oversight of the Synod Law & Advisory Committee.)

4. Some Definitions

4.1 Child: A person under the age of 16 years (some laws, under 18 years of age)

4.2 Young Person: A person from 16 to 18 years of age

4.3 Vulnerable Person: A child or someone who by reason of mental incapacity or other disability, age or illnesses may be unable to take care of or protect themselves against harm or exploitation by another person

4.4 Abuse categories

(Serious) physical abuse occurs when a child or vulnerable person is severely and/or persistently hurt or injured. It can occur in the context of domestic violence. This constitutes a reportable offence.

Sexual abuse occurs when a child or vulnerable person is exposed or subjected to sexual behaviours or threat to commit such behaviours that are exploitative or inappropriate. This constitutes a reportable offence.

It usually occurs when a person uses their power and authority to take advantage of another's trust to involve them in sexual activity. Sexual abuse does not necessarily involve physical contact. It includes any act which erodes the sexual boundary between two persons. It may appear to be consensual, but the validity of consent is negated by the power differential.

Emotional (psychological) abuse occurs when a child or vulnerable person is repeatedly treated in ways that damage their ability to feel, express their feelings and develop self-esteem. This does not automatically constitute a reportable offence.

Neglect is a legally defined term and occurs when a child or vulnerable person is deprived of the basic physical and emotional necessities of life (such as freedom of movement, food, medical care, clothing, housing, education). This may constitute a criminal act and hence may be a reportable offence.

4.5 WWCC: A Working With Children Check is carried out by State Governments, using a national database, to provide a clearance to work with children based on police records. For voluntary workers such clearances are valid for five years and a number is issued. Two forms of identification will be required and an on-line application process is used now.

5. Positions for Ministry

These include the minister and any other paid employees, elders, deacons, carers (including the crèche), Sunday School teachers and helpers, Kid's Club leaders and helpers, Youth Group leaders and helpers and Scripture Teachers (SRE). Most of these positions are voluntary.

6. Code of Conduct for Church Workers

This is an associated document to be followed by all leaders and office-bearers. This Code may be updated from time to time by the Synod through its Law & Advisory Committee.

7. Protection Officer

The Session of each congregation will appoint a suitable Protection Officer (or Officers) who will be responsible for the following:

- promoting to the congregation the details and importance of the Safe Church Policy including the Code of Conduct
- being readily available to answer queries and to provide information to the congregation and others (e.g. parents) when required
- keeping the non-confidential records such as the WWCC documentation and training records for each leader (and other records as outlined below)
- checking on the training of all leaders and liaising with the Clerk of Presbytery concerning training courses
- providing a report to the Clerk of Session annually, or as required

8. Record-Keeping

Within each congregation there will be two sets of Records kept in books or folders (and not to be stored electronically).

8.1 Non-Confidential records showing the list of approved workers, dates of appointment to positions, Working With Children Check approval numbers and dates and training programmes attended; also to be recorded here are the training course programmes delivered to the congregation with name of the providers, objectives, content, dates of delivery and attendees. These records are kept by the congregational Protection Officer.

8.2 Confidential records (as a Record Apart) kept by the Session Clerk and controlled under the privacy legislation of the Church. These records are to contain the details of any alleged abuse and the steps taken to process the alleged abuse with the resolution of the process and any conditions placed on the parties involved with all relevant supporting documents (or attested copies) to be attached. Copies are to be kept with the Session records for 50 years and then archived at the direction of Synod. A duplicate certified copy of the above records should be lodged with the Presbytery Clerk.

9. Selection Process for Church Workers

This is a critical aspect in preventing harm and requires care and patience, with prayer. The most important thing is to appoint godly leaders who are well known members of the congregation. When Paul chose Timothy to be his assistant ministry worker he obtained the opinions of the local church members at Lystra/Iconium (Acts 16:2). We also should be encouraging those who have the gifts for service and leadership.

For those who will be working with children and young people, the following protocols apply:

- applicants must be members of the congregation for at least one year (less time approved only if they are well attested from another congregation of the PCEA)
- applicants for leadership positions must be approved by the local Session
- before they commence working as a leader they must have a WWCC clearance
- they must undertake initial and follow-up training as prescribed by Presbytery

- they must continue regularly at the public worship in the congregation
- they must have ongoing supervision and mentoring by an elder

10. Procedures for Dealing with Alleged Abuse

(Please refer to the PCEA Handbook of Practice and Procedure: **7.51 PROCEDURES FOR DEALING WITH ALLEGATIONS OF CHILD ABUSE AND SEXUAL MISCONDUCT**. Act Class 1 of Synod 2014)

Our church is committed to processes that strive for truth and confidentiality and will treat all allegations seriously and act upon them. A child may disclose, deliberately or inadvertently, that he/she is a victim of abuse. Alternatively there may be reasonable grounds to suspect that a child has been or is being abused. 'Reasonable grounds' is a subjective concept, but this does not remove responsibility from a person to act.

We are to ensure as far as possible that a compassionate response is a priority in all reported allegations especially at the time when details are sketchy and it is not yet certain that the allegations are accurate. At these times, when emotions may run high, leaders are not to pass judgment but to offer care and support to the aggrieved person(s) and, if practicable, to the alleged offender. Pastoral care at all stages is very important (see further under Item 11).

Leaders and any others in the congregation who hear such disclosures or have reasonable grounds for concern may go directly to the Police and/or report the matter to the Minister/Interim Moderator or an elder. From that time the session will appoint a suitable elder who will be the only one to have carriage of the matter for reportable conduct and will become the liaison person with the Police and/or relevant Government agency. This procedure shall also apply if a child discloses that the abuse has occurred somewhere else other than the church.

At this stage, allegations of child sexual abuse when the alleged victim is still under 18 years of age must not be further investigated by the church, and neither should the child/young person or the accused be questioned by the church. When the matter involves criminal behavior, this must be investigated first by the Police.

There will be no disclosure to any interested parties connected with allegedly abused child to avoid contamination of evidence and prejudice of investigations. Although the church minister (or interim moderator) and session are to be advised, at this stage it will not become a matter for session to act upon nor of presbytery involvement (unless a minister of the church is the accused).

Any church leader or worker who is accused will be stood down by the session from his/her position until the investigations are concluded. Irrespective of any other action taken by bodies outside the church, the PCEA church discipline procedures, if necessary, will apply

according to the Handbook of Practice and Procedure following the conclusion of Police investigations and the outcome of any Court or other legal proceedings.

11. Pastoral Care for Children & Young People who are Alleged Victims of Abuse

Appropriate sensitive pastoral care will be extended to any child who has made a disclosure of abuse, by the following protocols:

- not pushing the child to disclose details of the alleged assault
- not attempting to investigate the allegation
- assuring the child that they are understood; that their disclosure is being taken seriously; that what has happened is not their fault and that they are correct in disclosing the incident.
- not making contact with the alleged offender
- maintaining confidentiality by speaking only to those parties recommended by the Police (or delegates), even though this may cause emotional tension

12. False Allegations

Accusations of abuse raised due to ignorance, by unwarranted suspicion or malice may prove to be false. Reputations can be irrevocably tarnished by a false accusation which is clearly forbidden under the ninth commandment, "You shall not bear false witness against your neighbour." Exodus 20:16.

False accusations may themselves constitute criminal behavior and as such, redress may be contemplated by the aggrieved. But it is preferable that false accusations should be dealt with by the Session with counselling and seeking of forgiveness.

However, the fear of being wrong in reporting situations where it is believed that abuse has occurred is not sufficient ground for not reporting the concerns.

13. Working with a Body External to the Church

Using the services of other organisations in child related ministries (e.g. at camping, conference and other sites) is allowed if that organisation agrees to uphold the policies contained in this document.

Decisions to enter into agreements with other churches or organisations for the provision of advice on child protection issues or to conduct appropriate training for church workers will be made by Presbyteries.

14. Training

Mandatory training in child protection for all leaders in organisations who care for children is being enacted by State Parliaments.

The Clerk of Presbytery will organise approved initial and ongoing training for all leaders and office-bearers in the congregations of their jurisdictions. Records will be kept and details provided to Government agencies as required. Records also are to be kept by the congregational Protection Officers (see item 8.1 above).

A different programme of training applies to Scripture teachers in State Schools (Special Religious Education) and an “Annual Assurance” declaration is currently signed by our Clerk of Synod for NSW. All Scripture teachers in State Schools should ensure that they undertake the required annual training with an approved provider and that the details are recorded with the Clerk of Presbytery.

SAFE CHURCH CODE OF CONDUCT

1. As a person in a position of leadership within the church you must always be concerned about the integrity of your position and remember that you are representing the church of the Lord Jesus Christ.
2. You should avoid situations where you will be vulnerable to temptation and where your conduct may be construed to be a breach of God’s holy standards.
3. With regard to young people and children, appropriate conduct includes the following protocols:
 - a. When visiting children in their homes, or transporting children in vehicles, leaders will only do so if a parent or another appropriate adult is present.
 - b. There shall always be at least two approved leaders at any activity (except for crèche where a sole female carer is acceptable). Preferably there should be male and female leaders for mixed groups with male leaders for boys groups and female leaders for girls groups. It is recognized that there may be occasions where there is a sole leader when breaking up into small groups; but in such cases, the small groups will not be out of eyesight or earshot of others.
 - c. A camp or other activity involving overnight accommodation should include “camp parents” (ideally a married couple over the age of 25 years, of known maturity and Christian commitment) approved by the church. In such overnight accommodation there will be a strict segregation by sex, with the exception of married couples and families. Supervision of children and young people must be provided by a person of the same sex.
 - d. A biblical pattern of behaviour is to be observed with respect to modesty and standards of morality. Adults and children are to respect the privacy of others during activities that require undressing and changing clothes. Leaders are to set an example by protecting their own privacy in similar situations.
 - e. Initiations and secret ceremonies are forbidden.
 - f. Any activity involving children or young people is open to observation by parents and other adults with a legitimate reason.
 - g. Leaders have the right to ask persons who do not have a valid reason to be present at child related activities to leave. Police may be contacted if such persons refuse to comply with any such reasonable request.
 - h. If any personal counselling is required, it shall be carried out within the sight of other people (preferably another leader).
 - i. The consumption of alcohol or illegal drugs on the church grounds or during a church activity is forbidden. Any young person found under the influence of alcohol or illegal drugs is to be counselled and removed from the activity. Any such drugs found on the church grounds are to be witnessed (by a second person) and removed. Where appropriate,

police should be informed. (A small amount of wine for sacramental purposes may be stored on the premises, in a secure location.)

j. In any physical contact with young people or children, leaders will respect the feelings and privacy of those persons. Violence of any kind is forbidden.

4. The Bible commands us very clearly on purity of body and mind, for example in Ephesians 5:3,4, Matthew 5:27-29 and Job 31:1. This is expanded in our Larger Catechism (Nos 138 and 139). All leaders should be familiar with these standards and be prepared to uphold and encourage these values in their personal lives and in all their dealings with others. Any sexualised behaviour (apart from that within marriage as defined by the Word of God) is to be carefully avoided. What is forbidden includes, but is not limited to, the following:

a. inappropriate conversation, remarks and jokes of a sexual nature, coarse language, suggestive gestures and impure looks

b. pornographic literature or media of any kind (from books, magazines, newspapers, posters, videos, movies, DVDs, internet sites, photographs, etc)

5. Leaders are to the best of their ability to take reasonable action to maintain the safety of all persons in their care. This particularly applies to the young, the elderly and other vulnerable persons.

6. State Governments from time to time legislate for reportable offences in the realm of child abuse. These standards vary from state to state. When any such abuse of children and young people is seen or reported to you, these must be notified to the minister or an elder of the congregation for reporting to the Police or Government agency. You also have the right to go directly to the Police yourself and can ask advice from the congregational Protection Officer. The church's own disciplinary procedures may also apply.

You, in your position of leadership, are required to report any the following (which are defined in the Safe Church Policy):

- physical or sexual child abuse,
- a child or young person at risk of significant harm,
- a child suffering neglect, and
- any sexual misconduct by leaders

7. Before you commence working with children and young people in your position of leadership in the church, you will undertake the Government Working With Children Check (WWCC) and provide a copy of the documentation and approval number to the congregational Protection Officer.

8. Initial training and regular follow-up training in Safe Church matters must be undertaken if you are in any position of leadership. Approved training sessions will be organised by the Clerk of Presbytery.

PRINCIPAL ENACTMENTS BEARING ON THE CONSTITUTION OF THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA

_____ See also this *Handbook* Chapter 1 _____

(A) ENACTMENTS OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND

1647: ACT APPROVING THE CONFESSION OF FAITH [August 27, 1647]

A confession of Faith for the Kirks of God in the three kingdoms, being the chiefest part of that uniformity in religion which, by the Solemn League and Covenant, we are bound to endeavour:

And there being accordingly a Confession of Faith agreed upon by the Assembly of Divines sitting at Westminster, with the assistance of Commissioners from the Kirk of Scotland; which Confession was sent from our Commissioners at London to the Commissioners of the Kirk met at Edinburgh in January last, and hath been in this Assembly twice publicly read over, examined, and considered; copies thereof being also printed, that it might be particularly perused by all the members of this assembly, unto whom frequent intimation was publicly made, to put in their doubts and objections, if they had any:

And the said Confession being, upon due examination thereof, found by the assembly to be most agreeable to the word of God, and in nothing contrary to the received doctrine, worship, discipline, and government of the Kirk.

And, lastly, It being so necessary, and so much longed for, that the said Confession be, with all possible diligence and expedition, approved and established in both kingdoms, as a principal part of the intended uniformity in religion, and as a special means for the more effectual suppressing of the many dangerous errors and heresies of these times;

THE GENERAL ASSEMBLY DOTH THEREFORE, after mature deliberation, agree unto, and approve the said Confession, as to the truth of the matter; (judging it to be most orthodox, and grounded upon the word of God;) and also, as to the point of uniformity, agreeing

for our part, that it be a common Confession of Faith for the three kingdoms.

THE ASSEMBLY DOTH ALSO bless the Lord, and thankfully acknowledge his great mercy, in that so excellent a Confession of Faith is prepared, and thus far agreed upon in both kingdoms; which we look upon as a great strengthening of the true reformed religion against the common enemies thereof.

BUT, lest our intention and meaning be in some particulars misunderstood, it is hereby expressly declared and provided,

That the not mentioning in this Confession the several sorts of ecclesiastical officers and assemblies, shall be no prejudice to the truth of Christ in these particulars, to be expressed fully in the Directory of Government.

IT IS FURTHER DECLARED, That the Assembly understandeth some parts of the second article of the thirty-one chapter only of kirks not settled, or constituted in point of government: And that although, in such kirks, a synod of Ministers, and other fit persons, may be called by the Magistrate's authority and nomination, without any other call, to consult and advise with about matters of religion; and although, likewise, the Ministers of Christ, without delegation from their churches, may of themselves, and by virtue of their office, meet together synodically in such kirks not yet constituted, yet neither of these ought to be done in kirks constituted and settled; it being always free to the Magistrate to advise with synods of Ministers and Ruling Elders, meeting upon delegation from their churches, either ordinarily, or, being indicted by his authority, occasionally, and pro re nata; it being also free to assemble together synodically, as well pro re nata as at the ordinary times, upon delegation from the churches, by the intrinsical power received from Christ, as often as it is necessary for the good of the Church so to assemble, in case the Magistrate, to the detriment of the Church, withhold or deny his consent; the necessity of occasional assemblies being first remonstrated unto him by humble supplication.

[Following the Revolution, on June 6, 1690 the Scottish Parliament anew ratified the Confession of Faith and restored Presbyterian church government as in the Act of 1592 (James VI, Parl 12, Act 114). The further Act for Settling the Quiet and Peace of the Church (Wm & Mary, Parl 1, Sess 4, Act 23) required subscription by ministers and preachers to the Confession of Faith and Presbyterian government in the terms in the Formula following, and also required 'uniformity of worship, and of the administration of public ordinances within this church...as at present performed and allowed, or shall hereafter be declared by authority of the same'.]

1694: FORMULA OF SUBSCRIPTION FOR PREACHERS [April 13, 1694]

I, _____, do sincerely own and declare the above Confession of Faith, approved by former General Assemblies of this Church, and ratified by law in the year 1690, to be the Confession of my faith; and that I own the doctrine therein contained to be the true doctrine, which I will constantly adhere to; as likewise, that I own and acknowledge the Presbyterian Church government of this Church, now settled by law, by Kirk-sessions, Presbyteries, Provincial Synods and General Assemblies, to be the only government of this Church, and that I will submit thereto, concur therewith, and never endeavour, directly or indirectly, the prejudice or subversion thereof; and that I shall observe uniformity of worship, and of the administration of all public ordinances within this Church, as the same are at present performed and allowed.

[From c.1700 subscribed also by elders and from 1711 by them only, as a more explicit formula was introduced for preachers in that year (see below). The office of Deacon was revived by the unendowed Free Church of Scotland, and in 1846 a common Formula was introduced for all office-bearers, being that of 1711 adjusted to the position of the Free Church.]

1697: ACT ANENT THE METHOD OF PASSING ACTS OF ASSEMBLY OF GENERAL CONCERN TO THE CHURCH, AND FOR PREVENTING OF INNOVATIONS [COMMONLY CALLED **THE BARRIER ACT]**

The General Assembly, taking into their consideration the Overture and Act made in the last Assembly concerning innovations, and having heard the report of the several commissioners from Presbyteries to whom the consideration of the same was recommended,

in order to its being more ripely advised and determined in this Assembly; and considering the frequent practice of former Assemblies of this Church, and that it will mightily conduce to the exact obedience of the Acts of Assemblies, that General Assemblies be very deliberate in making of the same, and that the whole Church have a previous knowledge thereof, and their opinion be had therein, and for preventing any sudden alteration or innovation, or other prejudice to the Church, in either doctrine or worship or discipline, or government thereof, now happily established;

do, therefore, appoint, enact, and declare, that before any General Assembly of this Church shall pass any Acts, which are to be binding Rules and Constitutions [that is, Laws] to the Church, the same Acts be first proposed as overtures to the Assembly, and, being by them passed as such, be remitted to the consideration of the several Presbyteries of this Church, and their opinions and consent reported by their commissioners to the next General Assembly following, who may then pass the same in Acts, if the more general opinion of the Church thus had agreed thereunto.

[The General Assembly's legislative powers are in any event limited. The Barrier Act does not increase those powers but regulates their exercise. Bracketed words inserted by Synod 2015 to clarify meaning, see Reports 2014, page 12].

1736: ACT CONCERNING RESCINDING ACTS PASSED UNDER THE BARRIER ACT (Act 8, Assembly 1736)

Enacted: That no acts rescissory of any standing acts of the General Assembly be passed, until such acts rescissory be first transmitted to presbyteries, and their general opinion had for rescinding the same.

1758: ACT CONCERNING PRESBYTERIES NEGLECTING TO SEND UP THEIR OPINIONS UPON OVERTURES SUBMITTED TO THEM (Act 5, Assembly 1758]

Enacted with the consent of a majority of Presbyteries: That when any overture hath been twice transmitted, the General Assembly shall, without further transmission, take such overtures into consideration, and pass into acts or reject the same, as they shall see cause, although presbyteries have not sent up their opinions.

[The assumption in this provision is that if presbyteries do not respond they are either well satisfied with the overture or indifferent, and are happy to allow the opinion of their Commissioners to be their opinion.]

1707: ACT AGAINST INNOVATIONS IN THE WORSHIP OF GOD [April 21, 1707]

This Act deals with unspecified innovations ‘by persons of known disaffection to the present Establishment both of Church and State’. Importantly it states ‘that such innovations are dangerous to this Church, and manifestly contrary to our known principle (which is, that nothing is to be admitted in the worship of God but what is prescribed in the Holy Scriptures)’.

The background is the conduct of those aligned to the Jacobite cause who introduced certain practices of the Church of England. The Act, like the Barrier Act and the 1711 Formula, was a measure designed to protect the integrity of the church’s principles. Only with the failure of ‘The Rising’ of 1715, did the Presbyterian settlement in Scotland become secure.

1711: FORMULA, TO BE SUBSCRIBED BY ALL SUCH AS SHALL PASS TRIALS, IN ORDER TO BE LICENSED, AND THAT SHALL BE ORDAINED MINISTERS, OR ADMITTED TO PARISHES [May 22, 1711]

I do hereby declare, that I do sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by the General Assemblies of this National Church, and ratified by law in the year 1690, and frequently confirmed by divers Acts of Parliament since that time, to be the truths of God; and I do own the same as the confession of my faith: As likewise, I do own the purity of worship presently authorised and practised in this Church, and also the Presbyterian government and discipline now so happily established therein; which doctrine, worship, and Church government, I am persuaded are founded on the Word of God, and agreeable thereto: And I promise, that, through the grace of God, I shall firmly and constantly adhere to the same, and to the utmost of my power, shall, in my station, assert, maintain, and defend the said doctrine, worship, discipline, and government of this Church, by Kirk-sessions, Presbyteries, Provincial Synods and General Assemblies; and that I shall in my practice conform myself to the said worship, and submit to the said discipline and government, and never endeavour, directly nor indirectly, the prejudice or subversion of the same; and I promise, that I shall follow no divisive courses from the present

establishment in this Church; renouncing all doctrines, tenets, and opinions whatsoever, contrary to, or inconsistent with, the said doctrine worship, discipline, or government of this Church. *[See note under 1694 above. Questions were also prescribed for preachers in 1711. PCEA questions of 1952 are substantially the same – see below.]*

1833: DECLARATORY ENACTMENT AND RECOMMENDATION REGARDING COLONIAL CHURCHES [May 24, 1833]

The General Assembly of the Church of Scotland did, and hereby do, enact and declare, That it is proper and expedient for ordained ministers of the Church of Scotland connected with fixed congregations in any of the British Colonies, to form themselves, where circumstances permit, into Presbyteries and Synods, adhering to the Standards of this Church, and maintaining her form of worship and government.

That no minister should be received as a member of any such Presbytery or Synod, when first formed, who has not been ordained by a Presbytery of this Church; that no minister of this Church should be afterwards received as a member who does not come specially recommended from the Presbytery by which he was ordained, or in which he has last resided; and that no probationer of this Church should receive ordination from any such Presbytery, except on his producing extract of licence, with a testimonial of his good character, from the Presbytery or Presbyteries within whose bounds he has resided, down to the time of his leaving Scotland.

