

AMENDMENTS from the **2013**
New South Wales General Assembly

THE CODE

PART II

1. (a) Delete 5.38 and 5.39 and insert a new 5.38 as follows:

5.38 Pastoral Assistance. All action to initiate the provision of pastoral assistance by personnel engaged to perform primarily pastoral functions in a pastoral charge or home mission station shall be made in accordance with the financial arrangements approved by the congregation and the presbytery, and shall also be made in accordance with the schedule for pastoral assistance maintained by the committee on Ministry and Mission. In the case of the appointment of a Candidate for the Ministry, the approval of the committee on the Presbyterian Theological Centre is also required.

- (b) And renumber the rest of THE PRESBYTERY regulations accordingly.

2. Amend 6.13 and 6.43(a) as follows:

- (a) In the third sentence of 6.13 after the word 'Australia' where first appearing insert the words 'or licentiate' so that it would read:

The name proposed must be that of a duly accredited minister or licentiate of the Presbyterian Church of Australia or a minister or licentiate of another Presbyterian church.

- (b) In 6.43(a) insert the words 'or licentiate' after the word 'minister' so that it would read:

- (a) A congregation may issue a call to a minister or licentiate of another Presbyterian denomination either within Australia or in another country.

- (c) Amend 6.43(b) to read:

- (b) The presbytery of the bounds may process the call but cannot proceed to the induction of the minister under call or to the ordination and induction of the licentiate under call until that minister or licentiate has become a minister or licentiate of

the Presbyterian Church of Australia in accordance with the rules and regulations of the General Assembly of Australia.

(d) Amend 6.43(c) to read:

- (c) The congregation issuing a call to such a minister or licentiate should assist that minister or licentiate, if desirous of accepting the call, to make application through the presbytery of the bounds to the Reception of Ministers Committee to be received as a minister or licentiate of the Presbyterian Church of Australia.

(e) Amend 6.43(d) to read:

- (d) A presbytery may proceed to the induction of the minister under call or to the ordination and induction of the licentiate under call whose application to be received as a minister of the Presbyterian Church of Australia has been approved by the Reception of Ministers Committee if and when:
 - (i) the minister or licentiate completes any further study required by the Reception of Ministers Committee if prescribed by the College Committee, and
 - (ii) the minister or licentiate signs the Formula upon opportunity being given so to do by the presbytery.

(f) Amend 6.43(f) to read:

- (f) A congregation proposing to issue a call to a minister or licentiate who is outside of the Presbyterian Church of Australia should in preparing the terms of call include a provision which allows the congregation to withdraw from the call if the call is not finalised by the induction of the minister or the ordination and induction of the licentiate under call within a defined period.

PART III

1. Delete the METRO Committee regulations (A6) from and insert the new METRO regulations.

METRO

A.6.01 Name. There shall be an ordinary committee of the General Assembly named the METRO Committee. METRO is an acronym for Ministry, Equipping, Training, Recruiting and Organisation.

A6.02 Functions. The Committee shall oversee the METRO programme, the object of which is to promote gospel ministry training through structured discipling relationships in local churches shaped by the command of the apostle Paul in 2 Timothy 2:2. This includes curriculum development, appointment of trainees and trainers and funding allocations to training churches. In discharging its role the Committee shall liaise with local congregations, the Presbyterian Theological Centre Committee, the Ministry and Mission Committee and Presbyterian Youth.

A6.03 Membership. The Committee shall consist of seven members including the Convener.

- (a) The Convener shall be a minister or an elder of the Presbyterian Church.
- (b) The remaining members shall be ministers, elders or communicant members of the Presbyterian Church.

A6.04 Quorum. Four members present (either in person, by telephone or VOIP) shall form a quorum.

A6.05 Convener Absent. In the absence of the Convener from any meeting the members of the Committee present shall appoint one of their number as Convener for that meeting.

A6.06 Advisers and Attendees. The Committee may invite people to attend meetings of the Committee or may co-opt people for specific purposes but neither the former nor the latter such persons shall have voting rights at any Committee meeting.

2. Amend Clause E1.04 of the Elders' Association regulations by deleting the figure (12) and inserting the figure (6) so that it will read:

E1.04 Executive. The Executive shall consist of six (6) elders nominated by the annual general meeting of the Association and submitted to the Assembly for its approval; any vacancy or casual vacancy occurring at any time to be filled by the Executive. The Executive shall have power to coopt members for specific purposes.

3. Delete the Social Service Committee regulations (A8) and insert the new Social Service Committee regulations.

- (1) Withdraw the regulations of the Social Service Committee and enact the following new regulations:-

SOCIAL SERVICE

A10.01 Name. There shall be a Committee of the Assembly known as the Social Service Committee.

