

# **PRESBYTERIAN CHURCH OF TASMANIA**



## **CODE of PROCEDURE AND PRACTICE**

## **CONTENTS**

### **Code**

- 1 Presbyterian Church of Tasmania
- 2 Congregation
- 3 Board of Management
- 4 Session
- 5 Presbytery
- 6 General Assembly
- 7 General Rules
- 8 Standing Orders
- 9 Barrier Act and Forms
- 10 Rules
- 11 Acts of Parliament 1896, 1901 and 1908

### **Second Book of Discipline**

#### **Form of Presbyterian Church Government**

##### **Guide to Administrative Procedures**

- A Basics of the Presbyterian Church of Australia
- B Session
- C Board of Management Secretary
- D Board of Management Treasurer
- E Property
- F Board of Investment and Finance Trustees

##### **Guidelines for Candidature for the Ministry**

- 1 Presbytery
- 2 Scope and Policy
- 3 Applicant / Candidate
- 4 Session
- 5 Presbytery
- 6 Theological College and Victorian Agreement
- 7. Forms

##### **Guidelines – Qualifications and Ministry of Home Missionaries**

- Introduction
- Definitions
- Preliminary Requirements
- Duties
- Process of Appointment
- Conditions of Appointment
- General
- Appendices

##### **Steps for Dealing with Sexual Abuse**

## **CODE CONTENTS by chapter & section**

|  |    |
|--|----|
| Chapter 1 PRESBYTERIAN CHURCH OF TASMANIA .....  | 1  |
| Chapter 2 THE CONGREGATION .....                 | 2  |
| PRIVILEGES AND RESPONSIBILITIES .....            | 2  |
| MEMBERSHIP.....                                  | 3  |
| CONGREGATIONAL ORGANISATIONS .....               | 5  |
| Chapter 3: BOARD OF MANAGEMENT .....             | 6  |
| Chapter 4: THE SESSION.....                      | 8  |
| GENERAL DUTIES OF THE SESSION .....              | 12 |
| DUTIES TO HIGHER COURTS .....                    | 13 |
| Chapter 5: THE PRESBYTERY.....                   | 14 |
| CONSTITUTION AND MEMBERSHIP .....                | 14 |
| MEETINGS AND PROCEDURES OF PRESBYTERY.....       | 15 |
| AUTHORITY, POWERS AND DUTIES .....               | 16 |
| POWERS AND DUTIES RELATING TO THE MINISTRY ..... | 16 |
| VACANCY AND SETTLEMENT PROCEDURES .....          | 18 |
| Chapter 6 THE GENERAL ASSEMBLY .....             | 26 |
| OBSERVANCE OF THE LORD'S SUPPER .....            | 28 |
| CLOSING OF ASSEMBLY .....                        | 28 |
| Chapter 7 GENERAL RULES .....                    | 30 |
| Chapter 8 STANDING ORDERS.....                   | 40 |
| BUSINESS PROCEDURE .....                         | 40 |
| MOTIONS AND AMENDMENTS.....                      | 41 |
| PROCEDURE IN DEBATE .....                        | 43 |
| DISSENTS.....                                    | 47 |
| COMMITTEE OF THE WHOLE.....                      | 47 |
| OVERTURES, PETITIONS, REFERENCES, ETC. ....      | 47 |
| COMMITTEES - COMMISSIONS .....                   | 49 |
| STANDING ORDERS - SUSPENDED - AMENDED .....      | 49 |
| Chapter 9 BARRIER ACT and FORMS .....            | 49 |
| 9A. THE BARRIER ACT .....                        | 49 |
| 9B. THE FORMULA .....                            | 50 |

|  |    |
|--|----|
| 9C. EDICTS.....  | 50 |
| 9D. CERTIFICATES.....                                  | 51 |
| 9E. FORMS .....  | 51 |
| 9F. TITLES .....                                       | 53 |
| Chapter 10: REGULATIONS.....                           | 54 |
| ASSEMBLY COMMITTEES AND COMMISSIONS .....              | 54 |
| ASSEMBLY COMMITTEES .....                              | 55 |
| ASSEMBLY COMMISSIONS.....                              | 59 |
| Chapter 11: ACTS OF PARLIAMENT .....                   | 67 |
| (1896) ANNO SEXAGESIMO VICTORIAE REGINAE -- No. 8..... | 67 |
| SCHEDULE BASIS OF UNION .....                          | 71 |
| (1908) ANNO OCTAVO EDWARDI VIII REGIS .....            | 75 |

## Chapter 1 PRESBYTERIAN CHURCH OF TASMANIA

### Definition

**1.1** The Presbyterian Church of Tasmania is part of the Universal Christian Church.

**1.1.1** It is a constituent part of the Presbyterian Church of Australia, formed on the 24th July, 1901, by the union of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia.

**1.1.2** It is in historic continuity with the Church of Scotland, reformed in 1560.

**1.1.3** It was founded in 1835. In 1896 the section of the Presbyterian denomination in Tasmania called up to then "The Free Church of Scotland in Tasmania" was admitted into union with the Presbyterian Church of Tasmania.

### Supreme Standard

**1.2** The supreme standard of the Church is the Word of God, that is, the Scriptures of the Old and New Testaments, which the Church regards as the only rule of faith and practice.

### Subordinate Standard

**1.2.1** The subordinate standard of the Church is the *Westminster Confession of Faith*, as amended by the General Assembly of the Presbyterian Church of Australia, and read in the light of the *Declaratory Statement* contained in the *Basis of Union* 1901.

**1.2.2** The Church also holds as its standards and formularies the Larger and Shorter Catechisms, the *Form of Presbyterian Church Government*, the *Directory of Public Worship* and the *Second Book of Discipline*.

### Powers

**1.3** As a constituent part of the Presbyterian Church of Australia, the Presbyterian Church of Tasmania has and exercises such powers, discharges such duties and enjoys such rights and privileges as are provided for in the *Basis of Union* and the *Articles of Agreement of the Deed of Union* of the 24th July, 1901, and in subsequent amendments thereto.

**1.3.1** The Presbyterian Church of Tasmania has full autonomy in all matters except those which have been assigned to the General Assembly of the Presbyterian Church of Australia under the *Basis of Union* and the *Articles of the Deed of Union*.

**1.3.2** In the following matters, the powers of the Presbyterian Church of Tasmania are modified in larger or smaller degree by the Presbyterian Church of Australia.

- (a) doctrine, worship and discipline of the Church;
- (b) missions to non-Christians;
- (c) home missions;
- (d) Christian education;
- (e) training of students for the ministry; and
- (f) reception of ministers from other denominations.

**1.3.3** Power in respect to other matters may be assigned to the Presbyterian Church of Australia by the State Churches by the amendment of the *Articles of Agreement of 1901*.

### Head of Church

**1.4** The only King and Head of the Church is the Lord Jesus Christ.

**1.4.1** All powers and prerogatives of the church are derived from Him and delegated by Him.

**1.4.2** All functions of the Church are to be exercised in His name, under the guidance of His word and Spirit and in subjection to His authority alone.

## **Government**

**1.4.3** In accordance with the Presbyterian forms of government as set out in the *Second Book of Discipline* and the *Form of Presbyterian Church Government*, the Presbyterian Church of Tasmania is governed by duly elected and ordained teaching and ruling presbyters.

**1.4.4** Those presbyters act in orderly association to maintain the living unity of the Church and sit in representative courts, which in ascending order are the Session, the Presbytery and the General Assembly.

**1.4.5** The courts declare what Christ has revealed and apply His law according to His direction.

**1.4.6** The will of Christ for His Church finds expression in the formal standards, customs, laws, declarations, directions and resolutions of the Church courts.

**1.4.7** The following explicit formulations of the Church law are binding on the Presbyterian Church of Tasmania and its members:

- (a) The Constitution of the Presbyterian Church of Australia;
- (b) The rules, regulations, declarations and directions lawfully made or given by the General Assembly of the Presbyterian Church of Australia, as far as they are applicable to the Presbyterian Church of Tasmania;
- (c) The Constitution of the Presbyterian Church of Tasmania, as modified by the *Basis of Union* and the *Articles of Agreement of the Deed of Union of 24th July, 1901*;
- (d) The rules, regulations, declarations and directions lawfully made or given by the General Assembly of the Presbyterian Church of Tasmania.

**1.4.8** All paragraphs of Chapters 1 to 8 are declared to be rules of the church and may be referred to as such. They may not be amended, repealed or added to other than under the Barrier Act procedure as provided in the relevant rules of Chapter 6A Legislative Action.

## **Chapter 2 THE CONGREGATION**

### **PRIVILEGES AND RESPONSIBILITIES**

#### **Definition**

**2.1** A Congregation is a body of men, women and children who come together for worship, fellowship, instruction, witness and service.

#### **Formation**

**2.2** To be recognised as a Congregation of the Presbyterian Church of Tasmania, such a body requires the sanction and supervision of the Presbytery within the bounds of which it normally meets.

#### **Classification**

**2.3** A congregation or a group of congregations shall be classified by the Presbytery as either a Charge or a Special Charge.

#### **Charge**

**2.4** A Charge is an area of pastoral responsibility to which a minister or licentiate is called by a congregation or congregations and duly inducted by the Presbytery.

#### **Special Charge**

**2.4.1** Where a Charge is unable to meet and sustain the terms of settlement, or is regarded by the Presbytery to be in an unsatisfactory condition, the presbytery may classify it as a Special Charge for the purpose of providing either financial assistance or an appointment.

#### **Session**

**2.5** The affairs of every Charge or Special Charge are under the supervision of a Session, either its own or one appointed by the presbytery.

#### **Board of Management**

**2.6** The financial affairs and the care of the property of every congregation are under the supervision of a Board of Management the membership of which consists of the Session together with managers elected by the congregation.

**2.6.1** In the discharge of its duties, the Board of Management is responsible to the congregation.

## **MEMBERSHIP**

### **Definition - Communicant**

**2.7** A communicant is a person who has been admitted to the fellowship of the Lord's Table and has had his/her name added by the Session to the roll of communicants as a result of

- (a) having made a credible profession of faith in Jesus Christ as personal Saviour and Lord; or
- (b) having presented a certificate of transfer from another congregation of the Presbyterian Church; or
- (c) having been accepted by resolution of Session.

### **Definition - Adherent**

**2.8** An adherent is a person who associates regularly with a congregation in worship, contributes financially to its mission, and has had his/her name added to the roll of adherents by resolution of the Session.

### **Names on one roll only**

**2.9** The names of communicants and adherents may appear on the rolls of one congregation only.

### **Duties of communicants and adherents**

**2.10** Communicants and adherents will seek to glorify God and enjoy Him for ever by using the gifts of grace, which include the following:

- (a) regular attendance at public congregational worship (Hebrews 10:24,25);
- (b) personal and corporate study of the Bible for growth in discipleship (Hebrews 6, 2 Peter 3:18);
- (c) due respect, encouragement and obedience in the Lord to their ministers (Hebrews 13:17);
- (d) submission to the authority of the Session which is appointed by God to care for the Church;
- (e) devotion to one another in Christian love (Romans 12:10);
- (f) commitment and sharing of material prosperity for the growth of the Church and its ministry (1 Cor. 16:2; 2 Cor. 9:7-14; Malachi 3:10); and
- (g) witness for Jesus in every area of life (Matt. 5:13-16).

### **Communicants' rights**

**2.11** Communicants over the age of 18 years have the right:

- (a) to vote at all meetings of the congregation;
- (b) to sign a call to a minister or licentiate;
- (c) to take part in elections for members of Session and Board of Management;
- (d) to approach the appropriate courts of the Church by petition or overture.

### **Adherents' rights**

**2.12** Adherents over the age of 18 years have the right:

- (a) to add their names to a supplementary list to a call to a minister or licentiate;
- (b) take part in elections for members of the Board of Management;
- (c) approach the appropriate courts of the Church by petition or overture.

### **Congregational meeting**

**2.13** A congregational meeting is called from the pulpit, with an indication of its purpose, by the authority of the Session or a higher court, normally with eight days' notice.

**2.13.1** When matters of urgency arise, the Session may call a meeting at shorter notice, always ensuring that communicants and adherents have due notice of such a meeting.

**2.13.2** No congregational meeting may be held during the sitting of the Presbytery or a higher court except with the permission of the court concerned.

**2.13.3** The minister presides at all congregational meetings except those to which he or a higher court appoints a chairman.

## **Quorum**

**2.14** The quorum of a congregational meeting is one tenth of the members of the communicants' roll, but in no case less than five.

## **Annual congregational meeting**

**2.15** The Session shall convene an annual business meeting of all congregations within the Charge or Special Charge for the following purposes:

- (a) to receive, consider and adopt the annual report submitted by the Board of Management;
- (b) to receive, consider and adopt the audited financial statement submitted by the Board of Management, and;
- (c) to appoint auditors for the ensuing year.

**2.16** The Session may present a written review of the life and work of the Charge for information only.

**2.17** Reports and audited financial statements of other congregational organisations may be presented for information only.

## **Minutes**

**2.18** Minutes of all congregational meetings of a Charge or Special Charge are recorded by the Session Clerk in a separate minute book kept for this purpose in his safekeeping.

## **Dissatisfaction**

**2.19** Any communicant or adherent of the Charge or Special Charge, dissatisfied with a decision or resolution of a congregational meeting, may petition the Presbytery to review such decision or resolution, provided that:

- (a) he/she attended the meeting, voted and entered his/her dissent; and
- (b) his/her petition is lodged with the Clerk of Presbytery before the next meeting of the Presbytery and a copy given to the Session Clerk of the Charge or Special Charge at the same time.

**2.19.1** On request the Session Clerk must furnish the dissenting member with an extract minute of the matter from which he/she dissented.

## **Property vesting in Trustees**

**2.20** The real property of every Charge or Special Charge, unless held under an Act of Parliament containing any specific contrary provision, is vested in The Trustees of the Property of the Presbyterian Church of Tasmania or in other Trustees approved by the Assembly, under specific terms of trust and subject to the provisions of 'An Act to regulate the affairs of the Presbyterian Church of Tasmania 1896', as amended, and of rules made by the General Assembly pursuant thereto.

## **Use of buildings**

**2.21** The minister has the right to the keys of the church and other congregational buildings. He may grant or refuse the use of the church and/or buildings for any purpose of a religious nature.

**2.21.1** For use of the buildings for purposes other than those of a religious nature the sanction of the Session must first be obtained.

## **Erection of alteration of buildings**

**2.22** Before a congregation proceeds to erect any building or to make major or visible structural alterations or additions to any existing building, it must first obtain the approval of the Presbytery.

**2.22.1** For projects estimated to cost more than 15% of the Congregation's normal annual income (excluding bequests) the approval of Presbytery is required and such approval shall be given only when the Presbytery is satisfied that the congregation is able satisfactorily to finance the project.

## **Sale, mortgage or purchase**

**2.23** Before a congregation proceeds to sell, mortgage or purchase any real property it must obtain the approval of the Presbytery and the Board of Investment and Finance of the Assembly.

**2.23.1** All documents for the sale, purchase or mortgage shall be in the name of the Trustees of the Property of the Presbyterian Church of Tasmania and shall be signed either by the Trustees or for and on behalf of the Trustees.



## **Lease**

**2.24** Before a congregation proceeds to lease any real property it must obtain the approval of the Presbytery and the Board of Investment and Finance of the Assembly.

**2.24.1** Such lease shall be taken in the name of the Trustees of the Property of the Presbyterian Church of Tasmania, and shall be signed either by the Trustees or for and on behalf of the Trustees.

**2.24.2** A copy of the lease shall be forwarded to the Board of Investment and Finance of the Assembly for its inspection and record.

## **Manse: mortgage or purchase**

**2.25** Congregations, before proceeding to erect or purchase a manse, are required to ensure that the proposed dwelling complies with the following minimum standards:

- (a) 4 bedrooms, 1 dining room, 1 lounge room, 1 study, all carpeted;
- (b) A kitchen, bathroom, toilet, laundry and garage;
- (c) Furnishings must include window coverings, stove, fully automatic washing machine and refrigerator;
- (d) Adequate heating in lounge and dining rooms;
- (e) Adequate letter box;
- (f) Adequate shelving in the study.

## **CONGREGATIONAL ORGANISATIONS**

### **Congregational organisations**

**2.26** A congregational organisation is any club, society or group of person associated for the purpose of carrying on some specified activity within the life of the congregation.

**2.26.1** A congregational organisation may be formed only with approval of the Session and may neither begin nor continue its activities without such approval.

**2.26.2** The proposed constitution of every congregational organisation must be submitted to the Session for its approval and becomes operative and may be amended only with the approval of the Session.

**2.26.3** The office-bearers of every congregational organisation ideally should be communicants of the Charge or Special Charge, and must be approved by the Session.

**2.26.4** By virtue of his office, the minister is chairman of all congregational organisations, but may delegate this responsibility to others.

**2.26.5** The minister or his nominee shall preside at the annual meeting of all congregational organisations, and for the election of office-bearers.

**2.26.6** Prior to the annual congregational meeting, each congregational organisation shall submit to the Session an annual report of its activities, together with a properly audited financial statement.

**2.26.7** All congregational organisations must submit to the Board of Management for approval all matters of finance likely to affect the general revenue of the Charge or Special Charge.

**2.26.8** All organisations seeking to raise funds by special efforts shall seek from the Board of Management approval of the purposes for which such funds are to be raised.

## **Gambling**

**2.27** All forms of gambling in relation to fund raising are expressly forbidden.

## **Amusements for money-raising**

**2.28** While the Church recognises the liberty of Christian people in matters not expressly forbidden by the Word of God, ministers, office bearers and people are exhorted to discourage all forms of conduct which are detrimental to the well-being and witness of the Church. This includes the use of questionable forms of amusement as means of raising funds for Church purposes.

## **Alcohol**

**2.29** The consumption of alcohol in Church halls is expressly forbidden.

### **Organisations that cease to function**

**2.30** When a congregational organisation ceases to function, all its property is passed into the safekeeping of the Board of

Management which holds it in trust until the Session directs its disposal.

### **Diaconal ministry**

**2.31** Sessions may establish diaconal ministries in the congregations under their care by the formulation of Deacons' Courts.

### **Duties of Deacons**

**2.31.1** Deacons shall be responsible to care for the material well-being of believers in the local community, believers further afield, and people in the community at large. In fulfilling this duty, deacons shall perform a ministry distinct from that of the Session or the board of management.

### **Qualifications**

**2.31.2** Deacons shall be communicant members of the congregation which they are to

Serve, have attained the age of 21 years, have a good reputation and uphold the worship of God according to the doctrine of the Presbyterian Church of Australia

### **Supervision**

**2.31.3** In the exercise of their duties, deacons shall be subject to the supervision and direction of the Session. The Session shall fix the number of deacons to be appointed, determine the manner of their election, the criteria for assessing suitability and the suitability of those elected, receive any resignation of a deacon or remove a deacon from office should that deacon renounce the responsibilities of the office, become mentally unsound, or breach the qualifications of a deacon.

### **Induction of Deacons**

**2.31.4** Deacons are inducted to their office by prayer during corporate worship.

### **Tenure of Office**

**2.31.5** The term of office shall be determined by Session, but shall not exceed three years, Deacons shall be eligible for re-election. On joining another congregation, a deacon is not entitled to recognition as a deacon until admitted to the office in the usual way.

### **Organisation**

**2.31.6** Deacons shall be formed into a Deacons' Court of which the minister shall be Chairman, but he may delegate this responsibility to others.

## **Chapter 3: BOARD OF MANAGEMENT**

### **Election of managers**

**3.1** Members of the Board of Management should ideally be communicants of the Charge or Special Charge not less than eighteen years of age. An adherent, not less than eighteen years of age, whose name appears on the adherents' roll, may be elected.

**3.1.1** The Session shall decide the number of members of the Board of Management, and shall conduct the annual election.

**3.1.2** One half of the members of the Board of Management shall retire each year, but shall be eligible for re-election

**3.1.3** At the discretion of the Session, the election of managers may take place at the annual congregational meeting.

**3.1.4** Casual vacancies are filled by the Board of Management with the approval of the Session.

**3.1.5** Any manager who ceases to be either a communicant or an adherent of the Charge or Special Charge shall cease to be a member of the Board of Management.

### **Calling of meetings**

**3.2** The Board of Management shall meet at least once every quarter, intimation of such meetings being given from the pulpit or by notice duly given to the individual members.

**3.2.1** The chairman is bound to convene a special meeting whenever he/she receives a written request from at least one third of the members of the Board of Management to do so. He/she must detail the business of the meeting.

### **Joint meetings**

**3.3** If in any Charge or Special Charge there is more than one congregation, each congregation may elect a Board of Management to deal with local matters, but a joint meeting of all Boards shall be held at least once each year to deal with matters affecting the Charge or Special Charge as a whole. Alternatively, a Charge or Special Charge may decide to have a single Board of Management to administer its temporal affairs, in which case separate financial records shall be maintained for each congregation.

### **Quorum**

**3.4** Three members of the Board form a quorum.

### **Secretary**

**3.5** The Board of Management shall elect annually a secretary who shall:

- (a) record for confirmation minutes of proceedings of the Board;
- (b) take charge of all documents and papers except those entrusted by the Board to the treasurer; and
- (c) attend to all correspondence.

### **Treasurer**

**3.6** The Board of Management shall elect annually a treasurer who shall:

- (a) receive, disburse and account for all moneys under the care of the Board of Management; and
- (b) prepare a financial statement to be submitted to each meeting of the Board of Management.

### **Duties of managers**

**3.7** The Board of Management shall manage the funds belonging to the Charge or Special Charge and apply the same to the purposes for which they have been contributed.

**3.7.1** The Board of Management shall manage, insure, repair and maintain all property.

**3.7.2** The Board of Management shall make the financial arrangements in connection with the service of worship, appoint the caretaker and any other similar employees, fix their salaries and conditions of service, and, in general, exercise an oversight in the administration of the temporal affairs of the Charge or Special Charge.

### **Records**

**3.8** The Board of Management is responsible to the Presbytery for the regular and faithful keeping of its records which, when called for, must be produced to the Presbytery and the Assembly.

### **Extract report**

**3.9** The Board of Management shall submit to the annual meeting of the congregation a report on its administration for the year together with an audited statement of receipts and payments.

### **Banking**

**3.10** All money received by the treasurer for the Board of Management must be kept in a banking account identified as belonging to the Charge or Special Charge. It must not be placed in any private banking account.

**3.10.1** Cheques shall be signed by the treasurer and another member of the Board of Management duly appointed to do so, or by any two members of the Board of Management so appointed.

**3.10.2** The bank statement or pass book should be exhibited at each ordinary meeting of the Board of Management.

**3.10.3** These rules apply to all organisations of a Charge or Special Charge.

### **Remittance of money**

**3.11** It is the duty of the treasurer to remit promptly to the proper authority all regular Presbytery and Assembly assessments and other contributions and payments due from the Charge or Special Charge.

### **Vacancy finance**

**3.12** When a vacancy occurs in the pastorate, the Board of Management shall prepare a financial statement for the guidance of the congregation in determining the terms of settlement which must be submitted to the Presbytery for approval.

### **Terms of Settlement**

**3.12.1** Terms for the settlement of a minister or licentiate must include:

- (a) stipend not less than the minimum laid down by the Assembly;
- (b) travelling allowance as laid down by the Assembly;
- (c) a manse or manse allowance;
- (d) payment of telephone rental plus Church calls;
- (e) payment of a stamps and stationery allowance;
- (f) payment of the Church's contribution towards the minister's superannuation, as fixed by the Assembly;
- (g) six Sundays' pulpit supply annually;
- (h) payment of removal expenses.

### **Manse allowance**

**3.12.2** In the event of the Board of Management and minister agreeing that a manse allowance be paid in lieu of the minister living in the Church manse, he shall ordinarily receive an allowance equivalent to the average rental value of a four-bedroom home in the parish.

### **Pulpit supply**

**3.13** Charges or Special Charges receiving pulpit supply are required to pay for each Sunday's services at a minimum of the rate fixed by the Assembly.

### **Alteration to stipend**

**3.14** The Board of Management, when it has not been authorised by the congregation to vary the stipend, must submit any proposed variation to the congregation. When adjustments recommended by the Assembly are not met, the Presbytery must be advised.

### **Arrears**

**3.15** As soon as the Presbytery has reason to believe that a Charge or Special Charge is failing into arrears with stipend or other financial obligations it shall, of its own accord, institute inquiries and take such action as the case may require.

### **Erection of or alteration to buildings**

**3.16** Before a congregation proceeds to erect any building or to make major or visible structural alterations or additions to any existing building, it must first obtain the approval of the Presbytery.

**3.16.1** For projects estimated to cost more than 15% of the Congregation's normal annual income (excluding bequests) the approval of Presbytery is required, and such approval shall be given only when the Presbytery is satisfied that the congregation is able satisfactorily to finance the project.

## **Chapter 4: THE SESSION**

### **Definition**

**4.1** A Session is a court of the Church existing within a Charge or Special Charge and consisting normally of the inducted minister( s) and at least two ruling elders of that Charge or Special Charge.

### **Jurisdiction and Powers**

**4.2** Subject to relevant civil and Church laws and the authority and lawful directions of higher courts, the Session has authority and power in matters of government, discipline and oversight Within the bounds assigned it by the Presbytery.

**4.2.1** This authority and power are exerted over all communicants and adherents of the Charge or Special Charge, and over all other persons who associate themselves with its congregational groups, clubs,. associations and societies.

**4.2.2** The Session is required to watch over all the interests of the congregations under its authority in such manner as seen best to promote their welfare. It may make rules in matters for which no specific provision is made by higher courts, but such rules must be in accordance with the laws of the Presbyterian Church of Australia.

### **Elders.**

**4.3** Elders are communicants of a Charge or Special Charge, called by the other communicants, of that Charge or Special Charge to exercise rule over them, and, ordained to the eldership and inducted into their office in the Session according to the forms prescribed.

### **Qualifications of elders**

**4.4** An elder must be a communicant of a congregation, at least twenty-one years of age, regularly attending its services of worship and contributing to its funds. So far as is possible, an elder should meet the Biblical qualifications for that office.