That it is not expedient for such Presbyteries, in the present state of education in the Colonies, to exercise the power of licensing Probationers; but that licentiates of the Church of Scotland, who shall be ordained by any such Presbytery to particular charges in the manner above described, shall remain in full communion with the Church of Scotland and retain all the rights and privileges which belong to licentiates or ministers of this Church; and that members of congregations, under the charge of ministers so ordained, shall, on coming to Scotland, be admitted to Church privileges, on the production of satisfactory certificates of their religious and moral character, from the minister and session of the congregation to which they have severally belonged.

And the Assembly earnestly recommended to all ministers and probationers of this Church, who

remove to those Colonies in which such Presbyteries are constituted, to put themselves under the inspection of the Presbytery of the bounds within which they may reside; and, in the event of their returning to this country, to produce testimonials from such Presbytery or Presbyteries of their character and conduct during their absence. The General Assembly further named a standing committee to correspond with such Churches in the Colonies, for the purpose of giving advice on any question with regard to which they may choose to consult the Church of Scotland, and affording them such aid as it may be in the power of the committee to give in all matters affecting their rights and interests.

1839: ACT ANENT RE-UNION WITH SECEDERS [May 25, 1839]

The General Assembly, on the Report of the Committee for classing Returns to Overtures, having found that the Overture anent Re-union with Seceders has received the approbation of a majority of the Presbyteries of the Church, did, and hereby do, enact the said Overture into a Standing Law of the Church, as follows:-

Whereas proposals have been made by the Associate Synod for a re-union with the Church of Scotland, and a considerable number of overtures have been sent at the same General Assembly, that the course of study required for a long time past of students in divinity in connection with said Synod is quite satisfactory, and that their ministers and elders do firmly adhere to the Westminster Confession of Faith, the Larger and Shorter Catechisms, and other Standards of our Church; and whereas the members of the Associate Synod do heartily concur with us in holding the great principle of an Ecclesiastical Establishment, and the duty of acknowledging God in our national as well as our individual capacity; and we, on the other hand, do heartily concur with the members of the Associate Synod in confessing the great obligations under which we lie to our forefathers in the year 1638, and several years of that century immediately following, and the duty, in particular circumstances, of uniting together in public solemn engagement in defence of the Church, and its doctrine, discipline, and form of worship and government; and whereas our brethren of the Associate Synod have declared their willingness, in the event of a re-union, to submit to all the laws and judicatories of this Church, reserving only to themselves the right which the members of the Established Church

enjoy of endeavouring to correct in a lawful manner what may appear to them to be faulty in its constitution and government.

The General Assembly, with the consent of the Presbyteries of this Church, enact and ordain, that all the ministers of the Associate Synod, and their congregations, in Scotland, desirous of being admitted into connection and full communion with the Church of Scotland, be received accordingly, and that the following rules be strictly observed by the Presbyteries of this Church relative to this subject:-

1. Ministers of the Associate Synod and their congregations shall be received into connection with the Presbyteries in whose bounds their churches are situated, on their laying before the said Presbyteries respectively a representation or memorial, subscribed in name of the kirk-sessions of said congregations, by their moderator, or other person appointed by them; and if there be managers of said congregations, by the preses [chairman] of said managers, or other person in their name and by their authority, as also by the preses of a meeting of the members of the congregation, setting forth the desire of said ministers and congregations to be received into connection with the Church of Scotland. On such representation or memorial being presented, the Presbytery shall, subject to the condition after specified, receive and admit the memorialists; and in the event of the presbytery's refusing to do so, it shall be competent to the memorialists to appeal to the General Assembly.
2. On the reception of a minister and congregation of the Associate Synod into connection with a Presbytery of this Church, the managers of said congregation, or the kirk-session and deacons, if managers, shall forthwith take the steps necessary for procuring a constitution for the newly admitted church, and having a territorial district assigned thereto.
3. Every minister of the Associate Synod, at his admission as a member of Presbytery, and every ruling elder of said Synod, before taking his seat as a member of Presbytery, or Synod, or General Assembly, shall subscribe the Westminster Confession of Faith, and the Formula of the Church of Scotland, and shall enjoy all the rights and privileges of ordained ministers and elders of the Church of Scotland.
4. The integrity of the kirk-sessions and existing congregations of the Associate Synod admitted into the Church of Scotland, and the right of said kirk-sessions to grant sealing ordinances to the present members of their said congregations, though not residing within the bounds of the parish which may be allotted to them, shall be distinctly and practically recognised by the other kirk-sessions and the Presbyteries of this Church; - provided always, that this provision shall in no respect apply to non-residents who are not at the date of this Act members of the existing congregations as aforesaid.
5. Presbyteries shall not, at or after the admission of ministers of the Associate Synod and their

congregations into connection with the Church of Scotland, require any provision to be made for the said ministers by the managers of said congregations different from existing arrangements; but the laws now in force in this Church or hereafter to be enacted, shall be observed with regard to all future intrants.

6. The licentiates or probationers of the Associate Synod shall be received and treated as other probationers within the bounds of the Presbytery, on their making application to the Presbytery to that effect, and on their subscribing the Westminster Confession of Faith, and Formula of the Church of Scotland, and shall be held equally capable with them of receiving a presentation, or of being elected and called to a vacant congregation within the bounds of this Church.

7. The students of divinity of the Associate Synod at the time of the passing of this Act shall, on producing certificates of their having finished their theological course, under the Professor of the Associate Synod, be taken on trials for licence by the Presbytery of the bounds. Those of the existing students of said Synod who have commenced, but have not finished their theological studies, shall complete their curriculum with him or in the Divinity Halls of the Scottish Universities; and their sessions of regular attendance on the lectures of the Professor of Theology of the Associate Synod shall be counted as sessions of regular attendance in the Divinity Hall.

8. Ministers and their congregations out of Scotland, belonging to the Associate Synod, and expressing their desire of being recognised by the Church of Scotland as connected with her, shall be held as standing in the same relative position as ministers and congregations in England, Ireland, and the Colonies, whose connection with this Church has been acknowledged.

[A noteworthy enactment not least for its reference to the Covenanting period.]

1839: ACT ANENT THE ESTABLISHING AND ENDOWMENT OF A PROFESSORSHIP OF BIBLICAL CRITICISM [May 25, 1839]

[Passed under Barrier Act procedure requiring all students of divinity to have this subject as part of their course.]

(B) THE SYNOD OF AUSTRALIA IN CONNECTION WITH THE ESTABLISHED CHURCH OF SCOTLAND

1840: BOND OF UNION CONSTITUTING THE SYNOD OF AUSTRALIA IN CONNECTION WITH THE ESTABLISHED CHURCH OF SCOTLAND OCTOBER 5, 1840.

We ministers and elders, whose names are under-
signed, uniting ourselves together in the Synod of

Australia, in connection with the Established Church of Scotland, do bind and oblige ourselves to pass over and bury in oblivion, all matters which, in times past, have been the subject of mutual complaint and accusation, and engage in every part of our future conduct towards each other to act in strict conformity to the laws of Christ and of the Scottish Church. We declare anew our adherence to the doctrines of the Scottish Church. We declare anew our adherence to the doctrines of the Confession of Faith, and to the other standards and formularies of the Established Church of Scotland, and promise that, in the exercise of discipline, we shall follow the laws of that Church so far as applicable in this colony; and whatever may be our individual opinions, will, so long as we remain members of the court, submit ourselves to the judgements and determinations of the majority of our number regularly met, and sitting in Presbyteries and Synod.

1843: NOTE REGARDING DISRUPTION AND FORMING OF THE FREE CHURCH OF SCOTLAND

As a consequence of actions by the civil authorities which reinterpreted the relation of Church and State so that the State intruded into the spiritual jurisdiction of the Church, the General Assembly of 1842 adopted a CLAIM, DECLARATION AND PROTEST and sent it to Parliament. The CLAIM values the relationship with the State as calculated to enable the Gospel to be brought to all the people, it recognises the jurisdiction of the State in civil matters, but claims as of right that the Church shall enjoy her privileges according to law and be protected from illegal encroachments. Its DECLARATION is that the Church will refuse to intrude ministers on congregations, even at the risk of losing the State's financial support, and it goes on to PROTEST that all acts in derogation of the rights and privileges of the Church are null and void. This 'Claim of Right' (the short title) was passed by the Assembly 241 to 111, but Parliament rejected it 211 to 76. When the Assembly met on May 18, 1843, a PROTEST was read by the retiring Moderator, and 120 ministers and 73 elders filed out to constitute the first General Assembly of the Church of Scotland Free. Nearly 40% of the about 1,200 ministers eventually adhered to the new church which in fact maintained the original position although it had to depend on voluntary support. This "Disruption" of the Scottish Church had repercussions in the colonies. Three of the 22 ministerial members of the Synod of Australia formed the PCEA while another, James Forbes in far-off Melbourne, formed the Free Presbyterian Church of Victoria.

1846: PROTEST READ IN *THE SYNOD OF AUSTRALIA IN CONNECTION WITH THE ESTABLISHED CHURCH OF SCOTLAND* OCTOBER 10, 1846

We, the undersigned ministers and elders, members of the Synod of Australia in connection with the Established Church of Scotland - Considering that the Synod, having resolved to remain in its present connection with the Established Church of Scotland, and to retain its present designation unchanged, does thereby declare its approval of the submission of the said Church to the encroachments of the Civil power on her spiritual independence and the liberties of her constitution, and thus concurs in the renunciation of the doctrine of Christ's sole and sovereign Headship, which that submission involves.

And further considering that, in virtue of the connection with the Established Church of Scotland, which the Synod has resolved to maintain, (asserted as that connection is, not only in the designation of the Synod, but in the Bond of Union entered into by the ministers and elders who united in forming the said Synod, wherein it is set forth, that they engaged, in every part of their future conduct towards each other to act in strict conformity to the laws of Christ, and of the Scottish Church, declared anew their adherence to the doctrines of the Confession of Faith, and promised that in the exercise of discipline they should follow the laws of that Church, as far as applicable in this colony), the unscriptural principles on which the government of the Established Church of Scotland is now administered, according to which the civil courts are invested with power to coerce the judicatories and individual members of that Church in the exercise of their spiritual functions and duties, and otherwise to interfere authoritatively in spiritual matters, and Presbyteries are authorised and empowered to disregard and overbear the voice of the people in the formation of the pastoral relation, are virtually adopted by the Synod: and the government and discipline of the Colonial Presbyterian Church under its superintendence are liable to be subjected to the operation of these principles.

We, therefore, the ministers and elders aforesaid, do protest, that the Synod, by its concurrence in the renunciation of the doctrine of Christ's Headship as aforesaid, has placed itself in a position at variance with the word of God, and with the standards of the Church of Scotland in their true

and original import, and incompatible with the discharge of its great duty as a witness to Christ.

And we protest further, that, by the adoption of the principles aforesaid, the constitution of the Synod has been so changed, that the government of the church cannot be conducted in accordance with it, without violating the laws of God, dishonouring the Great King and Head of the Church, and invading the rights of the Christian people.

And finally, while we reserve any right, we, or any of us, or of such as may adhere to us, possess to the whole, or any portion of the property, held in behalf of the Synod of Australia in connexion with the Established Church of Scotland, we protest that, the Synod occupying such a position, and having adopted such principles, it is and shall be lawful for us, and such other ministers and elders as may concur with us, to withdraw from the Synod, and take such steps as may be competent to us and necessary for dispensing the ordinances of the Gospel, and administering the affairs of the Church in this land, agreeable to the mind of Christ and to the standards and constitution of our Church; and we do now withdraw accordingly.

(Signed) William McIntyre, John Tait,
Colin Stewart, ministers; Samuel Martin, elder.

(C) ENACTMENTS OF THE SYNOD OF EASTERN AUSTRALIA

1846: FIRST MINUTE OF *THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA* [October 10, 1846]

The ministers and elders of the Synod of Australia in connexion with the Established Church of Scotland being assembled in Synod this day in St Andrew's Church, the ministers and elders members of that Synod whose names are appended to the Protest then and there taken and hereinafter inserted, having withdrawn from that place, and having convened in an upper room in Hunter St and having duly Constituted themselves in the name of the Head of the Church, the Revd William McIntyre was chosen to be their Moderator, and the Protest above mentioned, being produced, was read and thereafter ordered to be recorded as follows: (*see text above*)

Mr Tait was appointed Clerk. It was then resolved that this court should be called the Synod of Eastern Australia and that the ministers and elders

constituting the court should renew and they do hereby renew their adherence to the Westminster Confession of Faith, the Directory for Public Worship, and the Form of Church Government, together with the Second Book of Discipline as the standards of this Church.

[Note, those who formed the PCEA did not profess to form a new church, but rather a new ecclesiastical court to administer the affairs of the church. The constitutional basis of the church was thus inherited from 'The Synod of Australia in connection with the Established Church of Scotland' as formed October 5, 1840.]

1864: NOTE RE THE UNION OF PRESBYTERIANS IN NEW SOUTH WALES

In order to unite the several branches of Presbyterianism it was found necessary to compromise the various positions on Church and State, leaving these open questions. The unwillingness of the Synod of Australia to acknowledge Dr Lang's Synod of New South Wales led to a preliminary union being formed on November 15, 1864 by 15 serving PCEA ministers with 4 Synod of NSW ministers and 2 United Presbyterian ministers to form a General Synod. On September 8, 1865 the General Synod, then numbering 24 ministers joined the 23 serving ministers of the Synod of Australia to form the General Assembly of the Presbyterian Church of New South Wales. On the same day that the first stage of Presbyterian re-union was accomplished, five ministers and an elder constituted a meeting of the Synod of Eastern Australia in terms of Protests they had lodged, of which the most fundamental follows. The final position after the union of September 1865 was that 5 of the 22 PCEA ministers continued the PCEA (William McIntyre, Allan McIntyre, James McCulloch, John Locke McSkimming and Colin Rogers Greig), with William Scott Donald (formally associated later) bringing the number to 6 or about 27% of the 1864 PCEA ministerial strength.

1864: THE PROTEST OF THE REV WILLIAM McINTYRE AND THE REV JAMES McCULLOCH, ON TUESDAY, NOVEMBER 15, 1864, TO THE UNION OF THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA WITH THE SYNOD OF NEW SOUTH WALES AND SOME UNATTACHED MINISTERS

We, the undersigned ministers, members of the Synod of Eastern Australia, considering that, by the admission of the Rev. William Ridley to deliberate and vote as a member of this Synod,

while he is neither a settled minister nor an acting ordained missionary, and only such ought to be so admitted, the constitution of this court has been vitiated.

And considering that inasmuch as while the basis prepared by the conference on union, conveys, with the exception of the last article of it, an anti-erastian testimony, that article and certain resolutions which accompany the basis and are hereto appended, have the effect, by placing as they do, the Established Church of Scotland, charged by this Church with Erastianism, on precisely the same footing with the Free Church of Scotland, whose protest against the Erastianism of the Established Church of Scotland, this Church has deliberately adopted, of neutralizing and contradicting that testimony; the Synod, by resolving that this Church shall unite on said Basis and Resolution in the first instance with the Church under the spiritual superintendence of the Synod of New South Wales, and with certain Presbyterian ministers not attached to any Colonial Church, and that the United body thus preliminarily formed shall unite on the same Basis and Resolutions with the Synod of Australia in connection with the Established Church of Scotland, has removed this Church from the position which it occupied as testifying against the Erastianism of the Established Church of Scotland, and has involved it in connivance with that Erastianism.

And further considering, by refusing to endeavour by further conference to obtain such change of the Articles and Resolutions objected to above, that the anti-erastian testimony which, with the exception of the last article, conveys, should remain uncontradicted; and also such explanations, if such could be given, as might evince that notwithstanding that the Synod of Australia in connection with the Established Church of Scotland still regards the position of the Established Church of Scotland with approval, which its connection with that Church implies, the concurrence of the said Synod in an anti-erastian testimony might be held to be satisfactory; the Synod has necessitated a disruption which might otherwise have been averted, and has thus pursued a virtually schismatic course:

We, therefore, the ministers aforesaid, do protest, on the grounds now set forth, that the majority have forfeited their rights, powers, and privileges as members of the Synod of Eastern Australia; and that all ministers, elders, and congregations who

shall enter into the proposed Union, or either of them, shall forfeit all rights powers, and privileges as ministers, elders, and congregations of the Presbyterian Church of Eastern Australia.

And we protest further, that it is and shall be lawful for us, and such as may concur with us, to exercise all the rights powers, and privileges of office-bearers and congregations of the Presbyterian Church of Eastern Australia to administer the affairs of that Church, and to take all necessary and legitimate steps to maintain and extend in the land the dispensations of Gospel ordinances.

1952: ACT ANENT QUESTIONS AND FORMULA [Class 1, April 2, 1952]

[See also 'Act Allowing Optional Alternative Questions & Formula while not reducing commitments in terms of Act of Synod 1952' Synod May 13, 2008 printed below.

WHEREAS the Synod of Eastern Australia early approved the use by the Courts of the Church when licensing probationers and when ordaining and inducting elders and deacons of questions adopted by the General Assembly of the Free Church of Scotland in 1846 subject to the necessary modifications as were required to relate these questions to this Church.

AND WHEREAS additions have subsequently been made to such questions as used in this Church and they have at times appeared in print in an incomplete form.

AND WHEREAS the Synod of Eastern Australia desires that the questions lawfully to be used in this Church be as heretofore those of the Free Church of Scotland adopted in the year 1846 subject to the aforesaid modifications and to the omission of certain unnecessary words at the end of the question numbered nine to be put to probationers but apart therefrom without addition variation or omission.

AND WHEREAS it is also deemed desirable to remove the possibility of confusion by setting out the text of the said questions and of the formula and to make certain declarations of the position adopted by this Church.

NOW therefore the Synod of Eastern Australia with the consent of a majority of Presbyteries enacts and ordain as follows:-

DECLARATIONS

(1) THE SYNOD declare that while the Church firmly maintains the scriptural principles as to the duties of nations and their rulers in reference to true

religion and the Church of Christ, for which she has hitherto contended, she disclaims intolerant and persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgement.

(2) THE SYNOD declare that the expression "purity of worship presently authorised and practised in the Presbyterian Church of Eastern Australia" used in the formula of this Church is held to require, *inter alia*, the exclusion from public worship of instrumental music, and from the praise portion thereof, of all compositions other than the Psalms of the Word of God.

(3) THE questions herein set out, are, according to their respective designation, the questions which the Courts of this Church shall put when ordaining elders and deacons, licensing probationers and when ordaining and inducting ministers, and the said Courts are enjoined to see that the formula of this Church (which for the more convenient knowledge and use thereof is set out immediately following the said questions) is subscribed by all probationers of the Church before receiving licence to preach the gospel and by all office-bearers at the time of their admission.

(I) ELDERS AND DEACONS BEFORE ORDINATION

QUESTIONS:

(1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and manners?

(2) Do you sincerely own and declare the Confession of Faith approved by General Assemblies of the Church of Scotland to be the confession of your faith; and do you own the doctrine therein contained to be the true doctrine, which you will constantly adhere to?

(3) Do you sincerely own the purity of worship presently authorised and practised in this Church, and also own the Presbyterian government and discipline; and are you persuaded that the said doctrine, worship, and discipline, and Church government, are founded upon the Holy Scriptures, and agreeable thereto?

(4) Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church officers, distinct from, and not subordinate in its own province to civil government, and that the Civil Magistrate does not possess jurisdiction, or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the

Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842 and in the Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in the presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of the Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only head and to his Word as her only standard?

(5) Do you promise to observe uniformity of worship and of the administration of all public ordinances within this Church as the same are at present performed and allowed?

(6) Do you accept of the office of an Elder (deacon) of this congregation and promise, through grace, faithfully, diligently, and cheerfully, to discharge all the duties thereof?

(II) PROBATIONERS BEFORE THEY ARE LICENSED TO PREACH THE GOSPEL

QUESTIONS:

(1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and manners?

(2) Do you sincerely own and believe the whole doctrine of the Confession of Faith, approved by General Assemblies of the Church of Scotland, to be the truths of God, contained in the Scriptures of the Old and New Testaments; and do you own the doctrine therein contained as the confession of your faith?

(3) Do you sincerely own the purity of worship presently authorised and practised in this Church, and also own the Presbyterian government and discipline; and are you persuaded that the said doctrine, worship, and discipline, and Church government, are founded upon the Holy Scriptures, and agreeable thereto?

(4) Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church officers, distinct from, and not subordinate in its own province to civil government, and that the Civil Magistrate does not possess jurisdiction, or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842 and in the Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in the presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of the Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only head and to his Word as her only standard?

(5) Do you promise that, through the grace of God, you will firmly and constantly adhere to, and in your station, to the utmost of your power, assert, maintain and defend the said doctrine, worship, and discipline, and the government of this Church by Kirk Sessions,

Presbyteries, Provincial Synods and General Assemblies?

(6) Do you promise that, in your practice you will conform yourself to the said worship, and submit yourself to the said discipline and government of this Church, and not endeavour, directly or indirectly, the prejudice or subversion of the same?

(7) Do you promise that you will follow no divisive courses from the doctrine, worship, discipline, and government of this Church?

(8) Do you renounce all doctrines, tenets, or opinions whatsoever contrary to, or inconsistent with, the said doctrine, worship, discipline, and government of this Church?

(9) Do you promise that you will submit yourself to the several judicatories of this Church?

(III) PROBATIONERS AFTER BEING CALLED BY A CONGREGATION

QUESTIONS to be put to Probationers before ordination (and also to a Minister already ordained, at his admission to a Pastoral Charge).

(1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and manners?

(2) Do you sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by General Assemblies of the Church of Scotland, to be founded upon the Word of God; and do you acknowledge the same as a confession of your own faith; and will you firmly and constantly adhere thereto, and to the utmost of your power assert, maintain, and defend the same, and the purity of worship as presently practised in this Church?

(3) Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets and opinions whatsoever contrary to, and inconsistent with, the foresaid Confession of Faith?

(4) Are you persuaded that the Presbyterian government and discipline of this Church are founded upon the Word of God, and agreeable thereto; and do you promise to submit to the said government and discipline, and to concur with the same, and not to endeavour, directly or indirectly, the prejudice or subversion of thereof, but to the utmost of your power, in your station, to maintain, support and defend the said discipline and Presbyterian government, by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies?

