

AMENDMENTS from the **2014**
New South Wales General Assembly

THE CODE

PART II

1. Replace Chapters 4 and 5 with the following:

4

THE SESSION

CONSTITUTION

4.01 Session. A session is a court of the church, established by the presbytery of the bounds, consisting of the minister or ministers and elders of a congregation.

4.02 Powers of session. To the session belongs the promotion and supervision of the spiritual life of the congregation in regard to worship, pastoral care, education and evangelism and the oversight of all the agencies within the congregation. Among its responsibilities the session shall:

- (a) appoint the times for public worship and the celebration of the sacraments,
- (b) appoint and direct choir leaders and organists,
- (c) admit to membership of the congregation,
- (d) exercise discipline on erring members and restore to membership after discipline has been exercised,
- (e) receive and grant certificates of membership,
- (f) exercise pastoral care of missionary candidates and missionaries of the congregation,
- (g) supervise Sunday schools, fellowship associations, young people's societies and adult education programmes,
- (h) call meetings of the congregation,
- (i) ordain and induct elders,
- (j) examine and judge the qualifications of persons elected to the eldership of the congregation,
- (k) interview applicants from the congregation offering as candidates for the ministry and report to presbytery indicating their support or otherwise of such applicants,
- (l) exercise pastoral care of candidates for the ministry working with the congregation and report annually to presbytery on the involvement of such candidates in the life of the congregation,
- (m) receive and judge on petitions from the communicants or adherents of the congregation, and
- (n) transmit all papers which are to be forwarded to the presbytery.

4.03. Right of session. The constitutional right of the session to watch over all the interests of the congregation, and to interpose whenever in its opinion the welfare of the congregation calls on it to do so by convening meetings for any purpose connected with congregational affairs or by any other competent manner is expressly reserved.

4.04. Discretionary power. In any matter of procedure not fully provided for in these rules a discretionary power is left to the session which may find guidance in the corresponding procedure applicable to superior courts. In any such case care must be taken that substantial justice is done to all concerned.

4.05. Formation. A session is formed on the authority of the presbytery and arrangements for the election and ordination of elders are made on the authority of the session. In very remote congregations and other exceptional cases presbyteries may make special arrangements and proceedings under such arrangements shall be reported to the presbytery at its next meeting.

4.06. Interim session. Where a congregation has no session, the presbytery shall appoint a session which may consist of members of presbytery or of a minister who is a member of the presbytery and of acting elders within its bounds and is called an interim session.

Where a congregation has been declared by the Ministry and Mission Committee to be a church plant and the presbytery establishes an interim session, the presbytery may appoint to the interim session a person who participates actively in the life of the congregation and who, while not holding a current seat on a session, has been previously ordained as an elder and inducted into another session. Such a person, when appointed to the interim session, shall be deemed to be a bona fide acting elder entitled to all the rights and privileges, and subject to all of the normal responsibilities, of a member of a regular session.

4.07. Powers of interim session. Interim sessions shall have all the powers and privileges of ordinary sessions but presbyteries are required to secure as soon as possible the appointment of regular sessions within their bounds.

4.08. Moderator of session. The minister of a pastoral charge is moderator of the session. In a collegiate pastoral charge the ministers preside as may be arranged between them. When one presides the other sits as an ordinary member. The usual practice with colleagues is to preside alternately.

Where a congregation has been declared by the Ministry and Mission Committee to be a church plant, the minister appointed to the congregation will be entitled to serve as moderator of any session that might be formed, or as chairman of any steering committee that might, for a time, fulfill the functions of a session.

4.09. Interim moderator in vacancy. In a vacant pastoral charge the presbytery shall appoint one of its ministers as interim moderator of the session.

4.10. Moderator home mission station. In a home mission station the presbytery shall appoint one of its ministers as moderator of the session.

MEETINGS

4.11. How convened. The session meets for ordinary business at least quarterly and meetings of the session are convened either by resolution of the session or on the authority of the moderator by intimation at public worship or by notice to each member of session.

4.12. Special meeting. The moderator of session is bound to convene a meeting of session when requested in writing to do so by two of the elders or when instructed by the presbytery and the meeting shall be convened in the usual manner.

4.13. Legal meeting. No meeting of session can be held without the moderator or a minister or a member of the session deputed by the moderator or appointed by a superior court to take the place of the moderator.

4.14. Leave of higher court. No meeting of session can be held at the time of a meeting of a superior court of which any member of the session is a member without the leave of the court.

4.15. Quorum. The moderator or the deputy moderator and two elders are necessary to form a quorum of session.

4.16. Rights of moderator. The moderator has only a casting vote but may introduce any business to the session and address it about the matter without leaving the chair. The moderator has the right of dissent and complaint.

4.17. Session meetings private. The session is presumed to be a closed court except when it resolves to be open. In many of the matters which come before the session it is necessary to proceed with great circumspection especially in handling matters affecting the good name of members of the congregation. In dealing with such matters strict privacy shall be observed. The session may hold open meetings when it sees cause and may invite the presence of the managers for their advice and assistance but in all cases the session must determine its action by the vote of its own members.

4.18. Joint session. Where there is more than one congregation in a pastoral charge and two or more of the congregations have each a separate session they can have only one representative in the presbytery and Assembly. The sessions meet conjointly for the election and to consider matters affecting the general interests of the pastoral charge. Difficulties which affect only one of the

congregations in such a pastoral charge and which cannot be disposed of by its own separate session or by the joint session shall be referred to the presbytery.

4.19. Co-operative arrangements for a Minister. Sessions of separate pastoral charges, while retaining the independence of those pastoral charges, may develop co-operative arrangements for the sharing of the time of a minister. Such arrangements shall be subject to the approval of the congregations involved, the relevant presbytery, and the Ministry and Mission Committee. Such co-operative arrangements shall not affect the right of the separate pastoral charges to elect their own elders, call their own ministers and commission elders to the presbytery and the Assembly. Each arrangement to be reviewed every 5 years.

4.20. Co-operative Pastoral Charges. Sessions of separate pastoral charges, while retaining the independence of those pastoral charges, may develop co-operative arrangements to provide for a team ministry. Such arrangements shall be subject to the approval of the congregations involved and the relevant presbytery, and shall be reviewed before a call is issued and at least annually thereafter. Co-operative arrangements shall not affect the right of the separate pastoral charges to elect their own elders, call their own ministers and commission elders to the presbytery and the Assembly.

4.21. Co-operating Congregations. To facilitate Christian ministry, two or more congregations may enter into a co-operative arrangement to form one pastoral charge or home mission station. Such co-operating congregations shall retain their individual identity and operational integrity with separate membership rolls and financial records being maintained for each. Subject to the approval of the presbytery, each congregation shall remain entitled to elect its own Committee of Management and Session. However, all matters affecting the congregations jointly shall be determined by a joint committee of management or session as appropriate. Terms of call shall be determined by the congregations jointly, together with the proportion of costs to be borne by each. Likewise, assessments shall be payable jointly and shall be determined on the basis of the combined incomes of the co-operating congregations.

RECORDS

4.22. Custody of records. The records of a session shall be in the custody of its clerk and only members of the court or a higher court shall be entitled to see them.

4.23. Custody of records by moderator. When a minister finds it important in pastoral work to keep the baptismal register and the rolls of

communicants and adherents the session may determine that these records shall be in the custody of the moderator.

4.24. Induction recorded. At the first meeting of session after the induction of a minister the fact of the minister's admission to office is recorded in the minutes.

4.25. Vacancy recorded. At the first meeting after a vacancy it is minuted how and when the pastoral charge became vacant.

4.26. Extract minutes. The session is bound to furnish extract minutes to parties in a case. The fees to be charged for such extracts are fixed by the court.

4.27. Records to be produced. The records of a congregation and of its session and of its committee of management and of its other organisations shall be produced whenever they are called for by a higher court.

4.28. References, appeals, petitions. All references for advice and all appeals, complaints or petitions against the proceedings or decisions of sessions or committees of management or meetings of congregations shall be submitted to the presbytery as the first court of review. Until they have been so submitted and dealt with they are not forwarded to a higher court.

DUTIES OF MINISTER

4.29. Minister. The minister is ordained and inducted by the presbytery and is directly responsible to it for the discharge of all duties of the office.

4.30. Accountable to presbytery. It belongs to the minister alone to conduct public worship and administer the sacraments and for the manner in which these functions are discharged the minister is accountable to the presbytery.

4.31. Conduct of public worship. The right of admission to the pulpit belongs exclusively to the minister except when the minister is under censure or process or when the charge is vacant and in such case the right reverts to the presbytery. In the conduct of public worship the choirmaster and organist and church officer are under the direction of the minister.

4.32. Use of church or hall. The minister has the custody of the keys and the use of the church and hall for ministerial duties and may grant or refuse

the use of church or hall for any purpose of a religious character. If the use of the church or hall is asked for a lecture or other purpose not strictly religious the permission of the session to such use must first be obtained. Subject to such permission being given the application is referred to the managers. In vacant pastoral charges and home mission stations the custody of the keys belongs to the presbytery of the bounds.