### **Election of elders**

**4.4.1** For the election of elders, the following procedure shall be, followed:

- (a) The Session shall decide if additional elders are required and shall inform the congregation accordingly. The minister shall preach on the subject of the Biblical qualifications for the office before the Session calls for nominations from the congregation.
- (b) The Session shall prepare a list of those nominees who possess the Biblical qualities of eldership and who, after due encouragement, are able to speak of a calling to the office. If elected, they must be able to sign the Formula in good conscience.
- (c) The Session shall then, prepare a ballot paper of those listed in paragraph (b) hereof who are to be voted upon by the congregation, together with whatever instructions are deemed necessary and, after two consecutive Sundays' notice, conduct the ballot.
- (d) The session shall declare the result of the election after ensuring that such persons have received a sufficient number of votes as to indicate the confidence of the congregation. Confidentiality as to the numbers of votes is to be maintained.
- (e) The edict of ordination / induction shall be read.
- (f) If no objections to the life or doctrine of the elder(s) elect are received and sustained, they shall be ordained to the eldership and / or inducted into office at a service of worship held at a time and place determined by the Session.
- (g) The ordination / induction shall be reported to the Presbytery.

**4.4.2** At the service of ordination and/or induction, elders shall:

- (a) answer in an appropriate manner the questions prescribed by the General Assembly of the Presbyterian Church of Australia;
- (b) sign the ' Formula.

### **Duties of elders**

**4.5** Elders must co-operate with the minister in the oversight and government of the Charge or Special Charge. They shall visit the aged and the sick, care for the young, guide and encourage enquirers, help and strengthen the believers and generally promote the spiritual welfare of the congregation.

**4.5.1** The Session has the power of discipline over its own members and power without the process of discipline to remove a member from the roll of Session when, after careful enquiry and due notice given, it decides, subject to appeal, complaint or petition, that the member's usefulness as an elder in the congregation has been seriously impaired.

**4.5.2** Resignation or removal of an elder from the Session shall be reported to the Presbytery.

### **Elder emeritus**

**4.6** Elders who, for reasons of age or infirmity, are not readily able to fully perform their duties and who have in the past given faithful service to the Church may, with their agreement, be granted the status of Elder Emeritus, with such privileges as shall be determined by the Session - and reported to the next meeting of the presbytery for its approval.

## **Moderator**

**4.7** As the executive member of the Presbytery, the minister of the Charge or Special Charge is the Moderator of its Session. In a collegiate Ministry ministers preside alternately or as otherwise agreed between the ministers, the other inducted minister(s) sitting as ordinary members of the Session.

**4.7.1** The moderator normally presides at all meetings of the Session. If he is unable to preside, he may appoint another minister or one of the elders in his stead for that particular meeting but such action must be reported to the next meeting of the Presbytery.

## **Vacancy**

**4.8** When a Charge or Special Charge becomes vacant, and for other specified reasons, the Presbytery shall appoint an Interim-Moderator who, subject to the appropriate laws of the Church, has the powers and performs the duties of a moderator.

## **Session Clerk**

**4.9** With the moderator's agreement, the Session shall appoint a Clerk who shall hold office at the will of the court and whose position shall be reviewed by Session every three years.

## **Session Clerk's duties**

**4.10** The Session Clerk shall keep accurate minutes of the proceedings of the Session and of congregational meetings, provide extract minutes where required, and have custody of all records as required by the Session.

## **Meetings**

**4.11** The Session shall meet when convened by appointment of the previous meeting or by the authority of the moderator or a higher court.

**4.11.1** Sufficient notice, normally seven days, must be given to each member.

**4.11.2** The moderator is bound to convene a meeting within ten days of receiving a written request from two members of Session together with a reason for such meeting.

## **Private**

**4.11.3** All meetings of the Session are held in private unless in any particular case the Session determines otherwise.

## **Quorum**

**4.11.4** The moderator and two elders constitute a quorum.

## **Worship**

**4.12** With the agreement of the moderator, the Session shall fix days and times for regular and special services of public worship.

**4.12.1** After consultation with its moderator and members of the congregation(s) the Session shall determine which book of praise is to be used in public worship and ensure an adequate supply of the same for all concerned.

## **Minister's rights**

**4.13** The minister of the Charge or Special Charge has the sole right to the conduct of public worship and to the administration of the sacraments.

## **Responsibility to Presbytery**

**4.13.1** The minister of the Charge or Special Charge is responsible to the Presbytery for the way in which he carries out these functions.

**4.13.2** The minister of the Charge or Special Charge is also responsible to the Presbytery for other persons who conduct public worship, or who by his arrangement or with his permission, preach in his pulpit.

**4.13.3** In the conduct of public worship and the administration of the sacraments, the organist, choir master, church officer and other persons involved are under the sole direction of the minister.

### **Authority of Presbytery**

**4.14** The minister and all other persons concerned in public worship are under the authority of the Presbytery and must obey and abide by current rules pertaining to public worship.

**4.14.1** Higher courts of the Church may, for special reasons, determine who shall conduct public worship or preach in a particular minister's Charge or Special Charge.

### **Baptism**

**4.15** The Session shall arrange, through the minister, for the sacrament of baptism to be administered to:

- (a) the children of believing parents, one or both of whom are communicants of his congregation, or who make before the congregation such credible profession of their faith in Jesus Christ as would entitle them to become communicant members;
- (b) adults who before the congregation make a credible profession of their faith in Jesus Christ and promise of obedience to Him as members of that congregation.

**4.15.1** -The sacrament shall be normally administered during public worship and before the congregation of which those making their profession of faith are members.

**4.15.2** No minister shall administer the sacrament of baptism to children whose parents are members of another Charge or Special Charge without the consent of the minister of that Charge or Special Charge.

**4.15.3** The Session shall encourage believing parents to have their children baptised without unnecessary delay.

**4.15.4** Names and other particulars of those baptised shall be entered in the baptismal register, and baptised adults and parents of baptised children shall be given a certificate of baptism.

### **Lord's Supper**

**4.16** The Session is responsible for making all necessary provisions for the administration of the Sacrament of the Lord's Supper.

**4.16.1** The Session shall admit to the fellowship of the Lord's Table all communicants whose names are on the communicants' roll and who are not under disciplinary suspension, and all others who, earnestly desiring to participate, can come in a manner that is not unworthy. Such intimation is to be given according to 1 Corinthians 11:27-28.

### **Roll of Communicants**

**4.17** The Session shall keep a roll of communicants

### **Removal from the roll**

**4.17.1** The Session shall remove from the roll of communicants the names of those who: (a) are deceased; (b) have been granted a certificate of transfer; (c) are under disciplinary suspension.

### **Roll of adherents**

**4.18** The Session shall keep a roll of adherents.

### **Annual revision of rolls**

**4.19** The Session shall revise annually the rolls of communicants and adherents, and, in doing so, may remove from the rolls names of persons who show their indifference by continued absence from the life and work of the Church.

**4.19.1** Before removing the names of such persons from the rolls, the Session should take all steps possible to return the persons to a full share in the life and work of the Church.

**4.19.2** Every person whose name is about to be removed from the rolls must be given every opportunity to be heard in the matter.

**4.19.3** Names removed from the roll of communicants may be restored only by the process applying to the usual admission to communicant membership.

### **Certificate of transfer**

**4.19.4** The Session shall issue a certificate of transfer to any communicant not under process of discipline who applies for the same in order to join a congregation in another Charge or Special Charge, and, upon receipt of acknowledgement from that Charge, shall remove the communicant's name from the roll.

### **Letter of introduction**

**4.19.5** The Session may, for any specified purpose, either of itself or through the minister, issue to any communicant, adherent, or other person associated with the Charge or Special Charge, a letter of introduction.

### **Elders' districts**

**4.20** The Session shall assign to each elder an area, or pastoral care group, within the Charge or Special Charge, to be known as an elder's district.

**4.20.1** The Session shall provide the elder with the names of communicants, adherents and nominal Presbyterians in his district and charge him with the spiritual oversight of such persons under its direction and control.

**4.20.2** It is the elder's duty to cultivate friendship and Christian fellowship with those on his elder's roll by visiting them especially in difficulty and by providing them with Biblical advice and encouragement in every good work.

### **Discipline**

**4.21** The Session has the power of discipline over the communicants and adherents of each congregation and over those associated with congregational organisations. It shall exercise this power as necessary in accordance with the laws of the Presbyterian Church of Australia.

## **GENERAL DUTIES OF THE SESSION**

### **Christian Education**

**4.22** The Session has the oversight of Christian education of all persons associated with congregations in the Charge or Special Charge.

**4.22.1** In exercising this oversight, the Session should:

- (a) encourage prayer, Bible study and Christian education in the home;
- (b) establish Sunday Schools, Bible classes and other similar activities;
- (c) appoint superintendents, staff, study and youth leaders, and other persons involved with running of such activities.

**4.22.2** The Session shall make provision for training and for suitable equipment for those taking part in the Christian education programme of the church.

### **Reports**

**4.22.3** The Session shall receive regular reports on all activities of Sunday School, Bible study groups, youth groups and all other organisations of the Church.

### **Convene meetings**

**4.23** The Session shall convene the annual business meeting of the congregation(s) of the Charge or Special Charge, and any other congregational meetings which it deems necessary.

### **Conduct elections**

**4.24** The Session shall conduct elections for new elders as required, and for members of the Board of Management annually.

### **Appointments**

**4.24.1** The Session shall appoint the organist, choirmaster, church officer, and any other appropriate persons after agreement with the minister and consultation with the Board of Management regarding financial arrangements.

### **Resignations and removals**

**4.24.2** The Session has the authority to deal with the resignation or removal of any such persons in case of inefficiency, improper conduct, unbecoming character or loss or lack of qualifications.

### **Use of property**

**4.25** Subject to the direction of higher courts and the requirements of the minister in the conduct of his duties the Session shall:

- (a) decide to what uses other than public worship and activities of a similar nature the property of the Charge or Special Charge may be put;



- (b) ensure that the proper work of the Charge or Special Charge is not impaired thereby and that the Christian standard and the laws of the Church are not compromised; and
- (c) refer to the Board of Management any financial arrangements connected with the above.

## **DUTIES TO HIGHER COURTS**

### **Responsibility to Presbytery**

**4.26** In all its actions the Session is directly responsible to the Presbytery.

**4.26.1** When required, but not less than every second year, the Session shall provide for the inspection of the Presbytery the following:

- (a) Minute books of the Session, Board of Management and congregation(s);
- (b) the book of certificates of transfer;
- (c) a copy of the audited financial statement;
- (d) the baptismal and funeral registers;
- (e) any other documents, reports or statistics required by the Presbytery.

**4.26.2** It is the duty of the Session to seek the advice of the Presbytery in matters of doubt and to report irregularities in any matter for which it is responsible.

### **Representative elder**

**4.27** The Session of every Charge or Special Charge is represented in the higher courts of the Church by an elder who is commissioned by it for this purpose.

### **Appeals, complaints**

**4.28** Session will send to the Presbytery, with or without comment as it sees fit, all appeals and complaints presented to it, first making sure of the propriety and proper form of all documents.

**4.28.1** The Session may not receive or discuss complaints against its moderator, but elders, communicants or adherents of a Charge or Special Charge who desire to make complaints formally may do so by presenting a petition to the Presbytery.

**4.28.2** Any person in a Charge or Special Charge may appeal to the Presbytery against any decision of the Session relevant to him/her.

### **No authority over another Session**

**4.29** A Session has not authority to intervene in the affairs of another Session.

**4.29.1** Session may, by a petition or by direct motion following a formal notice brought before the Presbytery having authority, draw attention to any alleged irregularity or interference and request that appropriate action be taken.

### **Assessors**

**4.30** Upon the request of a Session or on its own initiative, a Presbytery may at any time appoint an assessor or assessors to strengthen or assist that Session for any specified reason.

**4.30.1** Such assessors shall have all the rights and duties of elders of that Session.

## **Chapter 5: THE PRESBYTERY**

### **CONSTITUTION AND MEMBERSHIP**

#### **Definition**

**5.1** Presbytery is a court of the Church immediately above the Sessions within its bounds.

#### **Formation**

**5.1.1** It is formed by the General Assembly which shall assign it a name and an area in which its authority shall be exercised.

**5.1.2** The General Assembly shall appoint a time and place for the first meeting of the Presbytery to be formed.

**5.1.3** The General Assembly shall appoint a Minister from the assigned area to convene, constitute and preside over the first meeting of the Presbytery until commissions of ruling elders have been sustained, the roll of members fixed and a Moderator elected from among the members.

#### **Membership**

**5.2** Presbytery consists of:

- (a) all ordained and inducted ministers of Charges within its bounds;
- (b) ministers of the Presbyterian Church of Australia who have been appointed to a Special Charge or commissioned to a specialised ministry, for the duration of the appointment;
- (c) retired ministers who have retained their seats in the Presbytery or who have been received by transfer from another Presbytery;
- (d) other ordained persons who have been granted a seat in the Presbytery by rule, regulation or resolution of the General Assembly;
- (e) pastors who are also elders serving by appointment of the Presbytery;
- (f) a representative elder from each Charge or Special Charge within the bounds of the Presbytery, whose commission has been sustained at any meeting of the Presbytery;
- (g) other elders appointed by the Presbytery from Sessions within its bounds in order to maintain parity with ministerial members of Presbytery, such appointments being made each year after commissions have been sustained and a roll of members prepared;
- (h) Assessors appointed by the General Assembly.

#### **Associations**

**5.2.1** Except where a judicial case is before it, Presbytery may, at any meeting, associate with itself:

- (a) any minister or elder present who is on the roll of, or under the jurisdiction of, another Presbytery;
- (b) any other person whom it resolves to associate.

**5.2.2** On the invitation of the moderator, associated persons may take part in the proceedings of that meeting, but must not preside, vote, move or second a motion.

#### **Election of Moderator**

**5.3** Presbytery shall elect from its members a Moderator to hold office for such time as the Presbytery determines, usually twelve months.

**5.3.1** If, during the term of his office, a Moderator should die or cease to be a member of the Presbytery, the duties immediately devolve on the previous Moderator until the next ordinary meeting of the Presbytery.

#### **Clerk**

**5.4** Presbytery shall appoint a clerk, usually but not necessarily a member of the court, to hold office at the will of the court.

#### **Treasurer**

**5.5** Presbytery shall appoint a treasurer to gather, take charge of, disburse and account for all funds held by the Presbytery as it may direct.

## **Presbytery Fund**

**5.6** Presbytery shall establish a fund to meet its expenses. For this purpose, Presbytery may levy a rate on each Charge or Special Charge within its bounds.

**5.6.1** Offerings made at services appointed by the Presbytery may also be used for this fund.

## **Commissions**

**5.7** Presbytery may appoint a Commission of its own members for a specified purpose and with power, membership and quorum defined by the Presbytery at the time of appointment.

**5.7.1** The quorum of a Commission must not be less than three of whom two must be ministers.

**5.7.2** A Commission of Presbytery shall not have the power to ordain ministers, dissolve a pastoral tie or pronounce sentence in a judicial case.

## **Committees**

**5.8** Presbytery may appoint such Committees, Commissions or Commissioners as it deems necessary to facilitate its work.

**5.8.1** When Presbytery is sitting, these may meet only by leave of the court.

## **MEETINGS AND PROCEDURES OF PRESBYTERY**

### **Quorum**

**5.9** Three members of Presbytery, two of whom must be ministers, constitute a quorum of the Presbytery.

### **Ordinary meeting**

**5.10** Ordinary meetings of Presbytery shall deal with any matters on hand and are held:

- (a) by adjournment from the previous meeting;
- (b) by special appointment of a higher court; or
- (c) in consequence of the constitutional revival of the Presbytery after its powers and functions have lapsed.

**5.10.1** Ordinary meetings are held normally within the Presbytery's bounds at times and places determined by the court.

**5.10.2** Ordinary meetings of Presbytery must be held at least once in every quarter of the year.

### **Special meeting**

**5.11** At its ordinary meeting, Presbytery may call a special meeting, the business of which must be stated and recorded in the Minutes.

**5.11.1** At a Special Meeting, only the specified business maybe dealt with and no other matters maybe introduced.

### **Urgent meeting**

**5.12** Presbytery may meet for an Urgent meeting to deal with urgent business when convened by the moderator on his own responsibility or on request of a quorum of members of Presbytery or on direction of a higher court.

**5.12.1** Before proceeding to business, the Presbytery must approve and confirm the moderator's action in calling an Urgent meeting.

### **Notification of meetings**

**5.12.2** For an Urgent meeting, a minimum of three days' notice must be given and Presbytery may deal with no other matters than those specified in the notice.

**5.12.3** Special and Urgent meetings of Presbytery may adjourn to meet again to complete the specified business but not on or after the next Ordinary meeting and for no other purpose.

**5.13** Presbytery may meet outside its bounds only with the permission or by direction of the General Assembly.

**5.14** In the event of Presbytery failing to fix a date for its next Ordinary meeting, or if there was no quorum on the day and at the time appointed for such a meeting, it is competent for a moderator, or for the clerk, with the moderator's agreement, to convene another Ordinary meeting.

**5.14.1** Such a meeting shall be convened by a circular addressed to all members of Presbytery and mailed at least seven days before the meeting.

**5.14.2** The circumstances in such a case shall be stated and recorded in the Minutes and reported by the Clerk of Presbytery to the next meeting of the General Assembly.

### **Death of a minister**

**5.15** On the occasion of the death of a minister, members of Presbytery at the funeral may meet afterwards to make arrangements for supply of the pulpit and other necessary matters. Minutes of such proceedings must be taken and presented with or without comment to the next meeting of the Presbytery.

### **Private sittings**

**5.16** Presbytery shall normally sit in open court, but may sit in private when it resolves to do so for reasons of necessity or expediency or when required to do so by a higher court or by the laws of the Church.

### **Agenda**

**5.17** Presbytery shall determine its order of business and an agenda for each meeting in accordance with guiding principles regarding procedure (Chapter 7). The agenda shall be adopted after approval.

### **Records**

**5.18** The Presbytery records shall be lodged in the custody of the Clerk of Presbytery and sent up annually to the General Assembly for examination and attestation.

### **Communicating decisions**

**5.19** Presbytery's decisions shall be communicated verbally to persons concerned if they are present in the court or by "Extract Minute" if they are absent or upon request. Letters may also be written to clarify any decisions made.

## **AUTHORITY, POWERS AND DUTIES**

### **Authority of Presbytery**

**5.20.1** Without impairing any pre-existing rights of Sessions, Presbytery has authority over: (a) all congregations within its bounds and their members;

(b) its own members;

(c) all ministers and licentiates who are not under jurisdiction of another Presbytery but who live and/or work within Presbytery's bounds; and

(d) any other people or institutions placed under the Presbytery's jurisdiction by the General Assembly.

### **Duties and powers**

**5.21** The duties and powers of Presbytery relate to the following:

(a) public worship, including the preaching of the Word, doctrinal standards, administration of the sacraments and ordinances;

(b) proper maintenance of discipline within its bounds;

(c) welfare of congregations and their property including good maintenance and proper use of all assets and buildings;

(d) pastoral care of the ministers within its bounds;

(e) pastoral care, supervision, examination and licensing of students for the ministry under its jurisdiction;

(f) appointment of Commissions or Commissioners for any task defined by the Presbytery;

(g) all appropriate matters referred to it by higher courts of the Church or by Sessions and/or congregations within its bounds.

## **POWERS AND DUTIES RELATING TO THE MINISTRY**

### **Candidates for the ministry**

**5.22** It is the right and duty of the Presbytery to judge the character and personality of candidates for the ministry and to ensure that communicants recommended by their Sessions as candidates are fit and suitable to proceed to training.

## **Training**

**5.23** Presbytery shall arrange for such training as conforms to the standard set by the Presbyterian Church of Australia and will lead to lawful ordination of the candidate.

**5.23.1** Presbytery shall maintain interest in the welfare and progress of candidates under its jurisdiction and receive from each candidate a written statement of each year's progress.

**5.23.2** a candidate for the ministry may not be licensed in less than one year after being accepted as a candidate;

**5.23.3** a candidate for the ministry would be required to commence the course of training within two years of being accepted as a candidate, unless the relevant Faculty gives permission to extend this time in a particular case.

## **Trials for license**

**5.24** On completion of a candidate's course of training, Presbytery shall set trials for license. These trials shall include:

- (a) oral examination in theology with particular reference to the Westminster Confession of Faith read in the light of the Declaratory Statement;
- (b) preaching of a sermon on a prescribed text;
- (c) examination of pastoral and practical matters.

The examination may also include other prescribed tasks, including:

1. an exegesis paper on a prescribed passage of Scripture;
2. an essay on a doctrine of theology;

Upon satisfactory completion of these, Presbytery shall:

- (a) at a service of worship, licence the Candidate to preach the Gospel; and
- (b) grant to the candidate an Extract Minute of Licence in the prescribed form.

## **Status of a minister**

**5.25** Presbytery alone may determine the status of a minister of the Presbyterian Church of Australia under its jurisdiction.

**5.25.1** The Presbytery shall recognise only such ministers as have:

- (a) been lawfully ordained by a Presbytery of the Presbyterian Church of Australia; or
- (b) been received as ministers of the Presbyterian Church of Australia by the General Assembly of the Presbyterian Church of Australia; and
- (c) not lost their status.

**5.25.2** Presbytery shall declare that a minister has lost the status of a minister of the Presbyterian Church of Australia if and when:

- (a) he is deposed from the ministry of the Church as a result of a sentence passed by a competent court after formal process of discipline or on the grounds of stubborn opposition to lawful authority or wilful disobedience of the orders of a court; or
- (b) he expressly repudiates, either by written declaration or verbally in the presence of the court, any or all of the requirements of the ordination and induction Formula; or
- (c) after engaging in some non-ministerial work, he fails to make himself available for regular ministerial duties when Presbytery or a higher court requests him to do so; or
- (d) after engaging in such work for a specific term approved by the Presbytery, he fails to return to regular ministerial duties within six months of the expiration of such a term when requested to do so by Presbytery or a higher court.

## **Resignation of a minister**

**5.26** If a minister of the Presbyterian Church of Australia wishes to resign his status, his resignation shall be dealt with, as far as applicable, in the same manner as the resignation from a Charge.

## **Certificates**

**5.27** Presbytery shall have power to grant and issue appropriate certificates to persons under its jurisdiction.

### **Certificate of status**

**5.27.1** A Certificate of Status certifies that the person named has been lawfully admitted to the status of a minister or licentiate of the Presbyterian Church of Australia and that, at the time of the issue of the certificate, he retains such status.

### **Presbyterial Certificate**

**5.27.2** A Presbyterial Certificate testifies to the character and conduct of a minister or licentiate.

### **Certificate of license**

**5.27.3** A Certificate of License is an Extract Minute of licensing certifying that the person named has been lawfully licensed to preach the Gospel of the Lord Jesus Christ.

### **Letter of commendation**

**5.27.4** A Letter of Commendation certifies the status of the person named for the purpose of recommending him/her to another court or authority of the Presbyterian Church of Australia, or to some other Church or Churches in cases for which there is no appropriate certificate.

### **A minister's right to a Certificate**

**5.28** Presbytery shall grant a Certificate of Status, and, unless there is cause to withhold it, a Presbyterial Certificate, to every minister within its bounds who either resigns his Charge or is about to be transferred to the jurisdiction of another Presbytery.

**5.28.1** Any minister who is translated from one Charge to another does not require a Certificate of Status or a Presbyterial

Certificate unless such is demanded by the Presbytery to the jurisdiction of which he is transferring.

**5.28.2** A Presbyterial Certificate will not be issued to any minister or licentiate under discipline or if such process against him is pending.

**5.29** For reasons it deems appropriate, Presbytery may grant a Letter of Commendation to ministers, licentiates, students for the ministry, elders or any other persons.

## **VACANCY AND SETTLEMENT PROCEDURES**

### **Vacancy**

**5.30** A vacancy occurs in a Charge through: (a) the death of the inducted minister; (b) the summary suspension of the inducted minister; (c) the resignation of the inducted minister; (d) the translation of the inducted minister to another Charge; or (e) the failure of the Charge to meet Terms of Settlement.

### **Edict of Vacancy and appointment of Interim Moderator**

**5.30.1** Upon declaration of a vacancy, the Presbytery shall:

(a) direct that an Edict of Vacancy be read in the Charge without delay, attested by the Session Clerk as read and returned to the Presbytery; and

(b) appoint one of its ministers as an interim moderator or interim moderator designate of the Charge.

### **Interim moderator designate**

**5.30.2** Should a Presbytery determine that a vacancy in a Charge shall take place at a period of more than four weeks after such a decision is made, it may appoint one of its ministers as an interim moderator designate. The interim moderator designation shall be empowered:

(a) to take all necessary steps to fill the vacancy up to, but not including, the insertion of a name in a Call;

(b) after consultation with the inducted minister, to convene and preside over such meetings of the Session, Board of Management, congregation and Selection Committee as are necessary for the filling of the vacancy, provided always that only business connected with the filling of the impending vacancy may be dealt with at such meetings.

**5.30.3** The interim moderator designate shall enter into the title and full duties and powers of interim moderator only from the date on which the vacancy begins.

### **Powers of interim moderator**

**5.31** The interim moderator shall have full powers of an inducted minister in the Charge and shall arrange for the supply of the pulpit, pastoral care of families and conduct of ordinances in the Charge during the vacancy. A minister supplying in a vacant Charge shall not discharge any of the duties of an interim moderator without the authority of the interim moderator.

### **Procedure**

**5.32** Within six weeks of the reading of the Edict of Vacancy, the interim moderator or interim moderator designate shall convene meetings of the Session and Board of Management.

**5.32.1** The Session shall revise the rolls of communicants and adherents and fix a date for a congregational meeting.

**5.32.2** The Board of Management shall prepare a report on the financial position of the Charge and prepare proposed Terms of Settlement.

**5.32.3** At the congregational meeting, the congregation shall:

- (a) consider the reports concerning the revised rolls of communicants and adherents;
- (b) consider the financial statement and proposed Terms of Settlement; consider whether it desires to proceed to an immediate call to a particular minister or licentiate, and if not:
- (d) appoint a Selection Committee; and
- (e) report its decisions to the Presbytery by an Extract Minute.

**5.32.4** The congregational meeting shall forward to the Presbytery:

- (a) the Extract Minute of its proceedings;
- (b) attested rolls of communicants and adherents;
- (b) the financial statement submitted by the Board of Management; and
- (d) Terms of Settlement for approval.

### **Selection committee**

**5.33** A Selection Committee shall consist of:

- (a) the interim moderator or interim moderator designate; (b) at least two members of Session;
- (c) at least two members of the Board of Management; and (
- d) such other members as the congregation shall determine.

**5.33.1** All meetings of the Selection Committee shall be held in private.

**5.33.2** The Selection Committee may:

- (a) select immediately a name to submit to the congregation;
- (b) appoint a deputation to hear a minister, ministers or licentiate;
- (c) arrange with a minister or licentiate to meet with the Committee and preach in the Charge.