(5) Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church officers, distinct from, and not subordinate in its own province to civil government, and that the Civil Magistrate does not possess jurisdiction, or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842 and in the Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in the

presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of the Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only head and to his Word as her only standard?

(6) Do you promise to submit yourself willingly and humbly, in the spirit of meekness, unto the admonitions of the brethren of this Presbytery, and to be subject to them, and all other Presbyteries and superior judicatories of this Church, where God in His providence shall cast your lot; and that according to your power, you shall maintain the unity and peace of this Church against error and schism, notwithstanding of whatsoever trouble or persecution may arise, and that you shall follow no divisive courses from the doctrine, worship, discipline, and government of this Church?

(7) Are not zeal for the honour of God, love to Jesus Christ, and the desire of saving souls, your great motives and chief inducements to enter into the functions of the holy ministry and not worldly designs and interests?

(8) Have you used any undue methods, either by yourself or others, in procuring this call?

(9) Do you engage, in the strength and grace of Jesus Christ our Lord and Master, to rule well your own family, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge all the parts of the ministerial work, to the edification of the body of Christ?

(10) Do you accept of and close with the call to be pastor of this congregation, and promise, through grace, to perform all the duties of a faithful minister of the gospel among this people?

FORMULA

[To be subscribed by Probationers before receiving a Licence, and by all Office-bearers at the time of their admission.]

I do hereby declare, that I do sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by the General Assemblies of the Church of Scotland, to be the truths of God; and I do own the same as the confession of my faith; as likewise, I do own the purity of worship presently authorised and practised in the Presbyterian Church of Eastern Australia, and also the Presbyterian government and discipline thereof; which doctrine, worship, and church government, I am persuaded, are founded upon the Word of God, and agreeable thereto; I also approve of the general principles respecting the jurisdiction of the Church and her subjection to Christ as her only Head, which are contained in the Claim of Right, and in the Protest, referred to in the questions already put to me; and

I promise, that, through the grace of God, I shall firmly and constantly adhere to the same, and to the utmost of my power, shall in my station, assert, maintain, and defend the said doctrine, worship, discipline, and government of this Church, by Kirk-sessions, Presbyteries, Provincial Synods and General Assemblies, together with the liberty and exclusive jurisdiction thereof; and that I shall, in my practice, conform myself to the said worship, and submit to the said discipline and government, and exclusive jurisdiction, and not endeavour, directly nor indirectly, the prejudice or subversion of the same; and I promise, that I shall follow no divisive course from the doctrine, worship, discipline, government, and exclusive jurisdiction of this Church, renouncing all doctrines, tenets, and opinions whatsoever, contrary to, or inconsistent with, the said doctrine worship, discipline, government, or jurisdiction of the same.

1952: ACT ANENT UNION WITH FREE PRESBYTERIAN CHURCH OF VICTORIA
[Class 2, April 2, 1952: *the union referred to occurred on November 25, 1953*]

The Synod of Eastern Australia enacts and ordain as follows:

1. The Synod approve a union of the Free Presbyterian Church of Victoria and the Presbyterian Church of Eastern Australia on the basis of the principles held by the Free Church of Scotland following the Disruption.
2. The Synod declare that the principles of the Presbyterian Church of Eastern Australia are identical with those of the Free Church of Scotland in 1843 following the Disruption and on this understanding approve the implementation of the above mentioned union by the Free Presbyterian Church of Victoria being received into the Presbyterian Church of Eastern Australia.
3. That upon the Free Presbyterian Church of Victoria agreeing to be received into the Presbyterian Church of Eastern Australia, legislation be sought from the Parliament of Victoria to vary the trusts upon which the real and personal property of the Free Presbyterian Church of Victoria is held so such property can be held in connection with the Presbyterian Church of Eastern Australia and for this purpose be vested in corporate trustees.
4. That upon the said legislation coming into operation the Synod of Eastern Australia will receive the ministers, elders, deacons and congregations of the Free Presbyterian Church of Victoria as ministers, elders, deacons and

congregations of the Presbyterian Church of Eastern Australia, maintaining such pastoral relationships between ministers and congregations and such jurisdictions of sessions and deacons' courts as shall immediately prior to such reception by the Synod of Eastern Australia have subsisted within the Free Presbyterian Church of Victoria, but subject thereafter to the law of the Presbyterian Church of Eastern Australia.

1954: FEDERAL RELATIONS WITH THE FREE CHURCH OF SCOTLAND [Act of Synod April 12, 1954 Class 1 as corrected by Act 1 Class 1 Synod 1984; a similar Act was passed by the Free Church of Scotland Assembly in May 1952 and remains in force. The PCEA Act was rescinded by in 2004, and a new mutual relationship was formalised by Synod 2005.]

2008: ACT ALLOWING OPTIONAL ALTERNATIVE QUESTIONS & FORMULA WHILE NOT REDUCING COMMITMENTS IN TERMS OF ACT OF SYNOD 1952 (Class 2, May 13, 2008). *NB. Synod 2010 resolved that where a minister or student for the ministry is to be inducted to office or licensed using these Questions and Formula, such person shall also subscribe the 1952 Formula.*

WHEREAS the Synod of Eastern Australia, approved an Act Anent Questions and Formula in 1952 which set forth the questions and formula to be used in the Courts of the Church, which questions and formula were those approved by the General Assembly of the Free Church of Scotland in 1846, subject to the necessary modifications to relate them to this Church;

AND WHEREAS it is desirable given the changing ethnic mix within the church as well as for the better edification of congregations in whose presence vows are made that this Church should provide an alternative wording of the questions and formula on the strict understanding that such alternative does not in any way reduce the existing commitment in terms of Act of Synod 1952;

THE SYNOD DECLARE

That the Questions and Formula hereafter set out may be used as an alternative for the wording for the Questions and Formula in the Act of Synod 1952 on the understanding that no reduction in the commitments required by the Act of Synod 1952 is intended, and that if any question of interpretation shall arise the obligations of the said Act shall be decisive. [*NB. Synod 2010 ruled that where a*

minister or student for the ministry is to be inducted to office or licensed using these Questions and Formula, such person shall also subscribe the 1952 Formula.]

QUESTIONS

[To be satisfactorily answered by probationers before receiving licence, and by Office-bearers at the time of their admission. *Synod 2010 resolved that where a minister or student for the ministry is to be inducted to office or licensed using these Questions and Formula, such person shall also subscribe the 1952 Formula.*]

(1) Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?

(2) Do you sincerely believe and declare the Confession of Faith approved by the Synod of the Presbyterian Church of Eastern Australia and explained in the Act of Synod 1952 to be the confession of your faith; and do you acknowledge the doctrine contained in it to be the true doctrine to which you will constantly adhere?

(3) Do you sincerely acknowledge the Biblical warrant for the worship authorised by the Confession of Faith, which worship is illustrated in the Directory for Public Worship of 1645 and in Acts of Synod from time to time?

(4) Do you sincerely believe and declare that the form of church government warranted in Scripture is presbyterian, that is, rule by elders, equal in ruling power, and organised in congregational, regional and national assemblies with power to administer the affairs of the church, but always in accordance with the Holy Scriptures and as they shall be accountable to the Lord Jesus Christ, the Church's only King and Head?

(5) Do you believe that Church and State are distinct and separate institutions, that both are accountable to the Lord Jesus Christ who has received all authority in heaven and earth from the Father, that the mutually helpful relationship between Church and State does not imply subordination of one to the other in its own sphere, and, in particular, that the civil authorities have no jurisdiction or authoritative control in the spiritual affairs of Christ's Church?

Do you acknowledge that in maintaining these Scriptural principles, and the ideal of a united Christian Church in a Christian nation, the Church does not regard the involvement of the State in matters concerning religion as of itself contrary to liberty of conscience, nor believe that intolerance

or persecution are lawful methods of advancing the kingdom of God?

(6) Do you promise in God's strength, to live a holy and exemplary life; to promote the purity, peace, unity and progress of this Church; and to follow no divisive course from the doctrine, worship, discipline and government of this Church, but rather to faithfully assert, maintain and defend the same, rejecting whatever is contrary to or inconsistent with it; and to submit yourself to the decisions of your brothers in the various courts of this Church?

Deacons

(7) Do you promise to perform faithfully all the duties of the office to which you have been called, including practising faithful stewardship yourself and encouraging it in others; cultivating the ministry of mercy in the congregation, and handling the Lord's money in a manner that is efficient and above reproach?

Elders

(7) Do you promise to perform faithfully all the duties of the office to which you have been called including encouraging the spiritual growth of the church members, seeking to bring others to know Christ, visiting the sick of mind or body, and attending on the meetings associated with your office?

Licentiates or others certified to preach

(7) Do you promise to seek diligently to become an able expositor of the Word of God, an understanding and helpful pastoral visitor, a faithful minister of God?

Ministers

(7) Do you solemnly affirm that you have not used any unlawful or improper means for obtaining this call directly, or indirectly through the hands of others at your request; and are zealous for the honour of God, love to Jesus Christ, and the desire of saving souls, your great motives and chief inducements to enter upon the work of the holy ministry, and not worldly plans and interests?

(8) Do you accept the call of this congregation [Or: the appointment to this charge] and promise, by God's grace, to perform faithfully, diligently and cheerfully all the duties of your office, including bringing to your congregation the fruits of careful and earnest study of the Word of God as well as understanding and faithful pastoral care; seeking to

win the lost to Christ; and taking part in the meetings associated with your office in a positive and constructive way; while also paying due regard to your personal devotional life and walk with the Lord, as also the care of your family?

FORMULA OF SUBSCRIPTION

[To be subscribed by Probationers before receiving Licence, and by all Office-bearers at the time of their admission.]

Ido hereby declare, that

- (1) I believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life.
- (2) I sincerely own and believe the whole doctrine contained in the Westminster Confession of Faith of 1647, and explained by the Presbyterian Church of Eastern Australia in the Act of Synod 1952, to be the truths of God; and I do sincerely believe and declare the same to be the confession of my faith.
- (3) I also sincerely acknowledge the Biblical warrant for the worship authorised by the Confession of Faith, which worship is illustrated in the Directory for Public Worship and in Acts of Synod from time to time.
- (4) I further sincerely believe and declare that the form of church government warranted in Scripture is presbyterian, that is, rule by elders, equal in ruling power, and organised in congregational, regional and national assemblies with power to administer the affairs of the church, but always in accordance with the Holy Scriptures and as they shall be accountable to the Lord Jesus Christ, the Church's only King and Head.
- (5) I believe that Church and State are distinct and separate institutions, that both are accountable to the Lord Jesus Christ who has received all authority in heaven and earth from the Father, that the mutually helpful relationship between Church and State does not imply subordination of one to the other in its own sphere, and, in particular, that the civil authorities have no jurisdiction or authoritative control in the spiritual affairs of Christ's Church.

I acknowledge that in maintaining these Scriptural principles, and the ideal of a united Christian Church in a Christian nation, the Church does not regard the involvement of the State in matters concerning religion as of itself contrary to liberty of conscience, nor believe

that intolerance or persecution are lawful methods of advancing the kingdom of God.

- (6) I also promise, in God's strength, to live a holy and exemplary life; to promote the purity, peace, unity and progress of this Church; and to follow no divisive course from the doctrine, worship, discipline and government of this Church, but rather to faithfully assert, maintain and defend the same, rejecting whatever is contrary to or inconsistent with it; and to submit myself to the decisions of my brothers in the various courts of this Church.
- (7) I further promise to fulfil faithfully all the duties of my office.

Subscribed at:

Name:

Signature:

For further assurance of where the ministry stands Synod 2010 resolved that *where a minister or student for the ministry is to be inducted to office or licensed using these Questions and Formula, such person shall also subscribe the 1952 Formula.*

2008: STATUS OF HANDBOOK

On May 13,2008, on the recommendation of the Law & Advisory Committee, Synod resolved, none opposing, that those matters in the Handbook approved in 1992 of an obligatory character as standing rules for the church at large, its presbyteries or congregations, together with sundry other items decided since of like character, principally Guidelines for Church Workers, working with minors and an addition in 7.26, have sufficiently met the requirements of the Barrier Act.

The substance of other pieces of legislation since 2008 is generally recorded in the Handbook or

under the relevant Committee in the Decision Book. The following Class 1 items are highlighted here:

1986: SEATS ON PRESBYTERIES FOR MINISTERS NOT INDUCTED [Act 18 now deemed Class 1, Synod 1986] See Handbook 4.2

2011: ACT CONCERNING CONFLICT OF INTEREST [Act 1, Class 1 Synod 2011] See Handbook 6.1

2011: ACT CONCERNING MARRIAGE

For removing any question about the Church's position in the light of more recent attitudes to marriage, Synod reaffirm its commitment to the statement in the Confession of Faith 24.1, namely, that marriage is to be between one man and one woman. Synod commends the short statement on Marriage and Family Life in the [Law & Advisory] Report to the use of our people in ways they may find appropriate.

2012: INTERVIEWING WOMEN, CHILDREN AND VULNERABLE ADULTS [Act 1, Class 1 Synod 2012] See Handbook 7.50

2014: PROCEDURES FOR DEALING WITH ALLEGATIONS OF CHILD ABUSE AND SEXUAL MISCONDUCT (Class 1 Synod 2014) See Handbook 7.51

Synod authorize the use where appropriate of the Statement on the Constitution as follows:

**STATEMENT ON THE CONSTITUTION OF
THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA**

[The constitution of the Presbyterian Church of Eastern Australia is of common law type
and cannot readily be digested into a single document.]

1. The religious denomination known as the Presbyterian Church of Eastern Australia, founded in Sydney on 10 October 1846, holds the same principles and adheres to the same standards of doctrine, worship, discipline and government as did the religious denomination in Scotland known as the Free Church of Scotland in the year 1843 following the event in Scottish history known as the Disruption. The supreme governing body subject to its constitution of the Presbyterian Church of Eastern Australia is known as the Synod of Eastern Australia.

2. The basic doctrinal standard of the Presbyterian Church of Eastern Australia is the Westminster Confession of Faith as explained by the Acts of the Assembly of the Church of Scotland in 1647, and of the Synod of Eastern Australia in 1952, together with the Formula and Questions set out by the Synod of Eastern Australia in 1952 and 2008.

3. The other standards of the Church are as follow:

Church Government

Second Book of Discipline 1578

Westminster Form of Presbyterian Church Government 1645

Worship

Directory for Public Worship 1645

Directory for Family Worship 1647

Catechisms

Larger 1648

Shorter 1648

These standards are to be understood in the light of the Acts passed by the Assembly of the Church of Scotland when they were adopted.

4. The by-laws governing procedure in Church courts are set out in the Handbook of Practice and Procedure of the Presbyterian Church of Eastern Australia first published in 1992 and revised from time to time, and accessible by download from www.pcea.org.au

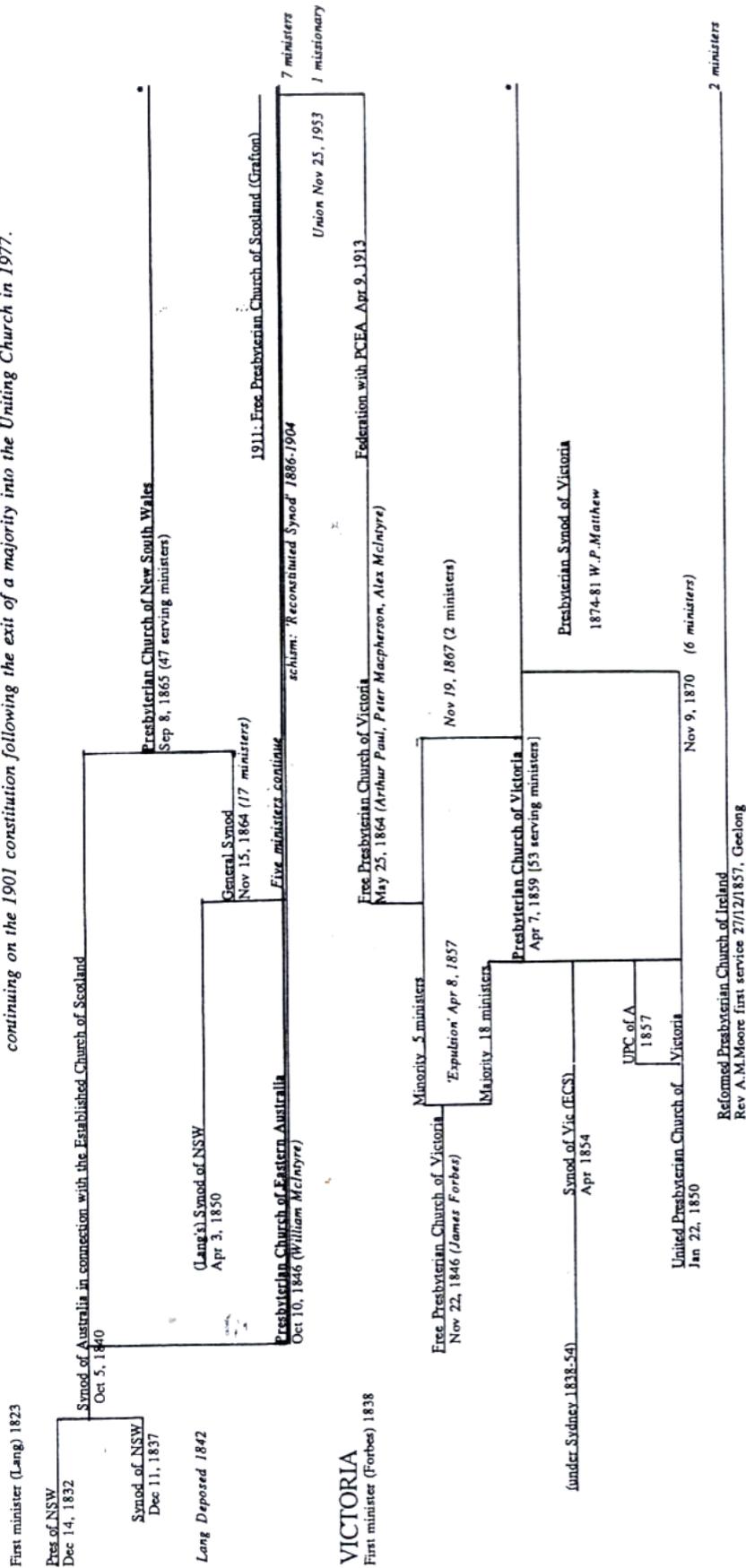
5. Church property is held by one of three corporate trustee bodies: The Trustees of the Synod of Eastern Australia (pursuant to an Act of NSW Parliament 1918); The Trustees for Victoria of the Presbyterian Church of Eastern Australia (pursuant to Act 5691, Victoria 1953; or under the name Presbyterian Church of Eastern Australia in terms of the Queensland *Religious Educational and Charitable Institutions Act* (Register of Patents No. 35 Page 9).

This Statement on the Constitution was approved by the Synod on 8th May 2013

PRINCIPAL DIVISIONS & UNIONS IN AUSTRALIAN PRESBYTERIANISM 1823-1953

NEW SOUTH WALES

*The Presbyterian Church of Australia is a federal union of the Presbyterian Churches of New South Wales, Victoria, Queensland, South Australia, Tasmania and Western Australia, constituted on July 24, 1901, and continuing on the 1901 constitution following the exit of a majority into the Uniting Church in 1977.



NB: The original position of the (Established) Church of Scotland included State recognition and support (ie. recognition of the sovereignty of God over the national life) and the exclusive jurisdiction of the Church in its spiritual affairs. In 1843 the majority of the Established Church profess to maintain this but denied it in practice by accepting the intrusion of the state in the internal spiritual affairs of the Church. Hence the Free Church of Scotland was formed by about 40% of the Established Church to maintain the original position. In Australia the division came in 1846 when the Australian Synod refused to break its moral and spiritual connection with the Established Church. The United Presbyterians, including Lang, rejected state support, some professed a secular concept of the State, and many were loose in other aspects of the Confession of Faith. In the early period the Free Church was quite serious in its adherence to the Confession, while the Church of Scotland was nominally loyal. The Reformed Presbyterians were similar to the Free Church (which the majority of RPs in Scotland joined in 1876), but also held to the continuing obligation of the 17th century covenants. [Rowland S. Ward, 1994]

SOME SPECIMENS OF THE WAY MINUTES MAY BE WRITTEN

(1) CONGREGATIONAL MEETING

The Annual Congregational meeting as authorised by the Session on was held on, the Minister occupying the chair and constituting the meeting with worship at 8pm.

Present: (communicant members) together with

Apologies: Apologies from were tendered and accepted.

Business:

1. The minutes of the last congregational meeting on were read and it was moved, seconded and agreed to that they be confirmed.
 2. The Session Clerk reported on the spiritual condition of the congregation, and answered one or two questions.
 3. The Treasurer presented the duly attested annual accounts, copies of which had been distributed the previous week, and answered questions. It was resolved that the meeting receive the Annual Accounts and express its gratitude for the work of the Treasurer and the Auditor.
 4. The Convener of the Session's Outreach Committee then presented an outline of the extension work proposed to be initiated in the new housing estate, and answered questions.
- There being no other business, the meeting was closed with prayer at

(2) SESSION

The Session of the Congregation met at on(Date) and was constituted with prayer at a.m./p.m.

Present:

Apologies:

Business:

1. Confirmation of Minutes

The minutes of the meeting on were read and confirmed.

2. Commissioner to Presbytery

This being the first meeting since the rising of the annual Synod, it was resolved that Mr be the commissioner to presbytery and Synod for the current ecclesiastical year, and that a Commission in the form prescribed in the *Handbook* 2.39 be furnished to the Clerk of Presbytery accordingly.

3. Letter from Mr Jones

A letter dated had been received from the above on (date) requesting that..... The letter was read and received. It was resolved to advise the writer by letter that....

4. Observance of Lord's Supper

The Session resolved that the sacrament of the Lord's Supper be observed at the morning service on the first Lord's Day next month.

5. Applicant for membership

The minister reported that had approached him about communicant membership. The other elders having also spoken with the applicant, it was resolved that she be admitted on profession of faith at the morning service next Lord's Day.

6. Review of roll

The Clerk read through the names on the roll and it was noted that and were irregular while had left the district.