4.33. Accusation against minister. No formal accusation can be entered against the minister in the session. If personal endeavours on the footing of friendship fail to put the matters right the elders may approach the presbytery by petition. If it is impracticable to resolve on a petition at a meeting of session the elders, or any of them, may petition as individuals direct to the presbytery. Due notice must be given to the minister of the intention to bring the matter before the presbytery.

4.34. Prerogatives limited. A minister, unless he is acting under special commission or order of the presbytery of the bounds or of a superior court having jurisdiction shall not interfere in the work of another congregation.

4.35. No appeal to civil courts for stipend. Ministers do not proceed for their stipend in the civil courts when a guarantee has been given to the presbytery. In case of arrears ministers are required to report to their presbytery which is bound to use its utmost endeavours to secure the discharge of all financial obligations.

DUTIES OF ELDERS

4.36. Elders. Elders are communicants of the church who have been elected to the session by the communicants of the congregation. They are ordained and admitted by the session and are under the jurisdiction of the session as are all other members of the congregation.

4.37. Duties of elders. Elders co-operate with the minister in the oversight and government of the congregation. They visit the aged and sick in the district assigned to them, they care for the young, guide and encourage enquirers, edify and comfort believers, and generally promote the spiritual welfare of the congregation.

4.38. Discipline. The session has the power of discipline over its own members and power without 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.

4.39. Elder emeritus. A session may designate as an elder emeritus an elder who is a member of session and who is no longer able to carry out the responsibility of the active eldership because of age or infirmity. An elder emeritus shall have, in the session having jurisdiction rights equivalent to those of an associate member, and may also be appointed to an office of the session for a stated period. When an elder emeritus has been appointed to an office of the session, the elder emeritus shall have a seat on that session for the period of the appointment.

Notwithstanding the provisions of this clause, the right of full membership, including a seat on the session having jurisdiction, of all who have the status as elder emeritus at 4 July, 2014 is preserved for five years until the rising of the 2019 General Assembly. At which time this paragraph is deleted from The Code.

ELECTION AND ADMISSION OF ELDERS

4.40. Election of elders. Elders are elected by the communicants of a congregation from among the communicants who have attained the age of 21 years.

4.41. Qualifications. An elder must be in full communion within the congregation, regularly attend its services and contribute to its funds, and have signed the documents the Conduct Protocol Unit requires of elders. An elder should be of acknowledged piety, upholding the worship of God and exemplary in conduct. When an election is to take place opportunity should be taken to direct the attention of the congregation to the scriptural qualifications and duties of the eldership.

4.42. Intimation of election. The session determines the number of elders to be chosen and fixes the date and manner of their nomination and election. Due intimation is made on at least two Sundays.

4.43. Names suggested. The session may nominate persons for election by the communicants.

4.44. Methods of election. The election may be by open voting, by ballot or by each voter giving or sending in on or before the day appointed for the purpose a list of communicants whom the voter may account most suitable for the office. When the votes are taken in writing each list must be subscribed with the name of the voter. A member of a congregation cannot demand as a right that the numbers voting be divulged. When the number nominated does not exceed the number of elders to be chosen those nominated are declared elected.

4.45. Elders from another session. An elder coming from another congregation and bearing a certificate of status as an elder cannot be admitted to a session until elected by the communicants of the congregation. But, if the session considers it expedient an edict may be read at public worship on two Sundays to the effect that if no valid objection is lodged the session will take the necessary steps to admit to the membership of the session an elder or elders named bearing certification of status.

4.46. Sustaining election. After the election the session considers the fitness of each person elected and determines whether the election shall be sustained. If the election is sustained the session, having satisfied itself about the religious character, prudence and general suitability for the eldership of the person elected, confers with the elder-elect about acceptance of the office.

4.47. Edict. The session appoints a time for the ordination and induction of those who have not previously held the office of eldership and the induction of those who have been previously ordained to the exercise of the office. The session directs that an edict be issued accordingly on at least one Sunday.

4.48. No objection. The session meets at the time and place specified in the edict and, if no objections are offered in terms of the edict, the session proceeds to the ordination and induction or induction of the elders-elect.

4.49. Objections dealt with. If an objection is offered the person or persons objecting are required to justify the same. If the objection is unsupported by evidence or is frivolous the session proceeds with the ordination or induction as intimated. If the objection appears to be serious and is supported by evidence the session does not proceed with the ordination or induction of the person objected to until the matter has been duly investigated. If on investigation the objection is not upheld the ordination or induction is proceeded with. But if the objection is upheld the election of the person objected to is declared void.

4.50. Ordination, induction of elders. On the day appointed by the session for the ordination or induction, after sermon and prayer by which the session is constituted unless constituted before the service begins, the moderator narrates the previous proceedings, calls on the congregation and on the elders-elect to stand and answer the questions appointed by the General Assembly of Australia. Satisfactory answers being returned the moderator proceeds by prayer to ordain to the office of the eldership those not already ordained and to induct those previously ordained and to commend them to the grace of God for aid and direction in the exercise of their office. The moderator declares them duly ordained or inducted and addresses suitable exhortations to them and to the people. At the close of the service the newly inducted elders sign the formula and their names are added to the membership of the session.

4.51. Presbytery advised. The names of the new elders and the date of their induction are reported to the presbytery of the bounds.

4.52. Tenure of office. An elder remains a member of the session which inducted him until:

- (a) an elder ceases to be a communicant member of the congregation, or
- (b) the session accepts the elder's resignation, or
- (c) the session declares the elder no longer a member of the court because of absence from the meetings for a period of more than twelve months not satisfactorily explained or because of practical detachment from the life and work of the congregation, or
- (d) the session or a superior court removes the elder from office, or
- (e) the elder is judicially deprived of office.

4.53. Certificate of status. When an elder ceases to be a member of session a certificate of status is issued by session on application by the elder. Every elder is entitled to receive a certificate of status except when deposed or regularly deprived of the status of an elder or whose resignation from the office of

an elder of the Presbyterian Church of Australia has been accepted by the session having jurisdiction.

4.54. Minister without charge. A minister without a pastoral charge may be appointed an elder of a session in the usual way and, if not a member of the presbytery or Assembly, may be commissioned as an elder to the presbytery or Assembly.

4.55. Minister emeritus. A minister emeritus may be appointed an elder of a session in the usual way but is not eligible to be commissioned as an elder to the presbytery or Assembly.

ROLLS

4.56. Register of baptisms. The session shall keep a register of baptisms and each entry shall be attested by the officiating minister.

4.57. Rolls of communicants and adherents. The session shall prepare and keep rolls of communicants and of adherents.

4.58. Rolls revised. The rolls of communicants and adherents are revised at least annually at such times as the session may determine and also before the election of a minister or elders. The session may remove from the roll of communicants the names of communicants who, without justifiable reason known to the session, habitually absent themselves from the regular services of worship in the congregation or who have been absent from the Lord's Table in that congregation for over two years. The session should continue to provide pastoral oversight to those whose names have been so removed, and to this end may keep these names on a separate list until such time as they remove from the district, associate with another Christian church, or are restored to the roll. The presence of a name on such a list shall not confer on that person any right to vote on church business.

4.59. Admission of communicants. In the case of communicant members bringing regular certificates from other congregations the session adds their names at once to the roll of communicants where no good reason for acting otherwise is known to the session. In the case of those who have fallen out of church fellowship and who desire to be readmitted and in the case of those applying for the first time the session should satisfy itself as to their profession of faith in Christ, their knowledge of the cardinal doctrines of Christian belief and the nature and significance of church ordinances. The session should also ascertain that their outward life is consistent with their profession.

4.60. Minister and home missionary on roll. The name of each inducted minister and of each appointed home missionary shall be on the roll of communicants of the congregation they are serving. Ministers who are not inducted to a pastoral charge shall choose the congregation on whose roll of communicants they are to have their names inscribed. A minister or home missionary is not subject to the jurisdiction of a session.

4.61. Name on one roll only. The name of a communicant or adherent may be entered on one roll only with the right to vote in only one congregation.

ORDINANCES

4.62. Baptism. The sacrament of baptism is administered normally at public worship to the children of parents one or both of whom are communicants and to the children of parents or guardians who are not communicants where one or both of them make a credible profession of faith and to adults upon profession of their faith in Christ and promise of obedience to him.

4.63. Private communion. In cases of protracted sickness or approaching death, when the desire is strongly urged by a member of the church to enjoy the administration of the Lord's Supper, a minister, with one or more members of session and such communicants as may appropriately be admitted, may proceed to administer the sacrament. In cases where chaplains duly appointed and authorised to administer the sacraments under the rules of the General Assembly of the Presbyterian Church of Australia, are required to administer the sacrament in aged care facilities, hospitals prisons and defence force establishments, it is not required that an elder be present.

4.64. Intimations during worship. The session alone has the right to advise the minister in the matter of intimations to be made during public worship even though such intimations relate solely to the temporal affairs of the congregation.

CARE OF THE YOUNG

4.65. Sunday schools and youth work. The session has oversight of the religious education of the young people of the congregation. In the exercise of its duty it encourages religious training in the home and establishes and supervises Sunday schools and provides bible classes and other similar organisations. The minister of the pastoral charge or home mission station is superintendent of the Sunday school. Teachers may, with the consent of the session, nominate new teachers and choose office-bearers including, with the minister's approval, a superintendent. It rests with the session to confirm all such appointments.

