

AMENDMENTS from the 2016

New South Wales General Assembly

THE CODE

PARTS I AND II

- (1) In accordance with a decision of the Assembly on an overture sent down under Barrier Act procedure (BB 2015 Min. 90) Overture (i) from the Ministry and Mission Committee to amend The Code by reframing clauses 6.10-6.14 concerning the function of a Selection Committee and other call procedures, delete 6.10-6.14 and insert the following:-**

6.10. Function of selection committee. It is the sole prerogative of the selection committee to nominate to the congregation a minister or licentiate deemed suitable to be called by the congregation. While members of the congregation may suggest names of potential nominees to the selection committee for consideration, a minister or licentiate becomes a potential nominee under active consideration only when the selection committee enters into negotiations with that person with a view to a call, by such means as inviting that person to express interest, appointing a deputation to hear the person, arranging an interview with the person, or arranging for the person to be heard by the congregation. When a potential nominee is under active consideration, no other person may be considered by the selection committee until either the potential nominee or the selection committee determines not to proceed, or the congregation disapproves the insertion of that person's name in a call. Competitive preaching is not permitted.

6.11. Meeting to proceed to call. At any stage of the vacancy the Session, upon advice from the selection committee, may convene a congregational meeting to ascertain what measure of unanimity there may be in regard to a call and, if deemed advisable, to enable the congregation to proceed to a call.

6.12. Vote to proceed to a call. At the congregational meeting, the interim moderator (or another minister appointed for this purpose by the presbytery) announces the object of the meeting and a vote is taken as to whether the congregation is prepared to proceed to a call. If

the vote is against proceeding the selection committee continues its work or other arrangements are made.

6.13. Call. If the congregation resolves to proceed to a call a blank form of call is read and the interim moderator calls for the selection committee to submit its nomination. The name proposed must be that of a duly accredited minister or licentiate of the Presbyterian Church of Australia eligible for induction or of an eligible minister or licentiate of another Presbyterian church.

6.14. Vote on the call. Approval for a motion to insert a particular name in a call is ordinarily signified by a show of hands of the communicants but the interim moderator may direct or any five communicants may claim to have the vote taken by division, by calling the roll of communicants or by ballot. The motion is disapproved unless the vote "for" receives an absolute majority of the votes of the communicants present. Proxy or absentee votes are not permitted.

(2) In accordance with a decision of the Assembly on an overture sent down under Barrier Act Procedure (BB 2015 Min. 91) Overture (ii) from the Business Committee to amend The Code Part II:8.02 concerning Members of the Assembly, delete 8.02 (f) and replace 8.02 (b) with the following:-

8.02. Members.

(b) One elder from every pastoral charge and Home Mission Station within the bounds of the aforesaid presbyteries whose commission has been duly sustained provided that an additional elder may be commissioned by a pastoral charge for every ordained minister inducted and serving in that pastoral charge as an associate or colleague.

(3) In accordance with a decision of the Assembly on an overture sent down under Barrier Act Procedure (BB 2015 Min. 33) Overture (vi) from the Presbytery of Sydney North to amend The Code 5.62 concerning the authority to perform marriages, delete 5.62 and insert the following:-

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;
- (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;

noting that such persons are authorised by the Church to solemnise marriages only between a man and a woman.

(4) Insertion of a new clause 3.17 immediately following clause 3.16, and renumbering all subsequent clauses thereafter.

Under interim authority granted by the General Assembly,

3.17. Resolution by Email. A committee, a Session, a Presbytery, a commission of any court, a board, a council, or The Property Trust (hereinafter referred to as a ‘church body’) may, without meeting, make a resolution by email provided that the proposed resolution is sent by email to each member of the church body in time for each member to make a considered decision and email their response to the proposed resolution. In the absence of any decision on voting deadlines set by the church body, the secretary or clerk is empowered to set the voting deadline for a specific resolution.

Each member of the relevant church body who has a right to vote may vote on the proposed resolution in the normal manner either in the affirmative or in the negative, or may abstain from voting. The resolution is declared carried after the voting deadline has expired and when the resolution has received a clear majority of all members who have a right to vote. Additionally, any such member up to the voting deadline has the right of veto over this procedure in respect of a specific resolution, which when

exercised requires that the email procedure be terminated and that the proposed resolution be considered at the next meeting of the church body.

The secretary or the clerk shall promptly notify all members by email of the result of the voting. Any member of a court or commission who voted in the negative may lodge without delay with the clerk a dissent and protest for leave to complain, with reasons for the complaint lodged with the clerk within ten days not including the day of the notification of the decision or else the complaint is held to be fallen from and the court or commission proceeds as if no complaint had been taken.

The secretary or the clerk of the church body is responsible for ensuring that all resolutions adopted pursuant to this rule are fully and correctly minuted and that the minutes are placed before the next meeting of the church body for confirmation. At that time, all emails received in response to the proposed resolution shall be tabled but no further action will be necessary to ratify or confirm the resolution made by email.

PART III

- (5) **Delete from the functions of the Business Committee regulation A2.03(j) of the Code Part III.**
- (6) **Amend The Code Part III by replacing the current A10.10 (a) with the following:**

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) chaplains to the various Emergency Services in New South Wales;
 - (vii) counselling;
 - (viii) disability services;
 - (ix) Allowah Presbyterian Children's Hospital;
 - (x) Conduct Protocol Unit;
 - (xi) other like matters of a social service nature, including any matters specifically referred to the Committee by the Assembly.

- (7) **Amend The Code Part III A10.18 by the addition of the words "associated with a specific Trust" after the word "Programme" where first occurring so that it reads as follows:**

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 associated with a specific Trust shall be applied for the purposes of that Programme, including any administration costs and other outgoings related to the conduct of the Programme.

- (8) **Amend The Code III A10.20 by the addition of the words “in the first instance” before the words “a similar purpose”, and by the addition of the words “and where this is inexpedient to any other purpose of the Committee as determined by the Committee” after the word “closed” where second occurring, so that it reads as follows:**

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 in the first instance a similar purpose to the Programme which has been closed and where this is inexpedient to any other purpose of the Committee as determined by the Committee. 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.

- (9) **Amend The Code Part III by deleting A10.40 to A10.51 STUDENT ACCOMMODATION SERVICES**

- (10) **Amend The Code Part III by replacing the current A8.03 with the following:-**

A8.03 Functions. The Committee shall:

- (a) exercise governance responsibility for the oversight and operation of all aged care activities of the Church in New South Wales and the Australian Capital Territory, except the Macdonald Homes Trust properties, and
- (b) raise funds in accordance with the procedures of the Church to finance aged care activities
- (c) if requested by relevant committees in other States cooperate with Presbyterian aged care organisations across Australia to promote development of efficient and effective management of aged care services and activities for the mutual benefit of all Presbyterian aged care committees or agencies.

Except in the case of congregational local aged care programmes where administration shall remain with the management committee established for such purpose by the congregation as defined in regulation A8.16, the Committee shall:

- (d) apply management control of all aged care activities including residential aged care services, community aged care services and retirement housing, and
- (e) administer property transactions and manage real estate where aged care activities are conducted in compliance with the relevant requirements of *The Presbyterian Church (New South Wales) Property Trust Act, 1936* and the *Presbyterian Church Trust Property Act 1971 (ACT)* and their Regulations/Rules acting as agents of the Property Trust.