It was resolved that the minister in company with elder John Smith would follow up the irregular attenders by personal visit, and that the member who had left the district would be written to with a view to a disjunction certificate being provided in order that membership might be transferred to our congregation.

7. Annual Congregational Meeting

It was resolved that the Annual Congregational meeting be held on and that the required intimation be made in the Congregation; and that as well as the usual reports and the presentation of the annual accounts, the Session also present a report on the proposed outreach to the new housing estate.

8. Next meeting

It was agreed to hold the next meeting at on.....

Closing

The meeting was closed with prayer at a.m./p.m.

(3) DEACONS' COURT

The Deacons' Court of the Congregation met according to circular on at the home ofand was constituted at am/pm by John Brown, who occupied the chair in the absence of the minister.

Present:

Apologies: Rev John Jones

Business

1. The minutes of the meeting on were read and confirmed.
2. Keith Brown reported that the new bath had been satisfactorily installed at the quoted price and the plumber paid.
3. The Court received the report from the Estate Agent on the value of the existing manse. The Court resolved unanimously to approve the sale at not less than \$.... and to seek concurrence of the Session accordingly in order that a meeting of the Congregation might be held to give approval to the proposed sale, subject to the approval of Presbytery.
4. It was agreed that at the preaching place one of those attending should assist in counting the offering as there was only one office-bearer at the service at present.
5. It was agreed to allocate the provisional sum of \$.... for needy cases during the coming year, the minister and Bruce Brown to administer.
6. The Treasurer submitted an estimated budget for the coming year showing a likely surplus of \$.... This was approved.

7. It was agreed to advise the congregation that it was proposed in the coming year that 10% of all ordinary offerings would be applied to Synod Stipend Assistance and Mission funds according as the need was greatest, but that occasional opportunities would be given for special giving over and above this, while members were free at anytime to designate a special gift for a particular need.

It was agreed that the next meeting be held on the first Friday of next month at the same time and place. There being no other business the meeting was closed with prayer at a.m./p.m.

(4) PRESBYTERY

The Presbytery of the Presbyterian Church of Eastern Australia met for ordinary business at the Church on and was constituted at a.m./p.m.

Present:

Apologies:

1. Commissions

Commissions in favour of Messrs Smith, Jones and Brown from the North, South and East congregations respectively were received and sustained.

2. Election of Moderator

It was resolved that Rev Mr be the Moderator for the ensuing ecclesiastical year.

3. Confirmation of Minutes

The minutes of the meeting on as circulated were confirmed after two corrections had been made and initialled.

4. Congregational Reports

a. The *North Congregation* reported that attendances were being maintained at the level reported at the last meeting, the youth fellowship was operating satisfactorily and that Mr had been ordained and inducted to the eldership on

b. The Interim-Moderator of the *East Congregation* reported that at a duly constituted meeting of the congregation on Mr John Jones had been elected as minister by a vote of 24 to 4. There were 30 members on the roll which had been purged prior to the election. There was no doubt of the financial capacity of the congregation to support a minister, and every prospect of harmony. Relevant extracts of the congregational meeting were laid on the table.

It was resolved that a special (*in hunc effectum*) meeting of Presbytery be held at the East Church on at 7.45pm to moderate a call to Mr Jones, and that an edict in the form prescribed in the *Handbook* (4.60) be read in the congregation by the Interim-Moderator.

5. Statistical return

The statistics of the congregations were given in and were as follows:

6. Remit under Barrier Act - "Act concerning leases"

The Presbytery took up the remit from Synod under the Barrier Act and resolved 6 votes to 1 in favour of the proposed "Act concerning leases."

7. Request to sell the West Church manse

Extract minutes from Session dated , Deacons' Court datedand Congregational meeting dated supported an overture of the Deacons' Court seeking permission to sell the manse and apply the proceeds to the erection of a new manse on the site owned by the congregation. The Presbytery heard the overture and granted its request in the following terms:

The Presbytery in its own name and on behalf of Synod (as authorised by the Synod resolution of 1988) grant the Deacons' Court permission to sell the manse situated at for the fair market value, not to be less than \$; authorises the erection of a new manse on the site at in accordance with the tender of for \$......; and directs and authorises the Trustees to sign and seal necessary documents accordingly. This permission is subject to the unconditional sale of the old manse before the contract for the new is signed and to the location of the new manse being altered by about 3 metres to the east so as to maintain the option of future subdivision of the remaining land.

8. Spiritual Conference

The Presbytery now resolved itself into a spiritual conference on the theme of "Pastoral Care" as appointed by the last meeting. A paper was given by Mr and a Book Review by Mr After questions and discussion the conference was closed with prayer by several of the members.

9. Treasurer's Report/Presbytery Levy

The Treasurer reported a balance of \$ and that a levy would be required. It was resolved to raise a levy of \$ apportioned thus:

10. Expenses

It was resolved that the travel expenses of members be paid - total \$....., and that the Clerk's expenses of \$ be paid together with catering costs of \$

11. Next meeting

It was resolved that the next meeting be in the South Church on at 2pm and that the Spiritual Conference segment be on the topic of The meeting was closed with prayer at

SOME EXAMPLES OF MINUTES IN MATTERS OF DISCIPLINE OF MINISTERS

A petition was presented by and signed by sixteen members of the Middle Congregation, requesting the Presbytery to inquire into certain prejudicial reports now prevalent against their minister, Mr B. The minister of the Congregation being not present at the Presbytery, but the petitioners assuring the Presbytery that they had given to him a copy of their petition 2 weeks ago, and several Presbytery members affirming they had privately discussed matters with Mr B but to no avail, it was agreed to hold a special (*in hunc effectum*) meeting of the presbytery on and to cite Mr B to appear to answer the allegations.

The minister of the Middle Church being present acknowledged that the allegations of repeated public drunkenness were true, expressed his repentance as well as his sorrow and regret for the dishonour done to Christ and his cause, and placed himself in the hands of the

Presbytery. The Presbytery, after discussion and prayer, resolved in the name of the Lord Jesus Christ to depose Mr J B from the office of the holy ministry, dissolve the pastoral tie and appoint Mr John White Interim Moderator from today. The Presbytery recommended that the Deacons' Court pay a severance allowance of 3 months stipend in addition to any outstanding stipend and annual leave entitlement, and that report be made on this point at the next meeting of Presbytery. The Presbytery further appointed Messrs _____ and _____ to provide special pastoral care to Mr B in conjunction with the Middle Church elders.

Mr B being present expressed himself aggrieved that questions about his conduct should be raised and declined to discuss same unless a libel was made out. The Presbytery thereupon resolved to proceed to a libel in the name of the Presbytery, and appointed a Committee consisting of Messrs L, M & N to prepare same in conjunction with the Synod's Law and Advisory Committee, and further appointed a meeting of the Presbytery for (date) to consider the relevancy of the libel and the propriety of serving it.

The Presbytery took up the case of the proposed libel against Mr J B. It was moved and second that the libel be found relevant. It was moved and seconded that the libel be found not relevant. The first motion was preferred and became the finding of the court. Mr B dissented and protested for leave to complain to Synod promising to give in reasons within 10 days. Leave was granted but not to stay Presbytery's procedure. It was

moved and seconded that the libel be served on Mr B as one found relevant. The motion was carried. Mr B dissented and protested for leave to complain to Synod, promising to give in reasons within 10 days. In accordance with the law of the church, the Presbytery ordered the libel served notwithstanding the dissent and complaint, and find that Mr B now ceases, *ipso facto*, to exercise the functions of his office until the matter is disposed of. Mr White was appointed Interim-Moderator. The Presbytery, finding that the complaint now stays further procedure, resolves to request the Moderator to call a special meeting of Synod in order to a final decision on the complaint, should the complaint be supported by receipt of reasons within the prescribed 10 days.

(5) SYNOD

Barrier Act procedure

The Synod transmit the following overture to Presbyteries under the Barrier Act,*

WHEREAS...

AND WHEREAS...

NOW THEREFORE the Synod with consent of presbyteries enact and ordain as follows:

[*If the matter is of such urgency that it should provisionally operate, add the words, "and meantime pass the same as an Interim Act in force until next Synod."]

CLASSIFIED DECISIONS OF SYNOD

Principal decisions of on-going significance

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ADMINISTRATION COMMITTEE

Prior to 1975 the Administration Committee was known as the Bills & Overtures Committee. The Synod Clerk is Convener.

SYNOD COMMITTEES: MEMBERSHIP & METHOD OF OPERATING

(Act 7 Class 2, Synod 1911) *See Handbook 5.19*

REPORTS & CORRESPONDENCE

TO SYNOD [Act 6 Class 2 Synod 2011 (amending Act 1 Class 2 Synod 1983 as amended 1985, 1986, 1995, 2000 & 2008)]

It was resolved:

That the Synod Treasurer forward his report and annual accounts to Synod members at least **50** days prior to the scheduled opening of Synod.

That all documents and Committee Reports for transmission to Synod be lodged with the Clerk of Synod at least 45 days prior to the scheduled opening of Synod. Any document or report presented after that date must be accompanied by a letter showing cause why it could not be presented by the due date. The Administration Committee shall judge whether the reasons advanced are sufficient, and if there are extenuating circumstances shall transmit the same to Synod, reporting accordingly. If the Committee refuse to transmit it states reasons to those concerned. Appeal or complaint against the decision may be made to Synod in the usual way, without conforming to the above-mentioned deadline. Such an appeal or complaint is heard by

The Synod in the usual way for an appeal or complaint against the finding of a lower court, that is, with both the appellant or complainant and the Committee at the bar of Synod.

Requests for finance from Synod funds are to be forwarded by presbyteries direct to the Finance Committee to reach the Convener at least 60 days prior to the scheduled opening of Synod, and a copy shall be forwarded by the Presbytery Clerk to any other Committee concerned. From 1986 requests for aid to extension and sanctioned charges are to be directed to the Church Extension and Supply Committee.

The Clerk of Synod shall arrange for Committee Reports and Recommendations together with Correspondence to be printed, and he distributes them so that they are in the hands of members not later than 21 days before the opening of Synod, extra copies being produced for binding with the minutes in due course. Correspondence with the potential to impugn the character or reputation of any person is not to be circulated to persons other than Synod members prior to Synod considering the same.

PROCEDURE IN PROPOSING LEGISLATION

Act 5, Class 2, Synod 1984:

‘The approved procedure in proposing significant motions involving areas where Committees have

responsibility is by overture from lower courts or by approach to the relevant Committee, and not by way of motion on the floor of Synod; and with a view to ensuring prior and mature consideration and wise decision making Synod members are to follow out this procedure to the fullest practical extent'

FRAMING OF COMMITTEE PROPOSALS

Synod 2008:17.1 resolved: 'Synod request any who frame proposals for Synod's consideration to take care to make provision for specifying previous enactments that are varied or rescinded by such proposals.'

SYNOD STANDING ORDERS

[Act of Synod 1978 as amended 1984 and 1991 and by Act 2, Synod 2008.]

The Synod adopted the following Standing Orders, while reserving the right to suspend Standing Orders upon a resolution of the court, and any motion to do so shall take precedence over other business that may be before the house.

1 - MOTIONS

1. Every motion, whether original or amended, if not already in the hands of the Clerk shall be given in writing to the Clerk as soon as it shall have been made to the house.

2. Every such motion shall be legibly written in ink, and any alterations or deletions shall be initialled by the mover of the motion.

3. When a motion has been duly seconded, it shall not be competent to make any alteration upon it without the permission of Synod, excepting in the shape of an amendment, or second or third or subsequent motion as the case may be, regularly proposed to Synod.

4. The person who makes the first motion shall be entitled to the privilege of giving a reply, in which new matter may not be introduced; and thereafter the debate shall be entitled to speak except with regard to the manner of putting the vote.

5. Where an amendment, or second or third or subsequent motion is involved, the manner of taking the vote is to put the amendment against each other in the first instance. The one of these which is carried by a majority is then put against the first motion. When only one motion remains,

or if an amendment has become the motion, the vote shall then be taken for or against that motion.

2. MOTIONS

1. In the discussion of any question the proposer of each motion may address the house for not longer than 20 minutes in proposing his motion, and the seconder for 10 minutes; And no subsequent speaker including the proposer shall address the house for longer than 10 minutes; and that these limits shall only be exceeded when the Moderator shall have ascertained that the house desires any speaker to continue, and shall intimate the ascertained desire to that effect.

2. When a Convener not being a member of Synod is permitted to present his Committee's Report, the Convener and the mover of the Deliverance shall be required to come to an arrangement by which their combined speeches shall not exceed the time normally granted to the mover of a motion in terms of Standing Order II (1) or as that Order may be amended by this or any subsequent Synod.

3. A member of Synod in moving or seconding an Amendment shall confine himself to the matter of the Amendment and shall have the right to speak at a later stage to matters in the Report and other amendments, provided that the total time taken in speaking shall conform to Standing Order 2.1.

3 - DISSENTS

No dissents against any Deliverance of the Synod shall be given in until the minute in which it is pronounced is, for that sederunt, disposed of, the minutes are completed and adjusted, and the house is ready to proceed to other business.

4 - LETTERS ADDRESSED TO THE MODERATOR

All letters addressed to the Moderator for the purpose of being communicated to the Synod shall, in the first instance, be laid by him before the Bills and Overtures Committee who shall advise the Moderator as to the way of disposing of them.

5 - THE CONDUCTING OF CAUSES

It was resolved that:

1. That as far as may be possible, a separate sederunt shall be set apart for Causes, and it shall be understood that Friday forenoon [i.e., the last day of Synod] shall be mainly devoted to that purpose.

2. That in no case shall there be more than two speeches for each party at the Bar, including the

reply to which the appellant or complainant shall be entitled: and where there are more than two parties, there shall be only one speaker, and one speech for each, besides the reply - it being understood that where there is more than one complainant, each shall be considered as a different party only in case of it appearing to Synod that the complaints rest upon distinctly different grounds.

3. That previously to hearing the parties in any Cause, the Clerk shall read the following announcement, viz.:

The members are reminded that justice requires that the pleadings at the Bar be heard by all those who vote in the Cause, and that, in particular, no member ought to vote against either side of the Bar who has not heard the pleadings on that side.

That the Clerk of Synod shall not issue papers to

LAW & ADVISORY COMMITTEE

Conveners: J.A. Harman (1963-1974); A.M. Harman (1974-1979); S.N. Ramsay (1979-1982); W.P. Gadsby (1982-1985); R.S. Ward (1985-1995); W.P. Gadsby (1995-1997); W.J.W.Hanna 1997-2000; T.J.McGlynn 2000; W.J.W.Hanna 2001-05; T.I.Leggott 2005-06; W.P.Gadsby 2006; R.S.Ward 2007-

[Synod 1963, Minutes, p.27]

Mr. J Harman moved that a Law and Advisory Committee be appointed. Seconded, Mr. Campbell. Carried. Mr. S. Ramsay nominated Mr. J. Harman, Mr. E.E. George and Mr. A. McLean be members of the committee - Convener, Mr. J.A. Harman.

[The original minute gives no indication of the remit of the committee, or the guide-lines under which it was to operate, but the intention was to prepare a Church Practice suited to our situation (achieved 1992), and to secure an amended Property Act in NSW similar to that obtained in Victoria in 1953. A small amendment was obtained in 2004, and a proposed new Act was approved by Synod 2013 for submission to the NSW Parliament.

The Committee routinely reviews legislation adopted by sister churches with a view to adapting such legislation as seems relevant and valuable to the Australian situation and bringing it to Synod, always passing suggestions for amended or new legislation to the relevant Committee in the first instance. (L & A Report 2010, p. 6)

Handbook of Practice and Procedure extracts:

Vide 1.11 This work is published by the Synod of Eastern Australia and commended as the approved

the members of Synod with reference to cases which he thinks require to be conducted with closed doors until specially instructed by the Synod to do so; but he shall report such cases to the Synod Administration Committee for its information.

That the Synod Administration Committee shall, in their first Report, specify any case which, in their judgement, requires to be conducted with closed doors; and any case which does not appear to them of that character, though the Clerk may have reported it as such.

That in every case which the Synod appoints to be conducted with closed doors, any instruction to issue the papers shall be accompanied by a special exhortation to the members to keep them private.

working text to regulate business in church courts. Should it genuinely not provide guidance or direction on a particular matter, advice should be sought from the Law and Advisory Committee and Synod overtured for clarification.

Vide, 5.11 The procurator's advice is to be given to Synod, Presbyteries and Synod Committees upon the case being submitted to him through the Synod Law and Advisory Committee. In the event that there is no occupant of the office, the procurator's task is carried out by the Synod Law and Advisory Committee, which obtains such professional advice as it considers necessary.

Further to 2.30a, PRIVACY PRINCIPLES **Presbyterian Church of Eastern Australia Privacy Policy**

1. Introduction

The Presbyterian Church of Eastern Australia is an unincorporated association. The church collects data from users of church services, and from persons and businesses that provide services to the church and its organisations.

The data collected by the church includes information which can identify you as a person such as your name,

your address and other details about you. This information is referred to in Australian Government legislation as ‘personally identifiable information’. The church may also collect sensitive information about or related to you from time to time. Sensitive information includes information which may not personally identify you but is related to a person’s:

- health
- financial status
- racial or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences or practices
- criminal record.

The collection and management of personally identifiable and sensitive information is regulated in Australia and other countries.

The church will take every reasonable measure to protect your information. The church’s approach to your privacy conforms to the Australian Privacy Principles extracted from the Privacy Act 1988 (as amended in 2012), which provides guidance about the collection of personal information, how it should be used and disclosed and its storage and security.

The church is committed to protecting your privacy and any personally identifiable and sensitive data you supply to us. This Privacy Policy sets out:

- how and why we collect data including personally identifiable and sensitive data
- what we do with data we collect
- how we manage collected data
- with whom we share that data

If you have any questions about this policy please contact us as set out at the end of this document.

2. Scope of this Privacy Policy

As required by government registration or accreditation obligations, certain organisations and activities that may be operated by the church in the future may have separate privacy policies in place.

This Privacy Policy for the church will apply to the collection of data by the church where no other church privacy policy applies.

3. Collection and use of personal information

The church will use collected data including personally identifiable and sensitive information in furtherance of the mission and activities of the church. The church will include some of the information it collects in the church’s permanent archival records.

The church will review information not included in the church archival records, and delete information no longer required for church activities.

The church will use data it collects to promote all of the spiritual, pastoral, social, educational, administrative, legal, and historical functions of the church and for the business requirements of the church.

These church purposes include but are not limited to administration and communication throughout the church, analysing the role of the church in society, recording the histories of church members, adherents, and persons in regular contact with the church, and maintaining records in the public interest, including baptism rolls, wedding registers and other related purposes.

Data collected by the church will only be shared with third parties where such parties have agreed in writing to abide by this policy and to only use such information disclosed for the purposes for which access has been given. In general, information provided to third parties should not be able to identify you as an individual; such information can only be disclosed with your express written consent.

Anyone seeking access to any sensitive information will need to be authorised by the Law & Advisory Committee Convener and the Synod Clerk to ensure there is a specific need for such information and provision of such data does not breach any legislative or confidentiality requirements.

Whenever we share information with third parties, the church will take all reasonable efforts to make sure that these third parties keep such information in the same manner as it is kept by the church, and consistent with the principles as set out in the Privacy Act 1988 as amended.

The majority of the service providers used by the church are based in Australia and are therefore subject to the Australian laws. However the church may from time to time work with service providers such as charities and other church related bodies who are located outside of Australia.

Confidential Pastoral duties

If a minister, other church staff or another body of the church intends to record personal and sensitive information arising from deputations or counselling sessions, any person whose data will be collected should be informed of this and advised that:

- a) the records will be kept pursuant to the church’s privacy policy;
- b) the purposes for which the collected information will be used; and
- c) information collected will not be disclosed to any third party and securely destroyed when the purpose for collection is no longer relevant or it is no longer appropriate to maintain the record(s). For example, the minister has moved parishes or retired.

4. Security and disclosure of information

The church will take all reasonable steps to keep personal, sensitive, and all other confidential or restricted information secure, and to prevent its unlawful use and/or inappropriate disclosure.

The church will, as far as practicable, develop and implement practices and procedures in respect to church

archival records. These policies will address:

- a) Requiring researchers seeking access to archival records to acknowledge prior to access being granted to the archival records, that:
 - i) the archival records made available to them are subject to this privacy policy and all applicable legislation; and
 - ii) the researcher is solely responsible for obtaining any further consent required if the information is to be used outside of the purposes for which it was collected; and
 - iii) the researcher will be responsible for any breach of this privacy policy and/or relevant legislation caused by the use of information made available by the church; and
 - iv) the researcher will be required to indemnify the church and the Synod, and/or its agencies in respect of liability for such breach.
- b) Require all applicants/researchers seeking access to personal and sensitive information from registers of baptism and/or marriage prior to the provision of such information to:
 - i) produce evidence that he/she is a subject of the record concerned, or holds the consent of the subject(s) of the record to obtain the information; or
 - ii) establish that the subject(s) of the record are deceased, or can reasonably be presumed to be deceased.

Where the subject of data collected by the church seeks access to his or her personal information or sensitive information collected, it is the policy of the church to grant access, subject to the production of appropriate identification. Such identification must meet the 100-point identification test as used by banks and government organisations.

5. Archival records

From time to time in order to assure the preservation of data collected by the church that this church will transfer church registers, minute books, correspondence, photographs and other images, and all other records containing personal and sensitive information to the archives of the Presbyterian Church of Eastern Australia. The exception to this policy is data collected under Confidential Pastoral Duties above.

6. Complaints procedure, designation of Privacy Officer and contact information

Enquiries concerning this privacy policy, and any complaints concerning failure of the church to comply with this policy, or relevant legislation should be addressed in the first instance to the Church's designated Privacy Officer, who can be contacted as noted on www.pcea.org.au

If any complaint is not readily resolved to the satisfaction of the complainant, the matter will be referred to the Synod Clerk, who can be contacted as noted on www.pcea.org.au

The complaint resolution process will include but is not

limited to:

- a) the matter being handled in a proficient and confidential manner at executive level; and/or
- b) referred to the courts of the church under the provisions of the Handbook of Practice and Procedure of the church; and/or
- c) independent arbitration initiated depending on the most suitable action necessary in an attempt to best resolve the matter.