4.66. Teachers and leaders. In ordinary circumstances Sunday school teachers and leaders of youth organisations are expected to be communicants.

4.67. Questions of discipline. All questions of discipline in connection with teachers or leaders should be referred at once to the session.

4.68. General business of Sunday school. The general business of the Sunday school shall be managed by the minister, superintendent, teachers and office-bearers who shall hold business and devotional meetings at regular intervals.

4.69. Sunday school lessons. Sunday schools shall use the curricula approved by the session which shall be guided by the recommendations of the Assembly.

4.70. Missions. The mission schemes of the church shall have a first claim on the mission funds of the Sunday schools. Other schemes or objects may be recommended to the children with the approval of the session.

4.71. Finance. All matters of finance likely to affect the general revenue of the congregation shall be submitted to the committee of management for its approval.

CONGREGATIONAL ORGANISATIONS

4.72. Clubs and societies. No society, club or association can be regarded as connected with a congregation unless it has first received the approval of the session. The proposed constitution of every congregational organisation is submitted to the session and it becomes operative and may be amended only with the approval of the session. No club or other organisation shall use the church's name without the express authority of the session and it shall not arrange for any public function under the name of the church without the consent of the committee of management.

4.73. Minister president. The minister by virtue of office is president of all organisations of the congregation and, while the minister may delegate the office of president to another person, the minister retains the right to preside at any meeting of such organisation of which meetings the minister shall be duly notified.

4.74. Where church property is used. Where the use of church property or where financial interests are involved, for example in the case of physical culture classes, playgroups and tennis clubs, the session consults the committee of management or remits to the committee the making of all arrangements in connection with the constitution, the membership, the control of the club and the terms on which the church property is to be used. Sessions and committees of management should carefully consider and deal with all proposals

made at the formation of such societies in order to prevent misunderstanding and friction later.

4.75. Finance. All matters of finance in connection with congregational organisations likely to affect the general revenue of the congregation shall be submitted to the committee of management for its approval.

RELATIONSHIP TO OTHER COURTS

4.76. Presbytery elder. The session of each pastoral charge and home mission station commissions one of its elders to the presbytery for such a period as the session may determine and usually for six or twelve months. It is competent for a session to commission an alternate elder to the presbytery with the second elder acting when the first elder is unable to do so.

4.77. Assembly elder. The session of each pastoral charge commissions one of its elders to the Assembly. If the commissioned elder finds it impossible to attend the session may commission another at any time previous to the meeting of the Assembly and the substitute so commissioned may be admitted to a seat on producing his commission to the clerk of the Assembly. Commissions should be forwarded on the official form through presbyteries to the clerk of the Assembly before 1 March and thereafter direct to the clerk of the Assembly.

4.78. Elder from another session. A session may commission to the Assembly an acting elder of another session and which acting elder has been certified as such by the clerk of the session to which the elder belongs. Not more than two additional elders from any pastoral charge shall hold elders' commission to any session of the Assembly except in the case that an additional elder may be commissioned for every ordained minister inducted and serving in the pastoral charge as an associate or colleague.

4.79. Memorial gifts. Before a session accepts memorial gifts to be placed in or upon church buildings or other church properties full details of such proposed gifts including any inscriptions are to be submitted to the presbytery for approval.

4.80. Communion vessels. A session shall not dispose of any sacramental vessels, especially silver plate, until the permission of the presbytery of the bounds and of the Historical Records and Library Committee have been obtained. A record is made by the session of the disposal and of any inscription and details of past use and a copy of the record is deposited with the Library.

4.81. Rights of higher courts. The presbytery by its own authority may appoint its meetings in any church within its bounds and the Assembly or any committee thereof may appoint its meetings in any church under the Assembly's jurisdiction.

4.82. Assessors. Where there is a session the presbytery may, at the request of the session or on its own authority, appoint assessors to sit and act with the session and to have for the time specified the full powers of ordinary members.

4.83. Application for advice. Sessions may at all times apply for advice and assistance to the presbytery or, through the presbytery, to the Assembly.

5

THE PRESBYTERY

CONSTITUTION

5.01. Presbytery. A presbytery is a court of the church immediately above the session. Congregations while organised for the orderly administration of their own affairs are integral portions of one and the same church having a common doctrine and being subject to a common government which is exercised by ministers and elders from congregations within a given area who form a presbytery.

5.02. Powers of presbytery. Among its responsibilities the presbytery shall:

- (a) supervise all matters relating to doctrine, discipline and order in the congregations and all their associations and societies, within its boundaries,
- (b) deal with all matters affecting the teaching and character of the ministers, licentiates and deaconesses residing within its boundaries,
- (c) regulate matters concerning the performance of public worship, the administration of the sacraments and other ministerial duties,
- (d) arrange by itself or in conjunction with the committee on Ministry and Mission for the care of congregations during vacancies,
- (e) exercise spiritual supervision of home mission stations and new pastoral charges,
- (f) make provision for classes of religious instruction in state schools within its bounds in consultation with the committee on Christian Education,
- (g) promote the formation and development of new congregations,
- (h) dedicate and name churches,
- (i) supervise theological students within its bounds and sustain their candidature from year to year,
- (j) try candidates for licence to preach the Gospel and license those who are found qualified,
- (k) upon the request of the Assembly's Committee on World Mission commission missionaries who have been accepted as

- missionaries of the Church by the Australian Presbyterian World Mission Committee,
- (l) approve terms of settlement and refer them to the committee on Ministry and Mission provided that the presbytery shall not agree to a stipend being paid less than the amount declared by the Assembly from time to time as the basic stipend,
 - (m) receive, sustain and reject calls,
 - (n) deal with all matters relative to the ordination, induction, translation, demission, or removal of ministers in connection with its various congregations,
 - (o) deal with all questions referred to it by the sessions and congregations subject to its jurisdiction.
 - (p) Foster work amongst people of a common ethnic background and/or with common special interests, particularly work with a view to the formation of congregations with such matters in common.

5.03. Discretionary power. In any matter of procedure not fully provided for in these rules a discretionary power is left to the presbytery which may find guidance in the corresponding procedure applicable to the Assembly. In every case care must be taken that substantial justice is done to all concerned.

- 5.04. Members of presbytery.** A presbytery consists of:
- (a) duly inducted ministers including colleagues and associate ministers of all pastoral charges within its bounds,
 - (b) ministers or elders appointed by the Assembly to lecture within the Presbyterian Theological Centre, who may elect to have their seat on the presbytery in which the Theological Centre is located, or the presbytery in which they reside.
 - (c) ministers regularly commissioned by the presbytery for the work of the Presbyterian Inland Mission,
 - (d) ministers appointed to a full-time office by the Assembly or by the General Assembly of Australia or by a court or a committee or a board of either Assembly authorised by the Assembly to make such appointment and whose official residences are within the bounds of the Assembly or whose spheres of service are on an overseas mission field or with the defence forces as a chaplain and who were set-apart by the presbytery or who, having been set apart by another presbytery, reside within the bounds of the presbytery, and ministers who are missionaries in full-time employment serving in dual membership having been commissioned by the presbytery,

- (e) school chaplains being ministers of the church appointed by the school council in collaboration with and with the approval of the presbytery,
- (f) ministers emeriti who have seats on the presbytery by virtue of an appointment.
- (g) ministers to whom seats have been granted by the Assembly. Such seats shall be granted only after petition to the Assembly and after consideration of the applicant's length of service in the Church, the applicant's level of participation and interest in the business of the courts, the nature of any ministry being exercised by the applicant, the applicant's potential contribution to the life and business of the courts and other factors considered relevant by the Assembly.
- (h) ministers eligible for a call who have been appointed to an appointment charge for a period of at least one year or appointed to work as an assistant to a minister of a pastoral charge and who have been granted a seat in the presbytery, and ministers under appointment by the Committee on Ministry and Mission to serve in a Home Mission Station for a period of at least one year, and which Home Mission Station has elected to pay Assembly assessments.
- (i) elders from pastoral charges or home mission stations within its bounds in favour of whom written commissions have been sustained by the presbytery, provided that an additional elder may be commissioned from a pastoral charge for every ordained minister inducted and serving in the pastoral charge as an associate or colleague.
- (j) elders of sessions within its bounds who are conveners of standing committees of the Assembly, chairpersons of boards or councils of the Assembly, full-time officers of committees of the Assembly appointed to their offices by the Assembly, the Chairman of Trustees, and principals of church schools regularly appointed,
- (k) acting elders appointed by the presbytery from sessions within its bounds to give parity with ministerial members of presbytery. Such appointments shall be made annually following the receiving of elders' commissions and after the presbytery roll has been prepared.
- (l) Ministers eligible for a Call who have been appointed by the Ministry and Mission Committee to exercise an intentional transition ministry for a period of at least one year.

5.05. Assessors. The Assembly may, upon cause shown, appoint members of one or more presbyteries to act as assessors to another presbytery for the conduct of a particular case which being disposed of their commission is closed. The Assembly at the request of a presbytery or on its own initiative may appoint assessors to sit and act with a presbytery and to have until the next meeting of the Assembly the full powers of ordinary members.