A10.02 Function. The Committee shall be responsible for the social and community services of the Presbyterian Church of New South Wales and shall:

- (a) co-ordinate the social service activities of the Church,
- (b) inform the Church of social service needs within the community,
- (c) undertake and implement programmes and services to meet social service needs as authorised by the Assembly,
- (d) monitor the effectiveness of its programmes and services, and
- (e) publicise the work of the Committee within the Church and the community.

A10.03 Powers. The Committee may, in pursuit of its objects:

- (a) raise funds in accordance with the procedures of the Church to finance its programmes and activities, and
- (b) manage and administer real estate at which programmes of the Committee are conducted.

A10.04 Membership. The membership of the Committee shall be:

- (a) three ministers, three elders and three communicant members who need not be elders,
- (b) one minister, one elder, and one other non-ministerial members who shall retire each year.

A10.05 Special Members. The Chief Executive Officer (who shall have no voting rights), the Convener of the Dorcas Standing Committee of the P.W.A. in New South Wales and the Treasurer of the Committee if not already members shall be special members of the Committee.

A10.06 Chief Executive Officer. The Assembly shall appoint a Chief Executive Officer who shall be responsible for the administration of the work of the Committee. The initial terms of appointment of a Chief Executive Officer shall be determined by the Assembly. The conditions of appointment of a Chief Executive Officer may subsequently be varied by the Assembly, or by the Trustees upon the recommendation of the Committee.

A10.07 Staff. The Committee shall be responsible for the employment of all staff of the Committee and of its programmes and institutions. The Committee may authorise the Director or Management Committees of the enterprises to engage and dismiss staff upon such conditions as the Committee may specify.

A10.08 Senior Staff. All senior staff of institutions operated by the Committee shall be appointed by the Committee on the recommendation of the management committee of each institution.

A10.09 Sub-Committees. The Committee may establish sub-committees to deal with such matters as may be specified by the Committee. The Convener of the Committee and the Chief Executive Officer (who shall have no voting rights) shall be ex-officio members of all such sub-committees.

A10.10 Programmes.

- (a) The Committee shall be responsible for the operation or oversight as appropriate of:
 - (i) child care programmes including child care centres and pre-school kindergartens;
 - (ii) welfare and relief activities;
 - (iii) chaplaincy work within hospitals;
 - (iv) chaplaincy work within corrective service institutions and juvenile justice facilities;
 - (v) industrial chaplaincy;
 - (vi) counselling;
 - (vii) disability services
 - (viii) Allowah Presbyterian Children's Hospital
 - (iv) Conduct Protocol Unit
 - (x) Presbyterian Student Residences
 - (xi) other like matters of a social service nature, including any matters specifically referred to the Committee by the Assembly.
- (b) In these Regulations each period, service or activity of the Committee whether or not conducted within an institution under the control of the Committee, is referred to as a "Programme".

A10.11 Local Programmes.

- (a) Whilst the Committee has responsibility to the Assembly for the Programmes described in Regulation A10.10, where a Programme is established by a congregation, the administration of such Programme shall unless the congregation with the consent of the Trustees otherwise agrees remains with the committee of management of the congregation or such other committee as may be established for this purpose by the congregation.
- (b) The committee of management or other committee of the congregation which is responsible for the administration of the local Programme shall:
 - (i) report regularly to the Committee regarding the Programme, and
 - (ii) observe such guidelines as the Committee may from time to time issue in relation to Programmes generally of the same nature as the local Programme.

A10.12 Control of Property.

- (a) Where a Programme is carried on within an institution or is otherwise located at real property which is:
 - (i) owned or occupied by the Trustees,
 - (ii) held for the purpose of that Programme, and
 - (iii) not property held for a congregation,by these Regulations the General Assembly confers upon the Committee all powers of administration and management of that property pursuant to section 13 of the Property Trust Act, 1936.
- (b) Where a Programme is carried out at property which is property owned or occupied by the Trustees for a congregation, the management of that property is subject to regulation A10.11(a) carried out with the consent of the Trustees, by the local committee of management in accordance with Section 18 of the Property Trust Act, 1936 and regulations under that Act.

A10.13 Management Committees.

- (a) Without relieving the Committee of its obligations of management and control which are conferred on the Committee by the Assembly pursuant to Regulation A10.12(a) hereof, the Committee may establish management committees for:
 - (i) any such property being property which is not congregational property, and
 - (ii) any property being congregational property whose management has been transferred by the congregation to the Committee under A10.11(a) and the Programme conducted thereon in accordance with the regulations relating to management committees which are set out below.
- (b) The Committee shall establish rules for each Programme administered by a management committee, which rules may be varied by the Committee from time to time.

