

AMENDMENTS from the 2017

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 2016 Min. 32) Overture (i) from the Code committee concerning the appointment of assessors to presbytery amend The Code by inserting an additional paragraph to The Code Part II:5.05, so that it reads:-**

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.

If between annual meetings of the Assembly, a presbytery requests assessors or if circumstances emerge such that the convening of a presbytery is jeopardized, the Moderator of the Assembly shall convene a committee consisting of the Moderator, the Clerk of the Assembly, the Deputy Clerk of the Assembly and the Business Convener, to appoint assessors to sit and act with the presbytery and to have until the next meeting of the Assembly the full powers of ordinary members.

- (2) **In accordance with a decision of the Assembly on an overture sent down under Barrier Act procedure (BB 2016 Min.33) Overture (ii) from the Code Committee concerning a reference to the Christian Education Committee, amend The Code by replacing words “the committee on Christian Education” in The Code Part II 5.02(f), with the words “Presbyterian Youth” so that it reads:-**

- (f) make provision for classes of religious instruction in state schools within its bounds in consultation with Presbyterian Youth,

- (3) **In accordance with a decision of the Assembly on an overture sent down under Barrier Act procedure (BB 2016 Min.92) Overture (iv) from the Code Committee concerning email resolutions, amend The Code Part II by inserting the following additional clause immediately following clause 3.16 Index of Minutes, and renumbering all subsequent clauses:-**

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.

(4) In accordance with a decision of the Assembly on an overture sent down under Barrier Act procedure (BB 2016 Min.93) Overture (iv) from the Code Committee relating to elders commissions, amend The Code by replacing The Code II 4.77 and 5.70 with the following:-

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 direct to the clerk of the Assembly before date specified on the form, and a copy of the form should be sent to the presbytery clerk. The clerk of the Assembly 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.

5.70. 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 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.

(5) In accordance with a decision of the Assembly on an overture sent down under Barrier Act procedure (BB 2016 Min. 69) Overture (iv) (BB 2014) from the Presbytery of Central Tablelands in an amended form relating to communion vessels, amend The Code in the following terms:-

- (i) Delete clause 4.80 from The Code Part II Chapter 4.

- (ii) Insert a new section at the end of The Code Part II Chapter 4 of The Code titled “Memorial Gifts and Items of Historical Significance”.
- (iii) Relocate clause 4.79 to this new section.
- (iv) Insert after the relocated clause 4.79 the following words with the heading "Items of Historical Significance":-

Before a committee of management proceeds to dispose of any item that has been associated with a congregation for a long period, it shall refer the matter to the session so that the session can give consideration to its possible historical significance. Items of possible historical significance (such as silver plate) shall not be disposed unless permission has been obtained from the presbytery of the bounds in consultation with the Assembly Archivist. In cases where permission has been granted, 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.

- (v) Renumber all clauses accordingly.

(6) In accordance with a decision of the Assembly to grant interim authority to an overture (BB 2017 Min. 44) Overture (iii) from the Code Committee to amend The Code Part II in various places relating to clearance under relevant child protection legislation, amend The Code in the following terms:-

- (i) Insert in Chapter 3 after rule 3.94 of a new section entitled “CHILD PROTECTION” populated with the following rules:-

CHILD PROTECTION

3.95 Conduct Protocol Unit. The Assembly shall establish and maintain an agency to provide all congregations, presbyteries, organisations, and committees with support, advice and resources in relation to abuse matters, including child protection issues. The title of this agency shall be the Conduct Protocol Unit, or as otherwise determined by the Assembly from time to time, and the Social Service Committee shall be responsible for the operation of the agency in accordance with regulation A10.10.

3.96 Clearance to work with children. The possession of a current, valid and verified clearance under relevant child protection legislation is a pre-requisite for a person in a position of authority within the church.

Before any appointment, induction, ordination, commissioning or setting apart of a person in a position of authority within the church, presbyteries, sessions and other supervising bodies must obtain verification from the Conduct Protocol Unit, or its successors, that the person has a current and valid clearance under the relevant child protection legislation.

For the purposes of this rule 3.96 and rule 3.97, the terms 'position of authority within the church' and 'supervising body' are as defined in the documents of the Conduct Protocol Unit, or its successors, or as otherwise determined by the Assembly from time to time.