5.06. Deaconesses and home missionaries. A presbytery may extend privileges equivalent to those of an associate member to deaconesses serving within its bounds under appointment by or with the approval of the committee on Ministry and Mission, to home missionaries appointed by the committee on Ministry and Mission and who have served the committee on Ministry and Mission for at least one year and to ministers appointed as assistant to a minister within the presbytery and whose appointment is for at least one year. Such privileges shall not apply when presbytery is sitting in private.

5.07. Formation of new presbyteries. New presbyteries are formed and named and their boundaries are defined by the Assembly and, in the resolution of the Assembly constituting a new presbytery, the time and place of the first meeting of the presbytery is specified and one of its ministers is appointed to convene, constitute and preside over the first meeting until the commissions of elders have been sustained, the roll of members has been fixed and a moderator has been elected. The extract minute of the Assembly constituting the new presbytery is inserted in the first minute.

5.08. Alteration of bounds. Any proposed alterations in the bounds of presbyteries shall be referred to the Assembly by petition and the Assembly can take no action relative to the said alterations until all the presbyteries which are affected by the proposed changes have been consulted and allowed an opportunity of setting forth their views about them. The petition lies on the table for twelve months unless expressly ordered otherwise by the Assembly. The decision of the Assembly in reference to such proposals is final.

5.09. Moderator. A presbytery shall elect from its members a moderator who holds office for such a period as the presbytery may determine.

5.10. Acting Moderator. A presbytery has power to appoint one of its members to act as moderator on any particular occasion.

5.11. Death of Moderator. If the moderator should die or cease to be a member of the presbytery during the term of office the duties immediately devolve upon the previous moderator until next ordinary meeting of the presbytery

or, if the previous moderator is not available and until a new moderator is appointed, the rights and duties in connection with the calling of meetings devolve upon the clerk.

5.12. Clerk. The clerk is appointed in terms of the general rules for the appointment of clerks.

5.13. Presbytery fund. A presbytery has a fund to meet its current expenses and the payment of the Clerk's salary and such other expenses as the Presbytery may determine to be reasonable in the exercise of presbyterial work and functions. This fund is usually raised through a rate charged on each congregation and by collections made at ordinations and inductions.

MEETINGS

5.14. Ordinary meeting. A presbytery meets for ordinary business at least once a quarter and it meets as often as the presbytery finds if necessary or expedient. At the close of each ordinary meeting the presbytery fixes the time and place of its next ordinary meeting and of any meetings for special purposes which it may arrange to hold prior to its next ordinary meeting. The times and places fixed for these meetings are minuted.

5.15. Alteration time and place. When it appears to the moderator of a presbytery that the date or place appointed for its next meeting will be unsuitable the moderator with the consent of the clerk and another member may alter the date and place and the clerk is required to give notice to all members of presbytery of such alteration. At least seven days' notice must be given of such alteration and the moderator submits in writing to the presbytery the reasons for his action. These reasons are recorded in the minutes.

5.16. Meeting by appointment of Assembly. The Assembly may appoint meetings of presbytery to be held at times and places fixed by the Assembly.

5.17. Special Purposes Meeting. No business can be transacted at meetings called for special purposes except the business definitely specified in the minute of presbytery in connection with the appointment of the meeting.

5.18. Emergency Meeting. A emergency meeting is a meeting called between two ordinary meetings in consequence of some unexpected business having arisen which requires immediate attention.

5.19. Emergency Meeting convened. Emergency meetings may be convened by the moderator or by the clerk with the approval of the moderator and the moderator is bound to convene such meetings when requested by a quorum of the court. Such meetings are convened by a circular issued to every member of presbytery at least seven days before the time fixed for the meeting. Before proceeding to business the action of the moderator or clerk in convening the meeting must be approved. No business except that specified in the circular can be taken up at such meetings and the circular is entered in the minutes to show that this provision has been strictly complied with.

5.20. Elders' commissions. Elders' commissions to the presbytery may be sustained at any meeting of presbytery including meetings for special purposes and emergency meetings.

5.21. Adjourned meeting. Presbyteries at special purposes and emergency meetings may adjourn and hold another meeting previous to the next ordinary meeting of the court for the purpose of completing the business for which they have been convened and for that purpose alone. When such adjournment is for a period of more than one day notice of the adjournment has to be sent by the clerk to all absent members.

5.22. Quorum. Three members of presbytery, two of whom are ministers of charges or colleagues or associate ministers or in special appointments to pastoral ministries shall form a quorum, provided that these two ministers shall be serving separate pastoral charges or home mission stations. If on the day of an ordinary meeting a quorum be not formed within half an hour of the time of the meeting the presbytery does not become defunct but simply stands adjourned till the next ordinary day of meeting. In such cases the moderator may convene the presbytery for ordinary business on an earlier day if the moderator judges it necessary.

5.23. Commission of presbytery. A presbytery may appoint a commission of presbytery with full powers to deal with any matter submitted to it by the presbytery. The presbytery shall, at the time of the appointment of the commission, specify its purpose and define its membership and its quorum which shall not be less than the quorum for the presbytery. The commission shall follow the procedures prescribed for the presbytery and its confirmed minutes shall be included in the permanent records of the presbytery. Appeal or complaint against a decision of a commission is made to the Assembly and in the same manner as against the presbytery itself.

5.24. Presbytery committees. The presbytery may appoint such committees as it deems necessary to facilitate its work. Committees report to presbytery with recommendations for action to be taken by presbytery.

5.25. Telephone/Internet conference-Ordinary Meetings. A presbytery is permitted by express resolution to hold any specified meetings by means of telephone or internet audio or video conference in which the members of such presbytery participate simultaneously provided that the presbytery shall meet “face to face” in an ordinary meeting at least quarterly.

5.26. Telephone/Internet conference-Other Meetings. Provided that the presbytery minute in detail any special procedures to be observed, other meetings may also be held by means of telephone or Internet audio or video conference in which the members participate simultaneously, namely:-

- (a) An emergency meeting of presbytery where a presbytery has adopted by express resolution beforehand a policy to permit the same; and
- (b) When a presbytery appoints a commission under The Code 5.23 or a committee under The Code 5.24 and the presbytery has by express resolution permitted the same.

RECORDS

5.27. Records attested. The presbytery records shall be in the custody of the clerk and are sent up annually to the Assembly for examination and attestation.

MINISTERS

5.28. Leave of absence. Ministers shall not absent themselves from their pulpits or from the pastoral care of their congregations for more than six consecutive weeks without obtaining leave of their presbytery. A minister who applies for leave of absence shall propose for the approval of presbytery any provision which is being made for the maintenance of religious ordinances during the minister's absence. If any variation is proposed in terms of call the application for leave of absence shall be accompanied by an extract minute of the congregation setting forth the altered terms of call which are proposed. Where it appears to a presbytery that a minister will be absent from his pulpit for six consecutive weeks, whether on leave or for any other reason, the presbytery may appoint an interim moderator for the period of the absence.

5.29. Minister suspended. If a minister is absent from the pastoral charge or home mission station for more than six weeks without the permission of the presbytery, disowns its authority or is otherwise held by the presbytery to have acted contumaciously, the presbytery may summarily suspend the minister from office and declare the pastoral charge vacant. The presbytery may apply to the Assembly to have the minister declared no longer a minister of the church.

5.30. Resignation. A minister who resigns from a pastoral charge sends an unconditional resignation in writing to the presbytery of the bounds and the presbytery, before proceeding to deal with the resignation, cites the congregation to appear for its interests.

5.31. Certificate of status. A minister who ceases to be a member of presbytery by resigning from a pastoral charge or by termination of an appointment may be issued with a certificate of status. Until such a certificate is obtained the minister is under the jurisdiction of the presbytery which has the right of issuing the certificate.

5.32. Minister emeritus. A minister having a seat on presbytery and who has resigned from a pastoral charge, or whose appointment has terminated, on account of age or infirmity which precludes the minister continuing in the active ministry shall be granted the status of a minister emeritus. A minister emeritus who is registered as a Marriage Celebrant shall remain a Marriage Celebrant. A minister emeritus shall have, in the presbytery having jurisdiction and the New South Wales General Assembly, rights equivalent to those of an associate member, and may also be appointed to a position by the court or elected to an office by the court for a stated period. When a minister emeritus has been appointed to a position by the court or elected to an office of the court, the minister emeritus shall have a seat on that court for the period of the appointment.

Notwithstanding the provisions of this clause, the right of full membership, including a seat on the court having jurisdiction, of all who have the status of minister emeritus at 4 July 2014 is preserved for five years until the rising of the 2019 General Assembly, at which time this paragraph is deleted from The Code.

5.33. Transfer seat in presbytery. A minister having a seat on presbytery and who has no pastoral charge may, on taking up permanent residence within the bounds of another presbytery, be transferred to the membership thereof upon production to that presbytery within three months of a certificate of status and a letter from the former presbytery agreeing to such a transfer. The transfer takes effect from the date of the reception of such certificate by the presbytery and the clerk shall notify the former presbytery of such transfer.