**5.33.3** As soon as unanimity is reached, the Selection Committee shall recommend to the congregation the name of one minister or licentiate only. (See 5.36)

### **Congregational meeting**

**5.34** At any stage of the vacancy, the Session may call a congregational meeting to hear a report from the Selection Committee, to ascertain what measure of agreement exists in the Charge, and, if advisable, to proceed to a call when the Terms of Settlement have been approved by the Presbytery.

### **Failure to call a minister**

**5.35** When a congregation fails or is unable to call a minister or licentiate within twelve months from the beginning of the vacancy, the Presbytery may appoint a minister or licentiate of its choice.

### **Meeting to proceed with a call**

**5.36** When the Selection Committee has reached agreement on the name of a minister or licentiate to be recommended to the congregation for call, the Session shall call a congregational meeting to hear the report of the Committee. The interim moderator shall conduct a service of worship.

### **Procedure**

**5.37** After the report of the Selection Committee is presented, a vote shall be taken on a motion to proceed to a call. If the motion is defeated, the Selection Committee shall continue its work or other arrangements shall be made. If the motion is approved, the following procedure shall apply:

- (a) a Form of Call shall be read;
- (b) prayer for guidance shall be offered;
- (c) a vote shall be taken on a motion to have the name of the Selection Committee's nominee inserted in the Form of Call, such motion being moved, seconded and voted on only by communicant members of the Charge;
- (d) if the motion is approved, communicants shall be invited to sign the Form of Call and adherents shall be invited to indicate their agreement by signing a Form of Concurrence;
- (e) commissioners not exceeding three in number at least one of whom must be an elder are appointed to take charge of the Form of Call and to give opportunity to communicants not present at the meeting to sign it, and adherents to sign the Form of Concurrence.

**5.37.1** Signatures of communicants and adherents taken at the meeting shall be attested by the interim moderator. Signatures of communicants and adherents not present at the meeting shall be attested by one or more of the commissioners having been signed in his/their presence.

### **Vote**

**5.38** Approval ordinarily shall be shown by show of hands, but the interim moderator may direct, or any five communicants may claim to have the vote taken by division, by calling the roll of communicants or by ballot.

### **Call in new charge**

**5.39** On the occasion of the first call to a minister or licentiate in a newly erected Charge, all adherents not less than sixteen years of age, unless under process of discipline, are eligible to vote. The signatures of these shall be attested by the interim moderator.

### **Call presented to Presbytery**

**5.40** At the next meeting of the Presbytery, the interim moderator shall present the call together with a report of proceedings connected with it. The commissioners, if present, shall also be heard in support of the call.

### **Call sustained**

**5.41** Presbytery shall normally sustain a call when it finds that:

- (a) the person called is eligible to receive a call;
- (b) all requirements have been lawfully fulfilled;
- (c) at least 60% of the communicants of the Charge have signed it.

**5.41.1** Presbytery is not bound to sustain a call, even after a valid election, if, in its opinion, the greater good of the Church would be served by not doing so.

### **Call not sustained**

**5.42** Presbytery shall not sustain a call when:

- (a) Terms of Settlement are unlikely to be met;
- (b) arrears are owed to a former minister, licentiate or others supplying during the vacancy;
- (c) the manse falls substantially short of minimum standards laid down or is in an unsatisfactory condition;
- (d) it pronounces the call void as a result of receiving evidence that a minister or licentiate has either directly or indirectly canvassed the call.

**5.43** When a call is not sustained, Presbytery may decide either to delay procedure until matters causing the delay are satisfactorily resolved or direct that proceedings within the Charge start afresh.



### **Right of appeal**

**5.44** Communicants or adherents present at the meeting where a name was inserted in a call and who are dissatisfied with the proceedings have the right of appeal.

**5.44.1** Such appellants must:

- (a) make known their appeal at the time of the proceedings;
- (b) within three days provide the Session Clerk of the Charge with one copy of the appeal for immediate dispatch to the Clerk of the Presbytery;
- (c) provide the commissioners appointed to support the call with one copy of the appeal; (d) attend the Presbytery when the call is presented, to defend the appeal.

**5.44.2** In Presbytery, the appellants shall state their case, the commissioners shall be heard in reply after which Presbytery shall give its ruling.

### **Appeal to General Assembly**

**5.45** Any person dissatisfied with the Presbytery's decision has the right of appeal to the General Assembly. Notice of such appeal must be given at the time when Presbytery gives its ruling.

### **Call to minister in same Presbytery**

**5.46** Upon sustaining of a call to an inducted minister in the same Presbytery, the Presbytery shall:

- (a) inform the minister concerned;
- (b) appoint one of its ministers to take the mind of the congregation of the minister who has been called; (c) issue an Edict of Translation;

**5.46.1** When the call is taken up, the Presbytery shall hear:

- (a) one commissioner prosecuting the call
- (b) two commissioners from the Charge of the minister called; (c) in reply, one commissioner prosecuting the call.

**5.46.2** If the commissioners are unable to be heard, they may supply a written statement dealing with the translation.

**5.46.3** Silence on the part of a Charge from which a minister is called shall be taken as agreement to the translation.

### **Minister's view**

**5.46.4** The minister called may then, or at any other stage of the proceedings, state his views in regard to the call.

### **Prayer for guidance**

**5.46.5** The moderator or another member of Presbytery shall then offer prayer for the guidance of God.

### **Resolution not to translate.**

**5.46.6** If the Presbytery resolves not to translate, all procedures in connection with the call shall be stopped and both Charges shall be notified accordingly.

### **Call placed in hands of minister**

**5.46.7** If the Presbytery agrees to the translation, it shall then place the call in the minister's hands. The minister may then:

- (a) accept the call;
- (b) decline the call;
- (c) request up to thirty days in which to consider the call.

### **Dissolution of pastoral tie**

**5.46.8** If the minister accepts the call, the Presbytery shall: (a) fix a date and time for his induction;

(b) issue an Edict of Induction;

(c) dissolve with prayer the pastoral tie between him and his Charge from the date of his induction into his new Charge;

- (d) issue an Edict of Vacancy;
- (e) appoint an interim moderator or interim moderator designate to the vacant charge.

### **Translation under three years**

**5.47** Presbytery may agree to the translation of a minister from a Charge which he has held for less than three years only in special circumstances and shall report the approval and the reasons for it to the next meeting of the General Assembly.

### **Call to minister in another Presbytery**

**5.48** If the minister called is a member of another Presbytery, the call, together with other required documents, shall be sent to the Clerk of that Presbytery.

### **Call to minister without Charge**

**5.49** If a call to a minister without Charge is sustained, the call, together with other relevant documents shall be sent directly to him with the request that he signify within thirty days his intention to accept or decline the call.

### **Call to a Licentiate**

**5.50** A call to a licentiate shall be dealt with in the same manner as that of a call to a minister.

### **Minister from another country'**

**5.51** For procedure for the calling of a minister for a Presbyterian Church in another country, see 'Constitution, Procedure and Practice of the Presbyterian Church of Australia', 3.14.

### **Service of ordination/Induction**

**5.52** At a service of ordination and/or induction, the procedure shall be as follows:

- (a) the Edict of Ordination/Induction, duly certified as having been read, shall be laid on the table;
- (b) the Presbytery shall call for any objections in terms of the Edict;
- (c) if there are no objections or if objections are judged frivolous, the service shall proceed; .
- (d) after the sermon, a member of Presbytery, appointed for the purpose, shall narrate the steps leading to the service;
- (e) questions appointed by the General Assembly. of the Presbyterian Church of Australia shall be put to the licentiate/minister,
- (f) questions appointed by the General Assembly of the Presbyterian Church of Australia shall be put to the congregation;
- (g) the licentiate shall kneel, and the moderator by prayer, with the laying on of hands in which the members of Presbytery present join, ordains the licentiate into the office of the ministry and inducts him into the Charge. In the case of an ordained minister he shall be inducted only.e of the ministry and induct him into the Charge. In the case of an ordained minister, he shall be inducted only;
- (h). members of Presbytery shall extend the right hand of fellowship to the newly inducted minister, (i) the Formula shall be read by the Clerk and signed by the newly inducted minister,
- (j) a minister appointed by the Presbytery shall then charge the newly. inducted minister and the congregation' with their duties- and responsibilities;
- (k) the name of the newly inducted minister shall be added to the roll 'of Presbytery, and he shall be recommended by the. Moderator of the General Assembly to the Principal Registrar as a celebrant of marriages;
- (l) the Clerk shall send a certified notice of. the ordination/induction to the Session Clerk of the Charge, to be engrossed in the Minutes of the first meeting of the Session thereafter.

### **Superannuation Fund**

**5.53** A minister must fulfil the regulations regarding membership of a Superannuation Fund prior to his ordination/induction.

**5.53.1** A minister shall not be debarred from accepting at call or from being inducted into a' Charge only because he is not eligible to become a member of a Superannuation Fund.

## **Resignations**

**5.54** After induction, a minister may resign his Charge only the Presbytery... No resignation shall be accepted until:

- (a) the Presbytery has made careful inquiry into the causes which led to it: and
- (b) the Charge has- declared to the' Presbytery its mind in connection with such resignation.

**5.54.1** Ministers who have resigned from the ministry of the Presbyterian Church of Australia but have not become either members or ministers of another denomination, and who wish to make application for reinstatement as ministers of the Presbyterian. Church of Australia, should petition the presbytery within whose bounds they are residing.

**5.54.2** After receiving the petition and granting the prayer of the petition, the presbytery shall appoint a committee to a meet with the minister concerned. Such committees shall approach all other presbyteries in which the minister has ministered or resided to seek references and to make inquiries concerning the life and doctrine of the applicant. The committee shall then report to the presbytery which appointed it with recommendations.

**5.54.3** If the presbytery resolves to reinstate the minister concerned his name shall be added to the roll of that presbytery until the applicant is transferred either by receiving a call or by other means approved by the General Assembly.

## **Leave of absence**

**5.55** No minister shall absent himself from his pulpit or from the pastoral care of his congregation for a period of more than six weeks without first obtaining leave from the Presbytery. A minister applying for leave of absence shall present for the approval of Presbytery; (a) proposals for the maintenance of religious ordinances in the Charge during his absence; (b) any variation in the Terms of Settlement, during his absence, such proposed variation being accompanied by an Extract minute from the congregation setting forth the altered Terms of Settlement.

## **Suspension from office**

**5.56.1** The Presbytery may summarily suspend from office and declare vacant the pastoral Charge of any minister who

- (a) leaves his pastoral Charge for a period of more than six weeks without the permission of the Presbytery;
- (b) disowns the authority of the Presbytery;
- (c) acts in a manner considered by the Presbytery to be contumacious.

**5.56.1** In such cases, the Presbytery may apply to the General Assembly to have the minister declared no longer a minister of the Presbyterian Church of Australia.

## **Associate minister**

**5.57** An associate minister is one who works in association with the minister of a pastoral Charge and is responsible to him as moderator of the Session and to the Presbytery which inducts him. An associate minister is required to fulfil all the duties and responsibilities of, and has all the rights of, a minister of the Charge except as limited by this Clause.

## **Team ministry**

**5.58** A Team Ministry is one which may include ministers, elders and non-ordained members of a Charge.

**5.58.1** The Ministers in the team shall enjoy all the rights and privileges and are required to fulfil all duties and responsibilities of a minister of the Charge.

**5.58.2** Ministers in the team shall recognise the authority of the one to whom the Session has allocated the specialist ministry of team leadership and shall submit to that authority, but with right of appeal to the Presbytery.

**5.58.3** The team leader shall be moderator of the Session, the other ministers sitting as ordinary members of the Session.

**5.58.4** Elders and non-ordained team members are appointed by the Session, and are under its authority and control, exercised through the office of Team Leader (Moderator of Session).

**5.58.5** A petition to reallocate any specialist ministries within the team shall be made to the Presbytery. The petition shall state:

- (a) the circumstances making the reallocation desirable;
- (b) the stipend and allowances to be paid to each in minister; .
- (c) the ability of the Charge to meet the financial 'Obligations involved; (d) the proposed new allocation of specialist ministries within the team; (e) any other relevant circumstances;

**5.58.6** The Presbytery shall approve such application only when it is satisfied that:

- (a) the reallocation is desirable; and
- (b) the congregation is agreeable.

### **Temporary replacement of team leader**

**5.58.7** In the event of the team leader being absent from the Charge for more than six consecutive weeks, the Session may choose a minister from within the team to be acting team leader such action being reported in writing to the next ordinary meeting of the Presbytery.

### **Collegiate ministry**

**5.59** A petition to have a colleague, a colleague and successor, or an associate minister may be made, to the Presbytery of the bounds. The petition shall set forth:

- (a) the circumstances making the creation of a group or team ministry desirable; (b) the proposed allocation of specialist ministries within the team;
- (c) Terms, of Settlement for each minister;
- (d) evidence of the ability of the Charge to meet the financial obligations involved; (e) any other relevant circumstances.

**5.59.1** The Presbytery may approve such application only when it is satisfied that:

- (a) the establishment of such a group or team ministry is desirable; and
- (b) the congregation is agreeable and, in the case of a colleague and successor,. it understands that he shall have the right to succeed to the office of sole minister of the Charge.

**5.59.2** Should the Presbytery grant the prayer of the petition, it shall: (a) declare a vacancy to exist;

- (b) issue an Edict of Vacancy;
- (c) proceed thereafter as in the case of an ordinary vacancy.

### **Colleague unable to fulfil position.**

**5.60** In the event that any colleague is unable to fulfil either completely or partly his position within the team through illness, mental incapacity or any other reason, for a period in excess of six months in any twelve-month period, the Session shall notify the Presbytery in writing at its next ordinary meeting, and request the Presbytery to consider the Viability. of the pastoral tie.

### **Assistant to a minister**

**5.61** An assistant to a minister is appointed by the minister concerned, and notification of such appointment shall be given to the Presbytery. An assistant to a minister is not inducted to that office.

**5.61.1** Such appointment shall be for a period not exceeding twelve months. Any extension of such appointment or any re-appointment shall be subject to the approval of the Presbytery.

### **Ministers working outside the Church**

**5.62** A minister desiring to accept an appointment outside the Presbyterian Church of Australia shall petition the Presbytery for leave to accept the appointment.

**5.62.1** Such leave may be granted when the Presbytery is persuaded:

- (a) of the importance of the office; and
- (b) that is an office in which the work of the ordained ministry may be relevantly exercised.

**5.62.2** Presbytery may approve the acceptance of the appointment for a specified period not exceeding five years in the first instance. At the end of that term, the minister concerned may request the Presbytery to extend the period of appointment up to a further five years, Any extension thereafter must have the approval of the General Assembly.

**5.62.3** A minister granted approval to work outside the Presbyterian Church of Australia shall remain under the jurisdiction of a Presbytery

**5.62.4** If the Presbytery is of the opinion that membership in the Presbytery is desirable in the interest of the Church, it may petition the General Assembly to grant such a minister a seat. in the Presbytery for the period of the appointment.

### **Reports to Presbytery**

**5.63** A licentiate or a minister who is not:

- (a) the inducted minister of a Charge;
- (b) a minister emeritus;
- (c) a full-time chaplain to the Defence Force;
- (d) a missionary working under appointment by the Committee for Australian Presbyterian World Mission;
- (e) a minister holding a full-time appointment by the General Assembly;

shall report at least annually to the Presbytery holding jurisdiction.

**5.63.1** The report shall state:

- (a) period under review; and
- (b) the nature of any other work undertaken during that period.

**5.63.2** After consideration of such report, the Presbytery may summon such licentiate or minister to show cause why his name should not be removed from the register of licentiates or ministers eligible for a call. If on such hearing the Presbytery is satisfied that the licentiate or minister is no longer available for the duties of the ministry, it shall:

- (a) remove his name from the register of licentiates or ministers eligible for a call; and
- (b) notify the Clerk of Assembly accordingly.

**5.63.3** The Presbytery shall provide the Clerk of Assembly with a list of licentiates and ministers under its jurisdiction who are eligible for a call.

**5.63.4** A licentiate or minister required to report to Presbytery under this rule is not entitled to be registered for the celebration of marriages without permission of the Presbytery holding jurisdiction.

### **Celebrants of marriage**

**5.64** The following shall be recommended to the Principal Registrar of Births, Deaths and Marriages as ministers of religion of this Church:

- (a) ministers, licentiates, pastors and others who have been nominated by the moderator of the General Assembly for registration as a minister of religion entitled to celebrate marriages;
- (b) those whose transfer to the Tasmanian register has been approved by the moderator of the General Assembly.

### **Marriage register**

**5.65** On the death of a minister or pastor from a Charge, the Presbytery shall be responsible for the safekeeping of the Marriage Register and the marriage forms.

### **Presbyterial Visitation**

**5.66** The Presbytery shall visit all Charges under its care at least once every five years, the aim of such visitation being:

- (a) to ascertain how minister and congregation are fulfilling their calling under God;
- (b) to bind the individual minister and congregation to the whole Church; (c) to secure efficient and devoted service from all its members.

Such visitation shall be in accordance with a form of visitation prescribed by the Presbytery from time to time.

### **Special visitation**

**5.66.1** If circumstances seem to require it, a Presbytery may appoint a special visitation of a particular Charge or Special Charge with a view to making inquiry and suggesting a remedy for any evils or difficulties which may be found to exist. Notification thereof is sent to the minister, the Session and the Managers who are bound to attend on pain of censure. The inquiries made by the Presbytery shall be confined strictly to the proper objects of the visitation.

## **Chapter 6 THE GENERAL ASSEMBLY**

### **Tasmanian Assembly**

**6.1** The General Assembly of the Presbyterian Church of Tasmania is the court of the Church immediately above the Presbyteries, and is supreme in all Church matters except those included in Articles of Agreement, Article IV of the Deed of Union.

### **Membership**

**6.2** The General Assembly consists of:

- (a) all ministers whose names, when the roll of Assembly is fixed, are on the membership rolls of Presbyteries within the bounds of the Assembly's jurisdiction;
- (b) all home missionaries, if they are elders, holding an appointment of longer than 12 months duration in a charge or Special Charge within the bounds of the Assembly's jurisdiction;
- (c) one elder representing each pastoral Charge within the bounds of the aforesaid Presbyteries whose commission has been duly sustained;
- (d) elders to whom the Assembly has granted seats on a Presbytery;
- (e) the Procurator and the Law Agent, if they are elders;
- (f) an elder being moderator of the Assembly.

### **Associations**

**6.3** The Assembly may associate with itself (except where a judicial case is before it):

- (a) ministers and elders who are members of other courts of equal standing;
- (b) missionaries who are ministers or elders of the Presbyterian Church of Australia who are engaged by the Committee for Australian Presbyterian World Mission and who are on furlough;
- (c) ministers who are full-time chaplains to the Australian Defence Force under appointment by the Defence Force Chaplaincy Committee of the General Assembly of Australia.

**6.3.1** Associated members shall have all the rights and privileges of members except that they shall not preside, vote, move or second a motion.

### **Officers**

**6.4** The officers of the Assembly are the Moderator, the Clerk, the Procurator, the Law Agent, and the Convener of the Business and Nominating Committee.

### **Moderator**

**6.5** The moderator is elected by the General Assembly.

### **Nomination and election**

**6.5.1** Nomination for the position of Moderator is conducted by Presbyteries at least four months prior to the meeting of the General Assembly. A moderator may be elected from among ministers on the roll of Assembly or any elder who is an active member of a Session. Nominations must be forwarded immediately to the Clerk of Assembly.

### **Vacancy in moderatorship**

**6.5.2** In the event of a vacancy in the moderatorship occasioned by death, translation, or the moderator becoming incapacitated by mental or bodily infirmity, the most recent former moderator who is available becomes the occupant of the vacant office, discharging the duties thereof until the next annual meeting of the Assembly.

**6.5.3** In the event of the moderator, through illness or absence from the bounds of the Assembly, being unable to discharge the duties of his office, and so long as he is unable to do so his most recent predecessor in office who is available, and who at the moderator's request or, failing that, at the request of the clerk, is willing to act, becomes and is styled 'Acting Moderator', is deemed to be the moderator for all purposes and may describe himself in legal documents as such.

### **Clerk**

**6.6** The Assembly shall appoint a clerk, usually but not necessarily a member of the court, who shall keep an accurate record of its proceedings and, upon request, supply extracts thereof.

### **Tenure of office**

**6.6.1** A clerk shall hold office for a specified time which must be recorded, or at the pleasure of the court.

### **Vacancy in clerkship**

**6.6.2** When a vacancy occurs in the clerkship, the Assembly shall appoint an acting clerk who shall have all the powers and authority of the clerk.

### **Assembly powers**

**6.7** The Assembly has the power to deal summarily with any of its members or with any member of the Church who may disown its authority or act contumaciously.

### **Authority**

**6.8** The Assembly claims for itself the supreme governing authority in all matters over which it has jurisdiction in the same manner in which it is claimed by the General Assembly of Australia in matters over which that court has jurisdiction.

### **Meets annually**

**6.9** The Assembly shall meet annually on the Tuesday after the second Sunday in May.

### **Quorum**

**6.10** Six members, at least half of whom are ministers, shall form a quorum of the Assembly.

### **Urgent meeting**

**6.11** On a requisition by not fewer than six members, the Moderator shall convene an urgent meeting of the Assembly.

**6.11.1** Such meeting shall be convened by circular posted to all members at least seven days prior to the meeting.

**6.11.2** At the meeting, the Assembly may deal only with matters specified in the circular convening the meeting.

**6.11.3** No business may be transacted unless:

- (a) there is a quorum present;
- (b) the action of the requisitionists and of the moderator in convening the meeting is approved by a majority of the members present.

### **Ministerial changes and elders' commissions**

**6.12** Any urgent meeting of the Assembly may:

- (a) receive a report on ministerial changes; and
- (b) sustain elders' commissions in favour of those appointed to fill vacancies caused by death, resignation, suspension or removal from office.

### **Minutes published**

**6.13** The minutes of proceedings of the annual session of the Assembly, of the Commission of Assembly and of any urgent meetings held during the previous year, shall be published as soon as possible after the close of the session.

## **Order of business**

**6.14** The ordering of the business of the first sitting of the annual Assembly shall be determined by the Business and Nominating Committee but shall include: constitution of the Assembly with prayer in the name of the Lord Jesus Christ, the only King and Head of the Church tabling of the minutes of the previous Assembly, the Commission of Assembly and of any urgent meetings which may have been held sustaining of elders' commissions; announcement of changes which have been made to the roll by death, transfer, removal or addition since the previous Assembly, according to information received from Presbytery clerks; adoption of the roll by the Assembly; the report of the Business and Nominating Committee shall be submitted. a Loyal Address shall be adopted; the Assembly shall proceed to elect or re-elect the moderator for the ensuing year, but for no longer than two consecutive years; the conduct of public worship which shall include the induction of the Moderator-elect.

## **OBSERVANCE OF THE LORD'S SUPPER**

**6.14.1** The first hour of the second sitting on Wednesday morning shall be set apart for the observance of the Lord's Supper. The moderator shall appoint such ministers and elders as he may think fit to assist him in the service, assigning distinct duties to each. If the moderator is an elder not authorised to preside at the sacraments, he shall request one of the ministers or an authorised elder to preside.

## **CLOSING OF ASSEMBLY**

**6.14.2** The business of the annual session being concluded, the moderator shall announce the time and place of the next meeting. Then, in the name and by the authority of the Lord Jesus Christ, the only King and Head of the Church, he shall declare the session of the General Assembly closed and pronounce the Benediction.

## **Commission of Assembly**

**6.15** In addition to any special commission which the Assembly may appoint, the Ordinary Commission of Assembly shall meet as appointed by the Assembly to deal with:

- (a) business as permitted by the Act;
- (b) special business remitted to it.

## **Committees**

**6.16** Standing and special committees are appointed from year to year for the management of enterprises of the Church and other operations of a permanent character.

## **Business Committee**

**6.17** The Assembly shall appoint a Business Committee with membership, powers and duties defined by the Assembly

## **Procurator**

**6.18** The Assembly shall appoint a Procurator who shall act as the court's barrister, and shall advise the Assembly, Presbyteries and Sessions, as required, on matters of Church law.

## **Law Agent**

**6.19** The Assembly shall appoint a Law Agent who, as the Church's solicitor, shall deal with all property matters referred by the Assembly, the Presbyteries or local Boards of Management.

## **Auditor**

**6.20** The Assembly shall appoint an official Auditor and shall determine his/her duties.

## **Minister appointed, released and inducted**

**6.21** When the minister of a pastoral Charge under the jurisdiction of the Assembly is appointed to an Assembly office, the Assembly, on making the appointment, shall:

- (a) request the minister and the Presbytery having jurisdiction to take all necessary steps to secure the release of the minister; and
- (b) request a Presbytery to arrange for the induction or setting apart.

## **Assembly Fund**

**6.22** The Assembly has a fund known as the Assembly Fund, out of which shall be defrayed:

- (a) the honoraria to the moderator and clerks;



- (b) the travelling expenses of members of Assembly undertaking Assembly business;
- (c) office expenses and all necessary expenditure connected with the management of the Assembly's business;
- (d) such other payments as the Assembly may determine.

### **Appeals - expenses of printing**

**6.23** In appeals or complaints, the expense of printing or copying shall, in the first instance, be borne by the appellant or complainant, and when the case is finally decided, by the loser unless remitted or distributed by the Assembly. The Clerk of Assembly is authorised to charge a fee for extract minutes.

### **Minimum stipend**

**6.24** The General Assembly may from time to time, on the recommendation of the Board of Investment and Finance, declare a minimum stipend.

### **Committees**

**6.25** The Assembly may appoint committees or commissioners for the carrying on of the work of the Church.

### **Annual reports**

**6.25.1** All committees and commissioners shall report to the Assembly, with appropriate deliverances, annually.

### **Deliverances**

**6.26** No recommendation in any report shall be held to be adopted by the Assembly unless it is definitely set forth in a deliverance which has been approved by the Assembly.

### **Abstracts for G.A.A.**

**6.27** The committees and commissioners shall also prepare and forward to the General Assembly of Australia such abstracts or summaries of their work for the preceding year as may be required by the General Assembly.

### **Production of records**

**6.28** The Assembly may, at any session, by motion duly approved, call for the production of all records of any committee.

### **Nominations**

**6.29** The Business and Nominating Committee shall bring to each General Assembly nominations for the committees and commissions of Assembly.

### **Conveners**

**6.29.1** The Assembly shall appoint conveners of its committees.

### **Permanent record**

**6.30** The permanent minutes consist of a copy of the Blue Book, each page of the minutes, when confirmed, being signed by the moderator and clerk. The Blue Book so signed shall be retained as the permanent record of the proceedings of the session of the Assembly.