ARCHIVIST

Rev. Dr R. S. Ward 1989-

McIntyre Forbes Presbyterian Library (1999)

Synod 1989 (Act 2): It was resolved that Synod records and papers not required by the Clerk be suitably stored in the Wantirna Church building with Rev R. S. Ward as Archivist, and that any court or individual desirous of so doing, be permitted to lodge historical material with the Archivist also. Synod requests Mr Ward to submit a list of material in the Archives to the next Synod [see listing in 1991 Synod Reports, also a comprehensive list in 2014 Synod Reports] and also requests Presbyteries and Sessions to furnish details of records they have to Mr Ward in order that what is lost or unlocated may be known and inquiries about records can be appropriately directed. [Request repeated 1991, '92 & '98.]

REQUEST FOR RECORDS

Synod 1991 (Act 1) repeated 2006: It was resolved that Synod request any individuals who may hold old minute books and papers of church courts to return them to the relevant church court or the Archivist, and recommend that important or rare documents be copied and the original or copy lodged in the Archives.

KEEPING RECORD OF CHURCH LIFE FOR POSTERITY

Synod 1991 (Act 2): It was resolved that Synod encourage congregations and Presbyteries to keep a photographic and written narrative of church life so as to preserve some records of the Lord's dealings for a future generation. (repeated 1998; minute 98.31.3)

SUMMARY OF ARCHIVAL HOLDINGS

A comprehensive listing of archival material including details of lodgement of South Australia, early Victorian, Assembly records 1913-61 and certain Synod minutes, is in Synod 2014 Reports pages 21-25, with supplementary material in Synod 2015 Reports, page 22, and updates subsequently.

Privacy and Archives – see Privacy Policy Section 5.

FINANCE COMMITTEE

Convener: I.L.Graham (pre 1958); A.M.McLean (1958-77); A.M.Harman 1977-79); N.A.McPherson (1979-85); R.L.Campbell (1985-87); R.W.Murray (1987-88); K.L.Longworth (1988-90); A.H.Steel (1990-

A – COMMITTEE

RESPONSIBILITY OF FINANCE COMMITTEE

[Act 3, Class 2, Synod 1988]

It was resolved that Synod rescind Act of Synod 1974 (Rec. 7 p.12) and Act of Synod 1983 (Rec. 5, p.6) except in so far as they are incorporated herein and enact as follows:

The Finance Committee has the responsibility of co-ordinating all requests for finance by standing committees (other than the Provident Funds Committee) and presenting a succinct report to each Synod so as to enable the Synod to be fully aware of its capacity or otherwise to meet those requests, and the level of additional giving which may be required. Each Presbytery and Synod Committee is enjoined to provide such information to the Finance Committee as will enable it to fulfil its remit.

See also *Handbook*, 5.19.

GIVING FOR CHURCH FUNDS [Act 5, Synod 2009]

Synod encourages regular, sacrificial and cheerful giving to the needy funds of the Church, particularly Stipend Relief, and urges Sessions and Deacons' Courts to take the lead in encouraging this Biblical response to present need. The Finance Committee of Synod is authorised, upon advice of the Synod Treasurer, to make appeal from time to time as may be appropriate by direct correspondence to local church courts as well as through the Presbyterian Banner.

B – SYNODICAL **SYNOD BANK ACCOUNTS**

Synod 2005.40.2: That the Treasurer be authorised to open accounts in Banks, other than the National Australia Bank, so as to achieve the best return on funds held pending investment/disbursement.

Synod 2010.34: Authorised signatories to operate Synod's bank account (s) be any two of DE Kerr, TI Leggott, JA McCallum, K.R.Shaw, and AH Steel. Authorised users of Bendigo e-banking any two of T.I.Leggott, K.R.Shaw, A.H.Steel and D. P. Smith.

PAYMENT OF COMMITTEE EXPENSES

[Act 4 of Class 2, Synod 1977]

It was resolved that the General Treasurer be authorised to pay at the request of Conveners reasonable expenses incurred by Conveners and/or their Committees in the execution of work given them by Synod.

SYNOD ADMINISTRATION COSTS [Synod 1995 (Minutes, Article 95.36.4)]

The total cost of Synod each year (on a per commissioner basis) be advised by the General Treasurer after each Synod to Deacons' Courts and Presbyteries. This amount to be remitted to the General Treasurer by 30th June by Deacons' Courts for congregational representatives and by presbyteries for ministers who do not represent a congregation. In the case where a charge is not represented at the Synod, that Deacons' Court to make a contribution at the rate of one commissioner. Synod host congregation being exempted.

SYNOD DELEGATES' EXPENSES

[Act 1 of Class 2, Synod 1984 as amended in section c by Synod 2003, 2005, 2007 & 2014]

- a) Where fares are necessary for members to attend Synod meetings, Synod will provide for economy class or equivalent travel on public transport.
- b) Should a journey entail continuous travel for an unreasonable time (e.g., greater than the equivalent of rail or road between Melbourne and Sydney or Sydney and Brisbane) then air travel may be provided for all or part of the journey at the most economical rate.
- c) Commissions attending Synod meetings may seek reimbursement of expenses as follows:
 1. Economy class return fares for travel by rail, road or air to apply.
 2. Should reimbursement for travel by motor vehicle at the rate per kilometre set by Synod from time to time, exceed the cost of air fares where services are available, commissioners' claims are to be limited to the lesser of the two for that portion of their journey.
 3. Reimbursement for travel by motor vehicle:
 - One claim per congregation represented at Synod allowed.

- For church owned vehicles, reimbursement be *Running* (operating) Costs only.
 - For privately owned vehicles, *Running Costs* with an option to include *Fixed Costs*, if commissioners so desire. The NSW NRMA annual Vehicle Operating Costs Survey figures to be used as the basis for reimbursement. These figures to be adjusted on the last business day before Synod convenes, taking into account the average unleaded fuel pump price in the area where Synod is meeting.
4. Miscellaneous expenses allowed including taxis, car parking, accommodation at reasonable cost if necessary.

C – PRESBYTERIAL

REQUESTS FOR FINANCE

(Stipend Relief)

[Synod 1983 (Min. p.6 part of Act 1 Class 2)]

It was resolved that:

(5) Requests for finance from Synod funds are to be forwarded by presbyteries direct to the Finance Committee, to reach the Convener at least sixty (60) days prior to the scheduled opening of Synod, and a copy shall be forwarded by the Presbytery Clerk to any other Committee concerned.

Synod 1996 (Synod Minutes 1996, article 96.63) resolved that, until otherwise resolved by Synod, a Church Extension and Supply Committee be not appointed, that financial aspects be meantime directed to the Finance Committee, that Sessions and Presbyteries keep the subject of Church Extension under careful review and that Presbyteries continue to provide a report to each Synod of work within its bounds for the Synod Clerk to include with other Synod reports.

INVOLVEMENT OF DEACONS' COURTS

Per Synod 2016, assistance from Deacons' Courts in the bounds for aid-receiving congregations to be sought in the first instance, see 3.17d.

REQUEST FOR LOAN FROM CAPITAL ASSISTANCE FUND

See Capital Assistance Fund Regulations 2007.

PERMISSION TO MORTGAGE

follows same procedure as for Capital Assistance Fund loan. (Synod 2008)

D – CONGREGATIONAL

STIPEND ADJUSTMENT FORMULA

(effective since 1/7/2003)

Adjustment of Minimum Stipend [Cash & Non-cash components] (Excluding Manse, Car and Telephone) be made on 1st January and 1st July in line with the movement in the Average Weekly Earnings, Australia (Full-time adult ordinary time earnings) as published by the Australian Bureau of Statistics. In the event of a negative movement in any six monthly review period, no adjustment be made.

[Note: The minimum stipend was \$1,050 per week as at 1 January 1, 2018.]

STIPEND AT LESS THAN MINIMUM

[Act 6, Synod 2009]

Synod note that where mutually acceptable between the minister and the congregation, a Presbytery is permitted to approve an appointment or settlement, or its continuation, at a stipend/non-cash benefits level less than the minimum stipend set by Synod from time to time, provided that it is satisfied that the financial position of the person and their dependents is adequately provided for both as regards income and superannuation, and that the interests of any congregation concerned are appropriately taken into account. This provision may be suitable for a new minister with limited experience, or for pioneering work or for a small congregation with modest resources. Normally the basic figure should be not less than 80% of the minimum stipend/non-cash benefits, unless a tentmaker model is envisaged, and may rise in steps to the minimum level over say five years. Any variation from the norm is to be minuted by the Presbytery and reviewed annually.

PULPIT SUPPLY FEES

[Synod 1982: Act 12, Class 2 as amended Act 5 Class 2, Synod 2006 & Act 6 Class 2, 2008.]

It was resolved that:

1. That all previous relevant decisions be rescinded.
2. That the recommended minimum rate of stipend payable for pulpit supply:-
 - for Ministers, Probationers or Students who have other sources of income be 10% of the weekly minimum stipend per service, plus travelling allowance. (*Continued overleaf*)

- for short term supply and limited Pastoral work (e.g., by retired Ministers or Missionaries) be 50% Minimum stipend per week plus accommodation and travelling expenses if necessary.
- for residential supply and full Pastoral work by a PCEA Minister, the minimum stipend plus usual church superannuation, four weeks annual leave, accommodation and travelling expenses.
- for residential supply and Pastoral work by Probationers, or other supply, be 80% of minimum stipend, plus superannuation guarantee contribution, four weeks annual leave, accommodation and travelling allowance.
- for resident supply and Pastoral work by a Student with no other source of income be 50% minimum stipend plus superannuation guarantee contribution, four weeks annual leave and accommodation and agreed expenses of working the charge if necessary, with an additional figure related to his marital and income situation and the pastoral load.

The provisions of (2) above apply to ministers, probationers, students and missionaries of the PCEA, but may be negotiated as local circumstances dictate. In regard to supply by others the figures are not obligatory but may be varied according to local circumstances as determined by Deacons' Courts.

GIVING FOR CHURCH FUNDS

[Act 5, Synod 2009]

Synod encourages regular, sacrificial and cheerful giving to the needy funds of the Church, particularly Stipend Relief, and urges Sessions and Deacons' Courts to take the lead in encouraging this Biblical response to present need. The Finance Committee of Synod is authorised, upon advice of the Synod Treasurer, to make appeal from time to time as may be appropriate by direct correspondence to local church courts as well as through the Presbyterian Banner.

QUARTERLY REMITTANCE TO SYNOD

[Synod 1974 (Minutes, p. 12)]

It was resolved that all Deacons' Courts have their treasurers forward collections on behalf of Synod Funds to the General Treasurer quarterly and that their final remittance, including Synod Levies, be sent on prior to 15th January in the new year.

CONGREGATIONAL ANNUAL FINANCIAL STATEMENTS

[Synod 1974 (Minutes, p. 12)]

It was resolved that the attention of Deacons' Courts again be drawn to the need for their Financial Statements to show Auditor's certification and Presbytery attestation before sending them on to the Convener of this Committee and to Synod. (Rec. 7)

Synod 2012 directed Presbyteries to see to it that congregations under their care take steps to **include a fair value of their assets** in their annual financial statement as well as detail of any liabilities.

CONGREGATIONAL FINANCIAL REPORTING & AUDITING

[Act 24 Synod 1986, now deemed Class 1]

{See *Handbook* 3.15}

SALE OF CONGREGATIONAL PROPERTY EXCLUDING PLACES OF WORSHIP

Synod 1988 (*Handbook* 3.22)

USE OF REAL ESTATE

[Synod 1974 (Minutes, p. 12)]

It was resolved that Synod direct that the attention of Deacons' Courts and Congregations with real estate be drawn to the possibility of its use for the furtherance of the work of the Gospel through-out our Church. (Rec. 11)

BEQUESTS & LEGACIES

[Synod 1983] {See *Handbook* 3.23}

INVESTMENT OF FUNDS

(Synod 1991: see note to *Handbook* 3.17e)

For detailed Act see 3.27

INSURANCE

(Synod 1982, 1984 & 1990, 2015; summarised in *Handbook* 3.21)

THE CAPITAL ASSISTANCE FUND

Prior to 2007 known as *The 8.14 Foundation*
[Convener: N.A. McPherson (1983-91); A.H. Steel 1991-2007; now administered by the Finance Committee]

REGULATIONS AS ADOPTED BY Synod 1983 and amended Synods 1984, 1985, 1993 and 2007:

1. That “The 8:14 Foundation” be known as “The Capital Assistance Fund” and referred to in these regulations as “the fund”.
2. The object of the fund is to provide a source of finance for capital expenditure in the work of the church.
3. The fund shall consist of money and property of any nature.
4. The fund shall be applied, both as to capital and income, in making available loans or gifts for such capital expenditure in the enterprises of the church, including presbyteries and congregations as may from time to time be approved by the Synod.
5. The Fund shall be administered the Synod Finance Committee. The cost of administration shall be a first charge on the fund.
6. Applications for loans or assistance from the fund shall be submitted to the Clerk of Synod, in accordance with ordinary administrative procedures, who shall provide a copy to the Synod Finance Committee for consideration and recommendation to Synod.
Should it be impracticable to submit the application to the annual Synod for determination, because of timing, the Finance Committee shall forward its recommendation to the Synod Administration Committee who shall make a determination on it. Applications shall be accompanied by all such information as may be necessary for the Synod/Synod Administration Committee to make a determination.
7. All loans from the fund shall be subject to such arrangements for repayments as are approved by Synod/Synod Administration Committee.
8. When not immediately required for the purpose of the fund, the assets of the fund may be invested in suitable investments.

9. Receipts of Lindfield Lease Account be placed in the fund.

10. Synod Finance Committee shall examine and report annually to Synod on contributions to, disbursements from, administration and promotion of, and any other matters that may affect the fund.

STIPEND ASSISTANCE REGULATIONS

[Synod 1990 as amended by Synod 2008]

The word ‘stipend’ in these regulations means the Minimum Stipend - Taxable cash and non-cash components (excluding Manse, Car and Telephone)

1. FUNDS

The funds available to the Finance Committee include interest on monies invested for Stipend and Church Extension purposes, together with contributions made for such purposes from other sources and allocations from general funds. In its annual report to the Synod the Committee shall include a budget of anticipated income and expenditure for the calendar year of the Synod to assist in wise and stable planning. The Committee is empowered to appeal for funds to the church at large from time to time, but apart from modest variations dictated by prudence and common sense, shall not expend funds other than as authorised by Synod. Funds dispersed by Synod on recommendation of the Committee are for stipend of the minister unless funds are received with some special condition. In such event the funds shall be used for the purposes designated by the donor.

2. FINANCIAL ASSISTANCE

In order to facilitate and encourage the work of extension in new areas as well as existing charges which need to be worked up to self-support, the Synod may grant financial assistance, subject to funds being available. All assistance is on a needs basis with allocation being made on the basis of a year from 1 May to 30 April. Synod requires the recommendation of the Presbytery to be supported by a budget and evidence of the charge or station being efficiently worked according to some definite program of extension. The Presbytery shall send its recommendation to the Committee

with such supporting detail as may be appropriate, and the Committee shall make recommendation to the Synod having regard to the resources available and the merit of the application.

3. LIMITS ON FINANCIAL ASSISTANCE

a. **Fully Sanctioned Charge** which is not fully self-supporting may receive assistance on a needs basis but not exceeding an amount of 50% of the minimum stipend. In normal cases a progressive reduction to nil over 5 years will be expected.

b. **Special Development Charge** (in former years termed a Church Extension Charge) is one with sufficient promise and support to justify the appointment of a full-time minister who has a seat on Presbytery, if ordained, but who is not inducted. It may receive for the initial two years up to 75% of the minimum stipend or up to 100% if a manse has to be rented, but thereafter the limits will be 50% and 75% respectively, with a progressive reduction over a further 5 or 7 years to nil. The Charge will be responsible for the entire Superannuation and Levy and will not receive a portion from the Committee's funds for these items.

c. Financial assistance to a **preaching station** will normally not be given unless Synod classifies it as a Special Development Charge upon request of the Presbytery. A copy of the Presbytery submission shall be provided to the Finance Committee by the Presbytery well in advance of the Synod.

d. Should the minister of an aid-receiving charge

cease to act in that capacity, funding from the Synod shall cease during the period of vacancy.

4. LAND AND BUILDINGS

The necessary or desirable buildings for a congregation vary according to the circumstances. The Synod seeks to provide assistance by way of grants and loans from the Capital Assistance Fund and other designated monies, but funds for purchase of property are not available from Stipend Funds. If, during any stage of the development of an aid-receiving work, the congregation consider it necessary to purchase real estate, this will have no bearing on funding of Stipend except that the need may be thereby increased nearer to the maximum.

5. PAYMENT FOR PULPIT SUPPLY

The provisions of Act 12 Class 2 of Synod 1983 as amended to 2008 apply. (See page 85 for text.)

6. MINISTERS FROM OVERSEAS

As enacted by Synod 1973, 'It is required that any settled congregation inviting with a view to a call or calling a minister from overseas, must ordinarily meet the whole cost from their own resources. However, providing funds are available, assistance may be obtained for this purpose by way of a loan upon which interest must be paid - and the capital repaid within five (5) years.'

Immigration procedure is outlined in Law & Advisory Report to Synod 2016.

TRUST CORPORATIONS – SYNOD INVESTMENTS

(A) - GENERAL

BEQUESTS & LEGACIES

[Act 4 of Class 2 Synod 1983, rescinding legislation of Synod 1965, 1966, 1967 and 1968] {See *Handbook* 3.23}

DEED BOX AUDIT

Synod directs that, commencing in 2009, and every three years thereafter, that the Clerk of Synod and the General Treasurer carry out a joint inspection to verify the content of the Deed Box, and that the Clerk make report of their findings to the following meeting of Synod. Act 8, Class 2, Synod 2008.

[The next Report is due in 2020.]

(B) - TRUSTEES

INVESTMENT OF SYNOD FUNDS

[Synod 1984 p.14]

It was resolved that unless otherwise directed by Synod, all transactions involving the use of Synod funds, including, receipt, holding, disbursement or investment, are to be made through the General Treasurer and adequately documented.

[Act 10, Class 2, Synod 1985 as amended by Synod 1992, article 41] [See also 2001.44]

It was resolved that Synod direct that all investment of Capital Funds shall be as decided by the Trustees or a majority of them in consultation with the relevant Committee Convener and the General Treasurer.

Veto power may be exercised over any investment by the Trustees on matters of legality; the relevant Committee Convener on matters affecting Synod policy; the General Treasurer on matters of viability and prudence.

INVESTMENT STRATEGY FOR SYNOD FUNDS

See Synod Reports 2002, pp. 49, 51-52 modified for TVIC in 2014.

Synod 2002 approved investment allocation in regard to Synod Funds held by **TSEA**:

Cash Benchmark 5% range 5-10%; mortgages benchmark 30% range 20-40%; debentures Benchmark 15% range 10-25%. Shares/units benchmark 50%, range 40-60%.

*Synod 2014 approved investment allocation in regard to Synod Funds held by **TVIC** be:*

Cash/mortgages/debentures Benchmark 30%, Range 25-35%. Shares/units benchmark 70%, range 65-75%.

TRUSTEES APPOINTMENT

[Synod 2013]

Synod resolve in regard to the appointment of five trustees under the *Presbyterian Church of Eastern Australia Property Act* (Victoria, 1953) and the proposed amendment of *The Synod of Eastern Australia Property Act* (NSW, 1918):

(i) the persons from time to time holding the office of Clerk of Synod and of Treasurer of Synod shall by virtue of their appointment be trustees and the provision for substitutes for these officeholders in Act 7 Synod 2009 and Act 7 Synod 2008 shall continue to apply with the necessary changes.

(ii) the other trustees will be ministers, elders or deacons of some experience and capacity for the task and shall hold office at the pleasure of Synod in accordance with Section 3 (11). However, they shall in any case cease to be trustees, *inter alia*, at midnight on 30 June following their completion of five years service, but are eligible for reappointment for further periods of up to five years at a time. As a general rule any appointment will cease at midnight on 30 June occurring after the person's attainment of the age of 75.

CURRENT TRUSTEES 10 May 2019

"Synod appoint the following five persons to be the initial trustees in terms of Section 4 of the proposed amendment of *The Synod of Eastern Australia Property Act* (NSW 1918), and from the rising of this Synod these five persons to be the trustees pursuant to the *Presbyterian Church of Eastern Australia Property Act* (Victoria 1953):

Alex Henry Steel (Treasurer) (9/1942)

Rowland Skipsey Ward (12/1945)

Trevor Ian Leggott (Clerk) (3/1949)

~~Ronald Arthur Lawson (10/1950)~~

David John Kerridge (7/1970)"

Synod 3 May 2017 substituted for Mr Lawson:

Stewart Andrew Loudon (1972)

Donald Peter Smith (10.5.2018-10.5-2019) was replaced by Mr Steel

NB: Meantime, the Moderator, Clerk and Treasurer of Synod are the trustees under the NSW Act. Synod 2017 resolved that Ward, Kerridge & Loudon participate in future meetings as assistants but signing powers of the body corporate to be unchanged.

SUBSTITUTE MEMBERS OF THE VIC & NSW BODY CORPORATES

(Act 7, Class 2, Synod 2008 (NSW); Act 7, Class 2, Synod 2009, adjusted 2013]

Pursuant to Section 3 (13) of the Trustees for Victoria of the PCEA Property Act and Section 14 of the Synod of Eastern Australia Property 1918 Act the Synod resolved that in the event of any of the [Moderator,] Clerk and Treasurer of Synod being unavailable for necessary decisions and/or execution of documents, [the immediate past Moderator or, failing him, the one next preceding him who is able and willing to act, shall be the Moderator for the purpose of the Property Act,] the Convener of Law and Advisory Committee shall be the Clerk, or failing him a person nominated by that Committee; and the Convener of Finance Committee shall be the Treasurer, or failing him a person nominated by the Finance Committee; and such substituted person or persons shall be entitled to make decisions and execute documents as if the holder of the office of [Moderator,] Clerk or Treasurer, as the case may be. A record shall be kept of any substitution and report made to the ensuing Synod. *[The words in brackets do not now apply to Vic and will not apply to NSW when the new Act is approved by Parliament.]*

TRUSTEES FOR VICTORIA [TVIC]

Legislation re Vic Trustees

RULES OF THE TRUSTEES FOR VICTORIA

(Re use of Seal) [Act of Synod 1954, Class 1]

FURTHER RULES (Synod 2013): Pursuant to Sections 3 (7) and (8) of the *Presbyterian Church of Eastern Australia Property Act* (Victoria 1953):

(i) Synod appoint that the **quorum** for a meeting of trustees shall be three not two. Such meetings may be held by electronic means and must be suitably documented.