5.34. Death of minister. In the event of a vacancy occurring through the death of a minister, the members of the presbytery present at the funeral or, failing them, the moderator and the clerk of presbytery shall appoint a minister to act as interim moderator until the next meeting of the presbytery and the clerk may issue the edict of vacancy. Any action taken under this rule is duly reported to the presbytery and recorded in its minutes.

5.35. Incapacity of a Minister.

Where:

- (a) a minister has become incapacitated for any reason, and
- (b) that incapacity has caused the minister to be absent from the pulpit or from effective leadership of the congregation for a period of three months,

the presbytery shall inquire into the minister's circumstances to ascertain the likelihood of a return to full-time ministry and the time at which such ministry might be resumed. As part of its inquiry, the presbytery may require the minister to undergo a medical examination by a suitable doctor whom it nominates, the presbytery meeting the cost of this examination. The minister may also elect to undergo a medical examination by a doctor nominated and paid for by the minister. When it has been established to the satisfaction of the presbytery that a minister is incapable of performing the duties of the ministry, the presbytery may relieve the minister from the duties of the ministry, appoint an interim-moderator and take steps to provide for the supply of ordinances. If, after medical examination, the minister is certified as capable of resuming the duties of the ministry, the presbytery shall reinstate the minister to the full exercise of the ministry. If the minister should not be capable of performing the duties of the ministry within one year of the matter coming to the presbytery's attention, the presbytery shall proceed to declare the pastoral charge vacant and take steps to fill the vacancy.

The Terms of Settlement shall continue in full force while the presbytery has relieved the minister from the duties of the ministry.

5.36. Associate minister. An associate minister is one who works in association with the minister of the pastoral charge and under direction of the minister. An associate minister is inducted by the presbytery.

5.37. Colleague, or colleague and successor.

- (a) A colleague is an ordained minister or licentiate who is inducted to a charge by the presbytery of the bounds but does not have the right to become the minister of the charge without a call in accord with the usual procedures of the Church.
- (b) A colleague and successor is an ordained minister or licentiate

who is inducted by the presbytery of the bounds and who has the right without further call to become the minister of the charge in succession to the then called minister of the charge.

- (c) For the avoidance of doubt it is declared that a colleague or a colleague and successor is not the minister of the congregation referred to in sections 16 and 17 of *The Presbyterian Church (New South Wales) Property Trust Act (1936)* unless and until that colleague or colleague and successor becomes the minister called to the charge.

5.38. Procedure for appointing a colleague or colleague and successor or associate minister.

- (a) A charge that wishes to call a colleague, a colleague and successor or an associate minister must petition the presbytery of the bounds. A colleague or colleague and successor or associate minister is inducted into the position as a second minister in the charge.
- (b) The petition must set forth the circumstances making the position desirable, why a colleague or colleague and successor is being sought instead of the other, an assistant to the minister or an associate minister, the proposed terms of call and the means by which the charge will meet the financial obligations involved.
- (c) The presbytery may agree to the petition if and only if it is satisfied of the following:-
 - (i) the charge understands the distinction between a colleague, a colleague and successor, an associate minister and an assistant to the minister and has chosen which of these meets the perceived need for an extra person in the team ministry;
 - (ii) the proposed terms of call are approved by the appropriate Church bodies; and
 - (iii) the charge has the ability to meet the financial obligations of the call or appointment.
- (d) If the presbytery agrees to the petition it appoints an interim moderator who shall not be connected with the pastoral charge and the charge then proceeds to a call in the usual manner to fill the vacancy.

5.39. 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.

5.40. Ministers working outside church. A minister before accepting an appointment outside of the Presbyterian Church of Australia shall petition the presbytery for leave to accept the appointment. Should the presbytery, while giving due consideration to the needs of the Presbyterian Church, be persuaded of the importance of the office to which the minister seeks appointment and that it is an office within which the work of the ordained ministry can be relevantly exercised it 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 period may be extended up to a further five years on a similar approach to the presbytery by the minister concerned. Any further extension shall be with the approval of the Assembly. If a minister, with the approval of presbytery, accepts an appointment to work outside the Presbyterian Church of Australia the minister shall remain under the jurisdiction of a presbytery. If the presbytery is of the opinion that membership of the presbytery is desirable in the interests of the church it may petition the Assembly to grant such a minister a seat in the presbytery for the period of the appointment.

5.41. Loss of status. The presbytery declares that a person has lost the status of a minister of the Presbyterian Church of Australia if and when the minister:

- (a) is deposed from the ministry of the church in execution of sentence pronounced by a competent court after formal process of discipline or on the ground of contumacy, or
- (b) expressly repudiates, either by written communication or by formal declaration in the presence of the court, any or all of the requirements of the formula for ministers, or
- (c) having engaged in work outside of the Presbyterian Church of Australia without the approval of the presbytery or beyond the term approved by the presbytery is unavailable to take up the work of the ministry within a period of six months when instructed to do so by the presbytery or by the Assembly.

5.42. Licentiates and ministers eligible for a call. A licentiate or a minister who is not an inducted minister, nor a minister emeritus, nor has a full-time appointment by resolution of the General Assembly of Australia or of the New South Wales Assembly, nor has been set apart by the presbytery for a full-

time appointment in the Presbyterian Church not specified in the foregoing shall report at least annually to the presbytery holding jurisdiction. The report shall state the nature of the duties of the ministry rendered to the church during the period under review and the nature of any other work undertaken during such period. The presbytery, upon consideration of such report, may summon such licentiate or minister to show cause why the name of the licentiate or minister should not be removed from the register of licentiates or ministers eligible for a call. If on such hearing the presbytery is satisfied that such licentiate or minister is no longer available for the duties of the ministry it shall remove the name of the licentiate or minister from the register of licentiates or ministers eligible for a call. On removal of the name of a licentiate or minister from the register of licentiates or ministers eligible for a call, the presbytery shall notify the clerk of the Assembly accordingly. The presbytery shall forward to the clerk of the Assembly before 1 March each year a list of licentiates and ministers under its jurisdiction whose names are on the register of licentiates and ministers eligible for a call.

5.43. Residence. The ordinary place of residence of licentiates and ministers on the register of licentiates and ministers eligible for a call is held to be within the bounds of the presbytery in which they reside, and the licentiate and minister is therefore under the jurisdiction of that presbytery unless that presbytery agrees to other arrangements.

VACANT PASTORAL CHARGES

5.44. Interim moderator. An interim moderator is empowered to do within a vacant pastoral charge all ministerial acts that would otherwise be done by the inducted minister. It is the duty of the interim moderator to aid the session and the committee of management so that:

- (a) accurate information may be provided to licentiates and ministers having an interest in the vacancy, and
- (b) all necessary documents in connection with a call may be in proper form, and
- (c) all arrangements are made regarding the call as shall be conducive to the work of the new minister.

A presbytery shall not appoint a minister connected with a vacant pastoral charge to be its interim moderator.

5.45. Interim moderator designate. Should a presbytery determine that a vacancy in a pastoral charge shall take place at a period of more than six weeks after such a decision is made it may appoint one of its ministers as interim moderator designate. The interim moderator designate shall be empowered to take the necessary initial steps to fill the impending vacancy up to but not including the

insertion of a name in a call. The interim moderator designate may, after consultation with the moderator of session, convene and preside over such meetings of session, committee of management, congregation and selection committee as are, in the opinion of the interim moderator designate necessary for the filling of the impending vacancy, provided always that only business connected with the filling of the impending vacancy may be dealt with at such meetings. The interim moderator designate enters into the title and full duties and powers of interim moderator only from the date on which the vacancy begins.

5.46. Supply minister. A minister supplying in a vacant pastoral charge shall not discharge any of the duties of an interim moderator unless the authority of the interim moderator to do so has been received.

5.47. Appointment charge. A presbytery may declare a pastoral charge to be an appointment charge, defining the terms and the period of the appointment, and proceed to appoint to the charge a licentiate or minister eligible for a call who shall be for the period of the appointment "the minister lawfully appointed" in terms of the Property Trust Act.

5.48. Presbytery powers in vacancy. When a vacancy in a pastoral 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 shall 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 pastoral charge to be an appointment charge and proceed to appoint a minister for such period as it may determine but not exceeding five years in the first instance. The minister so appointed shall be "the minister lawfully appointed" in terms of the Property Trust Act.

5.49. Appointment of minister. For the purposes of the above rule for the exercise of presbytery powers in a vacancy the following conditions apply:

- (a) the date of the occurrence of a vacancy in an already established pastoral charge shall be the date of the serving of the edict of vacancy at the principal centre of the pastoral charge and such edict shall include an intimation of the provisions of this law. In the case of a new pastoral charge the date from which the twelve months aforesaid shall be reckoned shall be determined by the presbytery but shall not be from a date preceding the intimation thereof to the congregation.
- (b) the date of the giving of a call shall be the date on which the name of a minister or licentiate has been inserted in a form of

call according to the laws of the church but, in the special circumstances to be determined by the presbytery where a call is before the presbytery, the presbytery may reckon the date as that on which the congregation resolved to forward the Terms of Call Form to the presbytery and to the committee on Ministry and Mission for approval. In every case where a congregation shall have given a call which has not been sustained by the presbytery or has not been agreed to by the presbytery of the minister called or has not been accepted by a licentiate or minister eligible for a call the congregation shall be allowed a further period of six months which may on petition to the presbytery be extended to nine months from the date on which intimation of such decision by presbytery, minister or licentiate is made to the congregation.