## **Chapter 7 GENERAL RULES**

### **Clerk**

**7.1** Every court shall have a clerk, usually but not necessarily a member of the court, who shall keep an accurate record of its proceedings and supply extracts when requested to do so.

### **Extracts**

**7.1.1** Extracts from the minutes of proceedings of a court or certificates regarding the resolutions of a court are given, on application, by the clerk, but he may refer such applications to the court for instructions.

### **Fees**

**7.1.2** The court shall fix what fees, if any, are to be charged for extracts.

### **Tenure of office**

**7.2** A clerk is appointed either for a specified time or at the pleasure of the court. Unless otherwise recorded, the appointment is at the pleasure of the court.

### **Oath of office**

**7.3** On accepting office, a clerk shall promise to discharge faithfully the duties of the office by repeating these words: "I solemnly affirm and declare that I will faithfully discharge the duties now entrusted to me".

### **Temporary clerk**

**7.4** In the absence of its clerk, a court shall appoint a temporary clerk whose appointment must be recorded in the minutes and who must also take the oath of office.

### **Meetings constituted**

**7.5** Meetings of Church courts, congregations and committees are opened and closed with prayer, both facts being minuted. The Benediction may take the place of the closing prayer.

### **Minutes confirmed**

**7.6** When a court has been constituted, the minutes of the previous ordinary meeting and any of any special or urgent meetings are read or taken as read if circulated to all members, corrected if necessary, and confirmed.

### **Accuracy**

**7.7** The correction of a minute does not imply any power to alter the acts or decisions of the meeting. The only question is the correctness of the minute as a true account of what was done.

### **Alteration**

**7.7.1** Any alteration shall be noted in the margin and initialed by the moderator and clerk.

### **Minutes signed**

**7.7.2** The minutes must then be signed by the moderator and clerk.

### **Decisions - when operative**

**7.8** Notwithstanding the fact that a decision of a court has not been confirmed, the decision itself becomes operative from the time it was made or ordered to take effect, except that decisions of the General Assembly, unless otherwise ordered, take effect immediately upon the closing of the Assembly.

### **Permanent records**

**7.9** The permanent records of the courts of the Church shall be those confirmed in the presence of the court.

### **Deletion of minute**

**7.10** Once minutes of a lower court have been confirmed, no part of them shall be deleted except by authority of the immediately higher court.

**7.10.1** When a minute is deleted as a result of such authorisation or ordering, reference to the minute of the court so authorising or ordering shall be made in the margin.

### **Not recorded**

**7.11** It is competent for a court to resolve that certain decisions or acts shall not be recorded in the permanent record.

## **Record apart**

**7.12** To keep its record of proceedings free from the presence of undesirable matter, every court shall keep a separate Record Apart for a case where moral delinquency is alleged, whether the case comes before it as the court of first instance or of appeal. The resolution to keep minutes of the proceedings of a case in the Record Apart shall be minuted in the Record Apart, not in the ordinary record.

**7.12.1** The Record Apart of each such case shall be kept on separate sheets consecutively numbered both in figures and in words at the head, and subscribed by the signature of the clerk at the foot.

**7.12.2** No entry may be made in the permanent record of these courts until judgment in the case is finally delivered.

**7.12.3** When the judgment which finally disposes of the case, by whatever court of the Church pronounced, involves any degree of censure of the accused, the court of its first instance shall record in its ordinary minutes:

- (a) the first minute of the Record Apart;
- (b) the libel, or a summary of each of the charges thereof if a libel was served; and
- (c) the final judgment.

**7.12.4** When a case has ended in entire acquittal, the court of first instance shall:

- a) seal up in the presence of the court the Record Apart with all papers appertaining thereto;
- (b) endorse the sealed papers with a note of the judgment;
- (c) retain the sealed papers for five years before destroying them;
- (d) furnish the person so acquitted with a certified copy of the judgment of the court.

## **Typed or loose-leaf**

**7.13** When minutes are type-written and pasted in, or when loose-leaf books are used, the pages must be numbered consecutively and each page initialed by the moderator and the clerk.

## **Index**

**7.14** Minutes must have a clear index of subjects for the sake of reference. A general index should also be kept for each volume.

## **Incompetent motion**

**7.15** A motion is not competent if it: (a) violates a law of the Church; (b) violates a decision of a higher court; or (c) infringes on the privileges of a court.

## **Reopening a case by petition**

**7.16** Members of any court may not only dissent from its decision on a case but may petition to have the case re-opened if they can: (a) produce new evidence materially bearing on the case; or (b) demonstrate to the satisfaction of the court that the rules of procedure have been so violated or departed from as to involve substantial injustice.

**7.16.1** Due notice of such a petition and of the grounds on which it is based must be given to the court. Without sufficient grounds, petitions to re-open a case are liable to be dismissed as frivolous and/or vexatious.

## **Courts of equal status**

**7.17** An inferior court has not the right to interfere with or review the proceedings of courts of equal status. It may endeavour to put any matter right by friendly representation. If this is ineffectual, the court which feels aggrieved may ask, through a higher court, for information relative to the alleged action of the courts of equal status.

## **Formulation of a charge**

**7.17.1** If any charge founded on such information is brought against a lower court, it must be definitely formulated in writing, and, before the charge is taken up by the higher court, the lower court must be given an opportunity to meet and appoint respondents to defend its action.

## **Procedure**

**7.17.2** The charge as thus formulated is dealt with in the same manner as an appeal, the members of the lower courts concerned having no right to vote or to take part in the deliberations except as appellants and respondents.

## **Business of lower courts**

**7.18** In all meetings of lower courts, the items of business to be taken up shall be fixed at the commencement of the meeting.

**7.18.1** No item to which exception is taken by three or more members of the court may be discussed:

- (a) until the next ordinary meeting; or
- (b) until a meeting is called for the purpose of considering the matter to which exception is taken; or (c) unless notice of intention to have the matter brought forward was given at a previous meeting; or (d) unless the matter is included in the circular calling the meeting.

## **Business of ordinary meetings in lower courts**

**7.19** The following is recommended as the order of business in lower courts:

- (a) adoption of the agenda for the meeting;
- (b) confirmation of the minutes of the previous ordinary meeting and of any special or urgent meeting held since the last ordinary meeting;
- (c) in Presbyteries, the sustaining of commissions and the welcoming of associated members;
- (d) reasons for dissent from any of the decisions recorded in the minutes and the necessary procedure connected therewith;
- (e) reception of deputations;
- (f) matters recorded in the previous minutes but not disposed of at the previous meeting; (g) matters of ordinary business which have emerged between the meetings;
- (h) matter of which notice has been given at the previous meeting;
- (i) notices of motion relative to matters to be brought forward at a future meeting.

## **Instruction of parties**

**7.20** It is the duty of the lower court, when requested to do so or when it considers it necessary, to instruct parties on the rules and forms of procedure applicable to their cases.

## **Documents in a case**

**7.21** The court from which any appeal, complaint, petition or reference comes, must forward to a higher court all documents relating thereto.

**7.21.1** No document shall be read or appear among the papers of an appeal, complaint, petition or reference unless it was before the court of first instance or, upon being offered to it, was rejected.

## **Documents not received**

**7.21.2** Every court is entitled to protect:

- (a) itself from evident insolence and contumacy; and
- (b) outside parties from unnecessary injury. In doing so it may refuse to receive documents which commit such offences.

## **Distribution of papers forbidden**

**7.22** Before a case comes before a court, parties in the case are forbidden to distribute to members of the court papers bearing on the case.

## **A party not to vote**

**7.23** A member of a court is not entitled to deliberate or vote in a case in which he is a party or in a case in which he is a candidate for office.

### **Private sitting**

**7.24** When parties are removed from the bar, it is at the discretion of the court whether or not they shall hear the deliberation on their case.

### **Canvassing**

**7.25** Canvassing on the part of a candidate for an office or appointment disqualifies him / her from office.

### **Associate**

**7.26** A member of one court present at the meeting of a co-ordinate or lower court, may be associated unless a judicial process is before the court.

### **Special activities**

**7.27** Any decision to pause in the proceedings of a court to engage in special activities shall be made only by the moderator.

### **Right to dissent**

**7.28** A member of a court, other than a party at its bar, is entitled to have his / her dissent recorded in respect of a decision against which he / she has voted, provided:

- (a) such a decision has been made after a show of hands 'For' and 'Against', or a division, is not a resolution of the 'Committee of the Whole', or a decision on an amendment or part of a case, and
- (b) the dissent is given in when the decision is announced, and is not against carrying out an instruction of a superior court.

### **Moderator's dissent**

**7.28.1** A moderator, having no deliberative vote, may also record dissent.

### **Effect of dissent**

**7.28.2** A member of a court who dissents from a decision relieves himself / herself from responsibility for the decision and its consequences and protects himself / herself from censure on account of it, but is still under obligation to comply with the decision itself unless and until it is reversed or altered.

### **Reasons and answers**

**7.28.3** No reasons need be given for dissent, but if given forthwith, they are usually recorded. The court may or may not frame answers which are recorded only if the reasons have been recorded. Otherwise, reasons and answers, if any, are kept separate.

### **Reasons rejected**

**7.28.4** A court may reject reasons for dissent which are: (a) disrespectful to it; or  
(b) injurious to a party; or  
(c) involve a breach of privilege.

### **Not recorded**

**7.28.5** While not rejecting a dissent or reasons for dissent, a court may have good ground for refusing to insert the same in its permanent record, and may simply minute the fact that the member dissented and that the dissent and reasons were ordered to be kept separate.

### **Reasons brief**

**7.28.6** Reasons must be brief and definite.

### **Appeal**

**7.29** An appeal is a signed document given in by a person who is or was a party at the bar in a case before a court. It contains grounds for the appeal against a decision of the court and is designed to bring that decision under review by a higher court.

**7.29.1** The appellant must either give in the appeal at the time the decision of the court is announced, or, at that time, protest for leave to appeal.

**7.29.2** A lower court must inform any parties at its bar of this requirement when judgment is delivered.

## **Complaint**

**7.30** A dissent and complaint also referred to herein as a complaint is a signed document presented by a member of a court who neither is nor was at its bar in a case before the court. It contains reasons for dissent and complaint against a decision of the court on which the complainant has voted in the minority, and is designed to bring that decision under review by a higher court.

**7.30.1** Separate reasons for dissent are not presented. The complainant says, "I dissent and protest for leave to complain". The complaint shall be presented at the time or within the period hereinafter provided.

## **Moderator's rights**

**7.30.2** A moderator, having no deliberative vote, may also dissent and complain.

## **Rights reserved**

**7.31** A lower court against the findings of which an appeal or complaint has been lodged may, at its own risk, proceed without regard to the appeal or complaint if it considers that:

- (a) there is nothing in the subject matter or the procedure or the finding to warrant the appeal or complaint;
- (b) the appeal or complaint is frivolous or vexatious;
- (c) its finding was in the interests of the Church's welfare or the higher good of the Kingdom of God; the rights of the appellant or complainant being always preserved.

## **Court cannot refuse leave**

**7.32** A court cannot refuse leave to appeal or to complain when a qualified person protests for either of these.

## **Reasons lodged**

**7.32.1** An appellant or complainant must lodge reasons for appeal or complaint with the clerk of the court the decision of which is appealed or complained against.

**7.32.2** This must be done within ten days, not including the day of decision, otherwise the appeal or complaint shall be held to be fallen from, and the court shall proceed as if no appeal or complaint had been lodged.

## **Extracts**

**7.32.3** A person intending to appeal or complain against a decision of a court may crave extracts relevant thereto and is entitled to full but not partial extracts of the proceedings and to copies of all relevant papers.

**7.32.4** Reasons for appeal or complaint may be such as these:

- (a) irregularity in the proceedings of the court;
- (b) refusal of reasonable indulgence to a party in the conduct of a case; (c) reception of irrelevant evidence;
- (d) refusal to receive relevant evidence; (e) error or injustice in judgment;
- (f) judgment against evidence or the weight of evidence; (g) denial of natural justice.

## **Respondents and appellants**

**7.32.5** When an appeal or complaint is lodged against the decision of a lower court, two members of the court shall be appointed to act as respondents and defend its judgment. The appellant and complainant and the respondents alone have the right to speak on the case in the higher court.

## **Appeals against final decision or judgement**

**7.32.6** An appeal or complaint against the final decision or judgment on a case stays execution of the decision or judgment until the appeal or complaint is disposed of by the higher court or it becomes null by not being prosecuted.

## **Appeal on a part or on point of procedure**

**7.32.7** An appeal on a part or on a point of procedure, unless expressly provided to the contrary, does not stay procedure or prevent the court from prosecuting the matter and ripening it to final judgment.

## **Earlier appeals**

**7.32.8** If there is no appeal or complaint against the final decision in a case, all earlier appeals or complaints are held to be fallen from.

### **Papers transmitted**

**7.32.9** A court shall transmit to its higher court any appeal or complaint received against one of its decisions together with all records and documents connected therewith.

### **Responsibility of appellant or complainant**

**7.32.10** It is the responsibility of the appellant or complainant to satisfy himself / herself that all necessary documents have been transmitted to the higher court.

### **Failure to appear**

**7.32.11** An appellant or complainant failing to appear at the bar at the time appointed is held to have fallen from the appeal or complaint unless the court, for due cause, is shown otherwise.

**7.32.12** Where sickness is relied upon as the reason for failure to appear, a medical certificate must be produced.

### **Appeal or complaint fallen from**

**7.32.13** When an appeal or complaint is not proceeded with, a member of the court the decision of which was appealed or complained against should take protestation in the higher court that the appeal or complaint has been fallen from, and that the decision of the lower court has become final, and should crave extracts. This protestation, after being recorded in the minutes, shall be supplied by the clerk as an extract minute.

### **Death of an appellant**

**7.32.14** In the event of the death of an appellant, the appellant court may allow his / her representatives or a member of the court authorised in that behalf to appear in the interests of the good name of the estate of the appellant, should such matters be involved in the appeal.

### **Parties at the bar**

**7.32.15** Appeals and complaints place at the bar of the higher court and prevent from voting in the case: (a) all members and former members of the lower court together with appellants or complainants who were members of the lower court at the time when the decision appealed or complained against was made; and (b) members of the lower court admitted subsequent to its decision and before the appeal or complaint has been finalised.

### **Arguments**

**7.32.16** Appellants or complainants should confine their arguments to the points to which the appeal or complaint refers, as set forth in the record.

### **Procedure**

**7.32.17** In appeals or complaints, the procedure shall be:

- (a) the minutes of the lower court and relative documents shall be read;
- (b) parties shall be called;
- (c) the clerk shall read the following announcement:

"As the decision of the court is determined not only by the documents in the case, but also by the pleadings at the bar, members are reminded that justice requires the pleadings at the bar to be heard by all those who vote in the case, and that, in particular, no member ought to vote against either party who has not heard the pleadings on that side.";

- (d) the parties shall be heard;
- (e) members of the court may, through the moderator, put questions to the parties. If the court sees fit, questions and answers may be recorded in the minutes;
- (f) parties shall be removed from the bar;
- (g) the court shall consider the case and proceed to judgment;
- (h) parties shall be recalled, the finding shall be intimated to them and, except in the highest court, they shall be asked if they acquiesce.

### **How dealt with**

**7.32.18** The higher court may:

- (a) sustain or dismiss the appeal or complaint in whole or in part; (b) modify or alter the judgment of the lower court;
- (c) remit the case to a special committee of inquiry and report.

**7.32.19** If any of the parties refuse to accept the recommendations of the special committee, they are entitled to be heard by the court itself before the final judgment is delivered.

### **Sustained**

**7.32.20** Appeals or complaints are sustained because the decision of the lower court is disapproved or because of irregularities or informalities in the procedure of the lower court.

**7.32.21** The sustaining of an appeal or complaint on the ground of irregularities or informality does not necessarily imply the reversal of the decision appealed against. Unless it is considered that substantial injustice has been done to the appellant or complainant through such irregularities, the higher court, without entering comment on the merit of the decision appealed or complained against, or pronouncing any judgment in regard to it, may send back the case to the lower court with particular instruction or with instructions to have it taken up anew and disposed of in accordance with the laws of the Church.

### **Dismissed**

**7.32.22** The dismissing of an appeal or complaint implies approval of the procedure and confirmation of the decision of the lower court.

### **Overture**

**7.33** An Overture is a formal written proposal submitted to a court: (a) for the enactment of a new law; or (b) for the repeal of an existing law; or (c) for a declaration or interpretation of the law on some particular point; or (d) to have something done or declared which is for the general benefit of the Church.

**7.33.1** Only matters of general interest may be brought by Overture.

### **Form of overture**

**7.33.2** An Overture for the enactment of a new law or the amendment of an existing law ought to set forth what is desired in the exact words in which it would stand if granted. Overtures of vague, indefinite proposals, although their aim may seem to be good, may be dismissed as irrelevant.

### **Rights of members**

**7.33.3** Members of lower courts have a right to move that Overtures on any matter which they regard as of general importance be sent to the higher courts.

**7.33.4** In deciding to overture a higher court, a lower court is required to:

- (a) ensure that the Overture is in due form and properly expressed; and
- (b) appoint two of its members to support the Overture in the higher court.

### **Who may overture**

**7.33.5** An Overture may be made:

- (a) to a court by a lower court;
- (b) to the General Assembly by any seven members thereof or by a committee thereof,
- (c) to a lower court by any two members thereof.

### **Notice**

**7.33.6** No Overture may be moved in any court unless notice has been given at a previous session of the court, or intimated by circular to all members of the court prior to the meeting at which the Overture is brought forward.



### **From session to State Assembly**

**7.33.7** Any Overture from a Session to the General Assembly shall be transmitted through the Presbytery of the bounds, which shall forward it with or without comment, or with approval or disapproval.

**7.33.8** A Presbytery may not refuse to transmit an Overture which has been presented in proper form.

**7.33.9** In cases of urgency when no regular meeting of the Presbytery intervenes between the meeting of Session at which the Overture is approved and that of the Assembly, the Session may transmit the Overture to the Assembly direct.

### **From Presbytery to G.A.A.**

**7.33.10** Similar provisions apply in the case of the transmission of an Overture from a Presbytery through the State Assembly to the General Assembly of Australia.

### **Proceedings not judicial**

**7.33.11** A court when considering an Overture is not exercising its judicial function and the stating of an Overture does not bring parties to the bar or exclude any member of the court from participating and voting in the proceedings relative thereto.

### **When several overtures**

**7.33.12** If there are several Overtures on substantially the same subject, only one person shall be heard in support of each.

### **Receiving and stating an overture**

**7.33.13** Before an Overture may be stated in the court to which it is addressed it must be formally received. Only members of the court overtured or others specifically appointed for the purpose by a lower court from its own members may state the Overture.

**7.33.14** After the Overture has been stated, members of the court may put questions to the overturists through the Moderator. After questions have been answered, the overturists, if they are members of the court overtured, have the right, in priority to other members:

- (a) to move that the Overture be sustained; and if the motion is approved,
- (b) further to move that the specific action proposed in the Overture be taken.

### **Procedure**

**7.33.15** If no one appears to introduce the Overture, it falls without motion to that effect. Once introduced, even if the introducer does not support it, the Overture is before the court and action must be taken on it.

### **How dealt with by higher court**

**7.33.16** An Overture is either:

- (a) sustained by the higher court and the specific matter proposed in the Overture approved in its original or amended form; or
- (b) sustained by the higher court and sent down to Presbyteries in its original or amended form for consideration and report; or
- (c) sustained by the higher court and sent down to Presbyteries in its original or amended form under the Barrier Act; or
- (d) it is dismissed.

### **Remits apart from Barrier Act**

**7.33.17** The Assembly may remit any subject to Presbyteries and Sessions if it sees cause to do so, for their suggestion, opinion and report, apart from the Barrier Act.

**7.33.18** Under such a remit, Presbyteries, and Sessions if included, may:

- a) approve or disapprove of the proposal in its present form, or:
- b) approve of the proposal with amendments

### **Not passed into Standing Law**

**7.33.19** Upon such a remit and the returns thereon, the Assembly does not pass the overture into standing law of the Church.

### **Remit under the Barrier Act**

**7.33.20** Before an Overture can pass into a standing law of the Church it must be approved by the Assembly and sent down to Presbyteries under the Barrier Act, that is, Presbyteries must either approve or disapprove of the Overture.

**7.33.21** Any suggestions from a Presbytery in view of a possible reconsideration of the subject on an Overture under the Barrier Act must be kept entirely distinct from the approval or disapproval of the Overture.

**7.33.22** A qualified approval is reckoned as disapproval.

**7.33.23** Presbyteries not reporting are held to vote in the negative.

**7.33.24** If a majority of Presbyteries approve, it shall be competent for the Assembly to pass the Overture into a standing law, should it see fit, or it may remit the Overture again to Presbyteries in the same or in an amended form.

### **Resolution of Impasse between the Presbyteries in respect of a Remit under the Barrier Act**

**7.33.25** If exactly half the number of Presbyteries approve the Overture, then the Assembly shall remit the Overture in identical terms as before to the Presbyteries and to all the Sessions within the Assembly's bounds.

**7.33.26** Any suggestions from a Presbytery or a Session in view of a possible reconsideration of the subject of an Overture under the Barrier Act must be kept entirely distinct from the approval or disapproval of the Overture.

**7.33.27** A qualified approval is reckoned as disapproval.

**7.33.28** Presbyteries or Sessions not reporting are held to vote in the negative.

**7.33.29** If a majority of Presbyteries approve the Overture:

- a) The impasse shall be treated as resolved in the affirmative and the returns from the Sessions shall be disregarded.
- b) It shall be competent for the Assembly to pass the Overture into a standing law, should it see fit, or it may remit the Overture again to Presbyteries in the same or in an amended form.

**7.33.30** If exactly half the number of Presbyteries approve the Overture and also no less than three-fifths of the number of Sessions approve it then the impasse shall be treated as resolved in the affirmative, and it shall be competent for the Assembly to pass the Overture into a standing law, should it see fit.

**7.33.31** If exactly half the number of Presbyteries approve the Overture and also less than three-fifths of the number of Sessions approve it then the impasse shall be treated as resolved in the negative.

**7.33.32** If the number of Presbyteries that approve the Overture be less than half the number of all Presbyteries, then the impasse shall be treated as resolved in the negative and the returns for the Sessions shall be disregarded.

### **Law of the Church**

**7.33.33** A standing law of the Church is a law enacted in accordance with the provisions of the Barrier Act.

### **Interim Act**

**7.33.34** If the Assembly considers the object of an Overture transmitted to Presbyteries under the Barrier Act to be of urgent practical importance, it may, while transmitting the Overture to Presbyteries, at the same time pass it into an interim Act which shall remain in force only until the next meeting of the Assembly.

### **When not interim act**

**7.33.35** No Overture shall be converted into an interim act which involves an essential alteration of the existing law or practice of the Church, it being understood that this does not apply to measures which may be necessary for carrying out more effectively subsisting regulations or forms of the Church.

### **Declaratory Act**

**7.34** The rules regarding Overtures do not prejudice the right of the Assembly to pass Declaratory Acts, declaring what the Assembly understands the law of the Church to be on any point on which questions have been raised. Such Acts may be passed by the Assembly without reference to Presbyteries.

## **Petitions**

**7.35** 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.

**7.35.1** Petitions must be in respectful language and usually include a statement of the circumstances or reasons which are held by the petitioners to justify the specific request made.

### **Who may petition**

**7.35.2** Any lower court, 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 to the appropriate court of the Church by Petition. Such court may at its discretion receive and deal with a petition from any other person than the aforesaid.

### **Matter and form to be attended to**

**7.35.3** Petitions must be what they profess to be: that is, they must pray for something which could not have been, or cannot be, otherwise constitutionally obtained.

### **Incompetent petitions**

**7.35.4** A Petition reviewing the judgment of a lower court which may have been appealed or complained against is incompetent and cannot be received.

### **Competent use of a petition**

**7.35.5** A Petition may competently be used when the petitioner:

- (a) has been obstructed in his right of appeal or complaint in the lower court; or
- (b) is not legally qualified to proceed by appeal or complaint; or
- (c) being a court of the Church, cannot conveniently deal with a case before it other than by petitioning the higher court to take action.

## **Assistance**

**7.35.6** Sessions and Presbyteries should assist communicants and adherents of the Church in preparing Petitions so as to prevent their rejection on the ground of informality or other defect.

**7.35.7** A petitioner is a party at the bar. Any member of a court being a petitioner to it, singly or with others, is at the bar and remains at the bar until the matter is finally determined. No member may present the Petition of others.

## **Procedure**

**7.35.8** Sufficient of the Petition shall be read as to indicate to the court its subject, character, competence and propriety. If the court receives the Petition, it shall then proceed to consider the answer to the prayer of the Petition.

### **Others concerned**

**7.35.9** When a Petition affects the interests of others, a petitioner must supply them in reasonable time and either by personal delivery or by registered post with:

- (a) a copy of the Petition; and
- (b) a notice of the time and place of the meetings of the court at which he has asked or shall ask that the Petition be heard.

### **Clerk notified**

**7.35.10** The petitioner must notify the clerk of the court that he has taken this action.

### **Citation**

**7.35.11** If the court after receiving the Petition, is not satisfied that sufficient intimation has been given to others concerned, it shall order the petitioner to serve a copy of the Petition on them with a citation to attend.

## **Reference**

**7.36** A Reference is a document containing matters of difficulty or of importance which are stated and referred by resolution of a lower court for the opinion or advice of its higher court.

### **Right to vote**

**7.36.1** In all such cases the members of the lower court retain their right both to deliberate and to vote.

### **How transmitted**

**7.36.2** A Reference is transmitted in the form of a properly attested extract minute of the resolution to refer, accompanied by all relevant documents.

### **Interested persons notified**

**7.36.3** The referring court must notify persons who have a direct interest in the matter of the place and time of the meeting of the higher court at which the matter will be discussed.

### **Reference stated**

**7.36.4** In the higher court, a member of the referring court shall state the Reference, showing:

- (a) what the subject matter is; and
- (b) why it has been referred.

### **Questions**

**7.36.5** No question on a point of form or order can be raised, except by the Moderator, until the Reference shall have been stated.

### **How dealt with**

**7.36.6** The court may then decline to entertain the Reference or it may sustain the Reference which means that the matter is properly before the court. If sustained, the Reference may then be discussed on its merits.

### **Disapproved but taken up**

**7.36.7** A court may find that there was not sufficient ground for referring the case and that the lower court should have addressed itself to the adjudication of the same, but, considering the hardship of delay to any person having direct interest in the matter, it may proceed with the case.