(ii) Pursuant to Section 3 (5) the affixing of the **common seal** shall be attested by two persons.

(iii) The **attestation clause** for the affixing of the common seal shall be in the form: 'The Common Seal of the Trustees for Victoria of the Presbyterian

Church of Eastern Australia was hereto affixed in accordance with the provisions of the *Presbyterian Church of Eastern Australia Property Act* (Victoria, 1953), Section 3.

Synod appointed Rev Dr R. S. Ward as **Secretary** of the Trustees for Victoria on 9 May 2013.

SALES & MORTGAGES

[Act of Synod 1958, Class 1] Handbook 3.22]

LEASING OF PROPERTY

[Act of Synod 1961, Class 1 and re Deacons' Courts executing leases Synod 1994 Act 12 Class 2] Handbook 3.19

A summary of legislation etc. re TVIC is in Synod Reports 2014.

TRUSTEES OF THE SYNOD OF EASTERN AUSTRALIA [NSW Act]

Moderator, Clerk and Treasurer for time being of Synod are the members of the corporation until the proposed amendment receives Parliamentary approval whereupon five named persons become trustees (see previous page).

Other legislation re NSW trustees

Per Synod 2013 the following changes in Synod legislation shall become operative when the amended Act takes effect:

(i) rules for the **application of the seal** of the NSW trustees precisely parallel in requirement to those under the Victorian legislation (Act of Synod

1954) shall come into force. The **sealing clause** shall be in similar form to that for the Victorian Trustees, two trustees being sufficient to attest the seal.

(ii) Existing legislation on mortgage/sale procedure in NSW (Synod 1984) and leasing procedure in NSW (Synod 1988) shall be considered adjusted so as to maintain the identical provisions but relate them to the amended 1918 Act.

(iii) Meetings of the trustees may be held by electronic means and must be suitably documented.

SALES & MORTGAGES, Act 10, Class 2, Synod 1984. Handbook 3.22

LEASING, Act 9, Class 1, Synod 1988; Act 12, Class 2, Synod 1994] See Handbook 3.19

PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA - QUEENSLAND

STATEMENT ON [not OF] THE CONSTITUTION OF THE PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA [Synod 1979 – made to effect incorporation, similar to Act of Synod 2013.]

Incorporated July 23, 1981 under the Religious, Educational and Charitable Institutions Act 1861-1967 (Register of Patents No.35 Page 9.

LEASING, (Act 13, Class 2, Synod 1989; Synod 1994 Act 12 Class 2) see Handbook 3:19

SUPERANNUATION COMMITTEE

(Previously Widows & Orphans, Aged & Infirm Ministers Committee 1935-64;
Provident Funds Committee 1965-2005)

Convener: I.L.Graham (1935-64) N.A. McPherson (1964-71); C.P. King (1971-78);
R.S. Ward (1978-2013); S. Bajema (2013-14); R. Tso 1914-

REGULATIONS AS ADOPTED BY SYNOD INCLUDING MAY 2016.

[Superseding previous regulations except in so far as they are incorporated herein.]
[Note: Words in square brackets are editorial.]

SECTION A - GENERAL RULES

1. The Superannuation Committee is appointed by the Synod to administer specific funds in accordance with all applicable Synod regulations. Synod 1997 resolved that it is to be composed of four persons, two of whom are to be members of the Retirement Fund.
2. The Committee is to keep proper records of its proceedings. The Committee is to continue to monitor relative performance and legislative changes with a view to appropriate recommendation to Synod from time to time.
3. The Committee is to report to each ordinary Synod on the state of its funds and in such a form that the adequacy or otherwise to meet immediate and projected liabilities may be readily seen.
4. In view of the need to avoid inadequately considered alterations to the rules governing the Committee and its funds, suggested changes are to be considered by the Committee and its opinion given prior to changes being made.

SECTION B - THE FUNDS ADMINISTERED

1. Superannuation Levy

With effect from 1 July 2016 all self supporting congregations pay an annual base levy of 5.5% of minimum stipend increasing to 6.5% from 1st July 2017 for each minister in the charge. In addition to the base levy, each congregation with an inducted or supply minister pays the equivalent of the *Superannuation Guarantee* (SG) for each of its ministers as required by government legislation (9.5% of minimum stipend as at 1/7/16). The annual levy for Aid-receiving congregations being 9% of minimum stipend and vacant congregations 3.00%.

In situations where the number of aid-receiving congregations rises, the Committee may request all congregations to contribute additional 1.00% of

minimum stipend for self-supporting, and 2% for vacant charges.

2. Superannuation Support Fund [SSF]

Source of Funds

- a. gifts whether capital or otherwise
 - b. investment income
 - c. other sources as Synod may determine
- Regulations adopted by Synod 2005 show the source of funds to that time. As at 31/12/2017 there was capital/quasi capital of \$215,858 and working funds of \$9,034.

How funds applied

- d. while seeking to at least maintain the value of the Fund the fund can also be drawn on to supplement contributions made to members of the Superannuation Fund so as to reduce the levy otherwise payable by congregations, as determined by Synod from time to time on recommendation of the Superannuation Committee. A shortfall in the levy proceeds account may be covered by a transfer from SSF authorised by the Committee.
- e. by transfer of SSF income to what for the time being is treated as SSF capital, upon the direction of the Committee to the Synod Treasurer.

SECTION C - THE RETIREMENT FUND

HISTORICAL PREAMBLE

1. The history of PCEA retirement/super-annuation provision since 1853 is given in some detail in the Regulations adopted by Synod 2005. The genesis of the present scheme is in 1967. With effect 1/7/1992 the Government implemented the Superannuation Guarantee (SG) system at a level of 3% which was progressively raised to 9% with effect 1/7/2002. The church has always been ahead of the SG scheme. Synod 2005 approved as its default fund the Health Employees Superannuation Trust Australia [HESTA] Core Pool, and allowed members the choice both of Fund and Investment permitted under the Government legislation effective 1/7/2005.

WHEN MEMBERSHIP EFFECTIVE

2. Eligibility for Superannuation is determined by commencement of service and subject to any government minimum threshold on earnings. Benefits in excess of SG provided for by the Church Scheme requires a man to be an ordained minister of the PCEA giving full time residential supply or being inducted to a charge.

BENEFIT

3. Superannuation provides a benefit in the form of a lump sum. The benefit for each member is the net sum resulting from the investment of the amounts contributed to each member's account plus any insurance benefit applicable, less relevant taxes, fees and charges. An annual statement is issued to each member by the Fund and the explanatory material indicates the Government rules on accessing benefits as they exist from time to time. In general, the benefit cannot be obtained until permanent retirement from the work force unless over 65.

INSURANCE

4. Within Superannuation there are insurance provisions with options, and it is usually cheaper to purchase insurance in this way. There is provision for Disability cover in the HESTA Fund. The responsibility for selecting cover suited to his needs rests with the member. Deacons' Courts are encouraged to discuss with the minister of the

charge disability/income protection insurance bearing in mind that such an inducted minister is not a worker within the meaning of 'Workcover' and the like legislation (see Synod Reports 1995, p.53).

CHURCH CONTRIBUTIONS

5. With effect from 1 July 2016 the contribution for inducted ministers is 16.00% of the minimum stipend until the age of 70 years. From the beginning of the quarter following a member's attainment of age 70 years the current government regulated *Superannuation Guarantee* (SG) applies (9.5% of minimum stipend as at 1/7/16).

For an ordained PCEA minister eligible for call giving full time residential pulpit supply the current SG is to be paid; all others giving pulpit supply the SG is to be paid on actual earnings so long as they meet the legal threshold (\$450 per month as at 1/7/16).

INTERCHURCH RELATIONS COMMITTEE

Formed 1971, linked with the Administration Committee 1982-2003, Convened by Synod Clerk until 1993.
Convener: W.P.Gadsby 1982-2006; G.D.Ball 2006-17; R. Tso 2017-

INTERNATIONAL ASSOCIATIONS

The PCEA was a member of the *Reformed Ecumenical Synod* (later Council) 1949-1981. The PCEA was represented by Dr Campbell Andrews in 1958 and was joint host with the Reformed Churches of the 1972 RES in Sydney. Membership was discontinued 15 May 1981. In 1985 the PCEA became an inaugural member of the **INTERNATIONAL CONFERENCE OF REFORMED CHURCHES** and was represented at the inaugural meeting in Edinburgh in September 1985, and all subsequent meetings (Vancouver 1988, Zwolle 1993, Seoul 1997, Philadelphia 2001, Pretoria 2005, Christchurch 2009, Cardiff, UK 2013, Toronto, Canada, 2017).

The intention to establish fraternal and closer relationships primarily among fellow members of the ICRC has been stated repeatedly.

WORLD REFORMED FELLOWSHIP [WRF]

Formed in 2000 by a merger of the Fellowship of Reformed Churches and The International Reformed Fellowship. Website: wrfnet.org
Synod 2017 resolved to approve denominational membership and to encourage PCEA members also to join.

FRATERNAL RELATIONS BETWEEN CHURCHES [Synod 1993, Art. 93.39, Class 2]

It was resolved that the Synod approve and adopt the following statement regarding Inter-Church Relations:
FRATERNAL RELATIONS BETWEEN CHURCHES

There should be one simple rule to the following effect:

Fraternal Relations should exist between Churches that

openly and practically profess the true faith of Christ as summarised in one or more of the classical Reformed symbols - i.e., the Westminster Confession of Faith, the Heidelberg Catechism, the Belgic Confession, the Canons of the Synod of Dort.

Certain duties and courtesies devolve upon churches sustaining fraternal relations.

1. There should be a spirit of cordial love and trust as becomes brothers in the faith.
2. There should be an attitude of mutual helpfulness. Each should be willing to share problems and difficulties with the others. By the same token each should be allowed to exhort to more exact obedience any who appeared to relax faithfulness to their avowed confession. This should not invite to an inquisitorial interference but to strengthening one another in love for Christ.
3. There should be a willingness to accept certificates of communicant membership, normally without personal examination.
4. There should be in the highest courts of the Churches a cordial welcome to visiting delegates from other Churches recognised as in fraternal relationship. This need not amount to according membership in the court to the visiting delegate.
5. There should be a willingness to allow ministers of one Church access to the pulpits of fraternal Churches as a matter of courtesy.
6. Churches should exchange copies of the Acts and Proceedings of their highest courts or at least inform one another of major decisions.

PRAYER

Synod 2013: The Synod of the Presbyterian Church of Eastern Australia gives thanks to God for the churches with whom we have formal fraternal relations and for those churches with whom we have contact and resolves to pray for the Lord's blessing upon their work and witness.

FRATERNAL GREETINGS

[Synod 1997, Article 97.27.6]

It was resolved:

That it be standard practice for the Convener of Inter-Church Relations Committee to forward a letter of fraternal greeting in time to be received by the annual Assembly of the Free Church of Scotland; and that we also forward each year to the Clerk of Assembly a copy of our accounts, reports and minutes, with request for a like favour; and that the above provisions also apply to the Evangelical Presbyterian and Reformed Church in Peru, the Free Church in South Africa and Presbyterian Free Church of Central India.

That Synod's fraternal greetings be conveyed annually by the Convener of the Inter-Church Relations Committee to our other fellow members of the International Conference of Reformed Churches.

NB. Synod 2008 confirmed that the ICR Convener was authorised to send fraternal greetings at the appropriate time to those churches with whom we have fraternal relations.

ACT RE ADMISSION OF MINISTERS FROM CHURCHES WITH WHOM THERE IS NO MUTUAL ELIGIBILITY

[Synod 1983, Act 18] Text of Act in *Handbook* 4.52

RECEPTION OF MINISTERS FROM CHURCHES WITH WHOM THERE IS MUTUAL ELIGIBILITY

[Act 5, Class 2, Synod 2012] refer *Handbook* 4.51

WHEREAS our mutual eligibility provisions hitherto assume calling ministers residing overseas, but do not cover clearly the position when ministers of such churches come to Australia without an invitation but wish to be eligible for appointment or call in the PCEA: Synod direct that in regard to a minister in good standing of a denomination with whom mutual eligibility has been established, but who does not hold a charge or appointment with that denomination, and who comes to Australia without an invitation or call and wishes to be eligible for call after he arrives, the following provisions will apply:

1. He must make application to the Presbytery within whose bounds he resides within 2 months or thereabouts of his arrival in Australia. He must present full and satisfactory certificates of character and attainment including current clearance under any relevant child care legislation, and satisfy the other requirements of the relevant mutual eligibility legislation.
2. If the Presbytery is satisfied that he meets the requirements, - and it must make specific enquiry of the denomination holding his credentials and minute the result, - it directs the Clerk of Synod to add his name to the Register of Ministers eligible for call in terms of Act 4, Class 2 Synod 2012, and the Synod Clerk is to advise all Presbytery Clerks that this has been done.
3. If there is any significant division of opinion on the application and/or any significant period when the applicant was outside the practical oversight of his denomination's church courts, the application should be referred to the Synod for consideration and decision.
4. Act 20 of Synod 1986 [Calls to Ministers Resigned from the Free Church of Scotland] is repealed except to the extent that it is incorporated herein.

RECEPTION OF EXCOMMUNICATED MEMBERS OF OTHER CHURCHES

[Synod 1978 Act 3] (Summarised in *Handbook* 2.14.)

**(A) CHURCHES WITH WHOM WE
HAVE ESTABLISHED MUTUAL
ELIGIBILITY**

**MUTUAL ELIGIBILITY ACT
(FREE CHURCH OF SCOTLAND) 2005**

[Synod 5 May 2005 (05.32); words in italics added by Synod 2017; last para revised Synod 2018]

The Synod of the of the Presbyterian Church of Eastern Australia (PCEA), having for many years had a close relationship with the Free Church of Scotland (FCS), a church having identity of constitutional principle with the PCEA,

AND having resolved that the previous relationship via the Federal Relations Act 1954/84 should be modified, AND having declared in 2004 a revised relationship in terms of our Fraternal Relations Act 1993, (which is in the same terms as the Act on the same subject of the Assembly of the FCS in 1992),

AND having affirmed at the same time its desire to deepen and strengthen still further the bond of fellowship between us for the glory of God and the good of his people, particularly between members of the ICRC,

AND knowing of the desire of the FCS to maintain close relations with the PCEA, even to an extent more close than that herein described,

THE SYNOD hereby acknowledges the right of presbyteries to process calls to FCS ministers and probationers eligible for call, and its desire that the FCS modify its Federal Relations Act to reflect this and to allow calls by FCS presbyteries to be transmitted to PCEA ministers and probationers.

In neither case does the PCEA intend that this mutual eligibility shall impinge on the right and responsibility of the relevant FCS or PCEA presbytery to require *the usual application for admission to be fully and satisfactorily completed* and full and satisfactory presbyterial certificates of character and attainments before admission, including clearance under any relevant child protection legislation, and assurance that any incoming minister is familiar with the historical position of the church he enters as well as its practice and procedure, so that he is able to subscribe the formula of subscription intelligently and heartily, and participate harmoniously and constructively in the life of the church he enters.

Where a minister is potentially or actually under call or appointment by the PCEA, he must, *inter alia*, (a) have read the history of the PCEA and also its Handbook of Practice and Procedure, and have answered satisfactorily questions on them; (b) assure the presbytery that he will maintain the simplicity and purity of the PCEA form of worship; and (c) answer satisfactorily concerning his adherence to the teaching of the Confession of Faith as per Formula of Subscription. His satisfactory compliance with this

admission procedure is to be minuted by the Presbytery and must be met before a call or invitation is transmitted so that the minister may know that his acceptance will enable his admission.

[*Note: Act of Synod April 12, 1954, Class 1 as corrected by Act 1, Class 1 Synod 1984 established Federal Relations; a similar Act was passed by the Free Church of Scotland Assembly in May 1952. The Act was rescinded by Synod 2004 but replaced with a Mutual Eligibility Act (see above) which preserves its main features. The FCS did not change their legislation. Dr R.S.Ward was delegate 1997; Rev Robin Iso in 2018.*]

**MUTUAL ELIGIBILITY ACT
FREE CHURCH OF SCOTLAND (CONTINUING)
8 May 2019**

Without being drawn into the merit or otherwise of the division in the Free Church of Scotland in 2000, mutual eligibility was approved subject to confirmation by the FCS(C). General Assembly which was given in May 2019. [Fuller legislation to be prepared by PCEA]

**MUTUAL ELIGIBILITY ACT
(REFORMED CHURCHES OF NZ) 2006**

[Synod 9 May 2006 (06.31); words in italics added by Synod 2017; last para revised Synod 2018]

As a consequence of the recognition of the Reformed Churches of New Zealand (RCNZ) by Synod 2002 in terms of our Fraternal Relations Act 1993, the Synod notes that RCNZ consistories may issue calls to ministers of the PCEA. Synod declares their satisfaction with this and acknowledges that Synod has no in principle objection to the reverse procedure, ie. that PCEA presbyteries may process calls to RCNZ ministers.

In neither case does this mutual eligibility impinge on the right and responsibility of the relevant RCNZ or PCEA presbytery to require the usual application for admission to be fully and satisfactorily completed and full and satisfactory presbyterial certificates of character and attainments before admission, including clearance under any relevant child protection legislation, and assurance that any incoming minister is familiar with the historical position of the church he enters as well as its practice and procedure, so that he is able to subscribe the formula of subscription intelligently and heartily, and participate harmoniously and constructively in the life of the church he enters.

Where a minister is potentially or actually under call or appointment by the PCEA, he must, *inter alia*, (a) have read the history of the PCEA and also its Handbook of Practice and Procedure, and have answered satisfactorily questions on them; (b) assure the presbytery that he will maintain the simplicity and purity of the PCEA form of worship; and (c) answer satisfactorily concerning his adherence to the teaching of the Confession of Faith as per Formula of Subscription. His satisfactory compliance with this

admission procedure is to be minuted by the Presbytery and must be met before a call or invitation is transmitted so that the minister may know that his acceptance will enable his admission. *Note; Rev. Trevor Leggott was appointed delegate to the RCNZ Synod in September 2017.*

**MUTUAL ELIGIBILITY ACT
(ORTHODOX PRESBYTERIAN CHURCH) 2007**
[Synod 8 May 2007 words in italics added by Synod 2017; last para revised Synod 2018]

The Synod of the Presbyterian Church of Eastern Australia (PCEA) recognises in the Orthodox Presbyterian Church (USA) a church whose doctrines and contendings are similar to its own with adherence to the Westminster Confession of Faith a major requirement for office bearers. The Synod notes the long and cordial relationship which has been shared by both as members of the RES and now as members of the ICRC. The Synod desires to establish a relationship with the OPC in terms of our Fraternal Relations Act (1993) in the hope that we may be able to deepen and further strengthen the bond of fellowship between us. Accordingly the Synod seek recognition by the OPC of the PCEA as a Church in Corresponding Relations. The Synod of the PCEA understands and is satisfied that OPC Presbyteries may issue calls to ministers of the PCEA, and likewise affirms the right of the PCEA Presbyteries to process calls to OPC ministers.

In neither case does this mutual eligibility impinge on the right and responsibility of the relevant OPC or PCEA Presbytery to require *the usual application for admission to be fully and satisfactorily completed and full and satisfactory Presbyterian certificates of character and attainment before admission.* This may include clearance under any relevant child protection legislation, and assurance that any incoming minister is familiar with the history, doctrine, and practice of the church so that he is able to subscribe to the formula of subscription intelligently and heartily and participate harmoniously and constructively in the life of the church.

Where a minister is potentially or actually under call or appointment by the PCEA, he must, *inter alia*, (a) have read the history of the PCEA and also its Handbook of Practice and Procedure, and have answered satisfactorily questions on them; (b) assure the presbytery that he will maintain the simplicity and purity of the PCEA form of worship; and (c) answer satisfactorily concerning his adherence to the teaching of the Confession of Faith as per Formula of Subscription. His satisfactory compliance with this admission procedure is to be minuted by the Presbytery and must be met before a call or invitation is transmitted so that the minister may know that his acceptance will enable his admission. (This para revised by Synod 2018)

[We had co-operated internationally with the OPC for more than 50 years. Dr R.S.Ward attended the OPC Assembly in June 2007 as fraternal delegate at which Assembly formal recognition was given. The OPC

finalised full relationship in 2016.] Rev Jack Sawyer was delegate to our Synod in 2018.

**REFORMED CHURCHES IN THE
NETHERLANDS (LIBERATED) RCN (L)**

RCN (L) recognised us as a true church in 1993 and their Synod of June 1999 resolved upon a full sister church relationship with the PCEA.

We **have not** yet formalised mutual eligibility from our end. Delegates have been present at our Synods, most recently Jan Bronsema in 2012. Synod 2018 resolved: Synod, while recognising that the RCN(L) sought to base its decision on women in office on Scripture, is grieved at the direction that is being taken by that denomination which has such an honourable history of furthering Reformed ecumenism and assisting needy churches in the developing world. We particularly urge further review of the decision and also counsel that homosexual practice cannot be condoned as acceptable on the part of those in membership of Christ's church.

**(B) EXCLUSIVE PSALM-SINGING
CHURCHES**

**REFORMED PRESBYTERIAN CHURCH OF
AUSTRALIA (RPCA)**

Formal recognition in terms of our Fraternal Relations Act was extended by Synod 4 May 2004, at the request of the RPCA, certain points in the RPCA understanding of our Act being held as acceptable to the Synod (see 2004 Minutes p.7; Reports, p. 19)

[Our relationship goes back to RP beginnings in Geelong in 1858. The Australian work became independent in 1974, and our relationship was formalised in 2004 as above. In 2010 we resolved on mutual eligibility in usual terms but this was declined (see Synod Reports 2012) at least partly on the ground that the terminology of 'mutual eligibility' has a different sense in the RPCA.]

Synod 2014 encouraged the Southern Presbytery to continue developing relations. Delegates are commonly drawn from Southern Presbytery to the RP Presbytery; (in 2017 and 2018, Dr R.S.Ward). Rev. Graeme Hart was delegate to the PCEA Synod in 2018, 2019.