A10.14 Property Transactions. In respect of:

- (a) any proposed expenditure upon properties under its control, and
 - (b) any proposed sale, purchase, lease or other dealing with any land,
- the Committee shall comply with the relevant requirements of the Property Trust Act, 1936 and the Regulations thereunder.

A10.15 New Programmes. No congregation or organisation of the Church shall:

- (a) establish or undertake any project or service of the kind which falls within the responsibility of the Committee unless the consent of the Committee is first obtained, and
- (b) take any steps or enter into any obligations in relation to any such Programme without first obtaining the consent of the Committee, the Presbytery of the bounds (in the case of a congregation) and the Trustees.

A10.16 Building Works. A congregation or organisation proposing to establish or sponsor a Programme which involves building works must (in addition to obtaining the required approvals under the Property Trust Act, 1936 and the regulations thereunder) satisfy the Committee, the Presbytery of the bounds (in the case of a congregation) and the Trustees that:

- (a) satisfactory financial arrangements are made in respect of the Programme;
- (b) the Programme will be adequately supervised, conducted and controlled; and
- (c) the relevant requirements of all applicable governmental authorities shall at all times be complied with.

A10.17 Constitutions. The Committee may approve of a constitution for any Programme. The constitution may include provision for the establishment of the management committee for that programme under Regulation A10.27.

RECYCLING AND RETAIL

A10.18 Relief Depot. The Committee shall establish and operate a central clothing and relief depot (The Depot) for the collection and sorting of clothes, furniture and waste, which items shall be used to provide relief to the needy or stock for opportunity shops.

A10.19 Opportunity Shops. The Committee may establish and operate opportunity shops for the sale of items collected at the Depot.

A10.20 Staffing. The Committee shall arrange for the Depot and Opportunity Shops to be staffed by voluntary workers and/or employed staff.

A10.21 Relief Applications. The Committee may authorise the Chief Executive Officer to approve applications for relief in accordance with such conditions or policies as the Committee may specify from time to time.

CHAPLAINS

A10.22 Control. The Committee shall exercise supervision over chaplains to hospitals, government and welfare institutions and any Church or other agencies which fall within the responsibility of the Committee. Such supervision shall include appointment, transfer, termination of duty, training and where applicable, payment.

A10.23 Appointments. The Committee shall recommend to the Assembly appointments to such inter-denominational agencies as now or in the future may be concerned with the appointment and training of chaplains.

A10.24 Ministerial Visitations. The Committee shall recognise the right of ministers of the Church to visit Presbyterian patients in homes and institutions except where Commonwealth or State Acts of Parliament or Regulations require special appointments to be made.

A10.25 Negotiations. The Committee shall be responsible for conducting negotiations with Government agencies in relation to the work of Chaplains under its supervision.

A10.26 Reports. The Committee shall report to the Assembly annually on the activities of Chaplains under its supervision and shall

- (a) include in its financial estimates such sum as may be required for the payment of salaries, honoraria or supplements from Federal or State grants for the payment of Chaplains, and
- (b) require Chaplains under its supervision to submit to the Committee such reports as it may deem to be necessary to exercise adequate control over their activities.

MANAGEMENT COMMITTEES

A10.27 Establishment. The Committee may establish management committees in respect of any property administered and controlled by the Committee as provided for in Regulation A10.13.

A10.28 Membership.

- (a) Management committees shall be elected annually after each Assembly by the Committee.
- (b) A management committee shall have a maximum of 12 members.
- (c) At least three quarters of the elected membership of a management committee shall be communicants or adherents of the Presbyterian Church of Australia.
- (d) Casual vacancies on a management committee may be filled by the Committee.
- (e) The Committee shall have power to establish or dismiss the whole of a management committee at any time.

A10.29 Position declared vacant. If a member of any management committee is absent from three consecutive meetings without obtaining leave of absence or supplying valid reasons for such absence from the management committee the Committee shall declare that person's position vacant.

A10.30 Chief Executive Officer. The Chief Executive Officer and members of the staff of programmes shall not be elected members of management committees or sub-committees thereof.

A10.31 Convener of Committee. The Convener of the Committee shall be a member of all management committees by virtue of his office. If the Convener elects not to attend meetings of a management committee, the Committee may appoint a member of the Committee to that management committee with full voting rights.

A10.32 Chief Executive Officer. The Chief Executive Officer shall be a member of all management committees and sub-committees thereof, without the right to vote.