### **Further procedure**

**7.36.8** Unless the decision of the higher court determines the issue of the case, the lower court shall be directed to proceed with it according to the laws of the Church.

## **Chapter 8 STANDING ORDERS**

### **BUSINESS PROCEDURE**

#### **Order of Business**

**8.1** In the General Assembly after the first sederunt the order of business shall be:

- (a) At forenoon sederunts:
  - (i) confirmation of the minutes of the proceedings of the previous day.
  - (ii) reasons for dissent from any of the decisions recorded in the Minutes so confirmed, and the necessary procedure connected therewith.
  - (iii) leave to print and circulate notices of motion relative to matters to be brought forward at some future sederunt.
  - (iv) the various items of business in the order arranged by the Business Committee and approved by the court.
  - (v) applications from Presbyteries, for authority to meet, and the announcement of meetings of committees.
- (b) At the last sederunt of the day:
  - (i) report of the Business Committee relative to next day.
  - (ii) leave to print and circulate notices of motion
  - (iii) business as previously arranged by the Business Committee and approved by the court.
  - (iv) announcements relative to presbyteries and meetings of committees.

## **Orders of the Day**

**8.2** The items of business, as arranged by the Business Committee and approved by the Assembly, shall constitute the Orders of the Day.

## **Variation of Orders of the Day**

**8.3** The Assembly may, from time to time during a Sederunt, if it deems it necessary, vary the Orders of the Day for that sederunt by a motion, without notice and without debate.

## **Orders of Day varied**

**8.4** A motion to vary the Orders of the Day may be made only at the interval between items of business.

**8.5** When the Order of the Day is reached, it shall be called for by the Moderator.

**8.6** No business shall be introduced to the Assembly by any member until it is called for by the Moderator.

## **Reports and Deliverance**

**8.7** Committees of the General Assembly shall submit to the Assembly a written report. Recommendations for action shall be appended in a proposed Deliverance; such reports and proposed deliverance shall be printed and circulated among members of the Assembly at least one day before they are considered.

**8.8** Reports concerned with (a) doctrinal matters that do not require Barrier Act procedures, or (b) changes to regulations, shall be submitted to presbyteries and Sessions for consideration and report at least six months before the next meeting of the General Assembly. Matters that fall within this Standing Order, and for which six months' notice has not been given, may be considered by the Assembly by leave of a majority of the House.

## **Recommendations**

**8.9** No recommendation in any report shall be held as adopted unless it shall have been definitely set forth in the deliverance and approved by the Assembly.

**8.10** Printed reports shall be held as read unless the Assembly desire otherwise.

## **Questions**

**8.11** Relevant questions may be put by any member through the Moderator to the Convener of a Committee when the report is before the Assembly, and also after the deliverance as a whole has been moved and seconded.

## **MOTIONS AND AMENDMENTS**

### **Substantive Motions**

**8.12** A substantive motion refers to business which does not arise from the report of any Committee. It shall be written and handed to the Business Convener normally at least one sederunt before it is considered by the Assembly. A substantive motion may, by leave of the House, be moved without notice.

### **Character of Motions**

**8.13** Motions shall be considered as belonging to one of the following categories, and shall be dealt with as prescribed, namely:

(a) the original motion;

(b) counter-motions - being motions contradictory or negative of the original motion or of a substantial part of the original motion. And;

(c) amendments - being motions not substantially contradictory of the original motion or counter-motion, but for: (i) leaving out certain words, (ii) leaving out certain words in order to insert or add other words, or (iii) inserting or adding certain words.

The Moderator shall be the judge of the character to which any motion shall be considered to belong, and shall rule accordingly.

### **Procedure for Voting on Motions**

**8.14** After all amendments, if any, have been disposed of, the Moderator shall take a vote between all motions in Categories (a) and (b) of Standing Order 8.14, and in doing so shall adopt the following procedure:

- (a) A vote shall be taken between all the motions in the order as determined by the Moderator, beginning at the first.
- (b) Each Commissioner may vote for one motion only.
- (c) If on the vote being taken, one motion has obtained a clear majority of votes, all the other motions shall fall.
- (d) If no motion has obtained a clear majority, the motion having the smallest number of votes shall be disregarded and a vote taken between the remaining motions.
- (e) The same procedure shall continue until one motion receives a clear majority on a vote.
- (f) The motion which has received a clear majority shall then be put by the Moderator to the Assembly, and shall be voted on 'For' or 'Against'. If a majority vote for it, the motion shall become the judgement of the Assembly. If a majority vote against it the motion shall fall, and further procedure in the matter shall be as the Assembly may determine.

### **Amendments**

**8.15** Motions shall be amended

- (a) by leaving out certain words,
- (b) by leaving out certain words in order to insert or add other words,
- (c) by inserting or adding certain words.

### **Negative**

**8.16** A direct negative to a motion shall not be a competent amendment.

### **Incompetent Amendments**

**8.17** No amendment shall be proposed in any part of a motion after a later part has been amended, or in any words the House has resolved shall stand part of a motion, or has inserted in or added to a motion, except the addition of other words thereto.

### **Amendments to Amendments**

**8.18** An amendment may be moved to an amendment that has been moved and seconded as if the first amendment were an original motion.

### **Notices of Motion**

**8.19** Notices of Motion shall be written and handed to the Business Convener at least one sederunt before the matter to which it is related is before the Assembly. Amendments on a proposed deliverance, motion or amendment of which due notice has been given shall be printed and circulated.

### **Amendments Without Notice**

**8.20** An amendment may be moved without notice if in the opinion of the moderator it arises in the course of a debate and does not alter the substance of the motion; should the Moderator rule that the proposed amendment affects the substance of the motion, it shall require, in addition to the Moderator's ruling that it has arisen in the course of debate, the Leave of the House.

### **When Seconded**

**8.21** Except in Committee of the Whole, a motion or amendment shall be seconded before it can be debated or put to the vote.

### **Reserving a Speech**

**8.22** No member who moves or seconds a motion or amendment shall have the right to reserve his speech to a later stage of the debate.

### **Member giving notice absent**

**8.23** If, when the motion of which notice has been given is called for by the Moderator, the member who gave notice is absent, another member may move the motion; or the court may postpone the motion. Otherwise the motion lapses.

### **Motion lapses if not seconded**

**8.24** When the mover of the motion or amendment has finished his speech, his motion or amendment shall forthwith be seconded; if there is no seconder, it lapses and shall not be recorded in the minutes.

### **Notice withdrawn**

**8.25** If a member withdraws a notice of motion given in, he shall do so without remark, and such motion shall not be recorded in the minutes.

### **Motions withdrawn by Leave of the House**

**8.26** A motion or amendment, duly made and seconded, shall not be withdrawn except by Leave of the House and at the request of the mover, with the consent of the seconder; and any amendment to such motion shall first be withdrawn or negatived.

### **Motions - not recorded**

**8.27** A motion or amendment ruled not competent shall not be recorded in the minutes, except when the ruling of the Chair has been challenged and voted on.

### **Notice changed**

**8.28** No change shall be made in the terms of a notice of motion after it is given in, except by Leave of the House; but a member has the right to alter his motion provided notice of the alteration be given at least one sederunt before it comes before the House.

### **No change without Leave**

**8.29** After a motion or amendment has been moved, no change shall be made in its terms without Leave of the House.

### **Amendments put first**

**8.30** Amendments shall be put before the motions to which they refer.

### **Debate thereon**

**8.31** When an amendment is before the House, the debate shall be strictly confined to such amendment.

## **PROCEDURE IN DEBATE**

### **Members called**

**8.32** When a member desires to speak, he shall rise in his place, but shall not speak until he is called on by the Chair. A member speaking in the Assembly shall address the Chair only.

### **Speak more than once**

**8.33** Each member may speak once to each question in debate, whether a motion or an amendment; but no member shall speak more than once to the same question, except

- (a) in explanation,
- (b) in stating and asking the ruling of the Chair on a point of order,
- (c) in reply at the close of a debate, if he is the mover of the original motion, except in any debate involving counter-motions, and
- (d) in Committee of the Whole.

### **Mover of amendment**

**8.34** A member who has spoken to the main question shall not afterwards move an amendment on it, but he may second or speak to an amendment moved by another member.

**8.35** A mover of an amendment shall not afterwards speak to the main question.

### **Moderator leaves the Chair**

**8.36** The Moderator or Chairman of the Committee of the Whole shall take no part whatever in any debate. If he wishes to speak to any question or to give in a report of a committee, he shall leave the Chair. He shall also leave the Chair when any case arises in which he is a party.

### **The Moderator standing**

**8.37** When the Moderator or Chairman shall rise in his place, all members shall forthwith resume their seats and shall remain silent so that the Moderator or Chairman may be heard without interruption.

### **Interruptions**

**8.38** No member shall interrupt a speaker except for one or other of the following purposes:

- (a) to state a point of order and to ask for a ruling of the Chair on it;
- (b) to call attention to a breach of the privileges of the House;
- (c) to make a personal explanation;
- (d) to move that the House sit in private;
- (e) to move the adjournment of the debate;
- (f) to move the "Previous Question";
- (g) to object to language deemed objectionable or reflecting on character.

### **Points of Order**

**8.39** Points of order must refer strictly to the order of the proceedings of the House.

**8.40** A member raising a point of order shall simply state it and no other member shall speak at this stage. The Moderator shall then:

- (a) forthwith rule on the point
- (b) ask certain members whom he selects to state their views on it, and afterwards rule on the point; or
- (c) refer it to the House for decision by debate and vote.

### **Ruling of the Chair challenged**

**8.41** When the ruling of the Chair is challenged, the member who questions the ruling may be heard for not more than five minutes and, the Moderator or Chairman having been heard in reply, the vote shall be taken without further discussion.

### **Privilege**

**8.42** Questions of privilege take precedence over all other business and may at any time be brought forward by any member.

**8.42.1** Questions of privilege must refer strictly to matters directly affecting the privileges of the Court or its members, which matters have 'recently emerged and call for present interposition.

**8.42.2** If a question of privilege is brought forward in Committee of the Whole, the Committee shall forthwith report it to the court which alone can deal with questions of privilege.

### **The 'Previous Question'**

**8.43** The 'Previous Question' may be moved at any stage in a debate after the motion in debate has been moved and seconded, but not by anyone who has spoken to the main question or to an amendment thereon.

**8.43.1** The 'Previous Question' shall be moved and seconded without debate and shall forthwith be put to the vote.

**8.43.2** The 'Previous Question' must refer to the motion before the House. It cannot be moved in a Committee of the Whole House or in a Select Committee.

**8.43.3** The carrying of the 'Previous Question' shall mean that the court does not consider it expedient to discuss further, or to make a decision on, the matter before the House; and the effect shall be that the court forthwith departs from that matter and takes up the next order of the day.



**8.43.4** The negating of the 'Previous Question' shall not preclude its being moved again during the same debate.

#### **Adjournments, etc.**

**8.44** A motion for the adjournment of (a) the debate, or (b) the court, or a motion in the Committee of the Whole "that the Committee report" may be made at any time and without notice.

**8.44.1** Such a motion shall be put to the vote without debate.

**8.44.2** The negating of such motion shall not preclude its being moved again during the same debate or sederunt.

**8.44.3** The adjournment of a debate may be moved by any member, including the member who is at the time speaking to the question in debate.

**8.44.4** When an adjourned debate is resumed, the right of speaking first shall belong to the member whose speech was interrupted by the adjournment. If no speech was interrupted, the right of speaking first shall belong to the mover of the adjournment, provided that he has not already spoken to the question, whether a motion or an amendment, which was in debate when the adjournment was moved.

#### **Closed doors**

**8.45** The General Assembly may at any time close its doors and sit in private in consequence of a ruling by the Chair, or of a motion made, seconded and put to the vote without debate; but cases or questions which have been discussed with closed doors in a lower court shall be so discussed in the higher court unless a motion to the contrary, duly made and seconded and put to the vote without debate, is carried.

**8.45.1** The negating of such motion shall not preclude its being moved again during the same debate or sederunt.

#### **Character affected**

**8.46** In dealing with cases or questions which have been declared by the Chair to affect character or partake of the nature of personal disputes or misunderstandings, the House shall deliberate and decide thereon in private unless a motion to the contrary, duly made and seconded, is carried; and every such motion shall be put to the House without discussion.

#### **Personal explanation**

**8.47** A member may at any time make a personal explanation.

#### **Explanation in debate**

**8.48** If a member makes an explanation during a debate, it shall refer exclusively to some statement or statements made by himself which in his opinion, one or more of the speakers in the debate have misapprehended. No other matter whatsoever shall be introduced into an explanation during a debate.

#### **Objectionable language**

**8.49** Language ruled objectionable shall be forthwith withdrawn and apologised for by the speaker and in a manner satisfactory to the House.

**8.49.1** When language used in debate seems to any member to be objectionable, he may forthwith, but not later, raise a point of order concerning it and ask for the ruling of the Chair. He may also demand that the words be taken down. The Moderator or Chairman shall, without debate, forthwith put the question, "that the words objected to be taken down, and, if this question is resolved in the affirmative, he shall direct the Clerk to take them down as ground for such further action as the House may think fit to take.

#### **Laws not to be reflected on**

**8.50** No member is allowed to reflect on any law or decision of the Assembly except for the purpose of moving in a legitimate form that it be altered or rescinded.

#### **Speech in reply**

**8.51** After the speech in reply, which shall contain no new matter, there shall be no further debate. Before the speech in reply is begun, the Moderator shall distinctly declare that it is to be a reply on the debate, and that thereafter the debate will be closed. Any member entitled to speak has then an opportunity of speaking to the main question before the speech in reply.

## **The Closure**

**8.52** When it shall appear to the Moderator or Chairman, during any debate, that the motion, or any amendment on it, has been adequately discussed and that it is the evident sense of the House that the question be now put, he may so inform the House distinctly stating at the same time whether it is to the debate on the amendment only or to the debate on both the amendment and the motion that the closure is to be applied. A motion "That the question be now put" may then, but not till then, be made and seconded without any remark or discussion. The Moderator or Chairman shall forthwith put this motion and, if the same be carried by a majority of at least two-thirds, the Moderator or Chairman shall forthwith put to the vote the motion, or the amendment only, or the amendment and the motion, as the case may be, without further debate.

## **Mode of taking the vote**

**8.53** The Moderator or Chairman shall endeavour to put the question at every convenient opportunity. He shall state the motion or amendment or shall cause it to be stated by the Clerk. Any member not distinctly hearing the motion or amendment so stated may require it to be stated again.

## **The Moderator interrupted**

**8.54** When the Moderator or Chairman shall rise in his place to state or put the question, he may be interrupted by, and shall give way to, any member who wishes to speak to the question, except when the debate has been closed by a speech in reply or by the application of the closure. A member may so intervene up to the moment when the Moderator or Chairman utters the words "Aye" in putting the question to the voices.

## **VOTING Member's vote**

**8.55** A member may vote on a motion though he has not voted on any amendment to it.

## **Within the House**

**8.56** No member can, by voice or otherwise, give a vote outside the barrier.

## **Vote taken**

**8.57** A vote may be taken

- (a) By the voices: The Moderator or Chairman shall take the vote by the voices. He shall put the question in this form: "The question is: Shall this motion (or amendment) pass? All who are of that opinion say 'Aye'." The "Ayes" shall then respond. The Moderator or Chairman shall further say, "All who are of the contrary opinion say 'No'." The "Noes" shall then respond. The Moderator or Chairman shall then say, as the case may appear to him to be, "I think the 'Ayes' (or the 'Noes') have it." If his opinion is acquiesced in by the silence of the House, he shall say "the 'Ayes' (or the 'Noes', as the case may be) have it", and the motion or amendment is passed or lost accordingly. Should there be no dissentient voice a unanimous vote may be recorded.
- (b) By show of hands: If his opinion is challenged by one or more members saying "no", the vote shall be taken by a show of hands and the numbers shall not be recorded.
- (c) By division or ballot: If the opinion of the Moderator is further challenged, the vote may be taken by either division or ballot.

## **Vote by ballot**

**8.58** A motion that the vote be taken by ballot shall be put without discussion and decided by a show of hands "for" or "against." Should such a motion be carried, it precludes the taking of the vote by a division. The result of a vote by ballot as reported to the Moderator in writing and declared by him to the House shall be final. The numbers shall be recorded in the minutes.

## **Vote by division**

**8.59** When a motion that the vote be taken by ballot has not been moved and carried any five members may demand a division. The names of those voting are recorded on the demand of five members, but numbers are recorded in any case. When the vote is about to be taken by division, the bell shall be rung and after a lapse of two minutes the doors shall be locked and no one shall be allowed to enter or leave the House till the vote is taken. Two tellers on each side shall be appointed. Those "for" the motion or amendment shall go to the right and those "against" to the left of the Chair. The result of the division, as reported in writing to the Moderator and declared by him to the House, shall be final.

### **Casting vote**

**8.60** In the case of an equality of votes the Moderator or Chairman shall have a casting vote, but he usually votes so as to leave the matter voted on open for further consideration. He has no deliberative vote.

### **Questions not reconsidered**

**8.61** No question which has been decided at one sederunt of a court can be reconsidered at a subsequent sederunt during the same session.

### **DISSENTS**

**8.62** A member may dissent from any resolution of a court on which he has voted, and he has the right to have his dissent recorded in the minutes; also his reasons if given forthwith. But he shall not dissent from a resolution, which has been carried on the voices, or from a resolution affirming or negating any amendment, or from any resolution of the Committee of the Whole.

**8.62.1** He may also, when the minute recording the dissent is brought forward for confirmation, give in, without comment, written reasons for dissent. These, provided they do not involve a breach of privilege, shall be received without debate and shall be kept in retentis.

**8.62.2** The court may, if it thinks fit, give written answers to reasons of dissent, which answers shall be likewise kept in retentis. A motion to appoint a Special Committee to answer reasons of dissent shall be put to the vote without debate. The report of the Special Committee may be debated, and shall be dealt with as the court sees fit.

### **COMMITTEE OF THE WHOLE**

**8.63** By a motion put to the vote a court may resolve itself into a Committee of the Whole:

- (a) All members of the court shall likewise be members of the Committee of the Whole.
- (b) The court shall appoint the Chairman of the Committee.
- (c) Separate minutes shall be kept of the proceedings.
- (d) A motion need not be seconded.
- (e) A member may speak more than once to the same question.
- (f) No member may dissent from any resolution of the Committee.
- (g) The proceedings shall be closed by the carrying of a resolution to report to the court on the matter committed, or to report progress and ask leave to sit again.
- (h) The court shall forthwith resume, and the report of the committee shall be given in.
- (i) The report may be adopted with or without amendment, rejected, postponed, recommitted, or otherwise dealt with as the court sees fit. At this stage any member may exercise his privilege of dissent.
- (j) Any of the other Standing Orders which are literally applicable to the proceedings of the court in session only shall, when applied to the proceedings of the Committee of the Whole, be read along with and be modified by the provisions of this section.

### **OVERTURES, PETITIONS, REFERENCES, ETC.**

#### **Papers transmitted**

**8.64** All overtures, returns on remits, and all papers transmitted by the inferior courts shall be in the form of certified extracts from the minutes of the said courts.

#### **Questions**

**8.65** Relevant questions may be put by any member through the Moderator to (a) overturists, (b) petitioners, (c) parties stating References, and (d) parties in any case when they shall have completed their respective statement.

#### **Parties at the Bar**

**8.66** Overturists who are not members of the Assembly, petitioners, and parties duly commissioned to state References, Complaints and Appeals shall take their places at the bar when called by the Moderator, and they shall not leave the bar until they are formally dismissed from it by the Moderator.

## **Two heard**

**8.67** References shall be stated, and overtures and petitions supported, by not more than two persons in each case.

## **Procedures in dissents and complaints and appeals**

**8.68** In dealing with an appeal or a complaint transmitted for its judgment 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, or if they are printed, may take them as read;
- (c) hears the appellants or complainants or, if there are more than two, the representatives to a number it determines;
- (d) hears the respondents appointed by the inferior court;
- (e) hears the appellants or complainants in reply;
- (f) calls for questions from members of the court;
- (g) after removing all parties from the bar, deliberates on the case before it.

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

When the court has reached a decision or judgment, parties shall be recalled to the bar by the Moderator, who shall then announce to them the decision or judgment of the court.

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.

## **Protestation**

**8.69** When a complaint or an appeal has been fallen from, the respondent shall make a protestation to the effect and shall be entitled to receive an extract minute of the same.

## **"Sustain"; "Dismiss"**

**8.70** If a motion dealing with an overture, reference, complaint or appeal is negatived, the matter is still before the House, and shall be disposed of by another motion. For instance, if a motion to "sustain" or "dismiss" is negatived, it shall be followed by another motion to "dismiss" or "sustain", or by any other relevant and competent motion, until the matter is disposed of.

## **Reference dismissed**

**8.71** If a reference is informal or frivolous, or if it clearly appears that the inferior court has not exhausted all its resources in the matter, the Assembly may dismiss the reference without entering upon the consideration of the substance of the reference.

## **Petitions**

**8.72** A motion to grant the prayer of a petition (which includes the words "or do otherwise as the Assembly in its wisdom may deem fit") means that the court considers there are sufficient grounds in the petition to justify deliberation and decision. If the motion is approved, it is followed by another motion giving effect to the court's decision. If it is negatived, it is followed by a motion to "dismiss" the petition.

## **Documents in a case**

**8.73** All overtures, petitions, references, complaints and appeals, with all necessary relative papers shall be printed and circulated among the members of the General Assembly at least one day before the business is taken up for discussion in the House. No other document shall be deemed part of the record unless it is expressly so ordered by a resolution duly moved, seconded and voted on. In complaints or appeals the expense of printing shall in the first instance be borne by the complainant or complainants or by the appellant or appellants, and by the party losing when the case is finally decided, unless remitted or distributed by the Assembly.

## **COMMITTEES - COMMISSIONS**

### **Committees**

**8.74** The General Assembly shall appoint Standing and Special Committees and the conveners thereof. (a) Three members of a committee shall constitute a quorum.

(b) Motions need not be seconded.

(c) A member may speak more than once to the same question.

(d) The Convener, without leaving the chair, may speak to a question and may move motions or amendments, and he shall have both a deliberative and a casting vote.

(e) A committee may, however, at any time resolve to be guided strictly by the formal Rules of Debate.

(f) Any member of a court has a right to be present at a meeting of any of its committees, whether standing or special, and may be associated.

(g) Reports of the proceedings of the committees shall not be published without their consent.

(h) Any of the other Standing Orders which are literally applicable to the proceedings of a standing or special committee, be read along with, and be modified by, the provisions of this section.

### **Commission**

**8.75** The General Assembly may appoint a Commission of one or more persons with full powers to deal with all matters submitted to it and any other urgent matters which may arise from time to time. When a Commission consists of two or more members, the Assembly appoints the Chairman.

## **STANDING ORDERS - SUSPENDED - AMENDED**

### **Suspension of Standing Orders**

**8.76** These Standing Orders may be suspended in whole or in part by a motion, notice of which shall have been given at a previous sederunt, duly moved, seconded and carried, or by a motion without notice if the court be unanimous. The purpose or purposes for which it is proposed that the Standing Orders be suspended shall be distinctly stated.

### **Amendment of Standing Orders**

**8.77** Any proposal to amend or add to these Standing Orders shall be introduced to the General Assembly by overture only.

## **Chapter 9 BARRIER ACT and FORMS**

### **9A. THE BARRIER ACT**

#### **The Church of Scotland 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 Commissions 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 precious knowledge thereof, and their opinion be had therein, and for preventing any sudden alteration, 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 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 into Acts, if the more general opinion of the Church, thus had, agree thereunto.

## **9B. THE FORMULA**

To be signed by ministers, licentiates and elders.

I own and accept the Subordinate Standard of this Church, with the explanations given in the Articles contained in the Declaratory Statement, as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith. I further own the purity of worship practised in this Church and the Presbyterian government thereof to be 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 doctrine, worship and government of this Church.

## **9C. EDICTS**

### **9.C.1. Election of Elders**

The Session of this Charge having resolved to add . . . persons to the number of its elders, notice is now given that a meeting of the Congregation will be held within the . . . Church on the . . . day of . . . for the purpose of electing the additional elders. Communicant members are invited to forward to the Session Clerk on or before the . . . day of . . . the nomination of persons suitable for election to the office of eldership.

DATE (Signature) Session Clerk

### **9.C.2. Admission of Elder from Another Congregation.**

The Session of this Charge having proposed to admit A. B. C. bearing a certificate of status from the Session at . . . , to the office of eldership in this charge notice is now given that if any Member has any objection to the admission of A.B. C. to the membership of the Session, the same may be lodged in writing with the Session Clerk on or before the . . . day of . . . . If no relevant objection is lodged, the Session will proceed to sustain the election and to admit him/her to the eldership in this charge according to the laws of the Church.

DATE (Signature) Session Clerk

### **9.C.3. Ordination and or Induction of Elders.**

The Session of this Charge having resolved to proceed to the (ordination and) induction of A.B.C. and D.E.F. to the office of the eldership, has directed an edict to be published accordingly. Notice is now given that, if any person has any objection to offer against the life or doctrine of A.B.C. or D.E.F. , the same may be lodged in writing with the Session Clerk on or before the . . . day of . . . . If no relevant objection is lodged, the Session will proceed to the (ordination and ) induction of A.B.C. and D.E.F. at the . . . service within the . . . Church on the . . . day of . . . .

DATE (Signature) Session Clerk

### **9.C.4. Resignation of Minister.**

The resignation of the Reverend A.B.C. from the Pastoral Charge of . . . having been laid on its table, the Presbytery of . . . now summons the Reverend A.B.C. , the other members of the Session, the members and all others having interest, to attend the meeting of the Presbytery to be held at . . . on the . . . day of . . . at . . . so that they may state their reasons, if they have any, why Mr. C's resignation should not be accepted, or otherwise declare their mind in regard to the resignation. Parties not attending will be held as consenting to the resignation.

DATE (Signature) Presbytery Clerk

### **9.C.5. Vacancy in a Pastoral Charge.**

It is now intimated in the name and by the authority of the Presbytery of . . . that the Charge of . . . is now vacant in consequence of the translation/resignation/death of the Reverend A.B.C. and that the office-bearers and members of this Charge are now called upon to take steps to fill the vacancy with all convenient speed, according to the laws of the Church.