**REFORMED PRESBYTERIAN CHURCH OF
IRELAND (RPCI)**

[Synod 2006 (minute 06.30)]

The Synod of the Presbyterian Church of Eastern Australia recognises in the Reformed Presbyterian Church of Ireland a church whose principles and practices are similar to its own, with adherence to the Westminster Confession of Faith a requirement of office bearers. We have benefited in recent years from ministry of Rev GD Ball in Narre Warren. We have entered into formal relations with the Reformed Presbyterian Church of Australia in 2004 in terms of our Fraternal Relations Act 1993. We are both members of the ICRC. The Synod, therefore, would desire to establish a similar relationship with the RPCI in the hope that we may be able to deepen and further

strengthen the bonds of fellowship between us to the glory of God. We are ready to formally institute such a relationship upon the expressed willingness of the RPCI to do the same.

[Synod 2007 (Reports p.21) noted that the RPCI Synod of mid 2006 had agreed to enter into a formal relationship but no formalities have been effected as at 2019.]

REFORMED PRESBYTERIAN CHURCH OF NORTH AMERICA (RPCNA)

We regularly send greetings but have not formalised a relationship. Dr R.S.Ward attended the RPCNA Synod in June 2007, was warmly received and brought our greetings. The PCEA Synod of 2008 offered Mutual Eligibility. The RPCNA resolved on fraternal relations but declined mutual eligibility at this stage. Rev. J. Bruce Martin was the RPCNA Fraternal Delegate to the PCEA Synod 2014,2019 and Rev Bruce Backensto in 2017.

SOUTHERN PRESBYTERIAN CHURCH (SPC)

[Formed 1986 by some who withdrew from EPCA. Churches in Hobart and Launceston. A delegate (Mr John Coles), attended Synod 2013, and Rev Iain Smith Synod 2014 and Rev. Ian Hall in 2015 and 2017 and Rev David Lachman in 2018]

Synod 2013 resolved: The Synod gives thanks to God for the good relationships with the Southern Presbyterian Church and the Evangelical Presbyterian Church, and encourage the Southern Presbytery to continue to strengthen ties in the hope that greater unity may come in due time.

Synod 2014 resolved: The Synod records its pleasure at the developing relationship with the Southern Presbyterian Church in Tasmania. Synod resolves to extend **Fraternal Relations** to the Southern Presbyterian Church in terms of our Act of Synod 1993. Synod also encourages pulpit exchange or supply to assist in getting to know each other and thus progress closer relations.

EVANGELICAL PRESBYTERIAN CHURCH OF AUSTRALIA (EPCA)

[The EPCA (originally the Reformed Evangelical Church) was formed in Tasmania in 1961 by three ministers ordained by a special Presbytery of three PCEA ministers. Division occurred in 1964 over the disposition of God to the non-elect in the free offer of the Gospel, and the EPC took the position held by the Protestant Reformed Churches in America in whose seminary their ministers are trained. In 1986 there was a division forming the Southern Presbyterian Church.]

Synod resolved 12 May 1978: "That we write to the Presbytery of the EPCA indicating that while this church has never denied their church to be a true church nor intended to give that impression, and therefore desires the blessing of Christ upon their labours, yet the impression has been conveyed to many of our people

through statements in certain publications of their Presbytery that the EPC does not regard the PCEA as a true church. As some members of Synod understand this to be a false impression, Synod respectfully requests the EPC Presbytery to clarify the position. [A reply was received seeking further information. It was noted and passed from (1979 Minutes, p.21; Reports, p.9).

Following the division in 1986 greetings were sent to both the EPC and the Southern Presbyterian Church, no judgment being made on the cause of the division. (Synod 1988, Minutes, p. 9; Reports, p.35)

A letter from the EPC was received by Synod 2008 expressing regret for allegations of schismatic conduct by the PCEA in receiving the now Ulverstone PCEA in 1965. It was acknowledged with thanks and relations have become more cordial, particularly as certain material was removed from the EPCA website late in 2010. Rev David Torlach was delegate to Synod 2018.

PCEA Synods 2013 & 2014 encouraged the Southern Presbytery to continue developing relations. Rev David Torlach was delegate at Synod 2018.

(C) OTHER CHURCHES

CHRISTIAN REFORMED CHURCHES OF AUSTRALIA (CRCA)

Synod 2016 resolved as follows:

1. The Synod of the Presbyterian Church of Eastern Australia (PCEA) acknowledges its long association with the Christian Reformed Churches of Australia (CRCA) – a relationship dating back before their first Synod in 1952. We note that this relationship has never been formalized on our part, though delegates have been exchanged at Synod level over the years.

2. The Synod notes in reference to two points of concern that were recorded in the PCEA Synod minutes of 1987 and 1999 that the CRCA withdrew from the World Communion of Reformed Churches (into which the Reformed Ecumenical Council merged in 2012); and we believe the CRCA has done what it could reasonably do to overcome differences with the Free Reformed Church of Australia.

3. The Synod notes the constructive discussion that took place between representatives of our two churches in November 2013; the gracious invitation which was renewed by the CRCA in 2014 to formalize the relationship between our two churches; and note that the CRCA since the Synod 2000 has recognized the PCEA as a church in full ecclesiastical relationship.

4. The Synod therefore cordially extends Fraternal Relations to the CRCA in the following terms: - [as per Act re *Fraternal Relations Between Churches*, Synod 1993, Art. 93.39, Class 2 quoted earlier in this section of the Handbook.] Rev Dr R.S.Ward represented the PCEA at CRC Synod at Langwarrin in May 2018.

RECOGNITION OF FREE REFORMED CHURCHES OF AUSTRALIA (FRCA)

[Act 11, Class 2, Synod 1985.]

[As at 2016, and despite ongoing talks begun in 1978, this recognition we gave in 1985 had not been reciprocated in an explicit form. The FRCA withdrew from the ICRC in 1996, and formal contact with the PCEA was discontinued by the FRCA Synod of 2006, and by the PCEA in 2007.]

PRESBYTERIAN REFORMED CHURCH OF AUSTRALIA (PRCA)

[This Church was formed in 1967 by a secession from the Presbyterian Church of Australia in NSW. By invitation a delegate (Dr R.S.Ward) attended their Presbytery at Wangaratta 30 April 2016, and Rev. Don Burgess represented the PRC at Synod 2016, a first, and Mr Graeme Mitchell in 2017 & 2018 and Rev. Don Burgess in 2019]

Synod 1990 (Minute 95) resolved to write and indicate "our grateful acceptance of their apology for their letter to Synod dated 27 July 1980, and expressing the desire that in the Lord the future would bring abundant blessing for both our churches." Synod 2008 sent greeting with the desire to have fraternal relations. At Synod 2010 it was reported that the PRCA have not hitherto had such relations with anyone and they are

now investigating the subject. A sister-church relation was formed by the PRCA with the RCNZ in 2017.

PRESBYTERIAN CHURCH OF AUSTRALIA (PCA)

There is no statement on our relationship but fraternal greetings were sent by Synod 1977 (p.32 of minutes), and on several occasions beginning in 1982 our Moderator has brought greetings to their Assembly. In 2008 Dr Allan Harman representing the GAA brought greetings to our Synod.

CONTACT WITH OTHER PRESBYTERIAN & REFORMED CHURCHES IN AUSTRALIA

It was resolved by Synod 2006 (06.22) that:

Synod direct that the *Church and Nation Committee* make contact with its counterparts in the constituent member churches of the Presbyterian Church of Australia, and other Presbyterian and Reformed bodies such as the Christian Reformed Churches of Australia, the Westminster Presbyterian Church, the Presbyterian Reformed Church of Australia, the Reformed Presbyterian Church of Australia and the Southern Presbyterian Church with the aims of (a) encouraging good relationships, (b) sharing information and resources such as publications, (c) speaking on matters of common interest and concern and (d) co-ordinating special meetings and/or the visit of suitable overseas speakers.

Synod 2013: The Synod of the PCEA meeting at Wauchope 2013 expresses its sorrow at the divisions between the Presbyterian and Reformed Churches in Australia and resolves as the Lord enables us to do all we practically can to promote brotherly relations.

UNITED REFORMED CHURCHES IN NORTH AMERICA Douglas I Field was the Fraternal Delegate to Synod 2016

CHURCH & NATION, MEDIA COMMITTEE

[In 1982 the Church Principles Committee was combined with the Religion & Morals Committee to form the Faith and Life Committee. Publications and Psalmody were added in 1988 and the Committee renamed the Church and Nation Committee in 1989. Psalmody was excised in 2019

From 2005-09 it had common membership with the Youth and Fellowship Committee.]

Conveners since 1988: R.W. Murray (1988-90); E.R. Lee (1990-91); A.L. Tripovich (1991-1992); J.A. McCallum (1992-1994); A.L. Tripovich (1994-1998); R.S. Ward (1998-2000); G.D.Ball (2000-05); D.K.Muldoon (2005-17); G.D.Ball (2017-

MANDATE

Synod 1999 (Minute 99.34.1): The Church and Nation Committee have the mandate to speak in the name of the PCEA on public issues of faith and conduct where there is a creedal or consensus position, and to acquaint Synod, Presbyteries and Sessions of significant issues, and printed or other sources available to assess them Biblically.

CONTACT WITH OTHER PRESBYTERIAN & REFORMED CHURCHES

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Synod direct that the Church and Nation Committee make contact with its counterparts in the constituent member churches of the Presbyterian Church of Australia, and other Presbyterian and Reformed bodies such as the Christian Reformed Churches of Australia, the Westminster Presbyterian Church, the Presbyterian Reformed Church of Australia, the Reformed

Presbyterian Church of Australia and the Southern Presbyterian Church with the aims of encouraging good relationships, (b) sharing information and resources such as publications, (c) speaking on matters of common interest and concern and (d) co-ordinating special meetings and/or the visit of suitable overseas speakers.

(A) FAITH AND LIFE

VALIDITY OF ROMAN CATHOLIC BAPTISM

[Synod 1982, Act 10, Class 2]

Synod expresses the opinion that it is not inconsistent with the Scripture or our subordinate standards to hold that Roman Catholic “baptism” is invalid. However, given the long-standing consensus of the Reformed and Protestant Churches on this matter, together with the conscientious scruples of some members of this court, Synod resolves to refrain from further determination of the matter at this time, and to seek the opinion of other Presbyterian and Reformed bodies, both in Australia and overseas. *[Apart from a letter from the Free Church in Southern Africa, Synod 1984, no further formal report action has occurred.*

UNITY IN THE CHURCH

[Synod 1982, Act 11, Class 2]

Synod urge all of our people to engage in a careful study of Ephesians chapter 4 and parallel passages as well as chapter 26 of the Westminster Confession of Faith entitled “Of Communion of Saints” with a view to the practical application of the principles contained therein.

Synod remind office-bearers that while they may exercise their right to vote against or dissent from findings of any court of our church, yet such does not exempt them from their ordination vow to submit to and concur with the government of this church.

Synod urge all office bearers to be diligent to preserve the unity of the Spirit in the bond of peace, and to seek earnestly the forgiveness of Almighty God for past sins which have grieved the Holy Spirit and caused much hurt to the body of Christ.

Synod affirm that there is no deficiency in the Gospel of Christ as it is transmitted to us in the Authorised Version, the New International Version and the New American Standard Bible, each of these versions having Synodical approval.

PLACE OF WOMEN IN THE CHURCH

[Synod 1960, Minutes, pp.10-11]

We reaffirm the practice of our Church as being strictly Scriptural, that women should not exercise any position in the Church such as ruling, teaching elders, deacons, yet that much public as well as private work can be entrusted to godly women by the Church.

The Reformers and our own Church have always drawn a distinction between regularly constituted diets of worship and such gatherings as Women’s Missionary

meetings and Fellowship meetings.

[Synod 1991, p.8] It was resolved that this court express its gratitude to the Lord for the diversity of spiritual gifts he has distributed to our Church, and particularly those exercised by spiritual women members. Synod encourages all church members to exercise their gifts, within the limits imposed by God’s Word, for the building up of the body of Christ. Synod especially exhorts the men to repent of all unbiblical attitudes to women, and to encourage them to use fully their gifts in the service of Christ. Synod exhorts the women to beware of the propaganda of the feminist movement, and to cultivate the qualities commended by God’s Word.

[Synod 1992] Synod is pleased to note that at the last meeting of the General Assembly of the Presbyterian Church of Australia determination was made to the effect that women be no longer admitted to the office of the ministry, and therefore this Synod, in a spirit of brotherly fellowship and encouragement: commend the Presbyterian Church of Australia for making this reform so evidently warranted by the Scriptures; and that Synod instruct the Clerk to convey the substance of the above clause, together with the greetings of this court, to the Clerk of the General Assembly of the Presbyterian Church of Australia.

SHORT STATEMENTS ON ISSUES OF PERENNIAL SIGNIFICANCE

Synod 2000 (Minute 2000.29): Synod note the three short statements (Sanctity of Human Life; The Stewardship of Creation; Work, Rest and the Lord’s Day) and commend them to the use of our people in ways they may judge appropriate.

(1) THE SANCTITY OF HUMAN LIFE

We believe that all human life belongs to God, the author and giver of it, and can only be taken in ways authorised by him. Each person is created in the image of God and should be nurtured.

We oppose all actions and attitudes that devalue human life. The unborn, the disabled, the poor, the ageing and the dying are particularly vulnerable to such injustices. We and all people are called to defend the weak and speak up for the helpless regardless of colour, race or creed.

We believe that, subject to a proper judicial procedure to establish the guilt or otherwise of the accused, the death penalty for pre-meditated murder may be appropriate given God’s words to the human family as recorded in Genesis 9:5-6.

We also stress that all are sinners, all stand in need of the grace of God, and that Jesus Christ is the only Saviour from sin. He will completely save all who come to God through him.

(2) THE STEWARDSHIP OF CREATION

We believe that the universe and everything in it belongs to God the Creator. In God’s bounty meat, fish, vegetables and fruits and all kinds of resources are available for the use of the human family, whom he has

made stewards of his creation as alone creatures made in his image.

The unjust exploitation of the earth, its resources or its peoples is to be resisted. God does not commend self-indulgent living nor preoccupation with money and possessions. Christians are encouraged to live lives of simplicity and contentment even as they seek to bring out the potential of the earth.

Good stewards receive God's gifts with thankfulness and use them responsibly to meet human need and to bring glory to God. The Bible also teaches regular, cheerful, sacrificial and proportionate giving to the work of the Lord by God's people so that people of all cultures may come to know Christ and serve him in all things.

(3) WORK, REST AND THE LORD'S DAY

God's good creation had in view a higher destiny after a course of history had been completed. As God rested on the seventh day, so people are called to a regular weekly rest. Such rest expresses thankfulness for what God has provided, confidence in God's sustaining care, and anticipates the future rest in the better world to come.

Work and economic output are not ultimate values. All people should have humane working conditions and observe the weekly day of rest even though, through sin, much of the day's significance is not recognised.

Jesus, the promised Redeemer, brings about a new creation. Following New Testament example, the first day of the week, the Lord's Day is the day of rest and worship, anticipating the promised new heavens and new earth and the entry into God's eternal rest of all who put their faith in Jesus. On this day labour is limited to necessary work and deeds of mercy.

MARRIAGE & FAMILY LIFE

Given legal aspects in the current climate this statement was proposed by the Law & Advisory Committee to Synod 2010 and approved, but is placed here for convenience of reference:

"For removing any question about the Church's position in the light of more recent attitudes to marriage, Synod reaffirm its commitment to the statement in the Confession of Faith 24.1, namely, marriage is to be between one man and one woman. Synod commend the short statement on Marriage and Family Life in the Report to the use of our people in ways they may find appropriate."

The statement reads:

We believe that God established the family relationship with marriage as a covenant between one man and one woman for life, and with sexual union taking place only within the marriage relationship. God is against sin but he is for the family. God intends that a secure and loving marriage relationship provide the context for the birth and nurture of children. We also recognize that God does not give all the gift of marriage and that the single state is to be respected and honoured as well.

We recognise that sin can fracture relationships so that divorce on the grounds of sexual immorality or

irremediable desertion of marriage obligations is sometimes appropriate, the ultimate cause being the hardness of the human heart. We also recognize that the temptation to sexual relationships between persons of the same gender can exist and that yielding to such temptations is serious sin for which repentance is necessary. Pornography likewise is a sinful snare that debases and corrupts human life.

Given the way sin affects all our lives, compassion for those ensnared in improper relationships or addictions is necessary at the same time as a Biblical presentation of the solution in Jesus Christ. In the fellowship of God's family, the Church, married couples may strengthen their relationship, and the brokenness of all our lives may be overcome and healed through the love of Christ and the support of other believers.

ABORTION (Synod 2019)

Synod affirms that human life is sacred from the womb, and therefore condemns the wanton or arbitrary destruction of any human being at any stage of its development from the point of conception to the point of death. The only possible grounds for an induced abortion is when the life of the mother-to-be is genuinely threatened by the continuation of the pregnancy. The Bible teaches that God created human beings in His image (Gen. 1: 26-27). In Exodus 20: 13 the Lord says in the sixth commandment, 'You shall not murder'. Little ones in the womb are defenceless human beings made in the image of God who have feelings (Luke 1: 41-44). Therefore, God forbids the destruction of human life in the womb.

Nevertheless, Synod encourages its members to show Christian compassion and offer support to those experiencing unwanted pregnancies as well as those who have undergone abortions.

STATEMENTS ON OTHER ISSUES

Further somewhat longer statements on current issues written by individual members of the Committee were welcomed by Synod 2012 and are found in Synod Reports pages 19-22.

- a. Living in this world as a Christian (including our attitude to consumerism)
 - b. Public Office/Officials
 - c. Refugees/Asylum Seekers
 - d. Euthanasia
 - e. Poverty
- Similarly, the Report to Synod 2013, pages 32-35 welcomed statements on
- f. Yoga
 - g. Christians and the right to Protest
 - h. homosexual marriage
 - i. abortion

And the Report to Synod 2014 welcomed statements on

- j. gambling
- k. tattoos
- l. social media

In 2015 there was a statement on funerals
In 2016 one on homosexuality & marriage

NOTE RE BIBLE VERSIONS

Synod 1975: NASB or NIV (NT) recommended to our people as among the most reliable versions and where an alternative to AV desired, these suggested. *Synod 1982*: no deficiency in the gospel of Christ conveyed to us in AV NIV or NASB each of these having Synod approval. *Synod 2015*: NKJV and ESV added to those in 1982. *Synod 2016*: disapproved NIV 2011 (but see minutes 2016.29).

(B) PUBLICATIONS

Rev S. Bajema was Editor Feb 2010 to Feb 2018 inclusive, Dr R. S. Ward succeeding him.

PSALMODY COMMITTEE

Restablished by Synod 2019 as a distinct Committee by excision from Church and Nation'
Convener: John Forbes (2019-

The committee to consist of at least one Minister and Elder, and include where possible and available a representative from each congregation, as determined by the respective Sessions. The committee to consider and recommend options to improve the praise of the denomination and to progress towards the adoption of a common and fully supported Psalter. The committee to also consult with and seek out opportunities for shared Psalm singing occasions within our own and with other churches, and to advertise these to the broader church.

PSALMS FOR SINGING BOOKLET

[Synod 1981, p.16]

It was resolved that the [Psalter Revision] Committee produce in inexpensive but attractive format a selection of alternative versions with music after reviewing same and seeking wider comment from other informed persons and taking into account the comments noted at Synod 1979, and that this booklet be made available to those requiring it at a moderate charge, and to be used where judged for edification, its value and use to be reviewed by Synod in three years time in the light of experience. [The booklet was published April 1983 and gave rise to the entire Psalter being published by Melbourne PCEA in 1991 as *The Complete Book of Psalms for Singing with Study Notes.*]

[Synod 1983, Minutes, p.32]

It was resolved that the Synod express sincere thanks to the Committee members and others who have spent valuable time and energy aimed at making our

Psalmody more meaningful and accurate, and encourages them to continue their efforts to the glory of God.

DIVERSITY OF PSALM VERSIONS

[Synod 1991, Act 12, Class 2]:

The Synod take note of the diversity of Psalm versions currently in use within the Church, and encourage Sessions to maintain close supervision of these.

[Synod 1992, Article 71(4) part]:

Synod remind Sessions to monitor closely the use of versions of the Psalms so as to ensure accuracy and a reasonable commonality of tunes and metres with the 1650 Psalter, and further request that well-considered efforts to further improve the manner of praise be implemented.

Synod 2009, Minute 42 (5)]

Synod note and record in the Decision book that, further to the minute of Synod 1988, The Free Church of Scotland has published a new version of the Psalter entitled 'Sing Psalms', and this Psalter is being used in a number of PCEA churches.

Synod 2018 agreed that it would be desirable if we all sang from the same Psalter, reservations about the suitability of the tunes/metres in *Sing Psalms* being expressed by the Convener, Mr Ball.

YOUTH & FELLOWSHIP COMMITTEE

This Committee was formed by combining the old Welfare of Youth Committee and the Fellowship Committee (formed 1959) in 1982. From 2005-09 the Committee had common membership with the Church & Nation Committee. Conveners since 1982: J.D. Ramsay (1982-85); J.M. Cromarty (1985-88); H.C. Varnes (1988-91); N.A. McPherson (1992-1998); R.W. Murray (1998-2000); G. Kinder 2000-03; D.K. Muldoon (2003-09). G. Hamilton (2009-12); A. Miranda (2012-16); S. Carswell (2016-

PRESBYTERY REVIEW & REPORTING

[Synod 1986, Act 26, Class 2.]

It was resolved:

That Synod requests Presbyteries to review and encourage youth activities within the bounds and forward brief, regular reports to this committee (see report for details).

That Presbyteries forward to the Convener by 31st December a brief report on the state of Sabbath Schools within the bounds (see report for details).

That Presbyteries forward to the Convener, when appropriate, information concerning Rallies and Camps within the bounds.