- (c) When a congregation shall have appointed a commission to select a minister from another country the date of the appointment made by such commission should be deemed to be the date of giving a call. The selection by the presbytery of a minister or licentiate shall be deemed to be the sustaining of a call to such minister or licentiate and the presbytery shall thereafter proceed according to the laws of the church.
- (d) Prior to the induction the presbytery shall intimate to the licentiate or minister concerned that the induction is for the period determined by the presbytery. The minute of the presbytery recording the induction shall specify that the induction is for the period determined by the presbytery.

HOME MISSION STATIONS

5.50. Control of home mission station. A home mission station is subject to the jurisdiction of the presbytery of the bounds. The moderator of the station is the channel of communication with the presbytery both by the superintendent of the committee on Ministry and Mission and by the missionary appointed to the station. The moderator is the recognised local authority within the station and the committee on Ministry and Mission through its superintendent shall consult with the moderator in matters affecting the station. At the same time, as the committee on Ministry and Mission is responsible to the Assembly for the work in the home mission station, the superintendent shall be free to come and go in the station and to exercise a general supervision on behalf of the committee on Ministry and Mission. The work of the home missionary, except the administration of the sacraments and the celebration of marriages, is carried out under the authority of the committee on Ministry and Mission. With the consent

of the moderator the superintendent may be available to administer the sacraments. Christian responsibility will prevent any clashing of authority between the committee on Ministry and Mission and its superintendent on the one hand and the presbytery and the moderator of the station on the other. Each party is to be helpful to the other.

5.51. Home missionaries. A minister or home missionary appointed to a home mission station shall not discharge any of the duties of the moderator of the station unless the authority of the moderator to do so has been received.

5.52. Sacraments. A presbytery may not grant authority for the celebration of the sacraments by a home missionary except in conformity with the regulations of the General Assembly of Australia.

SPECIAL INTEREST CONGREGATIONS

5.53. Establishment of Special Interest Congregations. A presbytery may establish within its bounds a congregation which is intended to comprise of persons, including children, associated for Christian worship who are members of either a single ethnic group or who are linked together by a special interest which is deemed by the presbytery sufficient to make it impossible for an ordinary congregation to minister adequately to them.

5.54. Ministry and Mission Initiative. The committee on Ministry and Mission, with the approval of the presbytery of the bounds, may seek to foster the establishment of special interest congregations and in particular may encourage existing congregations to make available their buildings for use by special interest congregations upon favourable terms and conditions.

5.55. Interim care and nurture. Upon the establishment of a special interest congregation the presbytery shall place the interim care and nurture of the congregation under the supervision of a moderator and an interim session.

5.56. Inform Ministry and Mission Committee. A presbytery which establishes a special interest congregation shall inform the committee on Ministry and Mission of the establishment of the congregation.

5.57. Use of existing property. All arrangements proposed for the use by a special interest congregation of the property of an existing congregation must be approved by the existing congregation, the presbytery and the Trustees in accordance with the rules and regulations governing such use of congregational property by bodies not forming part of the congregation which owns the property.

A special interest congregation acquires no proprietary interest in the property of the existing congregation except by dealing with the property in accordance with such rules and regulations.

5.58. Financial arrangements. The committee on Ministry and Mission shall be responsible for the financial arrangements within a special interest congregation until such time as the special interest congregation is designated a pastoral charge.

5.59. May be declared an appointment charge. A presbytery may declare a special interest congregation to be an appointment charge. Any licentiate or minister eligible for a call who is appointed by a presbytery shall be employed by the committee on Ministry and Mission upon such terms and conditions as are proposed by the committee on Ministry and Mission and approved by the presbytery.

5.60. Appointment of home missionary to special interest ministries. The Ministry and Mission Committee, at the request or with the consent of the Presbytery of the bounds, may appoint a home missionary to undertake work amongst people, not forming a congregation, who are associated by way of ethnic or other common special interests within a specific locality. Where appropriate, such an appointment may be made in co-operation with the Australian Presbyterian World Mission.

5.61. Supervision of a home missionary appointed to a special interest ministry. If an appointment is made by the Ministry and Mission Committee under Rule 5.60 then the presbytery of the bounds shall appoint one of its ministers to have oversight of the home missionary so appointed. The relationship of the home missionary to the minister shall be similar to that which would apply if the area of activity was a home mission station and the minister so designated was the moderator of the station.

MARRIAGES

5.62. Celebrants of marriages. The following persons shall, subject to the Marriage Act 1961, be nominated by the Clerk of Assembly to the Registrar of Ministers of Religion in New South Wales as ministers of religion authorised to celebrate marriages for the purpose of the Marriage Act 1961:

- (a) ordained ministers who are members of a presbytery,
- (b) licentiates and ministers on the register of licentiates and ministers eligible for a call who have been nominated by the presbytery having jurisdiction, and
- (c) home missionaries appointed by the committee on Ministry and Mission who have been nominated by the presbytery having jurisdiction.
- (d) elders who are serving as a special appointment, supply, or assistant, in their sphere of ministry, who are nominated by the presbytery having jurisdiction and approved by Ministry and Mission.

5.63. Undertaking by home missionaries or elders. The committee on Ministry and Mission and the presbytery shall obtain from a home missionary or elder authorised to celebrate marriages an undertaking that the privileges will be exercised only in relation to the work of those congregations which may be designated from time to time by the committee on Ministry and Mission and the presbytery. Presbyteries are instructed to exercise great care in nominating home missionaries or elders to celebrate marriages.

5.64. Return from home missionaries. A presbytery or the committee on Ministry and Mission may call at any time for a return from the home missionary or elder of all marriages celebrated and/or the production of the marriage register.

VISITATIONS

5.65. Presbytery visitation. It is the duty of a presbytery to visit the pastoral charges or home mission stations under its care. The aim of all visitations is to bind the individual minister and congregation to the whole church and to secure efficient and devoted service from all its members. The visitation may be either special or ordinary. In the conduct of all ordinary presbyterial visitations, the presbytery shall use the printed schedule authorised by the committee on Ministry and Mission while retaining its discretion to inquire into any other matter considered by the visitation committee to be relevant to the state of the congregation.

5.66. Special visitation. If circumstances seem to require it a presbytery may appoint a special visitation of a pastoral charge or home mission station with a view to making inquiry and suggesting a remedy for any evils or difficulties that may be found to exist. Notification thereof is sent to the minister, the elders 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.

5.67. Ordinary visitation. In ordinary visitations all the charges in a presbytery shall be visited periodically in rotation at least once every five years and their object is to strengthen the hands of the minister and office bearers and generally to advise, counsel and encourage the congregation in its life and work. Reports and findings on ordinary visitations are forwarded to the Assembly through the committee on Ministry and Mission.

RELATIONSHIP TO OTHER COURTS

5.68. Instructions of Assemblies. A presbytery is bound to take order that the instructions of the General Assembly of Australia and of the New South Wales Assembly are faithfully observed by ministers, sessions, committees of management and congregations within its bounds.

5.69. Collections and assessments. A presbytery is enjoined to see that collections and assessments ordered by the Assembly are duly taken up in all the congregations within its bounds and are promptly forwarded. A presbytery shall deal with defaulting congregations relative to such collections and assessments and any other financial obligations and report to the appropriate bodies authorised by the Assembly.

5.70. Roll of Assembly. In order to make up the roll of Assembly each presbytery within the bounds of the Assembly's jurisdiction shall send to the clerk of the Assembly before 1 March each year a duly attested list of all ministerial members on the roll of the presbytery, the names of pastoral charges of which they are ministers or their office if they are without a pastoral charge and have a seat by decision of the Assembly, and the date of their ordination together with the names in full and addresses of the elders commissioned by the session of each pastoral charge in the presbytery and of the elders who, being members of a session within the presbytery, have been granted a seat in the Assembly. A presbytery must be satisfied that the elders' commissions are in proper form and that any commission in favour of an elder of another session than that issuing the commission is accompanied with a certificate setting forth that the said elder is an

acting elder of such session. Commissions unaccompanied by such certificates are received with the understanding that if the certificate is not forwarded to the clerk of the Assembly before the commencement of the Assembly the commission will not be sustained.

5.71. Ministerial changes reported. The clerk of presbytery shall send to the clerk of the Assembly and not less than thirty days before the meeting of each Assembly a detailed report of all ministerial changes which have occurred within the bounds of the presbytery during the previous twelve months.

5.72. Nomination of presbytery representatives. A presbytery is required to nominate its representatives to the standing committees of the Assembly at the last ordinary meeting of the presbytery before 1 March in each year. The nominations are forwarded to the clerk of the Assembly for the guidance of meetings of standing committees in making their nominations in March preparatory to the list of standing committees being presented to the Assembly.

2. Amend 8.10 so that it will read:

8.10. Meets annually. The Assembly prior to its close shall fix the time, date and place of its next annual meeting which shall generally be no later than 31 July in the following year.