3.97 Ineligible or disqualified persons. In the event that an interim or permanent bar is placed on an individual's clearance under relevant child protection legislation, that person immediately ceases to hold a position of authority within the church, is immediately suspended from that person's role and/or office, and thereby must cease forthwith all functions pertaining to the role and/or office. A person who is notified of an interim or permanent bar is obliged to advise immediately the same to the Conduct Protocol Unit and the supervising body. Such a person must submit to and comply with all instructions provided by the supervising body arising from the interim or permanent bar. In the event that the position of authority within the church provides a remuneration, such a person retains an entitlement to that remuneration in accordance with the terms and conditions of the appointment or engagement, and the rules of the Church.

3.98 Reinstatement. Upon the Conduct Protocol Unit verifying that an individual's clearance under relevant child protection legislation has been reinstated, that person is restored to the office from which the person had been suspended, and may resume forthwith all functions pertaining to

that person's role and/or office. Restoration to office does not void any decision of the presbytery to declare the pastoral charge vacant under rule 5.29.

- (ii) Insert, in The Code Part II 5.29, a new paragraph between the first and second sentences so that it reads as follows:-

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.

If a minister ceases to hold a position of authority within the church and is suspended from office due to an interim or permanent bar placed on his clearance under relevant child protection legislation, the presbytery may declare the pastoral charge vacant.

The presbytery may apply to the Assembly to have the minister declared no longer a minister of the church.

For the purposes of this rule 5.29, the term ‘position of authority within the church’ is as defined in the documents of the Conduct Protocol Unit, or its successors, or as otherwise determined by the Assembly from time to time.

PART III

- (7) Amend The Code Part III by replacing regulation A4.02 (Conciliation Committee) Membership with the following:-**

A4.02 Membership. The membership of the Committee shall comprise three ministers and three elders, including a convener, who are elected by the Assembly. The Committee may also co-opt up to three communicant members for terms that may be up to three years. Members shall have undertaken Peacemaker Training (or equivalent) and/or undertake a commitment to attend this training once elected or co-opted. Elected members shall comprise at least half of any team assigned to any particular conciliation matter.

- (8) Amend the regulations of the Ministry and Mission Committee by deleting A7.05(y) and renumbering the following sub-clause.**
- (9) Insert the Regulations of the Women's Ministry Committee (a new special committee) as following:-**

WOMEN'S MINISTRY

D6.01 Name There shall be a special committee named the Women's Ministry Committee.

D6.02 Purpose The Women's Ministry Committee shall be responsible to:

- (a) Establish and maintain a framework to promote the ministry of women on a complementarian basis consistent with determinations of the General Assembly of Australia.
- (b) Maintain effective communication with other committees and organisations of the Church whose work may impact on the ministries of women, particularly (but not exclusively) Christ College, the METRO Committee, the Ministry and Mission Committee, and the PWA.
- (c) Assist women's organisations within the PCNSW to work together on training and equipping women for effective gospel ministry on a complementarian basis.
- (d) Promote effective networking among women within the PCNSW.
- (e) Support and resource women's ministry groups in local Presbyterian churches.
- (f) Provide a forum to discuss issues relevant to congregational women, women's ministry leaders, employed women's ministry workers and ministry wives.
- (g) Oversee the employment of a Women's Ministry Facilitator to support women employed in ministry and to encourage training and resourcing for women's groups throughout the PCNSW.

D6.03 Constraints The Women's Ministry Committee will take no action and engage in no conversation to promote the ordination of women to the ministry.

D6.04 Composition The Committee shall consist of nine members, at least three of whom must be members of the Assembly with the remaining six members being at least communicant members of the Church, and always provided that at least four members of the Committee shall be women.

D6.05 Finances The accounts of the Women's Ministry Committee shall be administered through the General Office in accordance with a budget to be submitted to the Assembly Audit Committee.

(10) Replace the Constitution of Friends of the Ferguson Library with the following:-

FRIENDS OF THE FERGUSON LIBRARY

E2.01 Name. The Society shall be called the “Friends of the Ferguson Library”. The Ferguson Memorial Library is the official records repository of the Presbyterian Church in the State of New South Wales and of the Presbyterian Church of Australia.