Attention is directed to the provisions of the Act of Assembly regarding the powers of the Presbytery in vacancies whereby, when a vacancy in a Charge shall have continued for a period of twelve months without a call to a Licentiate or Minister having been given by the Congregation, the Presbytery may at its first ordinary meeting thereafter take steps to submit the name of a Licentiate or Minister upon whom the Congregation may vote according to the laws of the Church. Should the Congregation fail to issue a call when so moved by the Presbytery, the Presbytery may declare the Charge to be a Special Charge and proceed to appoint a Minister for such period as it may determine but not exceeding five years in the first instance.

DATE (Signature) Session Clerk

### **9.C.6. Ordination and or Induction of Minister.**

The Presbytery of . . . having resolved to proceed to the (ordination and) induction of the Reverend/M A.B.C. into the Charge of . . . , has directed an edict to be published accordingly. Notice is now given that if any person has any objection to offer against the life or doctrine of the Reverend/M A.B.C. , the same may be lodged in writing with the clerk of the Presbytery on or before the . . . day of . . . . If no relevant objection is lodged, the Presbytery will proceed to the (ordination and) induction of the Reverend/M A.B.C. according to the laws of the church and admit him/her to the Pastoral Charge of . . . .

DATE (Signature) Presbytery Clerk

### **9.C.7 Attestation of Reading of Edict.**

This edict was duly announced to the congregation at . . . on the . . . and the . . . and to the congregation at . . . on . . . and the . . . by me.

DATE (Signature) Session Clerk/Officiating Minister

## **9D. CERTIFICATES**

### **9.D.1. Status of Elder.**

It is hereby certified on the . . . day of . . . in the name of the Session of the Charge of . . . that A.B.C. of . . . is an acting member of the Session.

DATE (Signature) Session Clerk

### **9.D.2 Status of Minister or Licentiate**

It is hereby certified on the . . . day of . . . in the name of the Presbytery of . . . that the Reverend/M A.B.C. is an Ordained Minister (a Licentiate) of the Presbyterian Church of Australia and leaves the Presbytery of . . . holding this status.

(Signature) Presbytery Clerk

### **9.D.3 Transfer of Candidate for the Ministry.**

It is certified on the . . . day of . . . in the name of the Presbytery of . . . that A.B.C. is a candidate for the ministry of the Presbyterian Church of Australia and is now transferred from the Presbytery of . . . to the jurisdiction of the Presbytery of . . . .

(Signature) Presbytery Clerk

### **9.D.4 Transfer of Adherent or Communicant.**

It is certified on the . . . day of . . . that A.B.C. is an adherent/ a member of the Presbyterian Church of Australia and leaves the congregation at . . . holding this status.

(Signature) Session Clerk

## **9E. FORMS**

### **9.E.1 Extract Minute.**

At . . . and within the Presbyterian Church on the . . . day of . . . the Session (or Presbytery) of . . . met and was constituted with prayer.

Among other things:

(Here take in the minute)

The meeting was closed with prayer.,

Extracted from the records of the Session (or Presbytery) of . . . this . . . day of . . . by me.

(Signature) Session (Presbytery) Clerk

### **9.E.2 Commission for Elder to Presbytery.**

This is to certify that at a duly constituted meeting of the Session of . . . held on the . . . day of . . . , A.B.C. of (address) was commissioned to represent the Session in the Presbytery of . . . from the . . . day of . . .

to the . . . day of . . . .

DATE (Signature) Session Clerk

### **9.E.3 Commission for Alternate Elder to Presbytery.**

This is to certify that at a duly constituted meeting of the Session of . . . held on the . . . day of . . . M D.E.F. of (address) was appointed as an alternate elder for A.B.C. to represent the Session in the Presbytery of . . .

. . . from the . . . day of . . . to the . . . day of . . . (or: at its next meeting to be held on the . . . day of . . . ).

(Signature) Session Clerk

### **9.E.4 Commission for Elder to Assembly.**

This is to certify that at a duly constituted meeting of the Session of . . . held on the . . . day of . . . , A.B.C. of (address) and acting member of the Session of . . . was appointed to represent the Session in the Tasmanian General Assembly which is appointed to meet at . . . on . . . DATE (Signature) Session Clerk

### **9.E.5 Call to Minister.**

We, the undersigned Members of the Charge of . . . , desiring to promote the glory of God and the good of the Church, being without an inducted minister, and being assured by sound information or our own experience of your gifts and qualifications for the work of the ministry within this Charge, have agreed to invite, call and entreat you, the Reverend A.B.C. to take up the pastoral office among us. Upon your acceptance of our call we promise to provide for your suitable maintenance and to give you all due respect, encouragement and obedience in the Lord.

In witness of this we have subscribed our names this . . . day of . . . .

(Here take in names and addresses)

The above signatures are attested by . . . .

(Signature) Commissioner.

### **9.E.6 Concurrence in Call to Minister.**

We, the undersigned adherents of the Charge of . . . signify our concurrence in the call to you, the Reverend A.B.C. to the Pastoral Charge of . . . .

(Here take in names and addresses)

The above signatures are attested by . . . .

(Signature) Commissioner.

### **9.E.7 Demission of Pastoral Charge by Minister.**

I, the Reverend P.Q.R. Minister of the Charge of . . . being moved by just and sufficient causes, hereby demit my Pastoral Charge purely and simply into the hands of the Presbytery declaring that , in so far as I am concerned, the Pastoral Charge shall be held vacant and it shall be free to the Congregation to call, and the Presbytery to admit, another minister. And I consent that this my Deed of Demission shall be recorded in the Presbytery's books.

Witness my hand this . . . day of . . . . (Signature) Minister

Witness D.E.F. Witness X.Y.Z.

### **9.E.8 Appeal or Dissent and Complaint.**

I, A.B.C., appeal (or dissent and complain) to the Reverend the Presbytery (or: the Venerable the General Assembly) of . . . against the decision of the Session (or: Presbytery) of . . . on the . . . day of . . . concerning . . .

(Here take in a brief description of the subject) on the following grounds (or: for the following reasons):

1. (Here take in grounds or reasons)

2.

3.

DATE (Signature)



### **9.E.9 Overture.**

To the Venerable the General Assembly of the Presbyterian Church of Tasmania:

WHEREAS (here take in the premises of the overture) . . .

WHEREAS . . .

NOW THEREFORE the Presbytery (or: Session) of . . . humbly overtures the Assembly to take these premises into consideration and to . . . (here take in what is desired) or to do otherwise as the Assembly in its wisdom may deem fit.

DATE (Signature) Presbytery (Session) Clerk

### **9.E.10 Petition.**

To the Venerable the General Assembly of the Presbyterian Church of Tasmania (or: To the Reverend the Presbytery of . . . , or: to the Session of . . . ):

THIS petition humbly sheweth

THAT . . .

THAT . . . (here state the premises of the petition).

NOW THEREFORE A.B.C. prays the Venerable the General Assembly (or: the Reverend the Presbytery, or: the Session) to take these premises into consideration and to . . . (here take in what is desired), or to do otherwise as the Assembly (or: Presbytery, or: Session) in its wisdom may deem fit.

DATE (Signature)

### **9.E.11 Reference.**

The Presbytery (or: Session) of . . . duly convened and constituted on the . . . day of . . . resolved to refer to the General Assembly (or: the Presbytery of . . . ) for opinion, advice, decision, direction or judgment the matter contained in the following extract minute:

(Here take in the extract minute of Presbytery or Session)

Extracted from the records of the Presbytery (or: Session) of . . . this . . . day of . . . , by me . . .

(Signature) Presbytery (or Session) Clerk

## **9.F. TITLES**

9.F.1 The General Assembly.

The Venerable the General Assembly of . . .

9.F.2 The Presbytery.

The Reverend the Presbytery of . . .

9.F.3 The Moderator of Assembly.

The Right Reverend the Moderator, the Reverend A.B.C.

9.F.4 Minister.

The Reverend (Rev.) A.B.C.

" Reverend " (or: " Rev " ) is always followed by Christian names or initials or the title " Mr " . " Reverend " (or: " Rev. " ) is never used in the plural form. If a wife is included in the address, it should appear as "The Rev. A.B. and Mrs. C. " .

## **Chapter 10: REGULATIONS**

### **ASSEMBLY COMMITTEES AND COMMISSIONS**

#### **1. Committees and Commissions**

The Committees and Commissions of the Assembly shall be:

##### **(a) Committees:**

Australian Presbyterian World Mission (Tasmania)

Ballot

Business and Nominating (General Purposes)

Christian Education and Tasmanian Presbyterian Youth

Code

Theological Education

Presbyterian Care Tasmania Consultative Committee

Presbytery Records Examining

Ad hoc committees set up from time to time to deal with specific matters

##### **(b) Commissions:**

Board of Investment and Finance

Chaplaincy

Social Justice

#### **2. Principles of Election**

The committees and commissions of the Assembly shall consist of a convener or chairman and members elected by the General Assembly. The Officers of the Assembly shall be *ex officio* members of all Assembly committees, commissions and boards, except where expressly excluded.

#### **3. Election by General Assembly**

The Convener and members of the Committee, or Chairman and members of the Commission, are elected by ballot under the rules of the Ballot Committee and in accordance with the regulations of individual committees.

#### **4. Acting Convener or Chairman**

Should the Assembly fail to appoint a Convener or Chairman, or the appointed Convener or Chairman be unable or unwilling to act, the Clerk of Assembly shall appoint an Acting Convener or Chairman.

#### **5. Casual Vacancies**

Casual vacancies on any committee or commission arising between meetings of the General Assembly shall be filled by the Committee or Commission, subject to the terms of its own Regulations.

#### **6. Eligibility for Membership**

Ministers without charge, elders and communicants of the Church, not being members of the General Assembly, may be nominated as members and conveners of the General Assembly's Committees or Commissions.

#### **7. Ad hoc Committees**

The Assembly may also appoint *ad hoc* Committees, for which the membership shall be specified in the Minute establishing them, and to which the above regulations do not apply.

#### **8. General Rules of Committees and Commissions:**

- (a) All members of Committees and Commissions shall have full standing and equal rights.
- (b) A Committee or Commission shall appoint its own Executive and/or sub-committees and shall arrange the work of the Committee or Commission as it shall see fit.
- (c) Committees and Commissions are encouraged, where appropriate, to do business other than in face to face meetings with care being taken to preserve the rights of all members.

## **ASSEMBLY COMMITTEES**

### **10.1 AUSTRALIAN PRESBYTERIAN WORLD MISSION (TASMANIA) COMMITTEE**

#### **Title**

1. There shall be a Committee of the General Assembly known as the Australian Presbyterian World Mission (Tasmania) Committee.

#### **Membership**

2. The Committee shall preferably consist of: at least one, but not more than two, members of each charge within the bounds of the Assembly. A charge unable to provide a member of the Committee from its own membership may propose as its nominee a member of another charge.

#### **Convener**

3. A Convener shall be elected by the General Assembly from among the elected members, and that Convener is a member of the Australian Presbyterian World Mission Committee of the General Assembly of Australia.

#### **Duties and Responsibilities**

4. It shall be the responsibility of the APWM (Tas.) Committee:

- (a) to promote the work of Australian Presbyterian World Mission;
- (b) to accept financial responsibility for supporting projects and personnel according to the policies of the APWM Committee of the GAA;
- (c) to undertake all appropriate matters relating to Tasmanian candidates for mission service, and making recommendations to APWM;
- (d) to co-operate with the Presbytery concerned in Services of Commissioning and De-commissioning;
- (e) to arrange all aspects of home assignments for Tasmania's missionaries in consultation with APWM and the Missionary Societies; and
- (f) to report to each General Assembly.

### **10.2 BALLOT COMMITTEE**

#### **Title**

1. There shall be a committee called the Ballot Committee.

#### **Membership**

2. The Committee shall consist of two (2) members, one of whom shall be the Convener, elected by the Assembly on the nomination of the Business and Nominating Committee.

#### **Duties and Responsibilities**

3. The committee shall prepare and conduct all ballots during the Assembly, and shall employ the equal value system in counting a ballot.

4. Where two or more candidates receive an equal number of votes the Moderator shall have a casting vote.

5. Elections of all committee members shall be through the ballot when the number of nominations received exceeds the number required.

6. Nominations by Assembly Committees shall be printed in the Assembly Papers. All other nominations shall be made through the Clerk of Assembly, and shall include the written consent of the nominee, or a proxy signed by two members of the Assembly declaring that the nominee has personally indicated his or her willingness to serve if elected.

7. All nominations shall be in the hands of the Clerk of Assembly not later than one calendar month before the scheduled opening sederunt of the General Assembly.

8. The names of all nominees shall be placed on a notice board by the Convener of the Ballot Committee.

9. The ballot shall take place as an order of the day during the third sederunt of the Assembly.

10. The Ballot Committee shall report the results of the ballot to the Assembly as soon as the results are known.

### **10.3 BUSINESS AND NOMINATING (GENERAL PURPOSES) COMMITTEE**

#### **Title**

1. There shall be a committee of the Assembly called the Business and Nominating (General Purposes) Committee.

#### **Membership**

2. The Committee shall consist of the Business Convener of the Assembly, who shall be Convener, The Moderator and the Clerk. The Convener of the Business and Nominating Committee shall be elected by the Assembly and shall hold office until he resigns or is superseded.

#### **Duties and Responsibilities**

3. The Committee shall:

- (a) be responsible for all matters falling within the jurisdiction of the Business and Nominating Committee from the close of one ordinary Assembly to the close of the next ordinary Assembly;
- (b) report to the first Sederunt of each Assembly the recommendations of the Committee to do with
  - (i) the times and places of Assembly meetings and general recommendations concerning the business to be brought before the session of Assembly;
  - (ii) the time to be allotted to speeches;
  - (iii) any other general recommendations for the conduct of Assembly business;
- (c) through the Convener, move the reception of each report as it comes before the House for debate;
- (d) ensure that all business is submitted to the Assembly in proper form, and that the Moderator is advised of the proposed business;
- (e) arrange through the Clerk for nominations to the office of Moderator of the next General Assembly to be sought from each presbytery in Tasmania as soon after the close of the Assembly as possible but not later than 15 July annually, and arrange for a ballot at the Commission of Assembly in November to determine the name of the nominee; and
- (f) report to each General Assembly.

#### **Reports and other papers to be submitted to the General Assembly**

4. All Reports and Papers proposed to be submitted to the Assembly shall be forwarded to the Clerk not later than close of business on the day four weeks prior to the scheduled date of the first Sederunt of the Assembly. Parties having cases to submit to the Assembly may attend the meeting of the Committee when their matter is under consideration. All Appeals, Complaints or References not presented by Appellants or Complainants within the specified time are liable to be held as fallen from; but Appeals, Complaints, References or Overtures may be presented afterwards provided sufficient cause can be shown why they were not lodged at the specified time. Parties whose Appeals, Complaints, References or Overtures are rejected shall be notified thereof and have the right to appeal to the Assembly.

### **10.4 CHRISTIAN EDUCATION AND TASMANIAN PRESBYTERIAN YOUTH (Tas PY) COMMITTEE**

#### **Title**

1. There shall be a committee of the Assembly called the Christian Education and Tasmanian Presbyterian Youth (Tas. PY) Committee.

#### **Membership**

2. The Committee shall consist of a Convener appointed by the Assembly with power to co-opt, and one other member elected by the General Assembly who shall have responsibility for youth work within the bounds of the Assembly. The Convener shall be a member of the Christian Education Committee of the General Assembly of Australia.

#### **Duties and Responsibilities**

3. The Committee shall:

- (a) stimulate interest in and supervise Christian Education activity within Tasmania;
- (b) liaise with the GAA Christian Education Committee over the use of suitable materials and publications issued by that Committee and when appropriate issue materials and publications on its own initiative;

- (c) recommend to the Assembly suitable qualifications and screening procedures for those involved in Christian Education and Youth Work.'
- (d) arrange and supervise suitable activities for Tasmanian Presbyterian young people (and others if appropriate) from time to time; and
- (e) report to each General Assembly

## **10.5 CODE COMMITTEE**

### **Title**

1. There shall be a committee of the Assembly called the Code Committee.

### **Membership**

2. The Committee shall consist of one minister and one elder from each presbytery within the bounds of the Assembly, together with the Clerk and the Law Agent. The Convener shall be elected by the Assembly.

### **Duties and Responsibilities**

3. The Committee shall:

- (a) assist in drafting rules and regulations for submission to the Assembly;
- (b) advise courts and committees of the Church in regard to the procedures and practices of the Church;
- (c) attend to all matters referred to it by the Assembly;
- (d) arrange for the publication of Constitution, Procedure and Practice and other material relating to the procedure and practices of the Church;
- (e) promote understanding within the Church of its procedures and practices; and
- (f) report annually to the General Assembly.

### **Duties of and to third parties**

4. Any committee or organization of the Church which proposes to submit new constitutions or regulations, or amendments to existing constitutions or regulations, to the Assembly shall first seek the advice and assistance of the Code Committee. A copy of the final proposal shall be submitted to the Committee for its consideration prior to the meeting of the General Assembly.

## **10.6 PRESBYTERIAN CARE TASMANIA CONSULTATIVE COMMITTEE**

### **Title**

1. There shall be a Committee of the General Assembly called the Presbyterian Care Tasmania Consultative Committee.

### **Membership**

2. The Committee shall consist of three communicant members, with at least one from each presbytery forming part of the Assembly.

### **Convener**

3. A Convener shall be elected by the General Assembly from among the elected/appointed members.

### **Duties and Responsibilities**

4. The Presbyterian Care Tasmania Consultative Committee shall:

- (a) meet with the Board of Presbyterian Care Tasmania up to four times each year or as otherwise required in order to provide an ongoing consultative vehicle between the General Assembly and the Board;
- (b) review and recommend to the General Assembly each year on the level of directors' fees for Board members of Presbyterian Care Tasmania;
- (c) propose to the General Assembly any changes which may become necessary to the Charter from time to time for any purpose; and
- (d) report to each General Assembly.

## **10.7 PRESBYTERY RECORDS EXAMINING COMMITTEE**

### **Title**

1. There shall be a Committee of the General Assembly called the Presbytery Records Examining Committee.

### **Membership**

2. The Committee shall consist of one minister and one elder from each presbytery within the bounds of the Assembly. The Convener shall be elected by the Assembly.

### **Duties and Responsibilities**

3. The committee shall examine the records of each presbytery represented in the Assembly, those records to include:

- (a) the minutes of presbytery meetings including any kept as a Record Apart;
- (b) the record of financial transactions and any supporting documentation;
- (c) the record of inductions and translations of ministers in the presbytery; and
- (d) any other documentation required by the Assembly to be presented for scrutiny.

3.1 The convener shall report the committee's findings at an appropriate time towards the close of the final sederunt of each Assembly, such results being conveyed by the Clerk in writing to the clerk of the relevant presbytery.

## **10.8 THEOLOGICAL EDUCATION COMMITTEE**

### **Title**

1. There shall be a Committee of the General Assembly called the Theological Education Committee

### **Membership**

2. The Committee shall consist of all members of Assembly who have been ordained to the ministry of the Word and Sacraments in the Presbyterian Church of Australia. A Convener shall be appointed annually by the Assembly from among its members. The Convener is also a member of the College Committee of the General Assembly of Australia (G.A.A. Code 10.7, Clause 1).

### **Power to co-opt**

3. The Committee has the power to co-opt other suitably qualified persons to assist in its deliberations. Such persons shall act in an advisory capacity only and shall not propose or second motions or vote on any issue.

### **Subcommittees**

4. Ministerial members of each presbytery within the bounds of the Assembly shall constitute a subcommittee of the Theological Education Committee. A subcommittee shall take initial action with respect to candidates for the ministry who apply to the presbytery concerned but shall not unilaterally decide any issue but shall bring it before the full Committee for determination.

### **Duties and responsibilities**

5. The Committee shall

- (a) assisted by its subcommittees, undertake all administrative responsibilities associated with the selection and training of suitable applicants for Candidature from Tasmania for the ministry of the Presbyterian Church.
- (b) act in consultation with the Presbytery in the event of a candidate at any stage of his course proving himself unsatisfactory so that proceedings may be instituted by either the Presbytery or the Theological Education Committee with a view to the Presbytery terminating his candidature.

### **Relation to other States and G.A.A**

- (c) be the administrative link between the appropriate Theological Colleges/ Centres, the Theological Education Committee of other State churches, the College Committee and other relevant committees of the General Assembly of the Presbyterian Church of Australia, relating to the training and reception of candidates from Tasmania.

### **Annual review**

- (d) annually review the quality of the course of study the Tasmanian candidates are engaged in as well as their academic and other progress and recommend their grading to the College Committee.

### **Other courses of training**

- (e) (i) engage in an ongoing development of appropriate courses of training for Tasmanian Home Missionaries, Elders, Deaconesses and other congregational workers; (ii) endeavour to organize ongoing in-service courses, seminars, retreats, etc. to enhance the quality of the ministry and pastoral care of ministers, home missionaries, Elders, Deaconesses and other congregational workers.
- (f) report annually on its business to the Assembly

## **ASSEMBLY COMMISSIONS**

### **10.9 BOARD OF INVESTMENT AND FINANCE**

#### **Interpretation**

1. "The Secretary" shall mean the Secretary for the time being of the Board or Acting or Deputy Secretary.

1.1 "The Board" means the Board of Investment and Finance constituted by the Presbyterian Church of Tasmania Amendment Act (1908) and appointed pursuant to that Act. The Board shall elect a Chairman from among its members.

#### **Clerk of Assembly**

2. The Clerk of Assembly shall be ex-officio a member of the Board but shall not vote unless otherwise appointed to the Board.

#### **Meetings**

3. The Board shall meet three times in every year but the Chairman shall convene additional meetings if so requested by any three Board members.

#### **Quorum**

4. Five (5) members shall constitute a quorum.

#### **Powers**

5. Subject to Code and any direction of the Assembly the Board shall:

- (a) approve or disapprove any purchase, sale, lease or mortgage of real property by or on behalf of any congregation, committee or other organization of the church;
- (b) regulate and superintend the investment of all property held for the purposes of the Church;
- (c) regulate and superintend the budgeted expenditure of the church's funds;
- (d) regulate and superintend a Long Service Leave Scheme;
- (e) superintend the insurance of church workers and property;
- (f) superintend the reporting required by the Taxation Office;
- (g) report or act on any matter in which it is empowered by the General Assembly;
- (h) recommend to the Assembly conditions of appointment for ministers and
- (i) report annually on its business to the Assembly.

#### **Exercise of power**

6. Subject to any direction of the Assembly, in the consideration of any matter before it the Board shall have regard only to legal and financial considerations but the Board may inform any other Court or Committee of any pastoral concern raised during its meetings.

#### **Payments by Secretary**

7. The Secretary or Treasurer is authorized, without prior authority of the Board, to make payments towards the purposes of the church not exceeding one per cent (1%) in value of the assets then held for the general purposes of the Church.

### **Payments by Board**

8. The Board is authorized to make payments towards the purposes of the Church not exceeding five per cent (5%) in value of the assets then held for the general purposes of the Church without the prior authority of the Assembly.

### **Resolutions without physical meeting**

9. The Secretary may, by notice in writing to each Board member then present in the State, propose any competent motion for their approval or disapproval and if the approval in writing of a majority of Board members is received then that motion shall be deemed to be approved and shall be as effectual as if passed at a physical meeting of the Board.

## **10. CHAPLAINCY COMMISSION**

### **Title**

1. There shall be a commission of the Assembly called the Chaplaincy Commission.

### **Membership**

2. The Commission shall be the Chairman appointed by the Assembly, a member from each Presbytery and any Navy, Army or Air Force Chaplains being ministers of the Presbyterian Church of Australia resident within Tasmania, whether serving full or part time or retired. The chairman has the power to co-opt.

### **Duties and Responsibilities**

3. The Commission shall:

- (a) In consultation with Presbyterian Care Tasmania management, appoint suitably qualified chaplains to Presbyterian aged care homes in Tasmania as required by Prescare Tasmania;
- (b) coordinate regular visitation of Presbyterian patients in hospitals;
- (c) Arrange for regular pastoral care, oversight and support to appointed Presbyterian chaplains. This should include an annual combined meeting and professional development seminar for all chaplains within the state.
- (d) encourage ministers of the Word and Sacraments serving in Tasmania who meet the physical requirements of the Defence Force to consider service as Defence Force Reserve Chaplains;
- (e) Ensure that Assembly maintains an interest in and arranges to exercise pastoral care and oversight of any Defence Force chaplain for whom the Presbyterian Church of Tasmania has responsibility and who ministers to Defence Force personnel and their families in Tasmania;
- (f) report on their activities annually to each General Assembly.

## **10.11 SOCIAL JUSTICE COMMISSION**

### **Title**

1. There shall be a commission of the General Assembly known as the Social Justice Commission.

### **Membership**

2. The Commission shall consist of a Chairman and one minister and one elder from each presbytery within the bounds of the Assembly, with power to co-opt. The Chairman shall be elected by the Assembly, and shall be the consulting member of the Church and Nation Committee of the General Assembly of Australia.

### **Duties and Responsibilities**

3. The Commission shall:

- (a) issue statements between assemblies and report thereon to the next subsequent assembly in each case;
- (b) prepare statements on matters falling within the commission's mandate for approval by the Assembly as a guide for public statements by the commission under clause (a) above;
- (c) report to each General Assembly.



## **LEGAL OFFICERS OF THE ASSEMBLY:**

### **10.12 THE LAW AGENT**

#### **Qualifications**

1. The Law Agent of the Church shall be a Legal Practitioner of the Supreme Court of Tasmania holding a current Solicitor's practicing certificate, and a communicant member of the Presbyterian Church of Tasmania.

#### **Acting Law Agent**

2. In the event of a vacancy by death or resignation, or in the event of the Law Agent becoming incapacitated by mental or physical infirmity or in the event of the Law Agent being unable to act due to absence from Tasmania the Board of Investment and Finance may appoint an Acting Law Agent for a particular matter or generally until the next meeting of Assembly as the circumstances require.

#### **Appointment**

3. The Law Agent may be appointed or removed from office by resolution of the Assembly.

#### **Seat in Assembly and Presbytery**

4. By virtue of his / her office the Law Agent shall be a member of Assembly and of each presbytery within the bounds of the Assembly with full rights and privileges if an elder. If not an elder the Law Agent may participate in debate but he / she may neither move nor second motions nor vote on any issue although he / she may request that his / her dissent be recorded.

#### **Functions and Duties**

5. The Law Agent is the Solicitor for the Church, including the Trustees of the Property of the Presbyterian Church of Tasmania, and all courts, boards, committees, congregations, bodies and institutions within the Church. He / she is entitled to charge normal professional fees for preparing and examining deeds and documents, investigating titles, conducting conveyancing and other transactions, and for conducting, prosecuting and defending all petitions, actions and suits.