A10.33 Quorum. Three members of a management committee shall form a quorum.

A10.34 Duties. Management committees shall be responsible for the management of a particular Programme as nominated by the Committee and shall comply with the rules of the Programme as established by the Committee pursuant to Regulation 12(b) hereof.

A10.35 Officers. Management committees shall elect from within their number a chairman, secretary and treasurer to form an executive.

A10.36 Officers: Limit on service. Office bearers of a management committee should not hold the same office for more than three years consecutively unless otherwise approved by the Committee where there are special circumstances.

- A10.37 Reports.** Each management committee shall forward
- (a) all minutes of that management committee and other reports of its activities as requested by the Committee promptly to the Chief Executive Officer for transmission to the Committee, and
 - (b) financial statements and budgets for the Programme under its control to the Chief Executive Officer for transmission to the treasurer of the Committee.

A10.38 Auxiliaries. Auxiliaries may be established by management committees under rules provided by them and approved by the Committee to generate funds for the Programme administered by that management committee and to assist in the work of that Programme.

A10.39 Auxiliary President. The President of an auxiliary shall be an ex-officio member of the management committee which established that auxiliary.

- A10.40 Powers.** Management committees shall have the power to:
- (a) co-opt members for particular purposes,
 - (b) form and dissolve sub-committees for particular purposes, and
 - (c) delegate responsibility to senior staff.

STUDENT ACCOMMODATION SERVICES

A10.41 Supervision and Management. The Committee shall exercise supervision of all student accommodation programmes (“hostels”) within New South Wales and the ACT. Except in the case of a hostel owned and managed by a congregation, the Committee shall exercise management of each hostel by establishing a management committee for each hostel, being a committee of the kind provided for in Regulation A10.13. The Committee may at any time assume direct management responsibility for any hostel.

A10.42 Local Programme. A hostel owned and managed by a congregation constitutes a local Programme for the purposes of Regulation A10.11. The committee of management shall in administration of a hostel comply with the applicable requirements of these regulations as though it was a management committee.

A10.43 Management Committee. The management committee for each hostel shall:

- (a) comply with Regulation A10.27,
- (b) be known as Presbyterian Student Residences Committee,
- (c) consist of:
 - (i) not less than four and not more than ten communicant members from at least three congregations,
 - (ii) a member of the Committee, and
 - (iii) the CEO of the Committee as an ex-officio non-voting member.

A10.44 Establishment of hostels. The Committee shall take the initiative in establishing hostels where there is an obvious need. Such hostels may offer any accommodation which the Committee determines to be appropriate. In areas outside Sydney the major responsibility for initiating and maintaining hostels shall rest with the congregations within the areas served. As city hostels serve the whole Church, the responsibility for initiating and maintaining these shall rest with the Committee.

A10.45 Name of hostels. The title of all hostels shall include the word 'Presbyterian'.

A10.46 Object of hostels. The object of establishing hostels is to provide a safe and secure home environment with effective Christian pastoral oversight and appropriate supervision for young people obliged to live away from home for the purpose of gaining post school education.

A10.47 Pastoral responsibility. The Committee shall arrange for pastoral responsibility for each hostel to be exercised by the minister and session of the appropriate congregation nominated by the presbytery of the bounds.

A10.48 Admission to hostel. The management committee for a hostel shall be responsible for determining admissions to that hostel, which shall generally be upon an annual basis. In general the management committee shall admit in priority as listed:

- (a) country applicants for undergraduate tertiary degrees or diplomas (including theology) who hold no prior qualifications,
- (b) city applicants for undergraduate tertiary degrees or diplomas (including theology) who hold no prior qualifications,
- (c) applicants for diplomas, awards or other tertiary qualifications,
- (d) postgraduate students (including theology), and

- (e) applicants for trade qualifications who hold no prior trade certificates.
In general the management committee shall not admit part-time students. The management committee may admit exceptions to these general guidelines, especially in cases of special need or hardship.

A10.49 Preference to applicants. A management committee shall in general give preference to applicants who are communicant or adherent members of the Church.

A10.50 Married students. If married students apply for admission to a hostel the management committee shall give preference to couples who are both engaged in tertiary studies.

A10.51 Notification of acceptance. A management committee need not notify prospective candidates of acceptance for a year until after the University admission results for the previous year are finalised.

A10.52 References. The management committee shall require and consider references from all applicants for admission to the hostel.