PART III

1. Delete the Ministry and Mission Committee regulations (A7) and insert the new regulations.

MINISTRY AND MISSION

A7.01 Name. There shall be an ordinary committee of the General Assembly named the Ministry and Mission Committee.

A7.02 Membership. The Committee shall be made up of 12 persons elected by the Assembly, of whom six will be ministers, not less than three will be acting (sessional) elders, and up to three may be communicants in good standing with their congregations, plus the Superintendent.

A7.03 Object. The object of the Committee is to glorify God in the service of his people by advancing the formation, staffing and development of healthy, multiplying Presbyterian churches.

A7.04 Function. To achieve its object, the Committee shall be responsible for the governance of the Committee's affairs operating predominantly within the spheres of church revitalisation, church planting and the welfare of ministerial personnel to promote the following ends:

- (a) The denomination will have and pursue an effective ministry strategy.
- (b) Existing churches will grow to maturity and demonstrate ongoing spiritual vitality.
- (c) Healthy new Presbyterian churches will be formed where they do not presently exist.
- (d) Presbyteries, sessions and congregations will be assisted in local mission both within their own culture and across cultures.
- (e) Churches will receive effective ministry.
- (f) Vocational training will be provided to pastoral leaders.
- (g) Supportive networks will be promoted among pastoral leaders.
- (h) The temporal circumstances of ministers and other pastoral workers will be monitored and regulated.
- (i) Grants will be provided to approved applicants for the development of effective ministries.
- (j) Loans to facilitate effective ministry will be made available to approved applicants under defined conditions for capital purposes, the acquisition of reliable cars, short-term assistance on completion of theological training, or the maintenance of stipends in emergencies.

A7.05 Responsibilities. Responsibilities that fall within the operation of the Ministry and Mission Committee from time to time include:

- (a) Maintaining a basis of effective interaction with other committees and agencies of the church including the Defence

- Force Chaplaincy Committee of the General Assembly of Australia.
- (b) Promoting, among all relevant church authorities, opportunities for church planting.
 - (c) Assessing potential church planters and proposed church planting projects dependent upon Committee funding.
 - (d) Determining annually, under authorisation from the General Assembly, an appropriate package for the sustenance of ministerial personnel.
 - (e) Approving or disapproving proposed Terms of Call in accordance with the minimum considerations established by the General Assembly.
 - (f) Assessing potential ministry persons (in collaboration with other church agencies as appropriate) and promoting opportunities for suitable pastoral employment.
 - (g) Recruiting, accrediting and superintending home missionaries in their appointments.
 - (h) Appointing to suitable, relationally informed ministry positions, ministry candidates who have received an exit certificate from the College Committee of the GAA, in accordance with The Code II 7.13.
 - (i) Facilitating the appointment of ministers and home missionaries as Chaplains to the Emergency Services in New South Wales.
 - (j) Providing resources, as appropriate, to enhance the personal welfare of ministerial personnel and their at-home families.
 - (k) Facilitating and subsidising the operation of a co-ordinated network of spiritual retreat groups for ministerial personnel.
 - (l) Promoting supportive interaction between ministerial families by organising a biennial Ministers' Family Camp.
 - (m) Maintaining a roll of deaconesses noting their current status as active, inactive, or retired.
 - (n) Administering the Long Service Leave Fund for ministerial personnel (see The Code III F3.01ff).
 - (o) Arranging training of ministerial and non-ministerial personnel for appropriate acts of service.
 - (p) Advising the Trustees, upon request, concerning redundant congregational property issues.
 - (q) Recommending to the Trustees the allocation of grants from the McCaughey Fund in accordance with the regulations of that Fund (see The Code III C1.01ff).
 - (r) Providing loans to various approved recipients for Committee authorised purpose.
 - (s) Promoting, especially within major population centres, the need

- to be effective in winning for Christ people from non-English-speaking backgrounds.
- (t) Enhancing the health and vitality of churches by the development and training of consultants who engage with congregations upon invitation.
 - (u) Facilitating the establishment and the maintenance of gospel ministry in appropriate fields of mission through the provision of personnel (both ordained and non-ordained), strategic support, and financial assistance.
 - (v) Maintaining the schedule for pastoral assistance (see The Code II 5.38).
 - (w) Providing prompt, reliable advice to presbyteries, sessions, ministers and congregational officers in relation to any operational matter affecting congregations or their paid personnel.
 - (x) Approving or disapproving proposed variations in status for congregations or their establishment, amalgamation or association in pastoral charges or home mission stations (see The Code II 1.14).
 - (y) Establishing and maintaining a formal framework to promote the ministry of women on a complementarian basis consistent with determinations of the General Assembly of Australia.
 - (z) Maintaining the schedule for use in ordinary presbyterial visitations (see The Code II 5.65).

SUPERINTENDENT

A7.06 Qualifications and Appointment. The Superintendent shall be a minister appointed by the General Assembly to superintend the work of the Committee under the Committee's direction.

A7.07 Terms of Appointment. The Terms of Appointment of the Superintendent shall be determined by the General Assembly.

A7.08 Church Courts. The Superintendent shall be a member of the Committee and shall have a seat in a presbytery and the General Assembly.

HOME MISSIONARY

A7.09 Home Missionary. A home missionary is a man who has been assessed and accredited as suitable for employment as a home missionary in accordance with the procedures adopted by the Committee from time to time.

A7.10 Appointment. The Committee appoints home missionaries to home mission stations or pastoral charges or as assistants to ministers, and at its own discretion may transfer or remove a home missionary in accordance with the terms of appointment. When a presbytery makes a request for the removal of a home missionary, the Committee shall endeavour to comply with the request within reasonable time.

A7.11 Presbyterial Oversight.

- (a) The presbytery is responsible for the spiritual supervision of its home mission stations and of the home missionaries supplying them. The presbytery shall report to the Committee on the work of each home missionary serving within its bounds as required by the Committee.
- (b) Each home missionary must report regularly to the moderator of the home mission station and seek his advice upon all matters of difficulty.

DEACONESS

A7.12 Deaconess. A deaconess is a woman who has undertaken the relevant course of training determined by authority of the General Assembly of Australia, been commissioned by a presbytery, and become eligible to be engaged in an appropriate sphere of service (see *The Code II* 7.15-7.19, *CP&P* Articles 2.1(d)).

A7.13 Functions of Deaconess. The functions assigned to deaconesses vary widely according to local circumstances but the overall purpose of the role is to exercise an evangelistic, pastoral or educational ministry in one or more of the following spheres:

- (a) a department or committee of the Church,
- (b) a congregation, chaplaincy or school,
- (c) a situation which, while outside the immediate work of the Church, is approved by the Ministry and Mission Committee with the concurrence of the relevant presbytery.

A7.14 Appointment. Deaconesses and deaconess candidates may request the Committee to facilitate their deployment to suitable ministry opportunities.

2. Delete the Social Service Committee regulations (A10) and insert the new regulations.

SOCIAL SERVICE

A10.01 Constitution. There shall be a Committee of the Assembly known as the Social Service Committee. The Committee shall operate as a division of the Presbyterian Church in New South Wales. In accordance with Section 9 of the Property Trust Act 1936, all property under the direct or indirect management and control of the Committee is vested in the Presbyterian Church (New South Wales) Property Trust as referred to in Regulation A10.12. The Property Trust is the legal entity which is trustee for the charitable trusts in respect of any property and legal rights of the Committee. Whilst day to day Committee activities are conducted by and in the name of the Committee of Property Trust Acts for the Committee in respect of real estate matters and other situations requiring an identified legal entity.

A10.02 Purpose. The purpose of the Committee is to work with and for Presbyterian Church in New South Wales to demonstrate the character of God by providing fresh hope and care for those who are in need, in a way that seeks justice, shows mercy, and makes Jesus known.

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.

CONDUCT OF PROGRAMMES

A10.18 Income. In accordance with the charitable trust objectives of the Committee, the requirements of administration under the Property Trust Act and Regulations and normal accounting principles, all income derived from any Programme shall be applied for the purposes of that Programme, including any administration costs and other outgoings related to the conduct of the Programme.

A10.19 Closure of Programme. If for any reason it becomes impracticable or inexpedient to continue the operation of the Programme, then the committee may close the Programme.

A10.20 Application of Assets. If a Programme is closed or otherwise ceases to operate, then the Committee shall make arrangements with the Property Trust to ensure that its assets are applied to other Programmes or activities of the Committee which have a similar purpose to the Programme which has been closed. If required by law, the Committee shall seek the approval of the Property Trust to a variation of trusts pursuant to Section 10 of The Presbyterian Church (New South Wales) Property Trust Act, 1936.

CHAPLAINS

A10.21 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.

A10.22 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.

A10.23 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.

A10.24 Negotiations. The Committee shall be responsible for conducting negotiations with Government agencies in relation to the work of Chaplains under its supervision.

A10.25 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

A10.26 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.

A10.27 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.

A10.28 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.

A10.29 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.

A10.30 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.

A10.31 Chief Executive Officer. The Chief Executive Officer shall be a member of all management committees and sub-committees thereof, without the right to vote.