6. The Law Agent shall advise the Trustees of the Property of the Presbyterian Church of Tasmania, presbyteries, Sessions, boards, committees, bodies and institutions within the Church on matters of civil law as these affect the Church and its interests. The Law Agent may in his / her discretion consult the Procurator and obtain his / her opinion on any matter affecting the Church or its interests and shall do so on the request of the Trustees of the Property of the Presbyterian Church of Tasmania or any presbytery, Session, congregation or body within the Church.

#### **Legal Work**

7. All Solicitor's legal work of the Church shall be carried out by the Law Agent but with the provision that, with the consent of the Board of Investment and Finance, the Law Agent may authorize specified legal work to be carried out by another solicitor.

#### **Fees**

8. No fees other than those authorized in these rules shall be charged by the Law Agent.

### **10.13 THE PROCURATOR**

#### **Qualifications**

1. The Procurator shall be a Legal Practitioner of the Supreme Court of Tasmania of not less than fifteen years standing who is entitled to practice in that Court as a Barrister-at-Law and is a communicant member or Minister of the Presbyterian Church of Australia.

#### **Acting Procurator**

2. In the event of a vacancy by death or resignation, or in the event of the Procurator becoming incapacitated by mental or physical infirmity, or in the event of the Procurator being unable to act due to absence from Tasmania, the Law Agent shall act as Procurator until the Procurator's return or until the next Assembly as the circumstances may require.

#### **Appointment**

3. The Procurator may be appointed or removed from office by resolution of the Assembly.

### **Seat in Assembly and Presbytery**

4. By virtue of his / her office the Procurator shall be a member of Assembly and of each presbytery within the bounds of the Assembly with full rights and privileges if a minister or an elder. If not a minister or an elder the Procurator may participate in debate but he / she may neither move nor second motions nor vote on any issue although he / she may request that his / her dissent be recorded.

### **Functions and Duties**

5. The Procurator shall advise the Assembly when in session with regard to all matters concerning which the Assembly by motion duly made and carried may request him / her to give advice and he / she shall consider and report on all matters submitted to him / her by the Assembly.

6. The Procurator shall advise the Trustees of the Property of the Presbyterian Church, presbyteries, Sessions, congregations, boards, committees and bodies within the Church on any appropriate matter on which any of them desire his / her opinion if the matter is submitted to him / her through the Law Agent.

7. The Procurator shall revise all libels and no libel that has not been revised by him / her shall be relevant.

8. The Procurator shall hold a general retainer for the Church, including the Trustees of the Property of the Presbyterian Church of Tasmania, courts, boards, committees, congregations, bodies and institutions within the Church and, unless he / she advises the Law Agent to the contrary, he / she shall act as counsel pursuant to that retainer in all cases in which any question affecting the rights and interests of the Church shall come before Parliament or the Law Courts and (if not a minister) when so acting shall be entitled to the ordinary professional fees.

### **Fees**

9. No fees other than those authorized in these rules shall be payable to the Procurator.

## **PRESBYTERIAN LADIES' ORGANISATIONS**

### **10.14 PRESBYTERIAN WOMEN'S ASSOCIATION (TASMANIAN UNIT)**

#### **CONSTITUTION**

##### **Name of the Association**

1. The name of the Association shall be the Presbyterian Women's Association of Australia in the State of Tasmania and it shall be the State Unit of the Presbyterian Women's Association of Australia.

##### **Aims**

2. The aims are to link women to various Presbyterian organizations throughout the State:

- (a) in a friendly fellowship;
- (b) for mutual help and inspiration; and
- (c) for united service for Christ and the Presbyterian Church at home and abroad in co-operation with other women's organizations in the community and beyond, which in the opinion of the State Conference are in harmony with the principles of the Presbyterian Church and subject to the approval of the General Assembly of Tasmania

##### **Membership**

3. The members of the Association shall be any women associated with the Presbyterian Church of Tasmania who are members or adherents, plus other interested women, (provided these do not exceed one-third of the membership). Only members who are communicants or adherents of the Presbyterian Church shall be eligible to hold office. Women who because of distance or disability are unable to join a local group may become associate members.

##### **Organization**

4. All women's organizations approved by the local Kirk Session of the Presbyterian Church may affiliate with the Presbyterian Women's Association of Australia in Tasmania. The Presbyterian Women's Association (P.W.A.) shall be the co-coordinating body and the united voice of the affiliated Presbyterian Women's Groups of this State.

##### **Local Branches**

5. A local branch or branches may be formed within a Parish with the approval and oversight of the local Kirk Session.

5.1 Local Branches may make their own arrangements for days, times, frequency and organization of meetings. It is specifically provided that P.W.M.U. groups or other women's organizations in existence may continue to meet regularly for their specific work, within the total programme of the P.W.A.

5.2 Local branches shall arrange their own finance and submit annually an audited balance sheet and report of activities to the Kirk Session.

5.3 Local office bearers, who shall be members or adherents of any Presbyterian Church shall not hold any one office for more than three consecutive years and shall not be eligible for re-election to the same office until after the lapse of one year, except where approved by the Kirk Session.

5.4 There shall be a branch affiliation fee according to branch membership fixed by the State Conference and payable throughout the branches annually to the State Treasurer. Each group may elect one (1) voting delegate to State Conference except when there is only one branch in the Parish when two (2) delegates may be elected.

5.5 After the Annual Meeting of the branch, and whenever changes occur the group shall notify the State Secretary of the names and addresses of Office Bearers and the delegate to State Conference.

##### **State Conference**

6. The State Conference shall be the governing body of the Association. It shall deal with matters of general policy and its decisions made after consultation with Branches as provided in the Hand Book shall be binding on all organizations and members within the Association. The State Conference shall meet annually at the time and place of the General Assembly of Tasmania. All members of the Association may attend the State Conference and speak, but only appointed delegates or substitutes may vote on any question.

**6.1** Members of the State Conference shall be the members of the State Executive plus one representative from each branch or two as heretofore cited in group representation.

**6.2** Representation of at least one-third of all members of the State Conference shall form a quorum.

**6.3** The State Conference shall elect annually a State President who shall be ex-officio President of the State Executive, two Vice-Presidents, State Secretary, State Treasurer, and five State Conveners, namely: P.W.M.U., Social Service, Christian Education, Outreach, and Association Members, all of which office bearers shall form the personnel of the State Executive.

**6.4** Nominations from branches for State office bearers as listed above shall be made four (4) months prior to the Annual Meeting of the State Conference. A postal vote shall be registered by branches at least one month prior to the Conference. The State office bearers shall not hold any one office for more than three (3) years and shall not be eligible for re-election until after the lapse of one (1) year unless approval is granted by the State Assembly.

**6.5** The State Conference shall receive reports from the Secretary and an audited report from the Treasurer, copies of both being submitted to the General Assembly of Tasmania.

**6.6** The State Conference shall appoint delegates to the Federal Conference of the Presbyterian Women's Association of Australia and pay any necessary fees. It shall also appoint other representatives as shall be deemed necessary for the promotion of the aims of the Association.

### **State Conveners**

**7.** State Conveners (P.W.M.U., Social Services, Christian Education, Outreach, Associate) shall carry the following responsibilities:

#### **P.W.M.U. Convener**

**7.1** Responsible throughout the Association for growth of informed interest and active support for the world-wide Mission of the Church, specifically the work approved by the Missions Committee of the General Assembly of the Presbyterian Church of Tasmania.

#### **Social Services Convener**

**7.2** Responsible throughout the Association for growth of informed interest and support for the social service work of the Church, specifically that of our Tasmanian Presbyterian Church, including support for homes for the aged and camp sites.

#### **Christian Education Convener**

**7.3** Responsible throughout the Association for the growth of informed interest and active support for the Christian Education work of the Church, specifically programmes of Bible Study, research and discussion, worship assistance to Sunday School and Youth programmes, working in close co-operation with the Outreach Convener.

#### **Outreach Convener**

**7.4** Responsible for effective witness and outreach to the community.

#### **Associate Convener**

**7.5** Responsible to keep in touch with Presbyterian women who because of disability are not able to be members of a local branch.

### **State Executive**

**8.** There shall be a State Executive which shall consist of all State Office Bearers.

**8.1** The State Executive shall meet at least half-yearly.

**8.2** The State Executive shall hear the Conveners' reports, deal with any business arising there- from and with any other matters relative to the work of the Association.

**8.3** The State Executive shall, in consultation with the Assembly Clerk, arrange the programme of the State Conference with emphasis on the total task of the Church.

### **Amendments**

**9.** The Constitution may be amended by two-thirds majority of those voting at the Annual State Conference and such proposed amendments shall be submitted in writing to all local branches at least two (2) calendar months before the State Conference by the State Secretary, with or without comment by the State Executive.

**9.1** All amendments approved by the State Conference shall be deemed provisional until approved by the General Assembly of the Presbyterian Church of Tasmania.

Any case arising for which no provision is made in the Constitution of the Association shall be submitted to the General Assembly of Tasmania for advice.

## **HANDBOOK TO THE P.W.A. CONSTITUTION**

### **Definition**

1. Wherever the word "Parish" appears in the Constitution it includes both Sanctioned Charges and Special Charges.

### **Membership**

2. The Code of the Church (2.16) does not absolutely restrict membership in congregational organizations to Presbyterian members or adherents.

"Bona-fide association" means an active participation in the worship and support of a Presbyterian congregation.

### **Local Branch Organization**

3. A local branch or branches may be formed following decision of a meeting of women in a Parish, chaired by a Minister. The Chairman shall explain the aims of the P.W.A. and the provisions of the Constitution with special reference to branches. The meeting shall decide the nature of the branch and how it shall function. A request for permission to establish the branch should be made in writing to the Kirk Session. Each branch should be actively interested and informed about all the work of the P.W.A. through the State Executive, but may meet regularly for specific work within the total P.W.A. programme.

### **Duties of local office-bearers:**

4. (a) President normally conducts the meetings and takes general oversight of the work of the branch.

(b) Vice-President assumes the duties of the President whenever she is unable to do so, and generally assists the President.

(c) Secretary keeps minutes of all meetings, attends to correspondence, files reports, prepares the Annual Report for the Annual Meeting, and after adoption, sends copies to the Kirk Session and the State Conference. She shall also see that meetings are properly publicized and announced, bring forward the business at meetings, attend to press reports of activities for church and local press, and notify State Executive of any changes in office bearers. A list of names of affiliated members should be kept.

(d) Treasurer keeps records in approved form of all income and expenditure, and submits a financial statement for adoption at each meeting. An audited Balance Sheet shall be submitted to the Branch Annual Meeting and a copy sent to the Kirk Session. All Branch money shall be kept in an approved bank account and shall be operated upon by the Treasurer and any one or two other appointed signatories. The Treasurer shall pay expenses for visiting speakers, collect members' subscriptions, present accounts to the meeting and attend to the payment of same.

5. To facilitate the business of meetings it is desirable that the President and Secretary (or their deputies) should consult together about the arrangements for the meeting and the business and correspondence to be included in the agenda.

6. When a visiting speaker is to address the Branch or Group it is suggested that time be allocated early in the meeting for the purpose. Branches should not be discouraged when speakers are difficult to obtain, as best results often occur when members themselves study issues, prepare programmes, and take an active part in ensuring the success of the Branch's work.

7. A suggested agenda is - Welcome and Devotions (e.g. Hymn, Scripture and Prayer); Apologies for absence; Minutes and business arising; Correspondence; Reports from Treasurer and local committees; Address or Activity; Vote of Thanks; Closing Hymn; Prayer and Benediction.

8. Neither good organization nor efficient office bearers will ensure a successful Branch without the full support of all members. The duty of every member is to worship, pray, study, work, give, discuss and seek to witness for Christ by word and deed. Members need to use every opportunity to equip themselves as Christian women to play a real part in the great Mission of the Church to the World.

### **State Conference Business**

9. The State Secretary shall normally circulate to all Branches at least four (4) months prior to the State Conference all decisions of constitution and organization to be discussed so that Branches may express their opinions prior to the Conference. All matters for discussion must be in writing and in the hands of the State Secretary two (2) weeks prior to State Conference.

### **State Conveners**

10. State Conveners shall be responsible to the State Conference but otherwise free to plan to carry out specific work. Conveners shall be free to co-opt committee members and call meetings if they feel this is desirable for their work. It is recommended that such meetings be called in conjunction with State Executive to minimize travel costs.

### **P.W.M.U. Convener**

11. The P.W.M.U. Convener organizes Mini Mission Boxes, distribution of any promotional literature, news letters, etc., gives advice re Missionary speakers, special fund raising and prayer support. She arranges a State Women's Missionary Rally on the third Wednesday in August each year to celebrate and promote the continuing work of P.W.M.U. (commenced in 1903) within the P.W.A. total programme.

### **Social Services Convener**

12. The Social Service Convener organizes the annual Mothers Day Appeal and any other appeals for the Presbyterian Homes for the Aged in Tasmania, support for Youth Campsites, advice to branches re promotional material available on existing or forward planning projects in these areas.

### **Christian Education Convener**

13. The Christian Education Convener organizes suggestions and materials for Branch worship, Bible Study, and discussion on important public questions. She assists with the production of the Presbyterian Women's News magazine, and co-operates closely with the Outreach Convener.

### **Outreach Convener**

14. The Outreach Convener assists with the promotion of special programmes and ideas for effective Christian Witness in the community, and co-operates closely with the Christian Education Convener.

### **Branch financial structure:**

15. Branch

- (a) Affiliation fees - as directed by State Conference forwarded annually to State Treasurer before the 30th June.
- (b) Donations to any appeal supported by P.W.A. such as Mothers Day, Youth Work, Special Missionary Appeals, Mini Mission Box, Donations to Expense Fund, to State Treasurer.
- (c) Payment for P.W.A. Badges, Spoons and Forks to State Treasurer.

### **State Finance**

16. State Treasurer shall receive:

- (a) Affiliation fees from Branch Treasurer.
- (b) Payment for P.W.A. Badges, Spoons, Forks.
- (c) Donations from Branches for Special Appeals.
- (d) Donations to Expenses Fund.

17. State Treasurer shall pay:

- (a) Affiliation fees to Federal and other associated bodies.
- (b) Delegates' fees to Federal Conference.
- (c) Account for State Administration.
- (d) Donations to various bodies as directed by State Executive.
- (d) Pay the Federal Badge Secretary for P.W.A. Badges, Spoons and Forks.

## **Chapter 11: ACTS OF PARLIAMENT**

### **(1896) ANNO SEXAGESIMO VICTORIAE REGINAE -- NO. 8**

AN ACT to consolidate and amend the Law relating to the Presbyterian Church of Tasmania. (1 October, 1896) Preamble

WHEREAS by the Act of Parliament 42 Victoriae, No. 7, entitled "An Act to regulate the Affairs of the Presbyterian Church of Tasmania", has been admitted in pursuance of the provisions in that behalf contained in the said Act into union with the Presbyterian Church of Tasmania, hereinafter called "the said Church", and it has therefore become desirable and expedient to consolidate and amend the Law relating to the said Church:

#### **Short Title**

1. This Act may be cited as "The Presbyterian Church Act, 1896",

#### **Repeal**

2. The Acts set forth in the Schedule hereto are hereby severally repealed, but such repeal shall not affect anything lawfully done in pursuance of any of the provisions contained in any of the repealed Acts, or any right thereby conferred upon any persons, or acquired by any persons thereunder; and all property declared by any of the repealed Acts to be vested in any Trustee to be appointed in pursuance of the provisions thereof, or which since the passing of any of the repealed Acts has become vested in any Trustees in pursuance of any provision in that behalf contained in any of the repealed Acts, or which has in any other way become vested in them as such trustees, is hereby vested in the Trustees appointed by this Act, but subject to the provisions of this Act relating to the acquisition and retention and disposal of property by or on behalf of the Presbyterian Church of Tasmania.

#### **Interpretation**

3. The expression "Governing Authority" shall mean the General Assembly or other Supreme Judicatory or the Presbyterian Church of Tasmania however designated as the same shall be from time to time constituted in accordance with the internal laws and usages of the said Church.

#### **Acts of Governing Authority to have force of law**

4. It shall be lawful for the Governing Authority from time to time to enact, amend, and repeal Laws, Rules and Regulations for the government of the Presbyterian Church of Tasmania, and for the management of the property of the Church; and all such Laws, Rules and Regulations, so far as the same shall be consistent with Law and the provisions of this Act, shall be deemed to be incorporated with this Act, and shall be of the same force and effect as if the same were expressly enacted herein.

#### **Certified copy of Law, Rule, etc to be evidence**

5. A copy of any Law, Rule, Regulation, Act or Resolution of the Governing Authority purporting to be certified by the Moderator or Clerk of the Governing Authority to be a true copy of such Law, Rule, Regulation, Act or Resolution, shall be received in all Courts and in all legal proceedings whatever as prima facie evidence of such Law, Rule, Regulation, Act or Resolution, and of the same having been duly made; and the Clerk of the Governing Authority is hereby empowered and required to supply upon demand and the payment of a fee of Five Shillings a certified copy of any such Law, Rule, Regulation or Resolution to every person who shall apply to him for it.

#### **No act of Governing Authority vitiated by informality in elections**

6. No Act or Resolution of the Governing Authority shall be vitiated by reason of any informality in the mode of election, or the non-election of any member, or the absence of any members who may have been elected or summoned.

#### **Trustees of Church Property**

7. The persons whose names and descriptions are set forth in the Schedule (2) hereto are hereby appointed and declared to be Trustees of the property of the said Church, in whom any lands, hereditaments, rights, moneys, goods, and chattels whatever may, from time to time, be vested for the benefit of the said Church; and the Governing Authority may at pleasure remove the said Trustees or any one or more of them, and may appoint another Trustee or other Trustees in the room of any Trustee or Trustees

who may die or be so removed; and shall from time to time as occasion shall require appoint fit and proper persons to the Trustees of the property of the said Church: Provided always, that there shall not at any time be more than Seven nor less than Five Trustees of the property of the said Church; and after the death or

removal of any such Trustee or Trustees all lands, hereditaments, rights, moneys, goods, and chattels whatever so vested as aforesaid shall vest in the succeeding Trustee or

Trustees for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts, without any conveyance or assignment whatever; and in all proceedings, as well civil as criminal, all property so vested as aforesaid shall be deemed to be, and shall in every proceeding where necessary be stated to be, the property of the persons or person appointed to such trusteeship for the time being, in their or his proper names or name without further description; and such persons or person shall, and they are hereby respectively authorised to bring or defend any action, suit, or prosecution in any Court of law or equity touching or concerning any property so vested in them as aforesaid;

### **May sue and be sued**

and such persons or person shall and may in all cases concerning such property as aforesaid sue and by sued, plead and be impleaded in any Court of law or equity, in their or his proper names or name as Trustees or Trustee of such property without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of any such person or his removal from the office of Trustee, but the same shall and may be continued by the surviving or the succeeding Trustees or Trustee shall pay or receive like costs, or be reimbursed out of the said property in the same manner and to the same extent as if the action or suit had been commenced in their or his names or name:

No person to be deemed a trustee until his appointment shall have been registered.

Provided always that no person hereafter appointed a Trustee shall be deemed to be a Trustee within the meaning of this Act until the Act or Resolution of the Governing Authority appointing him as Trustee shall have been registered in the Office of the Registrar of Deeds or in the Office of the Recorder of Titles, as the case may require.

### **Property in trust for Church may be vested in Church Trustees**

8. The Governing Authority may, by Act or Resolution, direct that any property which may at any time be vested in any person or persons upon trust for the Presbyterian Church of Tasmania, or for any congregation of the said Church, or for the support of the Minister or the maintenance of the ordinances of any congregation of the said Church, shall be vested in the Trustees of the property of the said Church: Provided always, that in the case of any property vested in any person or persons upon trust for the said Church, the consent of the person or the majority of the persons acting in the trust, and in the case of any property vested in any person or persons upon trust for any congregation of the said Church, or for the support of the Minister or the maintenance of the ordinances of any congregation of the said Church, the consent of two-thirds of the members of the congregation present at a meeting duly summoned for that purpose and competent as a quorum to transact business shall be previously obtained: and upon the registration of such Act or Resolution in the Office of the Registrar of Deeds or in the Office of the Recorder of Titles, as the case may be, together with a certificate signed by the Moderator of the Governing Authority, or such other person as the Governing Authority may appoint, that the proper consent has been obtained, or that no consent is necessary, the property mentioned in such Act or Resolution shall vest accordingly: Provided also, that the said Trustees shall hold and manage such property upon the special trusts, if any, affecting the same, and with and subject to the special powers, provisos, and declarations, if any, applicable thereto. And, save as aforesaid, the said property shall be held, managed, and dealt within such manner in all respects as the Governing Authority may, by Act or Resolution direct.

### **Where congregation has ceased to exist Governing Authority may require Trustees to convey**

9. In every case in which any real or personal property is vested in any Trustee or Trustees for the benefit of any congregation, or for the support of the Minister or the maintenance of the ordinances of any congregation, and such congregation has never existed or has ceased for a period of more than a year to assemble for religious services, the Governing Authority may by Act or Resolution require such Trustee or Trustees as aforesaid to convey all the real and personal property so vested in them as aforesaid to the Trustees of the property of the said Church; and the Trustee or Trustees in whom such real or personal property is so vested shall thereupon convey and assign the same to the Trustees of the property of the said Church.

### **Release to Trustees**

10. Every such Act or Resolution as is mentioned in the Two immediately preceding Sections of this Act shall operate as a full release to the person or persons in whom such real or personal property was vested prior to the passing of such Act or Resolution.



### **Power to Governing Authority to declare the trusts of property vested in the Trustees**

11. All lands, hereditaments, rights, moneys, goods, and chattels whatsoever vested in any such Trustees as aforesaid shall be by them applied in such manner and for such purposes as the Governing Authority shall from time to time direct, unless special trusts were declared by the instrument or writing by means of which any such lands, hereditaments, rights, moneys, goods, or chattels shall have become vested in the original Trustees thereof, or by some other instrument or writing relating thereto, and then the same shall be by them applied in accordance with the directions contained in such instrument or writing so far as the same shall extend.

### **As to trust property subject to the Real Property Act**

12. In the case of any property of the said Church which now is or hereafter may be subject to the provisions of The Real Property Act, the Act or Resolution of the Governing Authority appointing any Trustee or Trustees of such property may be registered in the Office of the Recorder of Titles in like manner as is provided by The Real Property Act for the registration of instruments, and upon the registration of such Act or Resolution the provisions of Section Seven of this Act shall apply to such property.

### **25 Vic. No. 16 Powers to sell, lease, etc.**

13 It shall be lawful for the Governing Authority, subject to the special trusts, if any, affecting the same, and subject to the special powers, provisos, and declarations, if any, applicable thereto, from time to time, by Act or Resolution, to direct the sale, lease, exchange, mortgage, or other disposal of any lands now vested or which may hereafter become vested in any such Trustees as aforesaid, on such terms and in such manner as the Governing Authority thinks fit; and the said Trustees shall thereupon have full power to do, enter into, and execute all necessary acts, deeds, leases, mortgages, contracts, and assurances for carrying into legal effect any such sale, lease, exchange, or disposal; and shall hold, manage and deal with the moneys arising from any such sale, lease, exchange, mortgage, or disposal, and shall hold, manage and deal with any lands so taken in exchange upon the trusts (if any) declared by the instrument affecting the land sold, leased, mortgaged, or taken in exchange as aforesaid, and if there are no such trusts, then in such manner as the Governing Authority may, by Act or Resolution, direct; Provided always, that this Section shall not be deemed to authorise the sale or lease or other disposal of any cemetery or place for the interment on the dead which may belong to the said Church or vested in any person or persons in trust for the said Church

### **Debentures**

14. All Debentures or moneys secured to be paid or which have been paid to the Church of Scotland by "The State Aid Commutation Act", or any other Act of the Parliament of Tasmania, are by this Act secured to the Presbyterian Church of Tasmania; and the expression "Governing Authority", as applied in "The State Aid Commutation Act" to the Church of Scotland, shall hereafter for the purpose of the last-mentioned Act mean the Governing Authority of the Presbyterian Church of Tasmania

### **Debentures of the Free Church of Scotland in Tasmania**

15. All Debentures or moneys secured to be paid to the Free Church of Scotland in Tasmania by "The State Aid Commutation Act", or any other Act of the Parliament of Tasmania, are by this Act secured to the Presbyterian Church of Tasmania; and the expression "Governing Authority", as applied in "The State Aid Commutation Act" to the Free Church of Scotland in Tasmania, shall hereafter, for the purposes of the last-mentioned Act, mean the Governing Authority of the Presbyterian Church of Tasmania;

Provided always that the control and disposal by the Governing Authority of the Presbyterian Church of Tasmania of all the Debentures and other moneys mentioned in this Section shall be subject to and in accordance with the provisions of that behalf contained in the Resolutions agreed to in Conference by the Presbytery of the Free Church of Scotland in Tasmania, and the Synod of the Presbyterian Church of Tasmania, and afterwards adopted by the said Synod and the said Presbytery in Conference on the Eighteenth day of March in the present year, as the basis of the union of the Free Church of Scotland in Tasmania with the Presbyterian Church of Tasmania.

### **Property held in trust for congregations of the Free Church of Scotland in Tasmania**

16 All and every the lands, hereditaments, rights, moneys, goods, and chattels which at the date of the said union of the Free Church of Scotland in Tasmania with the Presbyterian Church of Tasmania were held in trust for any one or more of the congregations belonging to and forming part of the Free Church of Scotland in Tasmania shall continue to be held by the same Trustees in whom such lands, hereditaments, rights, moneys, goods, and chattels are vested, and their successors in trust for the same congregation or congregations respectively, but subject hereafter to the provisions of this Act; and all property, real or personal, which now is or hereafter shall be bequeathed, devised, held, or secured by any will or deed or other instrument to the Free Church of Scotland in Tasmania shall hereafter be deemed to be secured by

such will or deed or other instrument to the Presbyterian Church of Tasmania, and shall be subject to the provisions of this Act.

Provided always, that any property, real or personal, which at the date of the said union of the said Churches was secured by any deed, or will, or other instrument, to the Presbytery of the Free Church of Scotland in Tasmania shall continue to be held by the person or persons in whom the same was then vested, or by the successor or successors of such person or persons, upon trust for the several congregations which at the date of the said union of the said Churches constituted the Free Church of Scotland in Tasmania, in the same shares and proportions for such congregations respectively; and if any one or more of those congregations shall at any time hereafter be dissolved or otherwise cease to exist, the share of each such congregation as last aforesaid in any such property as last aforesaid shall thereafter be held by the person or persons in whom the same shall from time to time be vested upon trust for the Presbyterian Church of Tasmania.