4. Amend the regulations of the Assembly Audit Committee (D1) by:

(a) Amending D1.01(a)OP and (b) to read:

- (a) Review the operations of each Assembly committee that receives funding from Assembly assessments for the purpose of refining annual plans and budgets favourably for both income and expenditure.
- (b) Assess the efficiency and effectiveness with which each of the above Assembly committees both fulfils its constitutional purpose and cooperates with other Assembly committees in so doing.

(b) Amend the heading of D1.04 to read:

D1.04 Duties of committees receiving funding from an Assembly assessment. Each committee shall

5. Delete the constitution of The Scots College (E10) and insert the new constitution of The Scots College.

THE SCOTS COLLEGE

E10.01 Name. The name of the college shall be The Scots College.

E10.02 Object. The object of the College shall be to provide high-quality education from a Christian world view for boarding and day scholars in accordance with the standards of the Presbyterian Church of Australia.

E10.03 Pupils. Children of good character shall be eligible for enrolment at the College irrespective of religious affiliation. All enrolments shall be at the discretion of the College.

E10.04 Council. The governance of the College and the oversight of effective management of the College, educational and financial, shall be vested in a Council. The Council shall have full power to make regulations for, and to act generally in the management of, the College.

E10.05 Membership. The Council shall consist of thirteen persons as follows:

- (a) nine persons elected by the General Assembly each for a term of three years;
- (b) the Chairman of Trustees or his deputy who shall be a Trustee together with one additional Trustee appointed by the Property Trust; and
- (c) three additional persons appointed by the other members of the Council at times determined by the Council each for a term of three years and who shall be eligible for re-appointment.

The nine persons elected by the Assembly shall be ministers or communicants of the Presbyterian Church. The three persons elected by the Council, if not ministers or communicants of the Presbyterian Church, must have status in another Protestant Church equivalent to a minister or communicant member of the Presbyterian Church. The Council will report annually to the General Assembly that persons nominated by the Council for appointment or reappointment to the Council have provided a current letter signed by the minister and session clerk (or in another Protestant church, the minister and another person holding relevant office in that church) confirming the regular attendance of the nominee at that church and the nominee's Christian life and good character. If a person is nominated by a member of Assembly to fill a Council position, such a letter must accompany the nomination form. If a member of the Council ceases to be in active fellowship with a Protestant church, that person's position shall be declared vacant by the Council.

E10.06 Seat Forfeited. Any member of the Council appointed by either the Assembly or the Council who shall be absent from meetings of Council over three consecutive months during which meetings are held without having obtained leave from the Council shall cease to be a member and that person's position may be declared vacant by the Council.

E10.07 Office Bearers. The Council shall appoint a Chairman,

Deputy Chairman and Secretary who shall be elected annually by the members of Council referred to in E10.05(a). The Chairman shall have both a deliberative and a casting vote and shall be, and continue to be either a minister or a communicant of the Presbyterian Church. This requirement shall apply in full to any person deputised to act as Chairman.

E10.08 Quorum. Six members of the Council at least four of whom are members referred to in A10.05(a) and (b) shall constitute a quorum, except as hereafter specified.

E10.09 Members retire. Three members of the Council elected by the Assembly shall retire annually but shall be eligible for re-election.

E10.10 Vacancy. The Council shall have power to fill any casual vacancy on the Council. The Council may at any time terminate membership of the Council of any person appointed pursuant to clause E10.05(c). Any such termination may only be decided at a meeting of Council of which prior notice of the proposed termination has been given, and at which the quorum shall be nine. In the case of a vacancy by a person elected by the Assembly, the person so appointed to fill the vacancy shall, subject to the approval of the Assembly at its first meeting after such appointment, hold office for the same term as the person whose place the person appointed fills.

E10.11 Visitor. The Moderator shall be the Visitor to the College.

E10.12 Principal. The Principal of the College shall be a minister or communicant of the Presbyterian Church (or of equivalent status within another Protestant denomination) who is in active fellowship with his congregation and who adheres to one or more of the historic Reformed Protestant creeds. The Council shall have the power of appointment and dismissal of the Principal. Such appointment or dismissal shall only be made at a meeting specially convened for that purpose, and at such special meeting the quorum shall be nine. The remuneration and terms of agreement in the appointment of the Principal shall be fixed by the Council. The Principal shall provide effective management of the College.

E10.13 Teachers. All teachers shall be appointed by the Principal, subject to the approval of the Council.

E10.14 Chaplain. The Council may appoint a College Senior Chaplain. If such a Senior Chaplain is to be a minister then the Chaplain must be a minister of the Presbyterian Church in which case the proposed appointment of the Chaplain must first be approved by the Presbytery. The Principal may appoint other persons in chaplaincy roles in the College, subject to the approval of the Council.