E2.02 Aims. The Objects of the Society shall be:-

- (a) To promote, encourage and foster the study of the history of the Presbyterian people and allied subjects.
- (b) To collect for preservation by the Ferguson Memorial Library of the General Assembly of NSW material relating thereunto.
- (c) To assist financially in the work of the Library.

E2.03 Membership. Membership shall be open to individuals or groups who subscribe to the aims of the society and pay the appropriate membership fee. Membership fees shall be as determined by the Annual General Meeting of the Society.

E2.04 Annual Meeting. The Annual Meeting for the election of officers shall be called by the Council with one month’s notice given to members of date, time and place.

E2.05 Council. The Council shall consist of seven (7) persons nominated by the annual general meeting of the Society. At least five members of the Council shall be members of the Presbyterian Church of Australia in the State of New South Wales. The General Manager or his nominee, the Convener of the PWA Heritage Committee or another member of the Heritage Committee as her nominee, and the Archivist, by virtue of their office, shall be ex-officio members. Patrons of the Society are non-voting members of the Council. Any vacancy or casual vacancy occurring at any time in the Council members may be filled by the Council.

E2.06 Administration. The administration of the Society’s affairs shall be generally conducted by the Council who shall report to, and be responsible to, the General Meetings of the Society.

E2.07 General Meetings. General Meetings shall be held at least twice a year at a time and place notified by the Council.

E2.08 Quorum. A quorum in a General Meeting shall consist of seven members, and at least two-thirds of the total members present shall be members of the Presbyterian Church of Australia. A quorum in a Council meeting shall consist of three councillors, and at least two-thirds of the total councillors present shall be members of the Presbyterian Church of Australia in the State of New South Wales.

E2.09 Patron. A General Meeting may invite to the position of Patron or Patrons persons whose respected influence and known support for the Society will promote the aims of the Society.

E2.10 Funds. The funds of the Society shall be deposited in a bank in the name of the “Friends of the Ferguson Library”. Signatories to the account to be appointed from the office bearers elected from time to time. No funds shall be distributed directly or indirectly to members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the Society.

E2.11 Foundation. The Society may establish a Foundation to raise funds to support the long term financial operation of the Library. The Foundation shall be established under a Deed of Trust of which the Property Trust shall be the Trustee. The Society shall ensure that all requirements for the operation of the Foundation as contained in the Trust Deed are observed by the Society and the Council.

E2.12 Amendment. The Constitution may be amended at any General Meeting subsequent to members having received prior notice of such amendment. Changes to the Constitution shall be ratified by the Assembly.

E2.13 Dissolution. If upon the winding up or the dissolution of the organisation there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the organisation but shall be transferred to the Presbyterian Church in NSW Property Trust for the use and benefit of the Ferguson Memorial Library.

(11) Amend The Code Part III by replacing the regulations for THE SCOTS COLLEGE with the following:-

THE SCOTS COLLEGE

E9.01 Name. The name of the college shall be The Scots College.

E9.02 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.

E9.03 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.

E9.04 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.

E9.05 Membership. The Council shall consist of thirteen persons as follows:

- (a) twelve persons elected by the General Assembly each for a term of three years; and
- (b) the Chairman of Trustees or his deputy who shall be a Trustee.

At least nine persons elected by the Assembly shall be ministers or communicants of the Presbyterian Church. All other persons (being up to three in number) elected by the Assembly 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.

E9.06 Seat Forfeited. Any member of the Council appointed by the Assembly 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.

E9.07 Office Bearers. The Council shall appoint a Chairman, Deputy Chairman and Secretary who shall be elected annually by the members of Council. Each office bearer must be a member of the Presbyterian Church. 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.

E9.08 Quorum. Six members of the Council shall constitute a quorum, except as hereafter specified.

E9.09 Members retire. Four members of the Council elected by the Assembly shall retire annually but shall be eligible for re-election.

E9.10 Vacancy. The Council shall have power to fill any casual vacancy on the Council. 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 terms as the person whose place the person appointed fills.

E9.11 Visitor. The Moderator shall be the Visitor to the College.

E9.12 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.

E9.13 Teachers. All teachers shall be appointed by the Principal, subject to the approval of the Council.

E9.14 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.