### **Presbytery of the Free Church of Scotland in Tasmania may meet for special purpose**

17. It shall be lawful for the Members of the Presbytery of the Free Church of Scotland in Tasmania as the same was constituted at the date of the union of that Church with the Presbyterian Church of Tasmania, or may hereafter be constituted in accordance with the laws and usages of the Free Church of Scotland in Tasmania to meet from time to time as such Presbytery for the purpose of administering any real or personal property which the said Presbytery was by the Resolutions which were adopted by the Synod of the Presbyterian Church of Tasmania and the said Presbytery in Conference as mentioned in Section Fifteen, authorised to administer until the dissolution of the said Presbytery, and to convey or transfer all such real and personal property, or authorise and cause the same to be conveyed and transferred, in such proportions as the said Presbytery shall see fit, to the respective Trustees of the several congregations previously constituting the Free Church of Scotland in Tasmania, and thereafter to dissolve itself as provided in the said Resolutions.

### **Union with other Presbyterian Churches of Australasia**

18. It shall be lawful for the Governing Authority of the Presbyterian Church of Tasmania at any time to effect a union of the said Church with any one or more of the Presbyterian Churches in any one or more of the Australasian Colonies upon such terms and conditions as the said Governing Authority shall determine; and notice of the consummation of such union published in the Hobart Gazette, and purporting to be signed by the Moderator of the said Governing Authority, shall be prima facie evidence of such union having been effected, and of all other facts therein stated: Provided always, that all and every the lands, hereditaments,

rights, moneys, goods, and chattels of the said Church and of each of the congregations belonging to the said Church shall continue to be held by the person or persons in whom the same shall then or may thereafter be vested in trust for the said Church and the several congregations and Ministers belonging thereto, upon the same trusts and in the same manner in every respect as if such union had not been effected, and shall continue to be subject to the provisions of this Act.

### **RESOLUTION AND RULES RE MODEL TRUST DEED RESOLUTION**

The Governing Authority of the Presbyterian Church of Tasmania hereby directs that all lands, hereditaments, rights, moneys, goods, and chattels of or belonging to the Presbyterian Church of Tasmania now vested, or which may hereafter become vested in the Trustees for the time being of the property of the Presbyterian Church of Tasmania, whether under or by virtue of the provisions of the Presbyterian Church Act, 1896, or otherwise, howsoever except such as may be held under special trusts, directions, or provisions, shall be held, applied, and disposed of in the manner and upon and subject to the trusts, directions, and provisions more particularly referred to in Rules numbered I., II., and III., and the forms in the Schedules in such Rules respectively mentioned.

#### **RULE I.**

It is hereby resolved and directed --THAT all lands, hereditaments, and rights, moneys, goods, and chattels whatsoever of or belonging to the Presbyterian Church of Tasmania now vested, or which may hereafter become vested in the Trustees for the time being of the property of the Presbyterian Church of Tasmania, whether under or by virtue of the provisions of "The Presbyterian Church Act, 1896", or otherwise howsoever, shall subject as hereinafter is provided be held, applied, and disposed of by them upon and subject to the trusts, directions, and provisions contained in the Model Trust Deed set out in Schedule No. . . . . Provided that in all cases where special trusts, directions, and provisions have been or shall be declared by the instrument or writing by means of which any such lands, hereditaments, rights, moneys, goods, or chattels as aforesaid shall have become or may be vested in the original Trustees thereof, or by some other instrument or writing relating thereto, the Trustees of the property of the said Church shall, subject to the

provisions of the said Act, hold, apply, and dispose of the same in accordance with the trusts, directions, and provisions contained in such instrument or writing so far as the same shall extend.

## **RULE II.**

THAT the Trustees of the property of the Presbyterian Church of Tasmania shall execute a Declaration of Trust in the form set out in

Schedule No. . . . in respect of all lands, hereditaments, rights, moneys, goods, and chattels of or belonging to the said Church now vested or hereafter to become vested in them.

## **RULE III.**

THAT it shall be lawful for all lands, hereditaments and premises acquired by or given to the Trustees of the property of the said Church for and on behalf of the said Church to be conveyed to the said Trustees in the form set out in Schedule No. . . . , with such alterations, additions, and variations as the circumstances of each case may require.

## **(20 July 1901) ANNO PRIMO EDWARDI VII. REGIS, No. 2.**

AN ACT to enable certain arrangements entered into between the Presbyterian Churches of Tasmania, New South Wales, Victoria, Queensland, South Australia, and Western Australia for constituting one Presbyterian Church of Australia to be carried into effect.

### **Preamble**

WHEREAS the Presbyterian Church of Tasmania, the Presbyterian Church of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, and the Presbyterian Church of Western Australia have resolved to unite and form one Presbyterian Church, to be called "The Presbyterian Church of Australia", and the terms of such union comprising the basis of Union and the Articles of Agreement are set forth in the Schedule to the Act:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: -

### **Basis of Union and Articles of Agreement to have effect of law**

1. From and after the Twenty-fourth day of July, One thousand nine hundred and one, the Basis of Union and Articles of Agreement set forth in the Schedule to this Act shall have the full force and effect of law; and , except as therein provided, nothing done in accordance with the provisions of the said Basis of Union and Articles of Agreement shall have the effect of divesting the Presbyterian Church of Tasmania, or any congregation, body, or person, or the trustees of the property of the Presbyterian Church of Tasmania, or the trustees or trustee for any such congregation, body, or person, of any property situated within the State of Tasmania or subject to the jurisdiction of that State, which is or shall be held in trust for any of the said Churches, or for any congregation or body in connection therewith.

### **Acts to be read together**

2. Nothing herein contained shall be deemed to in any way repeal or affect the provisions of "The Presbyterian Church Act,

1896," (60 Victoriae, No. 8), save in such respects, if any, as the same is affected by the said Basis of Union and Articles of

Agreement; and the said Union shall be regarded as having been effected under Section Eighteen of the said Act.

### **Short Title**

3. This Act may be cited as "The Presbyterian Church of Australia Act, 1901."

## **SCHEDULE BASIS OF UNION**

The Presbyterian Church of New South Wales, the Presbyterian Church of Victoria (which at present includes the Presbytery of

West Australia), the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, and the Presbyterian Church of Tasmania, holding the same doctrine, government, discipline, and form of worship, believing that it would be for the glory of God and the advancement of His Kingdom that they should for m one Presbyterian Church, as hereinafter provided, to be called the Presbyterian Church of Australia,

and under authority to Christ alone, the Head of the Church and Head over all things to His Church, agree to unite on the following basis and subject to the following articles, to be subscribed by the Moderators of the respective churches in their name and on their behalf.

**I. The supreme standard** of the united church shall be the Word of God contained in the Scriptures of the Old and New Testaments.

**II. The subordinate standard** of the united church shall be the Westminster Confession of Faith, read in the light of the following declaratory statement:

1. That in regard to the doctrine of redemption as taught in the subordinate standard, and in consistency therewith, the love of God to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and the free offer of salvation to men without distinction on the ground of Christ's all-sufficient sacrifice, are regarded by this Church as vital to the Christian faith. And inasmuch as the Christian faith rests upon, and the Christian consciousness takes hold of, certain objective supernatural historic facts, especially the incarnation, the atoning life and death, and the resurrection and ascension of our Lord, and His bestowment of His Holy Spirit, this Church regards those whom it admits to the office of the Holy Ministry as pledged to give a chief place in their teaching to these cardinal facts, and to the message of redemption and reconciliation implied and manifested in them.

2. That the doctrine of God's eternal decree, including the doctrine of election to eternal life, is held as defined in the Confession of Faith, Chapter III, Section I, where it is expressly stated that according to this doctrine, "neither is God the author of sin, nor is violence offered to the will of the creature, nor is the liberty or contingency of second causes taken away, but rather established" ; and, further, that the said doctrine is held in connection and harmony with the truth -- that God is not willing that any should perish, but that all should come to repentance , that He has provided a salvation sufficient for all, and adapted to all, and offered to all in the Gospel, and that every hearer of the Gospel is responsible for his dealing with the free and unrestricted offer of eternal life.

3. That while none are saved except through the mediation of Christ, and by the grace of the Holy Spirit, Who worketh when and where and how it pleaseth Him; while the duty of sending the Gospel to the heathen who are sunk in ignorance, sin, and misery is imperative; and while the outward and ordinary means of salvation for those capable of being called by the Word are the ordinances of the Gospel; in accepting the subordinate standard, it is not required to be held that any who die in infancy are lost, or that God may not extend His Grace to any who are without the pale of ordinary means, as it may seem good in His sight.

4. That in holding and teaching, according to the Confession of Faith, the corruption of man's nature as fallen, this Church also maintains that there remain tokens of man's greatness as created in the image of God, that he possesses a knowledge of God and of duty -- that he is responsible for compliance with the moral law and the call of the Gospel, and that, although unable without the aid of the Holy Spirit to return to God unto salvation, he is yet capable of affections and actions which of themselves are virtuous and praiseworthy.

5. That liberty of opinion is allowed on matters in the subordinate standard not essential to the doctrine therein taught, the Church guarding against the abuse of this liberty to the injury of its unity and peace.

6. That with regard to the doctrine of the civil magistrate and his authority and duty in the sphere of religion, as taught in the subordinate standard, the Church holds that the Lord Jesus Christ is the only King and Head of the Church, "and Head over all things to the Church, which is His body." It disclaims, accordingly, intolerant or persecuting principles, and does not consider its office-bearers, in subscribing to the Confession, as committed to any principles inconsistent with the liberty of conscience and the right of private judgment, declaring in the words of the Confession that "God alone is Lord of the conscience."

**III. Any proposed revision** or abridgement of the subordinate standard of the Church, or restatement of its doctrine, or change of the formula, shall, before being adopted, be remitted to the local assemblies, and through them to the presbyteries, and no change shall be made without the consent of a majority of the local assemblies, three-fifths of the presbyteries of the whole Church, and a majority of three-fifths of the members present when the final vote of the General Assembly is taken.

**IV. On any change being made** in the basis of union in accordance with Section III, if any congregation thereupon refuses to acquiesce in the change and determines to adhere to the original basis of union, the General Assembly is empowered -- (1) to allow such congregation to retain all its congregational property; or (2) to deal in such other way with the said property as to the assembly may seem just and equitable.

**V. Any proposed change** in either of the two preceding Sections III. and IV. shall be made only under the provisions contained in Section III.

**VI. Formula** to be signed by ministers and elders at their ordination or induction, and by probationers on receiving license: -- I own and accept the Subordinate Standard of this Church, with the explanations given in the articles contained in the declaratory statement, as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith I further own the purity of worship practiced in this Church, and the Presbyterian government thereof to be 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 doctrine, worship, and government of this Church.

### **Articles of Agreement**

**I.** There shall be a Supreme Court of the Church, which shall be called the General Assembly of the Presbyterian Church of Australia.

**II.** The General Assembly shall meet in such places as it shall itself determine, and it shall endeavour to arrange the business so as to meet only once in two years, but shall have power to meet oftener if found necessary, the place and time of the first meeting to be fixed by the Federal Assembly.

**III.** The General Assembly shall be representative, and shall consist of an equal number of ministers and elders; each local assembly shall be represented by one-fourth of its members, to be elected -- three-fourths by the presbyteries, and one-fourth by the local assembly itself.

**IV.** The General Assembly shall have functions, legislative, administrative, and judicial; supreme with regard to the doctrine, worship, and discipline of the Church, the missions to the heathen, the training of students, the admission of candidates to the ministry, and the reception of ministers from other churches.

**V.** The judicial functions of the General Assembly in the cases hereafter stated shall be delegated to a commission to be appointed at each ordinary meeting of the General Assembly, and which shall be called the judicial commission of the Presbyterian Church of Australia, and hereinafter is called the judicial commission.

**1.** The judicial commission shall hear and finally decide, first, all appeals from local assemblies in cases where a judicial process has been proposed, whether the decision has been for or against proceeding by such a process; second, all references made in such cases after evidence has been taken in the lower court.

**2.** The decisions of the judicial commission, being final, are not subject to review, but shall be forthwith reported to the General Assembly, and also to the local assembly directly concerned; in all such cases the evidence shall be entrusted to the clerk of the General Assembly, and shall be disposed of as the General Assembly may direct.

**3.** The judicial commission shall consist of thirty-six members -- ministers and elders -- twenty-four of whom shall be appointed on the nominations of the local assemblies; eight by the Assembly of Victoria; eight by New South Wales; four by Queensland; two by Tasmania, and two by South Australia -- the remaining twelve by the General Assembly itself. Should an Assembly fail to nominate, the General Assembly shall appoint in its stead; sixteen shall form a quorum.

**4.** The prosecutors in any case, or the appellants who plead at the bar of the judicial commission, shall not, if they are members of that commission, adjudicate in the case.

**VI.** The General Assembly, at each ordinary meeting, shall appoint a body of assessors, whose members shall be other than the members of the judicial commission, to assist any presbytery, or local assembly, which may seek their aid in conducting any case involving a question of life or doctrine.

**VII.** The General Assembly, at each ordinary meeting, shall appoint a board for the management and administration of the missions to the heathen, which shall be called the board of missions.

**1.** The board of missions shall consist of nineteen members -- ministers and elders -- thirteen of whom shall be appointed on the nominations of the local assemblies; six by Victoria (two of whom shall represent the J.G. Paton Fund); four by New South Wales; and one each by Queensland, Tasmania and South Australia; and six by the General Assembly itself. Should a local assembly fail to nominate, the General Assembly shall appoint in its stead.

**2.** Local committees shall be appointed, as at present, by the local assemblies, for the purpose of stimulating an interest in missions, supervising local work, and collecting money, and these committees shall report to the board of missions, as well as to their own assemblies.

**3.** The money received by the local assemblies for the support of missions to the heathen shall be held by their respective treasurers for the General Assembly, and shall be disbursed at the order of the board, but

the responsibility of supporting any agency connected with a local assembly shall remain solely with that assembly. Unless with the consent of the local assembly concerned, no such money raised within the bounds of any local assembly, or by any of its agents, shall be applied by the board to the support of any mission other than that for which the said assembly is responsible.

**4.** No new mission shall be originated by a local assembly without the approval of the General Assembly.

**5.** The board of missions shall take into consideration the views of the local committees with regard to missions in which they are specially interested, and shall give effect to them when it can do so without prejudice to other interests.

**6.** The board of missions shall appoint an executive, and the place of meeting of this executive shall be in Melbourne until otherwise ordered by the General Assembly.

**VIII.** There shall be one uniform system of theological training for the whole Church, and one standard of qualification.

**1.** All candidates for license shall be students who have been regularly trained at some theological hall recognised by the General Assembly.

**2.** It shall be the aim of the Church to have all its halls equipped with not less than three professors, such professors to be separate from any pastoral charge; but, meanwhile, the halls in Australia recognised by the General Assembly shall be the theological hall, in Ormond College, Melbourne, and the theological hall, in St. Andrew's College, Sydney.

**3.** Professors shall be elected to vacant chairs by the local assembly maintaining the said chairs.

**4.** The course of study in each hall shall extend over a period of three years, with an annual working session of six months, and shall include the subjects of Hebrew and Old Testament Exegesis, New Testament Greek and Exegesis, Apologetic, Church History, Systematic Theology, and Pastoral Theology and Training, and such other subjects as may from time to time be prescribed.

**5.** Candidates for admission to a theological hall shall be graduates of some recognised university, or have certificates showing that they have gone through a complete curriculum in arts in such a university.

**6.** In exceptional circumstances, students, who have attended one year at some recognised university, and passed the examination for that year for the degree of B.A. or M.A., with Greek as one of the subjects, may be admitted to the entrance examination by a special resolution of their own assembly.

**7.** Candidates for entrance to a theological hall, who are graduates, shall be examined only in Scripture and Hebrew, and Greek, except where Greek has been taken as part of the arts examination; all others in a syllabus to be afterwards provided.

**8.** The examinations for admission to the halls shall be held simultaneously, and shall be on the same subjects, and on the same papers; the examinations for exit shall be held simultaneously, and shall likewise be on the same subjects and on the same papers.

**9.** A Committee on theological education, to be known as the College Committee, shall be appointed by the General Assembly, and shall have an executive meeting in one of the university seats. Of this committee the professors and lecturers shall be members ex officio; it shall deal with all matters pertaining to the training of the students and the studies in the halls, and shall make arrangements according to rules afterwards to be framed and adopted for conducting the entrance and exit examinations.

**10.** Each local assembly within whose bounds a theological hall is situated, shall appoint annually a theological hall committee with authority over the general management and finances of the hall, and to deal with all matters which concern the interests of the hall that are entrusted to it by its own assembly and by the General Assembly. These Committees shall report to the General Assembly through its committee.

**11.** In order to the settlement of all other matters pertaining to the theological halls, the Federal Assembly at its last meeting, or the General Assembly at its first meeting, shall appoint a committee which shall include among its members all the recognised theological professors or lecturers of the several churches, and the conveners of the now existing boards of examination, whose first duty it shall be to inquire into the course of study, the provision for, and the methods of instruction in use in the several halls of the churches; to draft, provisionally, a common course of study adapted as far as possible to the means and methods in use in the several halls; and to consider what modifications of these may be necessary in order to secure the attainment of a common standard; and to report on all these matters to the General Assembly, the present mode of examination remaining in status quo until such arrangements have been completed and approved by the General Assembly.

**IX.** Ministers from other denominations shall be admitted to the united church only by the General Assembly; those from other Presbyterian Churches, either by the General Assembly or by the local assembly, or by such committees as have the power delegated to them and in accordance with rules framed so as to secure uniformity of method of admission.

**X.** Reports of a full and definite kind shall be forwarded to the General Assembly from each local assembly on all matters pertaining to the work and welfare of the Church. including home missions, Sabbath schools, and the state of religion and morals; and it shall be the duty of the General Assembly to consider these, and to issue recommendations, when that is deemed advisable with regard to them; the General Assembly shall further be free in conjunction with the local assemblies to originate new home mission schemes.

**XI.** The local general assemblies shall retain their present names, and their autonomy shall not be further interfered with than is needful to give effect to the basis of union and the articles of agreement.

**XII** A fund shall be formed for the purpose of defraying the working expenses of the General Assembly, and such part of the travelling expenses of the members as the General Assembly may from time to time determine; and this fund shall be contributed to by the local assemblies in such proportions as the General Assembly may from time to time determine.

**XIII.** The articles of agreement may be altered or added to from time to time, but not without the consent of the majority of the presbyteries of the whole Church and a majority of the local assemblies.

IN THE NAME AND ON BEHALF OF HIS MAJESTY THE KING, I ASSENT TO THIS ACT. (signed: J.S. Dodds) Administrator of the Government.

## **(1908) ANNO OCTAVO EDWARDI VIII REGIS**

AN ACT to amend "The Presbyterian Church Act, 1896"

### **Preamble 60 Vict. No. 8**

WHEREAS the members of the Presbyterian Church of Tasmania are desirous of having the trustees of the property of the said Church incorporated as a body corporate, having perpetual succession and a common seal, capable in their corporate name of suing and being sued, and of acquiring, holding, and alienating real and personal property of every kind:

And whereas it is expedient to amend "The Presbyterian Church Act, 1896;"

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: --

### **Short Title**

1. This Act may be cited as "The Presbyterian Church Amendment Act, 1908."

### **Definition Clause**

2. In this Act "property," unless a contrary intention appears, shall extend to and include real and personal property, and any estate or interest in any property, real or personal, and any mortgage or other debt, and all securities for money, and anything in action, and all messuages, tenements, and hereditaments, corporeal or incorporeal, of every kind and description (whatever may be the estate or interest therein), together with all paths, passages, ways, waters, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals, and quarries, and all trees and timber thereon or thereunder lying or being, unless the same are specially excepted.

### **Trustees a Body Corporate etc.**

3. The Trustees of the Property of the Presbyterian Church of Tasmania shall be, and they are hereby created, a body corporate, having a perpetual succession and a common seal, and shall have and exercise all legal rights, powers, privileges, and authorities appendant and incidental to a body corporate; and shall, under their corporate name, be capable in law of suing and being sued, and of purchasing, acquiring, holding, and alienating property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

### **Corporate Name**

4. The corporate name or title of the said trustees shall be "The Trustees of the Property of the Presbyterian Church of Tasmania," and such body corporate shall have and exercise all the rights, powers, privileges, duties, and authorities of trustees appointed in pursuance of the provisions of "The Presbyterian Church Act 1896." The provisions of this section shall be in addition to, and not in abridgement of, the provisions of Section Three hereof.

### **Members of Board of Finance to be the Trustees Constituting the Body Corporate**

5. The persons for the time being composing the Board of Investment and Finance of the said Church, except ex officio members of the said board, shall be the trustees for the time being of the property of the said Church constituting the said body corporate: Provided always that there shall not at any time be more than Ten nor less than Five trustees of the property of the said Church forming the said body corporate. Should the number of persons for the time being composing the Board of Investment and Finance of the said Church at any time be less than Five, the governing authority shall forthwith take the necessary steps to increase the number of such persons to Five at the least.

### **Use of Seal**

6. The power and authority to use the said seal of the said body corporate hereby created for all purposes for which the use of such seal is required shall vest in the majority of the trustees for the time being of the property of the said Church constituting the said body corporate who shall be present at any meeting of such trustees. Such seal shall only be affixed by virtue of a resolution of the said majority passed at such meeting and in the presence of any Two of the trustees of the property of the said Church. And the said Two trustees shall sign their names to the document to which the seal has been affixed. At any such meeting as is provided for in this section, Five shall form a quorum. The seal, when once affixed in accordance with the provisions of this section, shall be prima facie evidence without further proof that the meeting at which the said resolution was passed was properly convened and held, and that the said resolution was duly and properly passed.

### **Validation of Acts, etc. of Trustees of Church Property**

7. All acts, deed, matters, and things done by the trustees of the property of the Presbyterian Church of Tasmania as such body corporate as aforesaid, notwithstanding that there was some defect in the election or appointment of any one or more of the persons constituting the said body corporate, or that any one or more of such last-mentioned persons was or were not eligible or competent, whether under the rules and regulations of the said Presbyterian Church of Tasmania or otherwise howsoever, for such election or appointment, or was or were not eligible or competent to act in the office in respect or by virtue of which he or they shall have become a member or members of the said body corporate, shall be as valid and effectual in all respects whatsoever as if every such person had been duly elected, and were and always had been eligible or competent, as aforesaid.

### **Certificate of Clerk of Governing Authority Prima Facie Evidence of Appointment of Trustee**

8. In all courts and all legal proceedings instituted by or against the trustees of the property of the Presbyterian Church of Tasmania, the production of the certificate of the clerk of the said governing authority of the appointment of the said trustees, or any one or more of them, as members or a member respectively of the Board of Investment and Finance shall on production only, be deemed sufficient prima facie evidence without further proof that such trustees, or any one or more of them, as such members or member as aforesaid have been duly appointed according to law, and the onus of proof to the contrary shall rest on the person or persons challenging the validity of such appointment.

### **Vesting of Property in Trustees of Church Property**

9. All property now vested in or held by any trustee or trustees of the property of the said Church, and all property now vested in or held by any person or persons other than such trustee or trustees as last aforesaid, upon trust for the said Church, and whether subject to the provisions of "The Real Property Act" or held under the general law, shall from and after the passing of this Act be and the same is hereby vested in the said body corporate for all the estate and interest therein respectively of such trustee or trustees, or such person or persons as aforesaid, as fully and effectually as if valid assurances in the law thereof had been made and executed by him or them respectively to such body corporate, subject to the special trusts (if any) affecting the same, or any part or parts thereof respectively; and such body corporate shall thenceforth be deemed the registered proprietor of such portions of the said property as shall be under "The Real Property Act" subject to the provisions of the said Act.



**One thousand Pounds vested in governing authority of Free Church of Scotland to be transferred to incorporated body on the trusts of James Wilson's will**

10. The sum of One Thousand Pounds now vested in the governing body of the Free Church of Scotland in Tasmania under the provisions of the will dated the Twenty-sixth day of March, One thousand eight hundred and seventy-seven of the late James Wilson (the income of which sum is by the said will directed to be applied for the benefit of the minister for the time being of the Campbell Free Church, Oatlands, in Tasmania) shall, together with all securities therefor, be forthwith transferred by the said governing body to the said body corporate, to be held by the said body corporate upon the special trusts declared by the said will of the said James Wilson in respect of the said sum.

**Recorder of Titles to register new Trustees**

11. The Recorder of Titles, upon the application in writing under the seal of the said body corporate, and upon proof to his satisfaction of the identity of any property affected under "The Real Property Act" shall issue to the applicant such instrument or instruments of title as are by the said Act provided for.

**Gifts to Church before Incorporation to have same effect afterwards**

12 After the incorporation of the said body corporate, every donation, gift, and disposition of property, real or personal, heretofore lawfully made (but not having actually taken effect) or thereafter lawfully made by deed, will, or otherwise, to or in favour of such Church generally, or the trustees of the property of the said church, or any person or persons for or on behalf of the said church generally, shall take effect as if the same had been made to or in favour of the said body corporate.

**When Trustees in Previous Acts mentioned, same shall be construed as Trustees mentioned in this Act**

13. In "The Presbyterian Church Act, 1896." and in all laws, rules, regulations, acts and resolutions of the governing authority referring to the trustees of the property of the said Church, the expression "The Trustees of the Property of the Presbyterian Church of Tasmania," or "the trustees or the property of the said Church," shall henceforth be read and construed as meaning and referring to the trustees by this Act created a body corporate, as if such body corporate had been expressly named in "The Presbyterian Church Act, 1896." and in all laws, rules, regulations, acts, and resolutions as aforesaid, or by any form thereby prescribed, to be executed or signed by the trustees of the property of the Presbyterian Church of Tasmania, may be sealed by the said body corporate in the manner hereinbefore prescribed; and in such case the same shall be as valid and effectual as if the same had been executed or signed by the aforesaid trustees. Such part or parts respectively of every such deed, declaration of trust, or document as is, are, or may be inapplicable to a body corporate is and are hereby respectively repealed.

**Power of Trustees to make rules**

14. The said trustees shall have power to make such rules and regulations as they may deem necessary for carrying out the purposes of this Act. Such rules and regulations shall be laid before the governing authority at its next session, but shall be in force until disallowed by the said governing authority.

**Repeal**

15 Section Seven of "The Presbyterian Church Act, 1896," is hereby repealed.

**Acts to be read together**

16. "The Presbyterian Church Act, 1896," except so far as the same is altered, amended, or repealed by this Act, shall with this Act be read and construed as one and the same Act.