A10.32 Quorum. Three members of a management committee shall form a quorum.

A10.33 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.

A10.34 Officers. Management committees shall elect from within their number a chairman, secretary and treasurer to form an executive.

A10.35 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.

- A10.36 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.

A10.37 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.

A10.38 Auxiliary President. The President of an auxiliary shall be an ex-officio member of the management committee which established that auxiliary.

- A10.39 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

A10.40 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.

A10.41 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.

A10.42 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.

A10.43 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.

A10.44 Name of hostels. The title of all hostels shall include the word ‘Presbyterian’.

A10.45 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.

A10.46 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.

A10.47 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.

A10.48 Preference to applicants. A management committee shall in general give preference to applicants who are communicant or adherent members of the Church.

A10.49 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.

A10.50 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.

A10.51 References. The management committee shall require and consider references from all applicants for admission to the hostel.

3. **Assembly Audit Committee (D1):**

Amend Regulations D1.08 by changing 31 March to 30 April and 31 December to 30 November in line 3.

4. **Delete the Presbytery Records Committee regulations (D5) and insert the new regulations.**

PRESBYTERY RECORDS

D5.01 Name. There shall be a committee of the General Assembly named the Presbytery Records Committee.

D5.02 Membership. The Committee shall consist of four members of the Assembly, including a convener, appointed annually by the Assembly.

D5.03 Duties. The Committee shall:-

- (a) report to each presbytery at least every six months concerning the examination of its minutes.
- (b) report annually to the General Assembly on the examination of the minutes of presbyteries.

D5.04 Presbyteries. It shall be the responsibility of each presbytery to ensure that the Presbytery sights and holds evidence that the Clerk of Presbytery:

- (a) forward one copy, by mail, of the Minutes of each meeting to the Clerk of Assembly immediately after such Minutes are confirmed.
- (b) Forwards two copies by mail or an emailed copy, of the Minutes of each meeting to the Convener of Presbytery Records Committee immediately after such Minutes are confirmed.
- (c) Presents the Minutes of the Presbytery for the preceding calendar year at each General Assembly for annual inspection and attestation by the Moderator.

It shall be the responsibility of the Clerk to:

- (a) prepare and insert a comprehensive Index at the end of each Minute Book, using either page numbers or paragraph numbers, to facilitate research.
- (b) retain each Minute Book of the Presbytery for a period of up to 10 years and then forward it to the Ferguson Memorial Library for preservation.

D5.05 Reports to the Assembly. The Presbytery Records Committee shall report to the Assembly each year.

5. Delete the PRESBYTERIAN LADIES COLLEGE, SYDNEY and THE PRESBYTERIAN LADIES' COLLEGE, ARMIDALE constitution (E5), and insert the new constitutions as follows:

THE PRESBYTERIAN LADIES' COLLEGE, SYDNEY AND THE PRESBYTERIAN LADIES' COLLEGE, ARMIDALE. (Hereinafter referred to collectively as "the Colleges")

E5.01 Name. The Sydney College shall be called The Presbyterian Ladies' College Sydney and the Armidale College shall be called the Presbyterian Ladies' College Armidale.

E5.02 Governance. The Colleges shall be separate legal and financial reporting entities but governed by the one Constitution.

E5.03 Object. The object of the Colleges 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.

E5.04 Pupils. Students of good character, irrespective of the religious denomination to which they belong, shall be eligible for enrolment as pupils. All enrolments shall be at the discretion of the Colleges.

E5.05 Council. The governance of the Colleges and the oversight of effective management of the Colleges shall be vested in a Council consisting of no more than fifteen persons (both men and women) appointed by the General Assembly. No fewer than 10 members appointed by the General Assembly shall be, and continue to be, either ministers or communicants of the Presbyterian Church, the balance of members so elected shall have, and shall continue to maintain, an equivalent status in another Protestant Church. There shall be no fewer than three members of Council who reside in the New England Region of New South Wales.

E5.06 Reporting to the General Assembly. The Council will report annually to the General Assembly that persons nominated by the Council for appointment or re-appointment 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.

E5.07 Meetings and Quorum. The Council shall meet at least once every quarter; and no less than six members form a quorum.

E5.08 Chairman of Trustees. The Chairman of Trustees or his nominee, who shall be a Trustee, shall be an extra member ex officio.

E5.09 Members Retire. One third of members of the Council shall retire annually, though eligible for re-election.

E5.10 Seat Forfeited. Any member of the Council who shall be absent from three consecutive meetings without having obtained leave from the Council shall forfeit his seat, and his seat may be declared vacant accordingly.

E5.11 Vacancy. The Council shall have the power to fill any casual vacancy on the Council and the person so appointed shall, subject to the approval of the Assembly at its first meeting after such appointment, hold office for the remainder of the term of the person whose place he fills.

E5.12 Chairman. The Council shall annually elect a Chairman from its own number who shall have a deliberative as well as a casting vote. The Chairman shall be, and continue to be, either a minister or a communicant of the Presbyterian Church.

E5.13 Executive Officers. The Council may, in its absolute discretion, appoint an Executive Principal and/or Principal(s) hereinafter referred to as “Executive officer(s)” to provide effective management of the Colleges.

E5.14 Qualification of an Executive Officer. An Executive officer shall be a minister or communicant of the Presbyterian Church (or of equivalent status within another Protestant denomination) who is in active fellowship with the congregation and who adheres to one or more of the historic Reformed Protestant creeds. The appointment, suspension or dismissal of an Executive officer shall be with the Council, but such an appointment, suspension or dismissal shall be made only at a meeting specially convened for the purpose at seven days’ notice and at such meeting the motion for an appointment, a suspension or a dismissal must be carried by an absolute majority of the Council.

E5.15 Remuneration of an Executive Officer. The remuneration and terms of appointment of an Executive Officer shall be fixed by the Council.

E7.16 Annual Reports. Annual Reports regarding the Colleges, signed by the Chairman and an Executive Officer, shall be presented to the General Assembly.

E5.17 Visitor. The Moderator shall be the Visitor to the School.

E5.18 Chaplain. The Council in consultation with the Executive Officer(s) may appoint a School Chaplain. If such a 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.

E5.19 Local Presbyterian Church. The Council shall seek to develop and maintain close relationships between the Colleges and the local congregations of the Presbyterian Church in order that each shall assist the other in ministry work. Any long term arrangement whereby the Minister of the local Presbyterian Church is requested to assist the Colleges must be approved by the Presbytery.

6. Delete both the THE SCOTS COLLEGE (E10) and THE SCOTS SCHOOL BATHURST (E11) constitutions and insert the new constitutions as follows:

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. 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 for which prior notice of the proposed termination has been given, and at which the quorum shall be nine.

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.

THE SCOTS SCHOOL, BATHURST

E11.01 Name. The School shall be called The Scots School, Bathurst, and shall operate under the authority of the General Assembly.

E11.02 Object. The object of the School 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.

E11.03 Board. The Governance of the School and the oversight of effective management of the School shall be vested in a Board consisting of:

- (a) twelve persons, not less than seven of whom shall be ministers or communicants of the Presbyterian Church, elected by the General Assembly, each for a term of three years. Any who are not members of the Presbyterian Church must have an equivalent status in another Protestant Church;
- (b) The Chairman of Trustees who shall be a member by virtue of his office, or his nominee who is a Trustee.

The Board will report annually to the General Assembly that persons nominated by the Board for appointment or reappointment to the Board 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 Board position, such a letter must accompany the nomination form. If a member of the Board ceases to be in active fellowship with a Protestant church, that person's position shall be declared vacant by the Board.

E11.04 Meetings and Quorum. The Board shall meet at least once every quarter and seven members shall form a quorum except as provided in Clause E11.08(b).

E11.05 Seat Forfeited. Any member of the Board appointed by the Assembly who shall be absent from three consecutive meetings without having obtained leave from the Board shall cease to be a member and that person's position may be declared vacant by the Board.

E11.06 Vacancy. If through death, resignation or otherwise there is a vacancy in the membership of the Board elected by the Assembly the Board may fill the vacancy by appointing a new member. The person so appointed 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 position is being filled.

E11.07 Chairman. The Board shall from its members who are members of the Church annually elect a Chairman. The Chairman shall have both a deliberate as well as 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 deputed to act as Chairman.

E11.08 Principal.

- (a) The Principal of the School 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 remuneration and terms of agreement in the appointment of the Principal shall be fixed by the Board.
- (b) Any appointment, suspension or dismissal of a Principal shall be made only at a meeting specially convened for the purpose at not less than fourteen days' notice and for which not less than 75% of Board members shall form a quorum. At such meeting a motion for appointment, suspension or dismissal of a Principal can be carried only if 75% or more Board members present vote in the affirmative.
- (c) The Principal shall provide effective management of the School.

E11.09 Local Congregation. The Board shall seek to develop and maintain close links with Bathurst Presbyterian Church in order that each shall assist the other in ministry work.

E11.10 Annual Reports. An annual report regarding the School signed by the Chairman and the Principal shall be presented to the General Assembly each year.

E11.11 Visitor. The Moderator shall be the Visitor to the School.

E11.12 Chaplain. The Board may appoint a School Chaplain. If such a 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.