BIENNIAL CHURCH-WIDE FAMILY RALLIES [Synod 1988, Act 14, Class 2]

It was resolved that Synod urge Presbyteries to continue to organise annual Rallies on a local basis, and that a church-wide Family Rally be organised during the Christmas-New Year holidays. This Rally to take place every second year at a suitable accessible location in N.S.W. and that assistance be given to any fellowships who travels interstate and who is encountering economic hardship;

The first of these be held commencing on Boxing day, 1989;

The Fellowship Committee in conjunction with the host congregation determines the theme of the Rally and allots topics and invite speakers;

Papers be prepared by Fellowship members for presentation at each morning session and a guest speaker be featured at the evening sessions and afternoons be free time;

At the Synod prior to the Rally, the Committee give formal notice of all the details for the forthcoming Rally.

Synod 1990: Art 36 amended 2018:

It was resolved that there be a biennial Youth Rally (at Easter) in the alternate year to the Family Rally, and at other times when there is interest.

Rallies since 1988:

Date	Place	Details
12/89	Stanwell Tops	David Mitchell = Biblical Family
3/91	MT Seview	ERLee/Rods Yule - Sermon on Mount
12/91	Stanwell Tops	And. Young – Restoring Spir. Passion
4/93	Bonny Hills	Ray Murray – Questions young ask

12/93	Stanwell Tops	Warren Myers – Koinonia
4/95	Crangan Bay	R. Murray &c. -
12/95	Stanwell Tops	John Cromarty – Following Christ
4/96	Taree	Matthew Jacoby -
3/97	Somersby	Don Burgess – Spiritual Gifts &c.
12/97	Douglas Park	Jim Cromarty – Commitment to Christ
4/99	Forster	David Calderwood – Assurance
4/00	Forster	Gordon McMurray – How to Live
6/01	Forster	Andrew Cameron – Living Hope
3/02	Forster	Ian Miller – True Happiness
4/03	Namaroo	Peter Barnes – Justification
4/04	Camp Elim	Peter Gadsby – Beautitudes
3/05	Meroo	Noel Weeks – OT Prophecy
1/07	Namaroo	Jn McCallum – Pre-eminence of Christ
1/09	Namaroo	George Ball – Response to Grace
1/11	Stanwell Tops	Iain Smith – Holy Spirit
1/12	Namaroo	Rowland Ward – Studies in Ezekiel
1/13	Stanwell Tops	Rudi Schwartz – Acts of God
12/14	Elanora	Andre Scheepers – Gospel in Isaiah
1/17	Elanora	Graeme Hart – Genesis, gender &c.
1/19	Elanora	Andrss Miranda – Discipleship

FELLOWSHIP TRAVEL ASSISTANCE SCHEME

[Act 15, Class 2, Synod 1988]

It was resolved that a Travel Assistance Scheme for fellowships attending Rallies be introduced.

The Rally must be either the one approved by Presbytery or the church-wide Family Rally.

The organising committee is to determine the needy cases and must take into account such matters as the number of fellowships from the family, whether out of work, and distance to be travelled.

The maximum assistance would be 20% of fares (25% for Tasmania) with a maximum of \$300 per Presbytery per year and in the case of the Church-wide Rally the maximum assistance of 20% of fares a maximum of \$600 per Rally.

For the time being this scheme is to be funded from the interest accruing from the Port Macquarie property investment.

TRAINING OF MINISTRY COMMITTEE

Convener: A.D. McIntosh (1956-62); E.R. Lee (1962-66); J.C. Andrews (1966-69); A.D. McIntosh (1969-70); R.W. Murray (1970-75); E.R. Lee (1975-76); E.S. Turnbull (1976-78); R.W. Murray (1978-81); W.P. Gadsby (1981-82); R.S. Ward (1982-84); P.J. Bloomfield (1984-89); J.M. Cromarty (1989-92); T.I. Leggott (1992-94); J.M. Cromarty (1994-2003) R.W.Murray (2003-05), G. Kinder (2005-06), R.S.Ward (2006-07) M.G.Smith (2007-2013); D. Kerridge (2013-

ACT ANENT RESPONSIBILITIES OF THE TRAINING OF MINISTRY COMMITTEE

[Act 14, Class 2 Synod 1983; part c. amended by Synod 2010]

In addition to particular remits made from time to time by the Synod, the responsibilities of the Synod's Training of Ministry Committee are:

To give guidance in preparatory studies to intending students having the ministry of the PCEA in view, to exercise general supervision of provisionally and fully recognised students at all stages of their studies, to conduct examinations, and to authorise payment of monies for the purposes of the Committee; all in accordance with Synod regulations as in force from time to time.

To receive and consider all applications from ministers of other churches for ministerial status in the PCEA, referred from Presbyteries to which such applications have been made, and to obtain whatever further information is required and to make appropriate recommendations to Synod.

To prepare and implement, with the approval of Synod, a course of training in biblical subjects, theology and church history, suited for elders and other interested persons, to be conducted by correspondence and/or lectures and/or through use of the internet and/or through the use of digital media, certificates to be issued upon successful completion of each section. [Progress in this encouraged by Synod 2016]

To maintain such liaison with other committees and presbyteries as may contribute to the effective discharge of its responsibilities, including making appeals for finance from time to time as may be necessary.

CONSOLIDATING ACT ANENT RECEPTION, STATUS & OVERSIGHT OF STUDENTS & HOME MISSIONARIES,

[Synod 1983: Act 15, Class 2 as amended Synod 1990 and 1991]

Text in Handbook 4.46-4.49.

ACT ANENT STUDENT TRAINING AND ALLOWANCES,

repealing the Act of Synod of the same name 1975

as amended and all previous Acts thereanent, excepting so far as they may be embodied in this Act

[Synod 1983: Act 16, Class 2; note amendment regarding allowances Synod 1991.]

Text in Handbook 4.49a

ACT ANENT LICENSING OF STUDENTS

[Synod 1975: Act 6, Class 2, as amended by Synod 1983: Act 17, Class 2]

Text in Handbook 4.50.

ACT ANENT ADMISSION OF MINISTERS FROM OTHER CHURCHES

[Synod 1983: Act 18, Class 2]

Text in Handbook 4.52.

MINISTERS FROM OVERSEAS

[Synod 1973: Minutes p.8]

It was resolved that the policy of Synod anent bringing ministers from overseas to Australia be as follows: It is required that any settled congregation inviting with a view to a call, or calling, a minister from overseas, must ordinarily meet the whole cost from their own resources. However, providing funds are available, assistance may be obtained for this purpose by way of a loan upon which interest must be paid - and the capital repaid within five (5) years. [*The procedure required by the Department of Immigration and Border Protection is described in the Law & Advisory Committee Report to Synod 2016.*]

CANDIDATE FOR MINISTRY PLACEMENT SCHEME

Initial provisions were made by Synod 2016 (with amendments 2017):

1. A nominal 8 week placement with a mentoring Minister in a charge outside the candidate's own congregation in both the penultimate and final year of the candidate's theological study. The location of the placement would be determined by agreement between the Committee, the Presbytery and the candidate's Session (in this document called Evaluators). Its duration may be varied by consultation with all parties. Notification to the

student of the location and duration of the placement to be not less than six months in advance to allow personal arrangements to be made.

2. The cost for the student's placement to be borne by the Training of Ministry Committee, up to the value of 8 weeks stipend at the rate applicable to students' supply (currently 60% of full stipend). Costs for travel and accommodation are to be funded by the Training of Committee. Other incidental costs to be borne by the student themselves. Notwithstanding the allowances provided, financial difficulties (e.g. loss of paid work) in undertaking the placement will be assessed in confidence on a case-by-case basis by the Committee.

3. The student's placement is to be under the mentorship of the host congregation's Minister ("Mentor"). It is expected that the Mentor maintain a strictly confidential relationship with the candidate (especially for the sake of the candidate's prospects) and seek to develop the student's abilities according to both the wisdom and experience of the Mentor and within set criteria to be supplied by the Evaluators. The relationship between mentor and student cannot be fully defined as it involves imparting personal approaches as well as fundamental skills. Sermon evaluation (forms provided) will constitute one regular assessment, but the mentor would be expected to evaluate the progress of the student in pastoral ministry while visiting and engaging in other aspects of working the charge. At the close of the placement, the mentor would provide a report to the Evaluators advising of areas of excellence and those that need attention. The whole goal of the program is the development and

progression of a student, not a merciless critique of all their faults.

4. During the placement it would be good for the student to keep a journal record of their experience. The experience of the student will be determined to a large part by the focus of the mentor's congregation and the work to hand. This may include, but is not limited to, conducting and preaching worship services, visitation, evangelism, and conducting Bible studies and Sunday School classes. The theological development of a student is undertaken by the College he attends. The Spiritual oversight of the student is the work of the Presbytery, this scheme seeks to develop and evaluate the ministerial abilities of the student within the wider context of the denomination. The student should see the CPS as an opportunity to delve into ministry in a place not so familiar to them as their own congregation. At the close of the placement, the student would be expected to provide a report of their experience and self-evaluation, to the Evaluators.

5. Upon completion, and the receipt and evaluation of reports by the Evaluators, constructive feedback and recommendations are to be provided to the student. Completion of the CPS to the satisfaction of the Evaluators would be a normal requisite of their candidature with the PCEA. It is hoped that this course will provide data to assist in an easy transition from candidature to licencing and thence a helpful springboard into pastoral ministry within the PCEA.

Synod 2018 resolved: That Placement Scheme costs from Synod 2019 be placed under the Student Bond.

MISSIONS COMMITTEE

Convener: J.A. Harman (1945-71), E.R. Lee (1971-74), A.R. Beaton (1974-77), E.R. Lee (1977-78), A.R. Beaton (1978-81), E.R. Lee (1981-84), K. MacLeod (1984-88), W.M. Mackay (1988-1995), T.I. Leggott (1995-1997), W.P. Gadsby (1997-2002), T.I. Leggott (2002-03), D. Peter Smith (2003-11) Andres Miranda (2011-12); J. Klazinga (2012-17); D.K. Muldoon (2017-

MISSIONS RELIEF FUND REGULATIONS

[Synod 1982: Act 7, Class 2, with amendment to (i) by Synod 1986: Act 12, Class 2, & Synod 1993: Art 93:34(11)]

PREAMBLE

An anonymous gift of \$85,326.52 was received in June 1981. Synod records its gratitude to God for this gift and its appreciation of the generosity of the donor, and affirms its resolve to use the gift in accord with the desire of the donor as expressed through his solicitor to Rev. Dr Campbell Andrews

for the relief of physical need. In October 1992 an additional amount of \$263,503 was received from the Estate of the original donor, Mr Malcolm McSwan of Wilson's Creek, New South Wales with a further \$82,664.71 added in 1993 when the estate was finalised, the total received from Mr McSwan thus being \$431,493.

REGULATIONS

The gift is to be known as the Missions Relief Fund

and is to be held by the corporate trustees and to be administered by the Synod through the Missions Committee who must account for the distribution of the funds to each ordinary meeting of the Synod.

The terms of the gift permit the dispersal of the capital as well as the interest for the objects of the Missions Relief Fund, but for the time being, and in the interest of maximising the value and usefulness of the Fund, sufficient interest is to be added to the gift to raise the sum invested to not less than \$100,000 by 31st December 1984. In order to endeavour to preserve the Fund against inflation and exchange effects, at the earliest convenient opportunity 50% of the invested sum is to be invested in a suitable equity-linked investment such as a suitable property trust.

Information concerning the several fields and mission activities of the Presbyterian Church of Eastern Australia and the Free Church of Scotland was provided to the donor through his solicitor by Dr Andrews, and suggestions were made by Dr Andrews for the employment of the Fund.

Accordingly-

after any addition to the invested sum the interest is to be disbursed for the relief of people suffering from illness and malnutrition, and from the effects of natural disasters such as fire, famine, flood, drought, earthquakes, civil disorder, war, etc., in areas where the Presbyterian Church of Eastern Australia and/or the Free Church of Scotland and/or other recognised evangelical relief agencies are engaged.

salaries, travelling expenses and equipment of personnel employed in relief activities as well as the provision and maintenance of the buildings and vehicles they use, and the cost of medicines, protective foods, clothing, building materials, implements, seeds, etc., for people in need may be met from the Fund.

for the present the Community Health Project initiated and being extended by Dr Helen Ramsay in the Chhapara area of the Indian Mission Field is to have first claim upon the Fund.

In administering the Fund in the several fields of the Free Church of Scotland the closest co-operation is to be sought with the Missions Board of the Free Church of Scotland.

The financial transactions of the Missions Relief Fund are to be accounted for as a distinct fund in the Synod accounts.

Bequest Proforma for the Missions Relief Fund (Synod 2018)

The Missions Relief Fund of the PCEA was established in 1991 with a generous bequest. The terms of this Fund are the relief of suffering caused by illness, malnutrition, or natural disaster, and the development of poor communities in countries where the PCEA has mission contacts. Medical work, education and community development projects have been supported by this fund.

To make a bequest to Missions Relief Fund of the Presbyterian Church of Eastern Australia we suggest the following wording as a guide (please discuss this with your solicitor):

'I give devise and bequeath to the Missions Relief Fund of the Presbyterian Church of Eastern Australia free from all duties, the following [please specify] and direct that the receipt of the Treasurer of the PCEA Synod for the time being will be a sufficient discharge to my trustees.'*

*Where it says please specify, you could put for example:

- a specified sum of money, shares, real estate etc.
- a percentage of the value of your entire estate
- the whole of the residue (normally only applies if you have no children or other dependents) Your solicitor may need the following information:

Address: Clerk of PCEA Synod, P.O. Box 126, Taree, NSW, Australia 2430.

Bequests are to be held and administered by the relevant trust corporation in consultation with the missions committee of the PCEA Synod (Handbook 3.23).

MISSIONS POLICY

[Synod 1992: Act 17, Class 2]

Whilst not precluding support to persons working through other agencies in the health, education and welfare area, Synod affirms (without prejudice to the regulations of the Missions Relief Fund) that its primary commitment in its Mission policy is to work with sister churches or directly to establish congregations of Christ's church loyal to the Biblical faith as confessed in our subordinate standards. The Synod would also encourage members interested in service overseas to seek the guidance of the Missions Committee at an early stage in order that, where practicable, the gifts of such persons may be recognised and commended to the church and, where possible, utilised in line with Mission policy.

MISSION FINANCIAL POLICY

[Synod 1994: Minutes, Article 94.24 (9)]

It was resolved that:

Synod endorse the statement of ‘Present Synod Financial Policy’ set out in the Missions Committee Report, commends it to the attention of Deacons’ Courts, and urges regular quarterly remittances to the Synod Treasurer, and report by the Treasurer to the Committee in order that financial information as well as Mission news may be publicised in the Banner and directly to congregations as appropriate.

“PRESENT SYNOD FINANCIAL SUPPORT POLICY”

“We have generally endeavoured to give balanced support to each of the fields and to keep the relative level of support up. This helps field planning and steady, sound progress. In addition, specific needs sometimes arise, such as a building fund, or other special need, and we are happy to promote these,

and for good order believe this should occur with the knowledge and consent of the Committee. We have taken it that Synod has endorsed this approach in the past. It is the same approach we follow with home Mission support: all ministers receive basic support and individual congregations or Synod help with the unexpected or occasional needs.” (From the Report)

GREETINGS & THE PRESBYTERIAN BANNER TO MISSIONARIES

[Synod 1983: Act 12, Class 2]

MONIES TO GO VIA SYNOD TREASURER

[Synod 1983: Minutes, p.17, Rec. 10]

MISSIONS COMMITTEE REGULATIONS

[Synod 1982; refer pp. 3 to 8 of 1982 Reports]
[Obselete; revision needed.]

VENUE, OFFICERS & DATES OF ORDINARY ANNUAL SYNOD

VENUE OF ANNUAL MEETING: 1846: 4 Hunter Street, Sydney (William Buyers’ home); 1847-1854 PCEA Pitt Street, Sydney; 1855 PCEA, Free Church Street, Maitland; 1856-1860 PCEA Macquarie Street, Sydney (the iron church); 1861-1976 PCEA Castlereagh Street, Sydney (St George’s); thereafter as below.

OFFICERS OF SYNOD

Synod Clerk

1846-1847	Rev John Tait
1847-1849	Rev Colin Stewart
1849-1850	Rev George Mackie
1850-1864	Rev Arthur M. Sherriff
1864-1867	Rev John L. McSkimming
1867-1885	Rev Duncan McInnes
1885-1900	Rev Isaac Mackay
1900-1904	Rev William Archibald
1905	Rev Samuel P. Stewart
1906-1922	Rev William N. Wilson
1922-1936	Rev Herbert W. Ramsay
1936-1941	Rev Malcolm C. Ramsay
1941-1966	Rev Joseph A. Harman
1966-1982	Rev Stewart N. Ramsay

1982-31.7.1992	Rev W. Peter Gadsby
1992-22.4.1993	Rev Rowland S. Ward
1993-2005	Rev W.J.Wesley Hanna
30.9.2005-	Rev Trevor I. Leggott

Synod Treasurer

1846-1875	William Buyers
1875-1877	James Buyers
1877-1900	Edward A. Rennie
1900-1905	Rev Samuel P. Stewart
1905-1920	Rev William McDonald
1920-1921	William H. Reid
1921-1925	Alex Gunn
1925-1940	James Ross
1940-1949	Harald C. Nicolson
1949-1952	Neil A. McPherson
1953-1971	Harald C. Nicolson
1971-1991	Neil A. McPherson
1991-30.6.2018	Alex H. Steel
1.7.2018- 10.5.19	D. Peter Smith
10.5.2019-	Alex H. Steel

Moderator of Synod since 1977

(see A Witness for Christ page 120 for earlier years).

Date	Place	Moderator
1977.05.10-17	Collaroy	D.R.Nibbs
1978.05.09-15	Collaroy	A.R.Beaton
1979.05.12-18	Carlton, Vic.	R.W.Murray
1980 not held		
1981.05.09-15	Taree	E.R.Lee
1982.05.08-14	Taree	R.S.Ward
1983.05.07-13	Taree	J.M.Cromarty
1984.05.05-11	Maclean	A.L.Tripovich
1985.05.11-17	Taree	K.MacLeod
1986.05.17-22	Taree	E.R.Lee
1987.04.20-24	Taree	R.W.Murray
1988.07.02-06	Taree	P.J.Bloomfield
1989.03.28-31	Taree	W.P.Gadsby
1990.04.17-20	Taree	J.S.Graham
1991.04.02-05	Taree	J.A.McCallum
1992.04.27-05.01	Taree	J.A.Cromarty
1993.04.19-22	Taree	W.M.Mackay
1994.04.08-12	Taree	T.I.Leggott
1995.04.07-11	Taree	T.I.Leggott
1996.03.27-04.02	Armidale	R.S.Ward
1997.04.17-22	Armidale	J.M.Cromarty [150 th]
1998.04.20-24	Armidale	W.P.Gadsby
1999.04.19-22	Collaroy	J.A.McCallum
2000.05.01-04	Collaroy	T.J.McGlynn
2001.05.07-10	Geelong	G.D.Ball
2002.05.06-09	Maclean	R.W.Murray
2003.05.05-08	Maclean	G.Kinder
2004.05.03-06	Elanora Heights	T.I.Leggott
2005.05.02-05	Elanora Heights	S.R.Tamata
2006.05.08-11	Cardiff	D. Peter Smith
2007.05.07-10	Cardiff	R.S.Ward
2008.05.12-15	Cardiff	D.K.Muldoon
2009.05.11-14	Wantirna	J.A.McCallum
2010.05.03-05	Wantirna	G.D.Ball
2011.05.02-04	Wantirna	M. Gavin Smith
2012.05.08-10	Wauchope	S. Bajema
2013.05.07-09	Wauchope	A.A.Miranda
2014.05.08-06	Wauchope	R.S.Ward
2015.05.05-07	Mt Druitt	J.D.Klazinga
2016.05.03-05	Mt Druitt	D. Kerridge
2017.05.02-04	Mt Druitt	D.K.Muldoon [170 th]
2018.05.01-03	Taree	T.W.Yoa
2019.05.07-10	Taree	R.Tso

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NOTES/AMENDMENTS

[Typographical corrections are made as they are noticed, cross references inserted and index updated.]

Significant amendments arising from Synod 2014 included in this printing:

2.9 (disturbance in church); 2.19 (Specimen Disjunction certificate) 3.20 (loans); 3.23 (Specimen Bequest wording)
Committee items updates: Finance, Church & Nation, Inter-Church Relations, Archives

Significant amendments arising from Synod 2015 included in this printing:

3.26 Note re Corporate Trustees and Congregational Property; 3.27 Investment of Congregational Funds Act, Synod 2015; 5.37 (note re meaning of term 'Constitutions' in Barrier Act); Note re Bible Versions added.

Significant amendments arising from Synod 2016 included in this printing:

2.5 re emeritus elders; 5.39-40 revised re Barrier Act; 3.17d replaced part; 3.17f re use of congregational funds; 3.21a & b revised re insurance; 4.18a Recommitment of Synod & Work of Presbyteries; 4.41 add (f). re questions re sexual abuse, also at 5.32.
Committee items updates: Superannuation, Training of Ministry, ICR

Significant amendments arising from Synod 2017 included in this printing:

Privacy principles 2.30a; 3.15 opening bank accounts (NSW); 3.19c NSW property income above \$300; 3.16 Non-cash 40 % limit; 4.12 lack of Presbytery quorum between Synods; 4.49a Approved colleges (correction); 4.51 re application form; 4.76 marriage rites;
Committee item updates: Law & Advisory (Privacy Policy), Trustees; Inter-Church Relations; Training of Ministry

Significant amendments arising from Synod 2018 included in this printing:

Logo 1.12 inserted; Legal Obligations of Deacons' Courts 3.14a; Student Minister's Conflict of interest 4.49b; Annual examination of students 4.49g; Mutual eligibility requirements 4.51 & Acts re FCS, RCNZ, OPC; Call procedure (time limits & overseas considerations) 4.63.

Significant amendments arising from Synod 2019 included in this printing:

Safe Church Policy & Code of Conduct; Order of Synod Business 5.35-36; Operation of Synod Committees 5.19

ITEMS UNDER BARRIER ACT SINCE 2008

2011: Act Concerning Conflict of Interest

2012: Act Concerning Interviewing Children & Vulnerable Adults

2014: Act concerning Procedure for Dealing with Allegations of Child Abuse and Sexual Misconduct

2018: Interim Act: Safe Church Policy & Code of Conduct

2019: Safe Church Policy & Code of Conduct (interim Act enacted)

